

August 15, 2011

A Regular Meeting of Mayor and Council was convened at 8:08 p.m. on August 15, 2011 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey stated that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 21, 2010.

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 Connolly, Grasso, Lee, Lucas, and McCarthy

Absent: Council Member Donovan

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

Council Member Lucas read a Letter of Commendation, upon the recommendation of Sergeant Michael Stoia, for Special Officer Sean Norek and Special Officer Jesse Waterson who are hereby recognized for their performance and potentially life saving action in a discovery of a house fire on August 6, 2011. He thanked them for the excellent job.

Mayor Dempsey also thanked the Officers for their excellent job.

Captain Correia stated that Officer Norek has been with the Borough of Manasquan for eleven years and he will be moving on and wished him well in his new career.

**APPOINTMENT:** Mr. Charles Rooney – Borough Engineer's Report for August 10, 2011

Mr. Charles Rooney read the Engineer's report dated August 10, 2011.

There was some discussion on the Third Avenue Bulkhead Project and when it will be started and how traffic will be detoured.

Mr. Rooney continued with his report.

There was discussion on the fence around the Water Treatment Plant and other options for security.

Mr. Rooney stated that he would not back away from a fence as a minimum threshold of security.

Mr. DeIorio stated that he wants to move forward and have the council make a decision so that the Engineer will be directed to contact the contractor with a decision one way or the other.

Council Member McCarthy made a motion for the minimum of putting up the bollards and then get an estimate as one of the additional security measures such as alarm, cameras, or window coverings, seconded by Council Member Connolly. Motion carried by the following vote, "yes" Council Member Connolly, Grasso, Lee, and McCarthy, "no" Council Member Lucas.

Mr. Rooney continued with his report.

Mr. Rooney stated that he met with the Public Works Committee recently and there was discussion that perhaps Squan Plaza might be a candidate for the Borough to submit applications for grant monies for sidewalks and curbs. He stated that he does need a resolution of endorsement for the applications. He asked council to consider a resolution at the September 12, 2011 when there might be a more formal action for the council in terms of recommending grant applications to be submitted.

There was discussion on the concept of Squan Plaza and the process of the grants and the work that would be done.

Mr. Rooney stated that he will come back to the Council at the next meeting with a better understanding of costs and the descriptions of what might be feasible.

Mr. Rooney continued with his report.

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Mayor Dempsey asked if the council has any further questions for Mr. Rooney.

There were no further questions.

**APPOINTMENTS: Planning Board Appointments:**

Mayor Demspey made the following appointments to the Planning Board:

Peter Ragan from Alternate #3 to Alternate #2  
(unexpired term 12/31/2012)  
Bill Buble to Alternate #3  
(unexpired term 12/31/2012)  
Neil Hamilton as Regular Member  
(unexpired term 12/31/2013)

**CONSENT AGENDA**

**RESOLUTION  
201-2011**

**CHANGE ORDER NO. 2 AND FINAL  
CENTRAL AVENUE ROADWAY IMPROVEMENTS**

Be it resolved by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey upon recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved

TITLE OF JOB: Central Avenue Roadway Improvements

CONTRACTOR: Pioneer General Contracting, 92 Anderson Ave.  
Monroe Twp., NJ

CHANGE ORDER NO. 2 and Final

AMOUNT OF CHANGE THIS RESOLUTION: -\$567.67 (-0.16% DECREASE)

TOTAL AMOUNT OF CHANGE: -\$567.67 (-0.16% DECREASE)

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

**RESOLUTION NO.  
202-2011**

**WHEREAS**, the Borough of Manasquan is desirous of appointing SLEO, Class II effective September 6, 2011; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 15<sup>th</sup> day of August, 2011 appoint the following Class II SLEO officers at a salary of \$16.09 hour. The Class II Special Law Enforcement Officers will not be paid for their police training.

