

OCTOBER 5, 2015

Regular Meeting of Mayor and Council was convened at 8:01 p.m. on October 5, 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.

Council President 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, Sinneck, Donovan, Mangan, Olivera, and McCarthy.

Absent: None

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

## **PROCLAMATION**

### **Shore Community Alliance 20 Year Celebration**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government, law enforcement officials, schools, non-profit organizations, the faith community, parents, youth, and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Borough of Manasquan, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established municipal alliance committee; and

**WHEREAS**, in 1995, volunteers came together to form the Shore Community Alliance, formally known as the Tri-borough Alliance and Southern Monmouth Community Alliance; and

**WHEREAS**, the mission of the Shore Community Alliance is to provide substance abuse awareness, education, and prevention programs to the communities of Manasquan, Sea Girt, Spring Lake Heights and Brielle; and

**WHEREAS**, the group's monthly meetings have brought many community volunteers together to help stop the abuse of drugs and alcohol in our four towns; and

**WHEREAS**, the Shore Community Alliance is recognizing the 20 years of service that has been provided to the towns of Manasquan, Spring Lake Heights, Sea Girt and Brielle; and

**WHEREAS**, these volunteers have gone above and beyond their volunteer duties to commit to providing drug and alcohol prevention programs throughout these 20 years and have dedicated their time to ensure our communities stay drug free.

**NOW THEREFORE AND BE IT RESOLVED**, that I George R. Dempsey, Jr. Mayor of the Borough of Manasquan, on behalf of the Borough Council and the good people of Manasquan, do hereby designate Thursday Oct. 8<sup>th</sup>, 2015 as The 20<sup>th</sup> Anniversary Celebration of the Shore Community alliance to prevent Alcoholism and drug abuse. **NOW THEREFORE AND BE IT REOLVED**, true and official copies of this proclamation be spread upon the minutes of the Borough Council meeting held on October 5, 2015.

## **CONSENT AGENDA**

### **RESOLUTION 237-2015**

**WHEREAS**, the Borough of Manasquan Council of the Borough of Manasquan entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the 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

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

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**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; an

**WHEREAS**, the Borough of Manasquan Council of the Borough of Manasquan recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

**WHEREAS**, the Borough of Manasquan Council of the Borough of Manasquan has determined that it is in the best interests of the citizens of Manasquan to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Manasquan Council of the Borough of Manasquan, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and [Borough/Township] Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Manasquan hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Manasquan with Econsult Solutions, Inc.

The Borough of Manasquan Council/Committee of the Borough of Manasquan of hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Manasquan with the approval of the Manasquan's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of Manasquan further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Borough of Manasquan shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough.
6. This Resolution shall take effect immediately.

**RESOLUTION**  
**238-2015**

**WHEREAS**, the Borough of Manasquan is desirous of appointing a part time School Traffic Guard for the School Year 2015-2016; and

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**WHEREAS**, the Police Chief has submitted the following individual for appointment as part time School Crossing Guard for the Borough of Manasquan School Year 2015-2016 at the current contractual rate of \$11.54 per hour:

Tammy Lee Konsavich, 136 Union Avenue, Manasquan, NJ

**RESOLUTION  
239-2015**

**BE IT RESOLVED** that the Hon. George Dempsey, Jr., Mayor of the Borough of Manasquan, be and is hereby authorized to sign the following 2015 Planned Maintenance Agreement/Automatic Door Equipment:

Automatic Door Systems, LLC.  
86 Porete Avenue  
North Arlington, NJ 07031

**RESOLUTION  
240-2015**

**WHEREAS** the Borough of Manasquan, NJ, has recently experienced several natural disasters which resulted in extensive damage and long-term power outages, and have highlighted the need for alternative, back-up government operations centers; and

**WHEREAS** immediately following Superstorm Sandy, electricity at the Borough's Lift Stations were not available; and

**WHEREAS** the Office of Emergency Management has determined the use of a mobile generator unit would considerably enhance the emergency preparedness with such a unit for the lift stations and other municipal facilities if needed; and

