

JANUARY 17, 2017

Regular Meeting of Mayor and Council was convened at 7:03 p.m. on January 17, 2017 in Council Chambers of Borough Hall with Mayor Donovan presiding.

Mayor Donovan read the statement re: Open Public Meetings Act of 1975 and that adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Coast Star, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by posting it on the official website of the borough.

Mayor Donovan 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, Walsh, Mangan, Olivera, Read, and Bossone

Absent: None

Council Member Olivera arrived at 7:08 p.m.

Also present was Borough Administrator Tom Flarity and Borough Attorney Mark Kitrick.

**Presentation: Glimmer Glass Bridge – Jack & Fran Drew**

Jack and Fran Drew presented to council their opinion and facts they have gathered on the Glimmer Glass Bridge. They stated that they are in favor of repairing the bridge that is currently there over replacing the bridge. They requested that council issue a resolution to the county supporting, saving, and repairing Manasquan's historic Glimmer Glass Bridge.

**Appointments:**

Mayor Donovan made the following appointments to the Planning Board:

Planning Board Alternate #2 – Mark Apostolou to Class IV- 4 year Terms

Planning Board Alternate #3 – Mark Larkin to Alternate #2 -2 year term

Planning Board Alternate #3 – John Burke 2 year term

**Audience Participation – Agenda Items**

Council Member Walsh made a motion to open the meeting to audience participation, seconded by Council Member Mangan. Motion carried unanimously.

Robert Houseal, Brielle Environmental Commission member advised that the bridge has state and federal historic designation. He voiced his opinion on saving the bridge.

Mary Ryan, 113 Beachfront on behalf of the Manasquan Beach Improvement Association re-stated that the association is in favor of replacing the bridge in full and having the current bridge moved to a park as a memorial. She voiced her opinion and concerns on the current bridge.

Fran Drew, member of the MBIA stated that the membership was never polled and when asked to meet with the trustees they were denied. She stated that when the bridge is repaired or even if it is a new bridge will take any emergency vehicle over it. She voiced her opinion and concerns on moving the bridge to save its history.

Mary Ryan, 113 Beachfront clarified a comment that she made that the board of trustees of the MBIA voted in favor of a replacement of the bridge but it was only after a significant period of research that was done by members of the board who have training in how to do research. She stated that the treasurer of the MBIA, Al Sauer gave a detailed account of his research at a prior council meeting. She stated that decision was not made irresponsibly.

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

**Approval of Meeting Minutes:**

Regular Meeting Minutes – December 19, 2016

JANUARY 17, 2017

**Special Meeting Minutes – December 30, 2016**

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

**Use of Borough Property**

- Gee Gee's Beach Volleyball – June to August – Tuesday and Wednesday

Council Member Lee made a motion to carry this request to the next meeting, seconded by Council Member Walsh. Motion carried unanimously.

- Squan Village Historical Society Flee Market – May 24, 2017 (2<sup>nd</sup> Choice June 4<sup>th</sup>)

Council Member Lee made a motion to approve this request, seconded by Council Member Mangan. Motion carried unanimously.

**Request to Open Newly Paved Street – 14 Lockwood Avenue**

There was discussion on this request and the moratorium on newly paved roads.

Council Member Mangan made a motion to grant the street opening, seconded by Council Member Bossone. Motion carried unanimously.

**CONSENT AGENDA**

**RESOLUTION  
30-2017**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of George Dempsey, as representative to the South Monmouth Regional Sewerage Authority as of January 1, 2017 is hereby accepted.

**RESOLUTION  
31-2017**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that Edward Donovan be appointed as a representative to the South Monmouth Regional Sewerage Authority (SMRSA) for the five-year unexpired term effective January 1, 2017 to January 31, 2020.

**RESOLUTION  
32-2017**

**RESOLUTION OF THE BOROUGH OF MANASQUAN,  
RATIFYING THE EMERGENCY STORMDRAINAGE INLET  
RECONSTRUCTION ON THE CORNER OF  
MAIN STREET AND POTTER AVENUE**

**WHEREAS**, an emergency existed due to a sunken and collapsed storm drain inlet, which would have hampered safety and the storm water system on the corner of Main Street and Potter Avenue on January 6, 2017; and

**WHEREAS**, pursuant to N.J.S.A.40A:11-6 a contract may be negotiated or awarded for a contracting unit without public advertising or solicitation of quotes therefor, when an emergency affecting the public and/or employee health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, immediate action was required for the repair of the storm drain inlet; and

JANUARY 17, 2017

**WHEREAS**, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-6 permits the authorization of an emergency purchase without prior consent by the governing body an

**NOW THEREFORE BE IT RESOLVED**, the Borough of Manasquan, in compliance with all Local Public Contract Laws, emergency purchase provisions, does hereby ratify and approve the payment in the amount of \$3,400.00 to Mark Woszczak Mechanical Contractors for the southwest inlet reconstruction and pavement replacement on the corner of Main Street and Potter Avenue in the Borough of Manasquan.

