

OCTOBER 19, 2015

Regular Meeting of Mayor and Council was convened at 8:00 p.m. on October 19, 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, and McCarthy.

Absent: Council Member Olivera

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

PROCLAMATION

100th BIRTHDAY CELEBRATION Jane Elizabeth Newton

WHEREAS, on October 16, 1915 Jane Elizabeth Helman was born to Alice and George Helman in Dayton, Ohio; and

WHEREAS, Janes parents were raised Mennonites in Lancaster Pennsylvania, Jane was baptized in Horse Creek and was raised in the Baptist Church along with her longer brother George; and

WHEREAS, in 1919 at the age of Jane lost her father to the flu virus epidemic and Jane's mother moved the family to Florida to live with her sister Sue and her husband; and

WHEREAS, Janes mother remarried and the family moved to 100 acre farm in Florida that lacked electricity and running water. Jane, her brother George and new brother Raymond helped by collecting eggs, picking vegetables and milking the cows; and

WHEREAS, in 1931 Jane's step-father passed away and Jane's entire family moved to Ocean Grove New Jersey to a house where they rented rooms for income; and

WHEREAS, Jane graduated from Neptune High School in 1934 and chose to continue her education at Rider University to study Business. She worked for Jersey Coast Transfer and at which time she was introduced to Clifford Gardner Newton and they later married on December 4, 1938 and lived in Neptune City; and

WHEREAS, in 1942 Jane and Clifford moved to West Belmar where they operated a grocery store. In the 1950's Clifford and Jane bought into a Foodtown Franchise and in 1970 opened a second in Point Pleasant, where Jane worked as a bookkeeper; and

WHEREAS, throughout those years Jane and her husband Clifford were blessed with 3 children, Elizabeth, William and Dorothy. Jane continued to run the Foodtown stores after Clifford's death in April of 1970 but sold the business in 1975 in order to winter in Florida with her son Bill and return to Point Pleasant for the warmer months; and

WHEREAS, today Jane has twelve grandchildren and 18 great grandchildren. She belongs to the Methodist church, a member of the Red Hats, and the Women's Society. Jane loves to read but most importantly spending time with her family; and

WHEREAS, Jane Newton will celebrate her 100th birthday on October 16, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council, on behalf of the residents of the Borough of Manasquan, proclaim that October 16th, 2015 be proclaimed

JANE NEWTON DAY

Let true and official copies of this Proclamation be spread upon the minutes of the Borough Council meeting held on the 21ST day of October, 2015.

APPOINTMENT:

OCTOBER 19, 2015

Mayor Dempsey made the following appointment.

Barbara Ilaria – Planning Board Member Class II (Municipal Official)
(unexpired term expiring 12/31/15)

CONSENT AGENDA

**RESOLUTION
248-2015**

BE IT RESOLVED by the Council of the Borough of Manasquan that:

WHEREAS, refunds for Tax Title Lien Redemptions for the following properties are due on the below described property in the amount designated as follows:

BLOCK: 45.05 / LOT: 1 NAME: Kelly, Michael & Patricia

PROPERTY LOCATION: 39 Old Squan Rd.

AMOUNT: \$55,152.60

REASON FOR REFUND: Redemption of TTL #11-00163

REFUND CHECK TO BE MADE PAYABLE TO:

**FNA Jersey Lien Services, LLC
PO BOX 103
Brick, NJ 08723-1030**

WHEREAS, the Tax Collector has certified that the current lien holder is entitled to the refund.

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

**RESOLUTION
249-2015**

BE IT RESOLVED by the Council of the Borough of Manasquan that:

WHEREAS, refunds for Tax Title Lien Redemptions for the following properties are due on the below described property in the amount designated as follows:

BLOCK: 45.05 / LOT: 1 NAME: Kelly, Michael & Patricia

PROPERTY LOCATION: 39 Old Squan Rd.

AMOUNT: \$11,100.00

**REASON FOR REFUND: Return of Premium Paid at Tax Sale
Redemption of TTL #11-00163**

REFUND CHECK TO BE MADE PAYABLE TO:

**FNA Jersey Lien Services, LLC
PO BOX 1030
Brick, NJ 08723-1030**

WHEREAS, the Tax Collector has certified that the current lien holder is entitled to the refund.