**WHEREAS** the Borough of Manasquan has been an active participant in the hazard mitigation planning process, having a FEMA-approved plan in place since 2009, and as such is eligible to receive grant funding through the Hazard Mitigation Grant Program; and

**WHEREAS** the Borough of Manasquan had applied for a \$25,000 grant allocation for the installation of an emergency power generator at the DCI building under the Hazard Mitigation Grant Program, pending final project approval by the Federal Emergency Management Agency and authorized by Resolution 357-13; and

**WHEREAS** it is the recommendation of the Office of Emergency Management that the Borough would be better served with the purchase of a mobile generator unit will significantly enhance municipal operations and local sheltering capabilities should the Borough be subject to another significant natural disaster, and

**WHEREAS** the Borough was informed FEMA has issued an agreement for a Generator for East Virginia Sewer Lift Station under the Energy Allocation Initiative Program

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Manasquan:

1. The Council authorizes the Mayor is sign the sub-grant agreement Hazard Mitigation Grant Program under FEMA-DR-4086-NJ-261-R
2. The Borough of Manasquan shall allocate \$25,000 in FY2015 towards the purchase of a Generator for East Virginia Sewer Lift Station upon proper passage of ordinance 2197-15.
3. The Chief Financial Officer shall approve this expenditure only upon availability of funds and execution of the grant agreement.

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4. Any changes to the proposed scope of work and shall be subject to and contingent upon approval of the Municipal Administrator.
5. Any project costs exceeding \$25,000 would be the sole responsibility of the municipality, and as such shall be incurred only at the discretion and approval of the Borough Council, and this resolution shall not be interpreted so as to mandate any such additional appropriations.
6. The Municipal Office of Emergency Management is hereby authorized to coordinate the management and administration of the project, and shall prepare all required submittals, agreements, financial reports and reimbursement requests to the State Office of Emergency Management as required.

**RESOLUTION  
241-2015**

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

**WHEREAS**, a refund of monies are due to the following:

NAME: BIG BROTHERS/BIG SISTERS OF MC  
305 BOND STREET  
ASBURY PARK, NJ 07712

AMOUNT OF REFUND DUE: \$400.00

REASON FOR REFUND: Beach Security for Volleyball Tournament

NAME: BIG HEARTS TO LITTLE HEARTS  
PO BOX 597  
SPRING LAKE, NJ 07762-0597

AMOUNT OF REFUND DUE: \$400.00

REASON FOR REFUND: Beach Security for Walk Fundraiser

NAME: AMERICAN FOUNDATION FOR SUICIDE PREVENTION  
120 WALL STREET, 29<sup>TH</sup> FLOOR  
NEW YORK, NY 10005

AMOUNT OF REFUND DUE: \$400.00

REASON FOR REFUND: Beach Security for Walk Fundraiser

NAME: MATTINA & JOSEPH LOFFREDO  
4 BRANIN AVENUE  
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$400.00

REASON FOR REFUND: Beach Security for Wiffleball Tournament

**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.

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**RESOLUTION  
242-2015**

**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 additional services for the Municipal Open Space Grant Program Mallard Park Improvements they as follows:

**PHASE 1.0 AREA OF CONCERN INVESTIGATION**

- Task 1.0 Investigation of Potential Historic Fill      \$4,300.00
- Task 2.0 Site Investigation Reporting                      \$1,500.00

for a total amount not to exceed \$5,800.00 for the service outlined in a proposal dated September 23, 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 Task 1.0 with the provision that each subsequent task shall require additional authorization subject to the recommendation of the Governing Body.

**RESOLUTION  
243-2015**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan authorize Scott Loftus to work on a “as needed” basis Enforcement Code Officer at the rate of \$15.00 per hour not to exceed 8 hours per week as of October 1, 2015 through April 1, 2016.