**RESOLUTION  
34-2017**

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

**WHEREAS**, a refund for the Tax Title Lien Redemption for the following property is due on the below described property in the amount designated as follows:

**BLOCK:** 123 / **LOT:** 17.01    **NAME:** CHRISTOPHER BRADY

**PROPERTY LOCATION:** 313 CEDAR AVE

**AMOUNT:**                      \$30.00 (RECORDING FEE)

**REASON FOR REFUND:** REDEMPTION OF TTL #15-00108

**REFUND CHECK TO BE MADE PAYABLE TO:**

C&E TAX LIEN FUND  
PO BOX 5021  
PHILADELPHIA, PA 19111

**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  
35-2017**

**WHEREAS**, Council of the Borough of Manasquan adopted Resolution 348-2016 on December 30, 2016, approving the Corrective Action Plan for the 2015 Audit; and

**WHEREAS**, through a misunderstanding by the Municipal Clerk's Office the resolution did not include the Correction Action Plans Findings and Corrective Actions.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Manasquan that Resolution 348-2016 is hereby rescinded.

**RESOLUTION  
36-2017**

**WHEREAS**, the Local Finance Board of the State of New Jersey has promulgated a regulation requiring that a Corrective Action Plan be prepared as part of the annual audit process; and

**WHEREAS**, Local Finance Notice 92-15 required that this plan be prepared by the Chief Financial Officer and approved by the Governing Body.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan, County of Monmouth and State of New Jersey that they hereby approve the Corrective Action Plan for the

JANUARY 17, 2017

year 2015, a requirement of the annual audit, prepared by the Chief Financial Officer and which is attached hereto and made part of this resolution.

### **CORRECTIVE ACTION PLAN**

#### **2015 AUDIT**

- Finding 2015-1      Interfunds existed at year end.
- Corrective Action:      All interfunds will be liquidated prior to year-end where funds are available. Separate bank accounts will be opened for capital accounts and interfunds will be liquidated.
- Finding 2015-2      The bank accounts were not being reconciled monthly on a timely basis.
- Corrective Action:      In 2016 a new CMFO was hired and all bank accounts were reconciled monthly and brought current.
- Finding 2015-3      That not all receipts and disbursements were being posted in the general ledger on a timely basis
- Corrective Action:      In 2016 prior year staffing matters were resolved and all receipts and disbursements were posted to the general ledger.
- Finding 2015-4      That an overexpenditure in Budget Appropriation Reserves occurred during the year.
- Corrective Action:      The overexpenditure will be raised in the 2017 budget.
- Finding 2015-5      That a detailed analysis of the balances in Net Payroll and Payroll Agency Account was not being prepared on a monthly basis.
- Corrective Action:      In 2016 a detailed general ledger was established for Payroll.
- Finding 2015-6      That a detailed analysis of the trust deposit balances for police outside duty service vendors was not being reconciled monthly to the bank balance in the Traffic Trust Account.
- Corrective Action:      New CMFO will work closely with Chief of Police to ensure accurate records are kept for police outside duty service.
- Finding 2015-7      That four payroll replacement checks were issued to employees without checking with the bank to see if the original checks had cleared or placing stop payment requests on the original checks before issuing the replacement check.
- Corrective Action:      Stop payments will be issued on all checks that need to be replaced prior to replacement of check.
- Finding 2015-8      That a prior period expenditure without appropriation occurred in the Federal and State Grant Fund.
- Corrective Action:      Funds will be raised in the 2017 budget and Chapter 159's will be completed in a timely matter in the future.