- James M. Albanese – Brick, NJ
- Nicholas W. Austin – Howell, NJ
- Felicia N. Pappalardo – Brick, NJ

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**RESOLUTION  
203-2011**

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

**WHEREAS**, refunds for overpayments on the following tax bills are due on the below described property in the amount designated as follows:

BLOCK: 71      LOT: 3.01    NAME: Applegate, Frank & Jean

PROPERTY LOCATION:    85 Morris Avenue

AMOUNT OF REFUND:    \$1,120.00

REASON FOR REFUND:    Property was re-assessed for the tax year 2011, resulting in an overbilling. Homeowner paid the first half of 2011 taxes as billed, in the amount of \$1,200.45. 2011 actual taxes are \$80.45. Homeowner overpaid taxes and is due refund.

REFUND CHECK TO BE MADE PAYABLE TO:

Frank & Jean Applegate  
85 Morris Avenue  
Manasquan, NJ 08736

**WHEREAS**, the Tax Collector has certified that the current property owner is entitled to the refund.

**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 property with said warrant to be charged against the General Ledger.

**RESOLUTION  
204-2011**

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

**WHEREAS**, a return of a Security Deposit is due to the below described Organization for a Beach Event that occurred April 30, 2011:

NAME:            Manasquan Elementary School PTO  
                     P.O. Box 196  
                     Manasquan, NJ 08736

AMOUNT OF REFUND DUE:    \$400.00

REASON:    Event was held on Manasquan Beach April 30, 2011. Refund Approval given by Beach Department Head.

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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 listed event with said warrant to be charged against the Misc. Trust II Account.

**RESOLUTION  
205-2011**

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

**WHEREAS**, a return of a Security Deposit is due to the below described Organization for a Beach Event that Council requested on August 1, 2011 go through Recreation scheduled for various days in August and September 2011:

NAME: Arlendo Rudo  
1208 Plymouth Drive  
Brick, NJ 08724

AMOUNT OF SECURITY REFUND DUE: \$400.00  
AMOUNT OF FEE REFUND DUE: \$100.00

REASON: Council decided on August 1, 2011 that the applicant should go through recreation and therefore does not need to have a fee or a security deposit.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the amount of \$400 with said warrant to be charged against the Misc. Trust II Account and draw a warrant in the amount of \$100 with said warrant to be charged against the Beach Account.

**RESOLUTION  
206-2011**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of Jared Remig from the position of Class I Special Officer effective August 2, 2011 be and is hereby accepted.

**RESOLUTION  
207-2011**

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

**WHEREAS**, a return of a Security Deposit is due to the below described Property for Street Opening # 26/11 that was completed in 2011:

NAME: Charles Peters  
208 E. Main Street  
Manasquan, NJ 08736

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AMOUNT OF REFUND DUE: \$500.00

CHECK MADE PAYABLE TO: Charles Peters  
208 E. Main Street  
Manasquan, NJ 08736

REASON: After inspection of 1A and 1B Main Street the Superintendent of Public Works determined that a portion of the Security Deposit can be released to the property owner.

**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 Security Deposit with said warrant to be charged against the General Ledger.

**RESOLUTION NO.  
208-2011**

**RESOLUTION REJECTING ALL BIDS FOR SHADE TREE  
ELEVATIONS AND EMERGENT WORK 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 the Shade Tree Elevation and Emergent Work for the Borough of Manasquan; and

**WHEREAS**, the bid was received in response to the advertised public bid:

Falkinburg's Tree Expert Co., LLC	
Elevation Work	\$34,925.00
Emergent Work	\$125.00 per hour

**WHEREAS**, the bid specifications advertised by the Borough of Manasquan stated: "The Borough of Manasquan reserves the right to reject any and all bids..." and

**WHEREAS**, the Borough Council has determined that it is not in the best interests of the Borough to proceed with the project "Shade Tree Elevations and Emergent Work" at the present time; and

**WHEREAS**, the Borough Council is desirous of rejecting all bids for the project "Shade Tree Elevations and Emergent Work".

**NOW, THEREFORE BE IT RESOLVED** on the 15<sup>th</sup> day of August 2011, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. The Borough Council rejects all bids for the project "Shade Tree Elevations and Emergent Work."
2. No contract for the project "Shade Tree Elevations and Emergent Work" unless and until new Bid Specifications are advertised.