**RESOLUTION  
244-2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
APPOINTING LAUREN RUSSNAK AS TEMPORARY PART-TIME  
VIOLATIONS CLERK**

**WHEREAS**, the Borough of Manasquan is desirous of appointing an “As Needed” Temporary Part-Time Violations Clerk for October 6<sup>th</sup> and 7<sup>th</sup> , the week of October 12<sup>th</sup> thru October 16<sup>th</sup> and October 20<sup>th</sup> & 28<sup>th</sup>.

**NOW, THEREFORE BE IT RESOLVED** on the 5 day of October, 2015, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Lauren Russnak is appointed “As Needed” Temporary Part-Time Violations Clerk.
2. Salary rate shall be \$15.00 per hour.
3. The effective date of this appointment is October 6<sup>th</sup> through October 28<sup>th</sup>.
4. A certified copy of this resolution shall be sent to:

Lauren Russnak  
1054 Audubon Drive  
Toms River, NJ 08753

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**RESOLUTION  
245-2015**

**WHEREAS**, on September 24, 2015 Monmouth County Court Justice Perri issued an order appointing a Special Master for regarding the methodology for state, regional and municipal allocation of the affordable housing for fair share housing obligations; and

**WHEREAS**, Justice Perri designated Richard B. Reading of Richard B. Reading Associates of Princeton, New Jersey as Special Regional Master for this purpose, and for fair share obligations; and

**WHEREAS**, Justice Perri issued an order appointing Michael Bolan as Local Court Master for Manasquan; and,

**WHEREAS**, the rates of payment have been determined by the Order and bills will be submitted by the Courts on a monthly basis to the Borough; and

**WHEREAS**, the Justice Perri has ordered the municipality to establish an escrow account with an initial deposit of \$5,000 to be held and administered by the municipality; and

**WHEREAS**, the Borough of Manasquan's Attorney for COAH matters, Jeffrey R. Surenian, Esq. and Associates LLC, has determined the COAH Trust Fund can be used to fund the escrow; and

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Manasquan authorize the Chief Financial Officer to establish the escrow as Ordered by the Superior Court and charge the COAH Trust Fund on matters pertaining to the Order.

**RESOLUTION  
246-2015**

**AUTHORIZING MUNICIPAL TAX COLLECTOR TO  
SUBSTITUTE UP TO THREE (3) MAILINGS IN LIEU OF  
ADVERTISEMENT FOR TAX SALE AT A COST NOT TO  
EXCEED \$25.00 (TWENTY-FIVE DOLLARS) FOR EACH  
MAILING WHICH MAY BE ADDED TO THE COST OF THE  
SALE.**

**WHEREAS**, The Borough of Manasquan must advertise for four (4) consecutive weeks for Tax Sale; and

**WHEREAS**, The Tax Collector may send two (2) mailings in lieu of any two (2) publications of the notice of Tax Sale; and

**WHEREAS**, N.J.S.A. 54:5-26 states that the cost of the mailing is not to exceed \$25.00 (twenty-five dollars) per tax sale notice which shall be added to the cost of the Tax Sale;

**WHEREAS**, the Pilot Program for Electronic Tax Sale allows for an additional mailing in lieu of publications,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Committee of the Borough of Manasquan and the State of New Jersey, that the Tax Collector may charge up to \$25.00 (twenty-five dollars) for each set of the three (3) tax sale notices mailed for a particular property for an upcoming tax sale.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Borough Treasurer and Tax Collector.

**RESOLUTION**

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**247-2015**

**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	219,819.35
Water/Sewer Fund	29,045.47
Beach Fund	24,925.17
Recreation Bldg Trust	5,000.00
Recreation Commission Trust	9,943.83
General Capital Fund	128,082.22
Water/Sewer Capital Fund	8,410.83
Beach Capital Fund	9,363.80

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

**ORDINANCES**

The Borough attorney read the title of ordinance 2197-15 for first reading and introduction.