### **RESOLUTION**

**37-2017**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AWARDED  
A CONTRACT FOR PROVIDING A HEALTH & FITNESS PROGRAM  
FOR ADULTS, SENIORS & CHILDREN TO THE TRAINING  
ROOM/TR2U, LLC.**

JANUARY 17, 2017

**WHEREAS**, the Borough of Manasquan solicited proposals and qualifications for contractors to provide a health and fitness program for adults, seniors and children to the Borough of Manasquan and such process was duly advertised and required proposals and qualifications to be submitted by 10:00 AM on January 12, 2017 in accordance with N.J.S.A. 40A: 11-4.1 et seq; and

**WHEREAS**, a proposal/qualification was received by one contractor; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.1, The Training Room/TR2U LLC. has fulfilled the requirements of the proposal/qualification process; and

**WHEREAS**, the proposal and qualifications by The Training Room/TR2U LLC included a term beginning February 1, 2017 and concluding December 31, 2017 or upon expiration of the current Recreation Department lease.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that The Training Room/TR2U LLC has been selected to provide a health and fitness program for adults, seniors and children to the Borough of Manasquan for a term to commence on February 1, 2017 and will provide the Borough of Manasquan 20% of monthly gross revenue;

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be sent to:

The Training Room/TR2U, LLC  
7 Beacon Blvd  
Sea Girt, NJ 08750

**BE IT FURTHER RESOLVED**, that the Mayor and Council authorizes the Borough Attorney to prepare a Contract for the health and fitness program for adults, seniors and children, with The Training Room/TR2U, LLC, and further authorizes the Mayor and Municipal Clerk to execute the agreement noted in this resolution.

**RESOLUTION  
39-2017**

**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	2,939,991.08 (Includes 2,692,111.50 Bd of Ed Taxes)
Water/Sewer Fund	286,220.24
Beach Fund	71,793.23
Recreation Bldg Trust	300.00

Recreation Commission Trust	371.80
Tourism Trust	446.97
Affordable Housing Trust	400.50
Dev Escrow Trust	4,410.93
Accounts Payable -PD	8,542.47
Reserve for Animal Control	800.00
General Capital Fund	208,567.41
Water/Sewer Capital Fund	21.08
Beach Capital Fund	

Council Member Walsh made a motion to approve the Consent Agenda, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Mangan, Olivera, Read, and Bossone. "No" none.

#### **Resolutions:**

Mayor Donovan went over the situation with the Water Treatment Plant which involved T&M Associates and Patock Construction and the plant not being built to the Borough's satisfaction.

#### **RESOLUTION 33-2017**

#### **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING SETTLEMENT IN THE MATTER CAPTIONED, PATOCK CONSTRUCTION V. T&M ASSOCIATES AND THE BOROUGH OF MANASQUAN, ET AL**

**WHEREAS**, the Borough of Manasquan is a party to a lawsuit venued in the Superior Court of New Jersey, Law Division, in the matter captioned Patock Construction v. T&M Associates and the Borough of Manasquan, et al., Docket No. MON-L-3615-14; and

**WHEREAS**, the resolution of this matter was based on a business decision to amicably settle this matter inclusive of the counterclaim against Patock Construction and all crossclaims against T&M Associates as follows:

- (i) Payment to the Borough of Manasquan in the amount of \$50,000 from T&M Associates;
- (ii) Forgiveness of payment for any and all construction fees for the Water Treatment Plant allegedly owed to Patock Construction from the Borough of Manasquan in the amount of \$380,829.46;
- (iii) Forgiveness of payment for any and all professional fees allegedly owed to T&M Associates relating to the water treatment plant from the Borough of Manasquan in the amount of \$400,000.00;

**WHEREAS**, the Borough of Manasquan has been provided a Mutual Release and Settlement Agreement which details the amount of the settlement and acknowledges a release of any and all claims and rights the parties may have against the Borough of Manasquan and its officials and employees with respect to the above captioned matter;

JANUARY 17, 2017

**WHEREAS**, the settlement has been conditioned upon the full execution of the Mutual Release and Settlement Agreement which shall be received by the Borough of Manasquan and shall be incorporated herein;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough is hereby authorized to resolve the matter Patock Construction v. T&M Associates and the Borough of Manasquan, Docket No. MON-L-3615-14; and

**BE IT FURTHER RESOLVED** that executed copies of this Resolution shall be on file and shall be available for the public inspection in the office of the Borough Clerk upon final execution of same.

This Resolution shall take effect immediately upon adoption according to law.

Council Member Lee made a motion to approve this resolution, seconded by Council Member Olivera. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Olivera, Read, and Bossone. "No" none. Council Member Mangan abstained.

Mayor Donovan went over the resolution and how it got to this point.

### **RESOLUTION 38-2017**

**WHEREAS**, the Borough of Manasquan entered into a contract with Patock Construction Company for the construction of a Water Treatment Plant, which contract was executed by both parties on July 14, 2010; and

**WHEREAS**, by Resolution 374-12, pursuant to the former Engineer's certificate of contractors default, Patock was declared in default; and

**WHEREAS**, said default was based upon the recommendations of the former Borough Engineer, T&M Associates, which claimed that the issues with the deficiencies and malfunctioning of the Plant was the cause of Patock and their poor workmanship and malfunctioning equipment; and

**WHEREAS**, the matter was the subject of a lawsuit and Mediation due to questions as to whether the issues related to deficiencies and malfunctioning of the Plant were caused by design and/or construction problems; and

**WHEREAS**, these issues have now been resolved and it appearing that the issues related to the deficiencies at the Plant were not substantially related to the work of the Contractor.