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**RESOLUTION NO.  
209-2011**

**RESOLUTION REJECTING ALL BIDS FOR 2011 SUPER DUTY  
REGULAR CAB CHASSIS WITH DUMP BODY, HYDRAULIC  
SYSTEM AND ASSOCIATED EQUIPMENT FOR 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 the 2011 Super Duty Regular Cab Chassis with Dump Body, Hydraulic system and Associated Equipment for the Borough of Manasquan; and

**WHEREAS**, the bid was received in response to the advertised public bid:

Larson Ford Inc.	\$64,447.00
1150 Ocean Avenue	
Lakewood, NJ 08701	

**WHEREAS**, the bid specifications advertised by the Borough of Manasquan stated: "The Borough of Manasquan reserves the right to reject any and all bids..." and

**WHEREAS**, the Borough Council has determined that it is not in the best interests of the Borough to proceed with the project "Super Duty Regular Cab Chassis with Dump Body, Hydraulic System and Associated Equipment" at the present time; and

**WHEREAS**, the Borough Council is desirous of rejecting all bids for the project "Super Duty Regular Cab Chassis with Dump Body, Hydraulic System and Associated Equipment."

**NOW, THEREFORE BE IT RESOLVED** on the 15<sup>th</sup> day of August 2011, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. The Borough Council rejects all bids for the project "Super Duty Regular Cab Chassis with Dump Body, Hydraulic System and Associated Equipment."
2. No contract for the project "Super Duty Regular Cab Chassis with Dump Body, Hydraulic System and Associated Equipment" will be awarded unless and until new Bid Specifications are advertised.

**RESOLUTION NO.  
210-2011**

**RESOLUTION AWARDING A CONTRACT FOR A 6 YARD DUMP  
TRUCK TO MID-ATLANTIC TRUCK CENTRE, INC. 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 a 6 Yard Dump Truck; and

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**WHEREAS**, one bid for this vehicle was received from Mid-Atlantic Truck Centre, Inc. in the amount of \$171,198.00; and

**WHEREAS**, the bid by Mid-Atlantic Truck Centre, Inc. complies with the bid specifications and includes all required documentation; and

**WHEREAS**, the Borough Council has determined, for the reasons set forth below, that the bid of Mid-Atlantic Truck Centre, Inc. is a responsive and responsible bid; and

**WHEREAS**, the Borough Council is desirous of awarding a contract to Mid-Atlantic Truck Centre, Inc. in the amount of \$171,198 for the vehicle;

**NOW, THEREFORE BE IT RESOLVED** on the 15<sup>th</sup> day of August 2011, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. The Borough Council finds and determines that Mid-Atlantic Truck Centre, Inc. submitted a responsive bid in full compliance with the project specifications and that all required documents were submitted.
2. A contract in the amount of \$171,198.00 is awarded to Mid-Atlantic Truck Centre, Inc. for a 6 Yard Dump Truck.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Mid-Atlantic Truck Centre, Inc.
4. A certified copy of this resolution shall be sent to:

Mr. Shane Swift, Secretary/Treasurer  
Mid-Atlantic Truck Centre, Inc.  
525 Linden Avenue W  
Linden, NJ 07036

**RESOLUTION  
211-2011**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that the bid for Shade Tree Elevations and Emergent Work was rejected and that the Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to advertise a Re-Bid Notice for Tree Elevations and Emergent Work.

**RESOLUTION  
212-2011**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
APPOINTING STEPHANIE MILLER AS ALTERNATE DEPUTY  
REGISTRAR**

**WHEREAS**, the Borough of Manasquan ("Manasquan") is in need of a

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Alternate Deputy Registrar; and

**WHEREAS**, Stephanie Miller has received her Certified Municipal Registrar Certification on April 8, 2011; and

**NOW, THEREFORE BE IT RESOLVED** on the 15<sup>th</sup> day of August, 2011, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Stephanie Miller is appointed as Alternate Deputy Registrar.
2. No Salary Change.
3. The effective date of this appointment is April 9, 2011.
4. A certified copy of this resolution shall be sent to:

Stephanie Miller  
35 Lakewood Road  
Manasquan, NJ 08736

**RESOLUTION  
213-2011**

**BE IT RESOLVED**, that the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, has authorized that the base salary of the below listed employees as a result of the arbitrator's Opinion and Award submitted on April 25, 2011 and the executed agreement between the Borough of Manasquan and the Manasquan PBA Local 284 shall be increased as follows:

For the calendar years of 2010 – 2%, there shall be an increase reflected on the base salary effective January 1 of each year and payment based on time worked during the year 2010.