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

**RESOLUTION
250-2015**

WHEREAS, the Borough of Manasquan is desirous of appointing Special Law Enforcement Officers Class II as a part time Communications Operator for the year 2015; and

WHEREAS, the Police Chief has submitted the following individual for appointment as Communications Operator in addition to his current duties as SLEO II for the Borough of Manasquan effective October 20, 2015 at the current contractual rate of \$16.27 per hour:

Mark McGowan - Manasquan

**RESOLUTION
251-2015**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of Laura Engler from the position of Keyboarding Clerk 1 in Borough of Manasquan Department of Public Works effective October 22, 2015 be and is hereby accepted.

**RESOLUTION
252-2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, NEW
JERSEY, RELEASING THE MAINTENANCE GUARANTEE
POSTED BY MANZO-MAROBA, INC. AND AEGIS SECURITY
INSURANCE COMPANY.**

WHEREAS, Manzo-Maroba, Inc. and Aegis Security Insurance Company posted a maintenance guarantee in the form of a maintenance bond in the amount of \$131,884.94 for the Beachfront Emergency Access Way Project ; and

WHEREAS, a review of the bonded items shows that all project requirements are complete and are acceptable; in addition, all fees have been paid and conditions satisfied; and

WHEREAS, the governing body of the Borough of Manasquan is desirous of releasing the maintenance guarantee in the amount of \$131,884.00; and

NOW, THEREFORE BE IT RESOLVED on the 19^h 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. The maintenance guarantee posted by Manzo-Maroba Inc. and Aegis Security Insurance Company may be released.
2. A certified copy of this Resolution shall be sent to:

Manzo-Maroba Inc.
1208 Highway 34, Suite 21
Matawan, NJ 07747

Aegis Security Insurance Company
2407 Park Drive,
Harrisburg, PA 17110

**RESOLUTION NO
253-2015**

OCTOBER 19, 2015

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, NEW
JERSEY, RELEASING THE MAINTENANCE GUARANTEE
POSTED BY MARK WOSZCZAK MECHANICAL
CONTRACTORS, INC. AND SELECTIVE INSURANCE
COMPANY OF AMERICA.**

WHEREAS, Mark Woszczak Mechanical Contractors, Inc. and Selective Insurance Company of America posted a maintenance guarantee in the form of a maintenance bond in the amount of \$91,827.00 for the Blakey Avenue Roadway Improvements; and

WHEREAS, a review of the bonded items shows that all project requirements are complete and are acceptable; in addition, all fees have been paid and conditions satisfied; and

WHEREAS, the governing body of the Borough of Manasquan is desirous of releasing the maintenance guarantee in the amount of \$91,827.00; and

NOW, THEREFORE BE IT RESOLVED on the 19th 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. The maintenance guarantee posted by Mark Woszczak Mechanical Contractors, Inc. Inc. and Selective Insurance Company of America may be released.

2. A certified copy of this Resolution shall be sent to:

Mark Woszczak Mechanical Contractors, Inc.
1700 W. Atlantic Avenue
Manasquan, NJ 08736

Selective Insurance Company of America
40 Wantage Avenue
Branchville, New Jersey 07890

**RESOLUTION
254-2015**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, Monmouth County, New Jersey that the contract for Willow Way, Spruce Avenue, Old Squan Road and Cherry Place by Earle Asphalt Company P.O. Box 556, Farmingdale NJ 07727, in accordance with the Plans and Specifications and any approved Change Orders, as directed by Maser Consulting, 331 Newman Springs Road, Suite 203, Red Bank, NJ 07701. Said construction is hereby accepted; and

WHEREAS, the Contractor having supplied a Maintenance Bond (Number 82379613M) in the amount of Eighteen Thousand One Hundred Twenty Five Dollars and 66/100 for a period of Two (2) years from 9/21/2015; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

Maser Consulting
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701

Earle Asphalt Company
P.O. Box 556
Farmingdale, NJ 07727

**RESOLUTION
255-2015**

OCTOBER 19, 2015

**APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR THE STOCKTON
LAKE BLVD. IMPROVEMENTS PHASE I PROJECT**

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Manasquan formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Stockton Lake Blvd Improvements- Pha-00567 to the New Jersey Department of Transportation on behalf of the Borough of Manasquan.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manasquan and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION
256-2015**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, Monmouth County, New Jersey that the contract for **Squan Plaza** by Mark Woszczak Mechanical Contractors Inc., 1700 Atlantic Blvd. Manasquan, NJ 08736, in accordance with the Plans and Specifications and any approved Change Orders, as directed by T&M Associates, 9 Grand Avenue, Building 1, Toms River, NJ 08753. Said construction is hereby accepted and Mark Woszczak Mechanical Contractors, Inc. Payment #7 in the amount of Thirty Seven Thousand, Two Hundred Four Dollars and Fifty One Cents (\$37,204.51) is hereby considered final payment; and

