

JULY 20, 2015

Regular Meeting of Mayor and Council was convened at 8:01 p.m. on July 20, 2015 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey read the statement re: Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 18, 2014 and January 5, 2015.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

ROLL CALL: Present: Council Members Lee, Donovan, Mangan, Olivera, and McCarthy.

Absent: Council Member Sinneck

Also present was Borough Attorney Mark Kitrick and Borough Administrator/CFO Joseph DeIorio

CONSENT AGENDA

RESOLUTION 182-2015

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies is due to the following:

NAME: BRYDSON SERVICES, LLC
1245 WEST CARDINAL DRIVE
BEAUMONT, TEXAS TX 77705-6410

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #12-2015
53 N POTTER AVENUE
BLOCK: 159 – LOT: 8.03

AMOUNT OF REFUND DUE: \$136.50

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed refunds with said warrant to be charged against the General Ledger.

RESOLUTION 183-2015

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies is due to the following:

TO: Christine Kim-Vowell
353 Pine Avenue
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$85.00

REASON: Seawatch locker lessee paid \$410.00 for locker #51 actual rental fee is \$325.00.

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NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above with said warrant to be charged against the General Ledger.

**RESOLUTION NO
184-2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
RELEASING MORTGAGE MODIFICATION
AGREEMENT**

WHEREAS, Vivian Anthony executed a mortgage modification to the Borough of Manasquan in the amount of \$29,385.00 and recorded in the Monmouth County Clerk’s office under the Housing Improvement Program; and

WHEREAS, the Borough of Manasquan has received a check in the amount of \$29,385.00 representing all fees have been paid and conditions satisfied; and

WHEREAS, the governing body of the Borough of Manasquan is desirous of releasing the Mortgage Modification Agreement; and

NOW, THEREFORE BE IT RESOLVED on the 20th day of July, 2015, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

- 1. Mortgage Modification Agreement for Vivian C. Anthony, 17 Virginia Avenue is hereby paid in full.
- 2. A certified copy of this Resolution shall be sent to:

Broege, Neumann, Fischer & Shaver, LLC
Frank J. Fischer, Esq.
25 Abe Voohees Drive
Manasquan, NJ 08736

Debbie Dovedytis, Program Analyst
Housing Improvement Program
County of Monmouth
One East Main Street
Freehold, NJ 07728

**RESOLUTION
185-2015**

BE IT RESOLVED, that the Hon. George R. Dempsey, Jr., Mayor of the Borough of Manasquan, be hereby authorized to sign Municipal Open Space Grant Program Agreement for Mallard Park Improvements with the Monmouth County Park System.

**RESOLUTION
186-2015**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees for the Summer Season of 2015; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 20th day of July, 2015 appoint the following Seasonal Beach Employees to work during the Summer Season, 2015:

<u>Position</u>	<u>Address</u>	<u>Hourly Rate</u>
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Badge Checker On-Call:

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Kyra Martyn	1306 New York Avenue, Manasquan	\$8.00
Brona Nielsen	620 Isham Circle, Brielle	\$8.00
Lily McNamara	631 Susan Lane, Brielle	\$8.00
Julia Duncan 2	371 Birch Pl., Allenwood	\$8.00
Jack Coleman	103 Colby Ave, Manasquan	\$8.00
Olivia McDanel	2810 Colonial Drive, Wall	\$8.00
Erin Brolewicz	110 Main St Apt,2 Manasquan	\$8.00

Beach Patrol On-Call:

Kevin Wall	643 Rankin Road, Brielle	\$11.50
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**RESOLUTION
187-2015**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees for the Summer Season of 2015; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 20th day of July, 2015 appoint the following Seasonal Beach Employees to work during the Summer Season, 2015:

Lifeguards:	Address	Hourly Rate
Matthew Carroll	1567 Horseshoe Dr. Manasquan	\$10.00
James Cavanaugh	114 Channel Dr. Point Pleasant	\$10.00
Clayton Cusson-Thomas	2501 Jean Marie Ct. Wall	\$10.00
Trevor Hinds	449 Holly Ave. Bay Head	\$10.00

**RESOLUTION
188-2015**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the services of Maser Consulting, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, for purposes of providing for engineering design, preparation of bid documents and construction administration for the Second Avenue Parking Lot Reconstruction Project, fees as follows:

- Task 1.0 Engineering Design & Bidding \$19,250.00
- Task 2.0 Construction Administration \$19,500.00

for a total amount not to exceed \$38,750.00 for the service outlined in a proposal dated June 17, 2015.