**Borough of Manasquan PBA Local 284 Members - Retired**

**2010**

**Sergeant**

Scott Clayton \$98,243

**Patrol**

Brian Gillespie \$91,808

**WHEREAS**, any additional stipends, longevity payments or other benefits are as stated in the Manasquan Local 284 Agreement for years 2010 to 2012, Borough Ordinance, Resolutions or additional contracts, and;

**BE IT FURTHER RESOLVED** that the Borough Clerk is authorized to notify the employees upon passage of this resolution.

**RESOLUTION  
214-2011**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN  
APPROVED STATE CONTRACT VENDORS FOR CONTRACTING  
UNITS PURSUANT TO N.J.S.A. 40A:11-12a**

**Whereas**, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New



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Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**Whereas**, the Borough of Manasquan has the need on a timely basis to purchase goods or services utilizing State contracts for the purpose of the acquisition of a 2012 Ford F550 Chassis Cab and Options; and

**Whereas**, the Borough of Manasquan intends to enter into contracts with: DFFLM, LLC, located at 215 Route 202 & 31, Flemington NJ 08822 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

**Now, Therefore, Be It Resolved**, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractor by approved New Jersey State Contract A79113/T2789, pursuant to all conditions of the individual State contracts, in the amount of \$42,520; and

**Be It Further Resolved**, that the governing body of the Borough of Manasquan pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

**Be It Further Resolved**, that the duration of the contracts between the Borough of Manasquan and the Referenced State Contract Vendor shall be from January 1, 2011 to December 31, 2011.

**RESOLUTION  
215-2011**

**WHEREAS**, N.J.S.A. 40:56-35 permits a governing body to issue a special assessment for any improvement; and

**WHEREAS**, N.J.S.A. 40:56-35 permits a municipality to provide that the assessments may be payable in installments, with legal interest; and

**NOW, THEREFORE, BE IT RESOLVED**, that the interest rate for the installment payment for special assessments confirmed in the year 2011 be 1.25%.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Manasquan, County of Monmouth, State of New Jersey that the Mayor and Council authorize the Tax collector to institute said interest for properties requesting installment payments as prescribed by law.

**RESOLUTION NO.  
217-2011**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees for the Summer Season of 2011; and

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**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 15<sup>th</sup> day of August, 2011 appoint the following Seasonal Beach Employees to work during the Summer Season, 2011:

Beach Patrol – As needed	Address	Hourly Rate
Michele Fernandez	Previously appointed as Badge Checker	\$11.00
Kira Mabil	Previously appointed as Badge Checker	\$11.00
Michael Morris	Previously appointed as Badge Checker	\$11.00

**Badge Checker - As Needed**

Tim Krajewski	64 Morris Avenue, Manasquan	\$7.50
Michaela Read	38 Elizabeth Avenue, Manasquan	\$7.50
Alyssa Bokay	733 Bluffview Drive, Brick	\$7.50
Janie Lorenzo	934 Birch Drive	\$7.50

**EMT - As needed**

James Seidel	Previously appointed as Lifeguard	\$11.50
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**RESOLUTION  
216-2011**

**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:	2,166,104.54
WATER/SEWER FUND:	5,203.55
BEACH FUND:	26,470.34
GENERAL CAPITAL FUND:	12,839.94
WATER/SEWER CAPITAL FUND:	298,855.81
BEACH IMPROVEMENT FUND:	

Council Member McCarthy made a motion to accept the Consent Agenda, seconded by Council Member Lucas. Motion carried by the following vote: "yes" Council Member Connolly, Grasso, Lee, Lucas, and McCarthy, "no" none.