**ORDINANCE PROVIDING FOR THE ACQUISITION THROUGH PURCHASE OF AN EMERGENCY MOBILE GENERATOR AND RELATED ACCESSORIES IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY, APPROPRIATING \$40,000 THEREFORE AND AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**

Council Member Donovan made a motion to introduce ordinance 2197-15, seconded by Council Member Lee. Motion carried by the following vote: “yes” Council Member Lee, Sinneck, Donovan, Mangan, Olivera, and McCarthy. “No” none.

**APPROVAL OF MINUTES**

Work Session and Regular Meeting Minutes –September 21, 2015

Council Member Sinneck made a motion to approve the minutes, seconded by Council Member Olivera. Motion carried unanimously with Council Member Mangan abstaining.

**COMMITTEE REPORTS**

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Public Safety Committee – Council Member McCarthy thanked OEM and all involved with preparation for the recent storm. He reported that Officer Kevin Kleinknecht is half way through police training and is on pace to complete the Academy in mid-December.

Recreation & Environment – Council Member Olivera reported on Recreation events that are going on at St. Denis School. He reported that the Storm Water Conveyance project (Bulkhead Project) bid opening is scheduled for Thursday. He reported that there is a composting workshop on Thursday night and there is a beach cleanup on the 24<sup>th</sup>. He also reported that he attended the Manasquan Library Board meeting on September 22.

Administration & Finance – Council Member Mangan reported that the committee is looking into the staffing for the finance office, reviewing Borough debt, and the budget and debt process is going to be reviewed. He advised that it is time to start looking into the committee structure for next year. He went over the committees for this and advised he is looking into going to a single agenda meeting for next year.

Public Works & Grounds Committee – Council Member Donovan reported on leaf pick up, flushing of hydrants, water readings, shared services with County for preparation of storm and Brielle Public Works for assisting in storm preparation, and storm related brush pickup. He reported that the 20<sup>th</sup> Anniversary Celebration for the Shore Community Alliance is October 8 at the Elks Lodge and the Chamber will be hosting their 2<sup>nd</sup> Annual Wine and Food Festival on October 15.

Building, Planning & Zoning Committee – Council Member Sinneck reported on the permits issued to year and the revenues collected. He thanked OEM and all involved for the work getting ready for the recent storm.

Beach Committee – Council Member Lee thanked everyone that was involved in preparation for the recent storm. He reported on when the beach bathrooms will be open. He also reported that the committee is looking into options for the Sea Watch property. He also reported on the grant for mobimats and he reported on a meeting with DOT for the dredging of an area in the Inlet. He reported on a mobile app company that would allow for online purchase of beach badges and season permits.

Mr. DeIorio went over the process that needs to take place in order for the online purchase program to be approved and implemented.

Council Member Lee made a motion authorizing the administrator to solicit quotes for this contract in accordance with State law, seconded by Council Member Mangan. Motion carried unanimously.

Mr. Kitrick went over Southeast Monmouth Municipal Utilities Authority which is a cooperative pricing entity and the Borough will be participating in the bid process which is for chemicals which would be utilized for the Water Treatment Plant along with fire hydrants.

## **AUDIENCE PARTICIPATION**

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

Mary Ryan, 113 Beachfront inquired about the online purchase program for beach badges and season permits.

Council Member Sinneck stated that the Borough can limit the number of passes that are on sale at a specific time.

Mr. DeIorio went over the process of online payment with credit or in person with cash.

Ms. Ryan thanked everyone for the preparation of the beach for the recent storm.

Chris Neely, Coast Star inquired about the berm that was built for the storm and asked if there a plan to bring it back down.

Chris Tucker, OEM Coordinator stated that the goal is to keep the berm in place for the winter in case there is another Nor'easter. He also thanked everyone involved with the preparation and support for the storm.



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Hank Schroeder, Independent Candidate for State Assembly introduced himself and went over his background.

Mary Ryan, 113 Beachfront wanted Chris Tucker to know that he should get paperwork from DEP regarding the berm.

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

Council Member Sinneck made a motion to close the regular meeting at 8:33 p.m. seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,

Barbara J. Ilaria  
Municipal Clerk