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the borough authorizes Maser Consulting to proceed with the above proposal for the Second Avenue Parking Lot Reconstruction Project.

**RESOLUTION
189-2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
APPOINTING ANDREW MILLS SEASONAL BEACH ACTIVITIES
SUPERVISOR**

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WHEREAS the Borough of Manasquan is desirous of appointing a Seasonal Beach Activities Supervisor; and

NOW, THEREFORE BE IT RESOLVED on the 20th day of July, 2015, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Andrew Mills is appointed Seasonal Beach Activities Supervisor.
2. Stipend shall be \$3,500.00.
3. Responsibilities are as set forth in job description.
4. The effective date of this appointment is July 21, 2015.
5. A certified copy of this resolution shall be sent to:

Andrew Mills
84 Morris Avenue
Manasquan, NJ .08736

**RESOLUTION
190-2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, A
POLICE OFFICER**

WHEREAS, due to several retirements, the Borough of Manasquan (“Manasquan”) is in need of a Police Officer; and

WHEREAS, the Chief of Police has reviewed the candidates for the position of Police Officer; and

WHEREAS, the Chief of Police has recommended that the Borough of Manasquan hire Kevin Kleinknecht as Police Officer effective August 3, 2015.

NOW, THEREFORE BE IT RESOLVED on the 20th day of July, 2015 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Kevin Kleinknecht is appointed to the position of Police Officer of the Borough of Manasquan.
2. The effective date of this appointment is August 3, 2015.
3. The salary for this position is \$35,000 per year.
4. A certified copy of this resolution shall be sent to:

**RESOLUTION
191-2015**

WHEREAS, the Borough of Manasquan has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Monmouth County in furtherance of the Supreme Court’s March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinages Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Manasquan desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey (“Rutgers”), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the “Burchell Fair Share Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the

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Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality’s fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Manasquan for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Manasquan and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Manasquan in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough Council of the Borough of Manasquan hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Manasquan the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.

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- 6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Manasquan will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
- 7. This Resolution shall take effect immediately.

**RESOLUTION
192-2015**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

- 1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
- 2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk’s Office.

Current Fund	67,837.19
Water/Sewer Fund	21,429.01
Beach Fund	19,448.01
Recreation Bldg Trust	
Recreation Commission Trust	183.75
General Capital Fund	
Water/Sewer Capital Fund	3,390.50
Beach Capital Fund	

Council Member McCarthy made a motion to approve the Consent Agenda, seconded by Council Member Lee. Motion carried by the following vote: “yes” Council Member Lee, Donovan, Mangan, Olivera, and McCarthy. “No” none.

ORDINANCES

The Borough attorney read the title of ordinance 2184-15 for second reading and final hearing.

ORDINANCE SUPPLEMENTING CHAPTER 35 (ZONING) AND CREATING SECTION 35-38 ENTITLED TELECOMMUNICATIONS TOWERS AND ANTENNAS AND SECTION 35-38.1 ENTITLED PURPOSE AND SECTION 35-38.2 ENTITLED NONAPPLICABILITY TO AMATEUR RADIO STATIONS AND TO RECEIVE-ONLY ANTENNAS AND SECTION 35-38.3 ENTITLED TELECOMMUNICATIONS TOWERS AND ANTENNAS ON BOROUGH PROPERTY AND SECTION 35-38.4 ENTITLED TELECOMMUNICATIONS TOWERS AND ANTENNAS ON NON-BOROUGH PROPERTY IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Council Member Olivera made a motion to open the hearing to the public, seconded by Council Member Lee. Motion carried unanimously.

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There being no public comment, Council Member Lee made a motion to close the public hearing, seconded by Council Member McCarthy. Motion carried unanimously.

Council Member Lee made a motion to pass and publish ordinance 2184-15 according to law, seconded by Council Member McCarthy. Motion carried by the following vote: “yes” Council Member Lee, Donovan, Mangan, Olivera, and McCarthy. “No” none.