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## ORDINANCES

The Borough Attorney read the title of ordinance 2091-11 for second reading final adoption.

**ORDINANCE TO SUPPLEMENT CHAPTER 15 (RENTAL PROPERTY) OF  
THE CODE OF THE BOROUGH OF MANASQUAN TO REQUIRE THE  
POSTING OF A RENTAL CERTIFICATE OF OCCUPANCY IN A  
CONSPICUOUS PLACE IN THE INTERIOR OF THE RENTAL UNIT.**

Mayor Dempsey asked if council had any questions or comments regarding ordinance #2091-11.

Council Member Lee opened the hearing to the public, seconded by Council Member McCarthy. Motion carried unanimously.

Mary Ryan, 113 Beachfront, inquired about the notice having a flooding notification on it. She asked in addition to including flood elevation information can there be information included about regulations regarding fire pits.

Mr. DeIorio stated that in order to add anything onto the Ordinance as read would be a substantive change which would require the ordinance to be introduced again. He suggested that this request be handled administratively.

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

Council Member McCarthy made a motion to approve and publish ordinance 2091-11 according to law, seconded by Council Member Lucas. Motion carried by the following vote: "yes" Council Member Connolly, Grasso, Lee, Lucas and McCarthy, "no" none.

Mayor Dempsey stated that he received over the weekend revision to Ordinance 2092-11.

Council Member Lee recused himself from this discussion.

Mayor Dempsey stated that he is not sure if all council has read the final adjustments and also that Captain Correia, just today, submitted an opinion on it. He stated that he believes this should be held until the next meeting so that all council members can review the changes and they can have their questions ready for the next meeting.

Council Member Grasso asked the attorney when the revised ordinance was sent out.

Mr. Kitrick stated that the final revision was forwarded to the council on Friday, August 12, 2011 at 1 p.m.

Council Member Grasso stated that the council has been going through this for 18 months and it is down to "Spot and Jane or Dick, Spot and Jane or whatever" reading. He stated that it has been so simplified, thanks to the Borough Attorney's help and guidance, that it is becoming a joke now that it has to be reviewed again. He stated that the council should just look at it and pass it on first reading and then you can look at it again, but this has gotten to the point that it has become a joke. He stated that he does not know how many times the attorney will have to redo this so people can read it again that may not understand it.

Mayor Dempsey stated that "he did not say that anything has to be changed." He also stated that he is saying "that we just got the opinion of the Police Department" and he thinks that all of council should be.

Mayor Dempsey advised Council Member Grasso that "if he does not abide by the rules he will be thrown out of the meeting."

Council Member Grasso stated "I might be better off being thrown out of here."

Mayor Dempsey stated "then hit the door, go on out if you don't want to abide by the rules."

(Council Member Grasso did not leave the meeting)

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Council Member Connolly stated that the council did receive the revisions on Friday and have had the whole weekend to review. She stated that she did receive Captain Correia's comments today and she reviewed them and she does not see why the council would take more time to review them. She stated that if everyone was reasonable and responsible they would have read this. She stated that this is a very important ordinance that has been discussed for 18 months. She stated that using excuses to read it again and again and again she doesn't think is appropriate.

Council Member McCarthy stated that he did not receive the Captain's comments until 7 p.m. tonight when he walked in.

Council Member Grasso asked why did he wait to give it out at 2:30 today.

Council Member McCarthy stated that he does not know why.

Mayor Demspey stated that one person speaks at a time.

Council Member McCarthy stated that he has a 4 page letter from the Captain that he has put a lot of time into. He stated that he wants to review this before making a decision.

Council Member Grasso stated Council Member McCarthy has been with him since January and has gone through this with numerous committee meetings and have gone through this back and forth and now at 2:30 p.m. the Captain sends us an e-mail that he is concerned. He stated "where was he prior to this, we look foolish up here."

Council Member McCarthy stated that he is just reiterating that he wants to review the 4 page memo before making a decision.

Captain Elliott Correia stated that "he was never asked for input." He stated that since he was not asked for input by the author or the council he took it upon himself to submit a response. He stated that there was never a copy of the most revised ordinance given to the police department for review and input. He stated that he was provided a copy second hand.