WHEREAS, the Contractor having supplied a Maintenance Bond (Number B 1137604) in the amount of Three Hundred Fifty Three Thousand, Five Hundred Eighty One Dollars (\$353,581.00) for a period of One (1) years from 9/15/2015; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

T&M Associates
9 Grande Avenue, Building1
Toms River, NJ 08753

Mark Woszczak Mechanical Contractors Inc.
1700 Atlantic Avenue
Manasquan, NJ 08736

**RESOLUTION
257-2015**

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: COLLINSON HOME IMPROVEMENT LLC
15 MCGREEVEY DRIVE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$500.00

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REASON FOR REFUND: Dumpster Security-TRP# 135 71 Wyckoff Ave

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
258-2015**

**AUTHORIZING PURCHASE UNDER STATE CONTRACT:
NATIONAL JOINT POWERS ALLIANCE FOR ASPHALT HOT
PATCHER RECYCLING DUMP FROM MCGRATH MUNICIPAL
EQUIPMENT LLC, IN THE AMOUNT OF \$32,379.00**

WHEREAS, the Borough of Manasquan is desirous to utilize the National Joint Powers Alliance Contract Pricing #113012-FRM for the purchase of an asphalt hot patcher recycling dump through McGrath Municipal Equipment for the Department of Public Works; and

WHEREAS, this purchases are necessary for the efficiency of the department in need of such service; and

WHEREAS, this resolution is subject to contract terms identified by the February 12, 2015 proposal from McGrath Municipal Equipment and other necessary terms agreed to by both parties, and

WHEREAS, funds are available for this purpose subject to the passage of Ordinance 2176-15 adopted on April 6, 2015.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, authorize the Chief Financial Officer to procure National Joint Powers Alliance Contract Pricing #113012-FRM for the purchase of an asphalt hot patcher recycling dump through McGrath Municipal Equipment for the Department of Public Works

**RESOLUTION
259-2015**

**A RESOLUTION PURSUANT TO N.J.S.A. 40A:11-4.3
AUTHORIZING THE USE OF COMPETITIVE CONTRACTING
FOR THE PROCUREMENT PURPOSE OF PROVIDING MOBILE
APPLICATION AND SALES FOR THE BOROUGH OF
MANASQUAN BEACH DEPARTMENT**

WHEREAS, the Borough of Manasquan (the "Borough") desires to contract with a vendor to purchase of proprietary computer software for the purpose of providing mobile application and sales for the Borough of Manasquan Beach Department; and

WHEREAS, the aforesaid services qualify for competitive contracting as set forth in N.J.S.A. 40A:11-4.1(a); and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1 et seq., the Borough may use competitive contracting in lieu of public bidding for procurement of professional services the price of which exceeds the bids threshold; and

WHEREAS, under the competitive contracting process, the contract for the purchase of computer software for mobile application and sales for the Borough's Beach Department will be awarded to the proposal that, when evaluated, most successfully meets the stated criteria and, therefore, achieves the highest ranking, rather than based solely on the lowest price; and

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WHEREAS, the Borough desires to conduct the bidding process for the aforesaid services pursuant to the competitive contracting provisions as set forth by the Local Public Contracts Law N.J.S.A. 40A:11-4.1 et seq.; and

WHEREAS the Governing Body authorized the Qualified Purchasing agent at the meeting of Mayor and Council on October 5, 2015 through a vote of the governing body; and

WHEREAS, this resolution memorializes the action take on October 5, 2015.

NOW, THEREFORE, BE IT RESOLVED, that: The Borough is authorized to utilize the competitive contracting provisions as set forth in the Local Public Contracts Law N.J.S.A 40A:11-4.1 et seq.