The Borough attorney read the title of ordinance 2185-15 for first reading and introduction.

**AN ORDINANCE AMENDING CERTAIN FINES AND PENALTIES IN THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANASQUAN,
MONMOUTH COUNTY, NEW JERSEY**

Council Member McCarthy made a motion to introduce ordinance 2185-15, seconded by Council Member Donovan. Motion carried by the following vote: “yes” Council Member Lee, Donovan, Mangan, Olivera, and McCarthy. “No” none.

The Borough attorney read the title of ordinance 2186-15 for first reading and introduction.

**AN ORDINANCE OF THE BOROUGH OF MANASQUAN ESTABLISHING AN
ENERGY AND NATURAL GAS AGGREGATION PROGRAM**

Council Member McCarthy made a motion to introduce ordinance 2186-15, seconded by Council Member Olivera. Motion carried by the following vote: “yes” Council Member Lee, Donovan, Mangan, Olivera, and McCarthy. “No” none.

APPROVAL OF MINUTES

Work Session and Regular Meeting – July 6, 2015

Council Member Lee made a motion to approve the minutes, seconded by Council Member McCarthy. Motion carried unanimously.

COMMITTEE REPORTS

Public Safety Committee – Council Member McCarthy congratulated Kevin Kleinknecht on his appointment to Police Officer and he thanked the committee on meeting to address this situation and he thanked the Chief and Captain for their involvement and recommendation throughout the process. He reported that he received a memo from the Chief thanking the officers for their services in helping find a missing woman from Brielle. He read a portion of a letter from the family thanking certain individuals for their help. He went over another letter that was received from an elderly man’s family thanking the police for efforts responding to the home over the last few months. He also went over another letter thanking the police and dispatch in regards to a rear end hit and insurance information that was provided.

Recreation & Environment – Council Member Olivera reported that the old little league building was to come down today and it has been postponed until tomorrow. He reported that there was a conference call regarding the boat docks between the DEP, NJEIT, members of the Borough, Mayor and Borough Administrator for the details on the bulkhead remediation project. He reported that the loan is approved and, DEP at present does not have any issues and the first ordinance will be scheduled at the next council meeting. He reported that he attended the Shade Tree meeting and discussed was future borough plantings and enforcement of the tree planting ordinance on new construction and hazard tree inventory and hazard tree inventory training for new members. He also reported on the Canoe/Kayak/Paddleboard race on Saturday through Tourism.

Administration & Finance Committee – Council Member Mangan reported that tomorrow will be the Inlet Celebration presented by Tourism and sponsored by Manasquan Elks from 5:30 to 9 pm. He reported that the committee met and reviewed some of the ongoing issues in the department and the budget has been passed and approved by the State and is online. He reported that the website and the borough calendar are still being reviewed and that a new community calendar is on the website.

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Public Works & Grounds Committee – Council Member Donovan reported that the new hotbox has been delivered and it will be out on the road this week. He congratulated Manasquan Tourism on a very successful event and that he has tickets for the clambake which will be held August 30, 2015.

Beach Committee – Council Member Lee thanked council for approving the appointments tonight for the beach staff. He reported on the badge sales and revenue to date for the beach. He thanked the lifeguards for their efforts during rough waters and the entire beach staff. He congratulated Gregg and the recreation group for bringing down the little league building. He reported that the Borough is looking into the Second Avenue parking lot project with the approval of the scope of work tonight for Maser Consulting.

AUDIENCE PARTICIPATION

Council Member Donovan made a motion to open the meeting to the public, seconded by Council Member Olivera. Motion carried unanimously.

Council Member Lee went over a meeting regarding Christy Rampone and having some type of celebration for her and the US Soccer team.

There was discussion on the celebration and dates.

Margaret Acciani, 555 Tarpon Avenue inquired about a water issues she has from her neighbors sump pump that pumps water onto her property. She went over the events that brought her to the governing body. She just wants an update on the issue being fixed after calling the Code Department and not getting an answer.

Council Member Olivera made a motion to close the public portion, seconded by Council Member Donovan. Motion carried unanimously.

Council Member Donovan made a motion to close the regular meeting at 8:23 p.m. seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,

Barbara J. Ilaria
Municipal Clerk