Council Member Grasso stated that there was a response from the Chief.

Mayor Demspey advised Council Member Grasso that there is only one person to speak at a time.

Captain Correia stated that this latest edition was not provided to the police department but was provided through the kindness of the Municipal Clerk. He advised that he was not contacted for input on this revised version. He stated that after reviewing it and with his concerns he submitted the memo.

Council Member Grasso stated that he had input from the Chief two or three times.

Captain Correia stated that there have been revisions since then.

Council Member Grasso stated that was correct. He also stated that most of the report is showing that the Captain is concerned with the drunks, the rowdiness, the fighting and that the taxi cabs will get these people out of here.

Captain Correia stated that is exactly what happens.

There was discussion between Council Member Grasso and Captain Correia with some of the content of the memo and what are the police doing now.

Council Member Lucas stated that he thinks the report is very concise and was explained in depth. He stated that he believes that Captain Correia has the expertise and knowledge within the community to make the statements that he did in his memo.

Council Member Connolly stated that the council can take the Captain's report into consideration; however, there are several other towns that already have this in place. She stated that these towns are not having the problems that Captain Correia is pointing out. She stated that they are very successful and if they were having any problems they would be telling us, they would be changing their ordinances, and changing the whole procedure.

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Captain Correia stated that he has to disagree with what Council Member Connolly is stating. He advised that Point Beach is out of control because they are calling in State Police and calling other departments in to help them control their town.

There was discussion on taxis in other towns and why the bars can not be forced to close at midnight.

Mayor Dempsey stated that there has been enough discussion on this subject.

Council Member McCarthy made a motion to carry the introduction of ordinance 2092-11 until the September 12, 2011 meeting, seconded by Council Member Lucas. Motion carried by the following votes: "yes" Council Member Connolly, Grasso, Lucas, and McCarthy, "no" none. Council Member Lee recused himself.

The Borough Attorney read the title of ordinance 2093-11 for first reading and introduction.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3  
SECTION 3-23 (FIRES AND EXPLOSIVES) OF THE BOROUGH  
OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Council Member McCarthy made a motion to introduce ordinance 2093-11, seconded by Council Member Lucas. Motion carried by the following vote: "yes" Council Member Connolly, Grasso, Lee, Lucas and McCarthy, "no" none.

**APPROVAL OF MINUTES**

Regular Session Minutes – March 21, 2011  
Special Work Session Minutes – March 28, 2011  
Special Regular Meeting Minutes – March 28, 2011

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

**COMMITTEE REPORTS**

Law & Code Committee – Council Member Grasso reported that the court revenues for July were \$68,000 versus last year of \$83,675 for a 23% decrease. He stated that as of 2011 year to date court revenues are \$201,246 which is a 6% ahead of year to date 2010. He reported that they are down \$227,941 for 2011 and there is only 5 months to go and he reported that it will be difficult to hit budget. He reported that the 2011 violations year to date are 2,044 which are 1,492 less than last year which is a 2 % decrease. He stated that the Court is the biggest generator of revenues in this town outside of property taxes. He reported that it wasn't hit last year it was missed by \$75,000 and this year it looks like it will be missed again. He stated that somewhere along the line someone is going to have to pay for that somewhere. He stated that he was talking with Mr. Kitrick and Mr. DeIorio regarding the billboards within the town to see how many the town has and to see if there is any revenue being generated from them. He reported that he has received a lot of comments with people running up and down the dunes damaging the grass and not following the law. He stated that Spring Lake does have an ordinance that if you are caught running on the dunes it is a \$500 fine. He advised that he would like to talk to Mr. Kitrick and Mr. DeIorio on this to see where it stands. He stated that he contacted Sea Girt DPW to ascertain who the contractor was that built the showers at their beach to find out about how much it would cost for Manasquan to do the same thing. He reiterated his opinion on the taxi ordinance.