**NOW, THEREFORE, BE IT RESOLVED**, that the Declaration of Default of the contract against Patock Construction Company as set forth in the Resolution 374-12, dated December 27, 2012 is hereby rescinded.

Council Member Lee made a motion to approve this resolution, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Olivera, Read and Bossone. "No" none. Council Member Mangan abstained.

The Borough Attorney read the title of ordinance 2222-17 for first reading and introduction.

### **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 (ADMINISTRATION) SECTION 2-19 (ADDITIONAL POSITION CREATED) CREATING NEW SECTION 2-19.4 OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Council Member Walsh made a motion to introduce ordinance 2222-17, seconded by Council Member Read. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Mangan, Olivera, Read, and Bossone. "No" none.

## COMMITTEE REPORTS

Beach & Recreation Committee – Council Member Lee reported that the committee is looking into pay stations at the parking lots, continued discussion on the recreation superintendent, and getting ready for the beach season. He advised that he is looking forward to meeting with the MBIA and Chief Bauer to gear up for the 2017 beach season.

Building, Planning & Zoning Committee – Council Member Walsh stated that he has nothing to report at this time but will have detailed report at the next meeting.

Administration and Finance Committee – Council Member Mangan reported that the budget process is ongoing and committees are meeting to go over their respective department budgets and the public meetings will start in late February into March. He thanked everyone in advance for their participation. He reported that the new CFO Amy Spera has been working on getting up to speed and Steve Pfeffer has been working on getting the department up to speed and that Steve will be transitioned out over the next few weeks. He stated that Steve has done a spectacular job getting the borough financially back on track. He thanked and welcomed Tom Flarity the new administrator. He commented on the recreation superintendent and thanked everyone for their work.

Public Safety Committee – Council Member Olivera commented on the State of the State and opioid use and changes that the Governor is proposing to fight the epidemic and he announced the Manasquan Police Department has joined the NJ Attorney General's office Project Medicine Drop. He reported that a medicine drop box has been installed at Borough Hall where anyone can drop prescription medicine off to help improve the public safety and quality of life in the borough.

Streets & Buildings Committee – Council Member Read stated that he has nothing to report at this time.

Public Works Committee – Council Member Bossone expressed his condolences to the Clerk Barbara Ilaria for the loss of her brother and Council Member Read who lost his mother. He reported that Christmas tree pick up will be through the end of January and a reminder to park as many cars off street as possible during snow storms. He reported that if anyone has a basketball hoop that hangs over into the street they need to move it so the snow can be plowed as close to the curb as possible.

Mayor Donovan expressed his sincere condolences to the Municipal Clerk Barbara Ilaria and Council Member Read.

## Audience Participation

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

Joann Corb, 465 Euclid Avenue inquired about water drainage in front of her home and she is concerned with the winter coming. She demanded that she will not be replacing curbs, sidewalks, or apron any more the town will be replacing it. She stated that if something is not done soon she has planned to litigate and if someone falls on her property she plans on litigation.

Mary Ryan, 113 Beachfront voiced her opinion on the collection box of old or unused medicine. She voiced her concerns on the use of the beach and the possibility of the new health program doing this.

Council Member Lee went over the agreement for the new health and fitness program.

Mr. Kitrick briefly went over the health and fitness program and how it is being offered through recreation.

Jack Drew, 111 Third Avenue congratulated the town on a favorable settlement regarding the water treatment plant. He inquired about the town not using T&M Engineering any more.

Mayor Donovan stated that they have not been contracted in over a year and the borough is not looking to move from the engineering company currently contracted with the borough at this time.

Mr. Drew inquired about the Willow Way water issues and if they were corrected.



JANUARY 17, 2017

Mayor Donovan stated that the water issues have been corrected. He also thanked Greg Boyle, Esq. for his part in getting the water treatment plant to a settlement.

Fran Drew, 111 Third Avenue voiced her concerns and opinion on drug advertisements. She inquired about how to get to the FCC as she believes there are too many drug ads. She inquired about a comment Council Member Lee made about pay stations.

Council Member Lee stated that the committee is looking into pay stations in the beach parking lots.

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

The closed session portion of the minutes begins on the next page. The signature and approval date are located on the last page following the closed session meeting minutes.

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