**RESOLUTION
260-2015**

**RESOLUTION AWARDING A CONTRACT FOR
INFRASTRUCTURE PROTECTION AND STORMWATER
CONVEYANCE PROJECT IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH STATE OF NEW
JERSEY**

WHEREAS, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for Infrastructure Protection and Stormwater Conveyance Project; and

WHEREAS, the bids submitted for this project were:

	<u>Base Bid</u>	<u>Alt. Bid Items</u>	<u>Total Bid</u>
J.E Hannon,Inc. T/A Bird Construction	\$3,346,612.48	\$32,685.00	\$3,379,297.48
Compass Construction, Inc.	\$3,602,696.00	\$33,526.00	\$3,636,222.00
Marbro, Inc.	\$3,728,615.00	\$42,502.00	\$3,771,117.00
Midlantic Construction, LLC	\$3,928,255.00	\$44,936.00	\$3,973,191.00
Albert Marine Construction Corp.	\$3,918,100.25	\$35,920.00	\$3,954,020.25
Simpson & Brown, Inc.	\$3,936,885.50	\$52,498.00	\$3,989,383.50
Montana Construction Corp.	\$4,604,514.00	\$45,920.00	\$4,650,434.00
Cruz Contractors, LLC	\$4,732,500.00	\$58,250.00	\$4,790,750.00

WHEREAS, J.E. Hannon Inc. t/a Bird Construction submitted a total bid in the amount of \$3,379,297.48; and

WHEREAS, the Borough Engineer has determined the bid by J.E. Hannon Inc. t/a Bird Construction complies with the bid specifications and includes all required documentation and has recommended the award of the bid; and

WHEREAS, the Borough Council has determined, for the reasons set forth below, that the bid of H.E. Hannon Inc. t/a Bird Construction is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to H.E. Hannon Inc. t/a Bird Construction for the total bid in the amount of \$3,379,297.48 for the project;

NOW, THEREFORE BE IT RESOLVED on the 19th day of October, 2015, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This Bid award is subject to the review and approval of the Bid documents by the Manasquan Borough Attorney.
2. Subject to the above condition, a contract in the amount of \$3,379,297.48 is awarded to H.E. Hannon Inc. t/a Bird Construction this project.

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- 3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with H.E. Hannon Inc. t/a Bird Construction
- 4. A certified copy of this resolution shall be sent to:

J.E. Hannon, Inc
T/A Bird Construction
105 Harbor Inn Road
Bayville, NJ 07016

**RESOLUTION
261-2015**

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	\$3,973,395.66
	(includes \$1,508,392.72 County & \$2,158,714 BOE
Water/Sewer Fund	\$7,880.85
Beach Fund	\$10,429.64
Recreation Commission Trust	\$5,093.60
Recreation Building Trust	\$5,625.03
General Capital Fund	\$48,341.19
Water/Sewer Capital Fund	\$2,926.27
Beach Capital Fund	\$3,321.47

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

ORDINANCES

The Borough attorney read the title of ordinance 2197-15 for second reading and final hearing.

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

There being no comments Council Member Sinneck made a motion to close the public portion, seconded by Council Member McCarthy. Motion carried unanimously.

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

APPROVAL OF MINUTES

Work Session and Regular Meeting Minutes –October 5, 2015

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

COMMITTEE REPORTS

Public Safety Committee – Council Member McCarthy welcomed Barbara Ilaria to the Planning Board and reported that the police department has been completing in-service training as well as the firearms training. He also reported that Officer Kevin Kleinknecht continues to do well at the academy and he has finished in the top two in firearms and physical fitness categories.

Administration & Finance – Council Member Mangan reported that the committee will be meeting to discuss the ongoing needs of personnel in the finance department as well as how this would impact the public works department staffing.

Public Works & Grounds Committee – Council Member Donovan reported on leaf pickup schedule, fire hydrant flushing, no parking on Parker Avenue Friday morning October 30, 2015 and he thanked Laura Engler for all her hard work and wished her well. He reported that there is a beach sweep with the Environmental Commission and Clean Ocean Action on Saturday, October 24, 2015, 9 to 12 at main beach.

Building, Planning & Zoning Committee – Council Member Sinneck reported on the building, planning and zoning permits issued and the revenues received to date.

Beach Committee – Council Member Lee reported on the beach and the digging out from the recent storm. He also reported on the Second Avenue Parking Lot Project and the progress.

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 press release regarding Realty Data Systems.

Marylyn Jacobson, 59 McLean Avenue voiced her concerns and opinion on the school referendum and the sending districts. She asked the council that when they see the state representative to point out to them the issue with the sending districts and the referendum being voted down and Manasquan subsidizing the sending districts.

Council Member Mangan stated that he and the Mayor met with state representatives to discuss this same issue in January. He also advised what was discussed with the state representatives and their outlook.

There was a brief discussion on the referendum and the sending districts.

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

Council Member Donovan made a motion to close the regular meeting at 8:24 p.m. seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,

Barbara J. Ilaria
Municipal Clerk