Administration and Finance Committee – Council Member Connolly stated that the Borough was very happy to welcome Governor Christie this past week to the inlet who spoke about Tourism and clean water. She reported that the bills approved tonight amounted to \$2.5 million and they are on the desk in the front for the public to review. She reported that the public has access, through the website, to all property tax information and also to pay property and water tax on line through a credit card. She reported that Lee Weisert of the Cable Advisory Committee was at the meeting last meeting and he requested to buy a scheduler which meant that he could then set up the programs and he did not have to actually be there to push the button. She stated that it was discussed and the question was where the money would come from.

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She stated that she found some money in the budget. She stated that the Cable Advisory fees were anticipated of \$76,000 this year and has already received \$95,000. She stated that the technology fund started out with \$200,000 and there is \$120,000 left. She stated that she thinks that the council could find the \$6,700 that would help Mr. Weisert televise a lot of very important films that he has and historic films that he has. She stated that she would like to move tonight to authorize the purchase of the equipment, which there are three (3) bids for already not to exceed \$7,000.

Mayor Dempsey stated that it could not come out of the Technology Fund because the Borough needs to purchase a new phone system, there are computers that are being updated and replaced and stated that he does not believe this fund should be used at this time.

Council Member Connolly asked about using the Cable Advisory fees.

Mayor Demspey stated that these fees are unanticipated income.

Council Member Connolly stated that the Borough has already received \$95,000.

Mayor Dempsey stated that he believes that since it is unanticipated funds that it could not be used until next year.

There was discussion on the equipment that is requested and who would benefit from it.

Mayor Dempsey stated that this is an item that should be split with the school and should be put in the budget for next year.

There was discussion on the items that will be purchased through the technology fund.

Council Member Connolly made a motion for the Borough to pay half of the equipment and the Board Of Education to pay half, if agreeable, seconded by Council Member Grasso. Motion failed by the following vote, "yes" Council Member Connolly and Grasso, "no" Council Member Lee, Lucas, and McCarthy.

Public Safety & Recycling Committee – Council Member Lucas read the police activity report for 7-3-2011 through 8-14-2011. He reported that there were violations as follows 8 noise, 12 alcohol, 11 urinating in public, 3 littering, total other violations 34, moving violations 107, parking violations 140, criminal complaint summonses 11, DWI arrests 4, criminal arrests 5 for a total arrests of 19.

Beach Committee – Council Member Lee reported that the beach remains tracking a little over \$30,000 from last year revenues. He stated that it has been a great year at the beach and there were more daily badges sold then ever before. He reported that the Jr. Lifeguard program was a great success and he believes that they had the largest turnout ever for the program. He reported that there was just Big Sea Day and the Elks Day at the Beach and thanked the volunteers from both organizations that made the events possible. He thanked the committee for continuing the review of the new beach building. He stated that there have been meetings on the concept of the new building. He advised that there have been some good ideas for the concept and that Chris Rice will be doing the plans showing the different concepts.

Public Property and Parks Committee – Council Member McCarthy reported that a long time member, Jim Coakley, is resigning from the Planning Board as he is moving out of town. He stated that Mr. Coakley served for 11 years, served on the Technical Review Committee and put a lot of time into various committees. He thanked Mr. Coakley for his service to the Borough. He reported that the Tourism Commission had a meeting last week to discuss next year's boat parade with the Park System and the Coast Guard along with others. He advised that they are looking to get a date secured by early fall for the boat parade which will be August 2012. He reported that Big Sea Day was August 13, 2011 and the Tourism Commission held their sand castle contest and the turn out this year was a little lighter then years' past but thanked all involved and the participants. He reported that there are still 2 more concerts on main beach for this year. He stated that August 23, 2011 will be the End of Summer Celebration at the Inlet between 5:30 and 9:30 p.m. where there will be bands, dunk tank, food, face painting etc. He reported for the Parks and Public Property committee and advised that the DPW will be painting the caucus room at Borough Hall and a follow up on an item at the last meeting was the bocce court. He stated that since the last meeting he met with Mr. DeIorio and Mr. Nicastro, Superintendent of PW, to examine several proposed locations within the Borough. He reported on the concerns of each park and has come up with the location at Borough Hall on the east side of the parking lot as being the best place to have the court.

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There was discussion on the placing of the bocce court.

Council Member McCarthy made a motion to approve Mr. Kuper to build the bocce court at Borough Hall, seconded by Council Member Lee. Motion carried unanimously.

Public Works Committee – Council Member Lee reported for Council Member Donovan. He reported that the new water treatment plant buildings are substantially complete. He stated that the November timeline is being targeted. He advised that the wells are the next step which might inconvenience the neighbors a little due to the noise, but the contractor will do everything it possible can to muffle the noise. He reported that the fire hydrant replacement program is almost complete for the year. He stated that the contractor has replaced all but one of the hydrants on this year's list. He reported that the water fountain in town has been vandalized and has been brought back by the DPW.

## AUDIENCE PARTICIPATION

Council Member Lee made a motion to open the meeting up to the public, seconded by Council Member Lucas. Motion carried unanimously.

Mary Ryan, 113 Beachfront stated that she is here to address the ordinance on the fire pits that was listed on the website. She thanked the council for making the agendas available and also for printing the ordinances out. She stated that she was appreciateive for being able to read the fire pit ordinance before she came to the meeting tonight because she has been working with the different people in town about trying to do something to tighten up the control that the Borough has over any kind of open flame devices in town. She stated that she thinks this is an issue that concerns everybody in Manasquan but particularly people who live down at the beach front who have people moving in and out all the time who are not aware of the dangers that are inherent in using open flame devices at the beach front. She stated that she was delighted to hear that there was going to be an ordinance written but was disappointed in the scope of the ordinance and the force of the language. She stated that she hoped that there was going to be talk about fire pits and flaming lanterns and tiki torches and the new fire pots that can be put on tables. She stated that these new devices are left unattended in her neighborhood all the time. She stated that she called the police about fire pits that have been, that she felt were not safe, and have been told that if there is a grate or mesh covering on them it is fine. She stated that often times the mesh covers have holes in them so pieces of flaming wood are flying out of them and often times the wood that is placed in the fire pit is higher then what the pit is really intended for. She stated that these are the kinds of considerations that she feels are not really addressed in this ordinance. She inquired about the mesh covering the flame and the mesh having holes or isn't attached to the fire pit itself. She stated that the wording should be constantly attended by an adult. She stated that some of the issues that she has is with the wording of the ordinance. She stated there are no guidelines for extinguishing the fire in the ordinance. She asked that the wording be looked at for this ordinance and tighten it up and adding some other devices in it.

Mayor Demspey stated that Chris Barkalow, the Fire Official is the one who designed the ordinance and he is the expert, so if there are any changes Ms. Ryan should see him.

Fran Drew, 111 Third Avenue, wanted to know if it would be possible to use a crane by boat for Fisherman's Cove instead of blocking the road.

Council Member Lucas stated that the tide would have a lot to do with whether or not a crane on a boat could be used since there are lots of rocks by there.

Ms. Drew stated that is something Mr. Rooney could check with the crane operators. She stated regarding Squan Plaza that she worked on the project about 8 years ago and learned a lot of helpful things. She stated that she learned that day lighting part of Judas Creek not only meets the best management practices but also could solve the flooding problem that occurs when there is a heavy rain and it would help clean up any ground water contamination and on top of that it opens the door to a tremendous amount of funding. She stated that she was at the last meeting when Mr. Weisert made his request and she thought that he said at that meeting that originally cablevision gave \$10,000 for use in that area but the money was used at that time by Mr. Trengrove to buy computers or fix computers. She stated that if that is true then it seems to her that perhaps council could reconsider the \$6500 so that the program can be started before the 125<sup>th</sup> Anniversary of Manasquan to get people more involved in it.

Carol Hoblitzell, 403 Beachfront, concurred with Ms. Ryan with her concerns of the fire pits and open flames. She went over some encounters that she has had with ambers. She stated that she does not know

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much about the bocce court but has played shuffle board and wanted to know if there was going to be a problem with the roots of the trees and the leaves.

Mr. DeIorio stated that any bocce court will need maintenance and there will be leaves that need to be cleared but on the other hand the trees provide shade from the sun.

Richard Dee, 37 First Avenue, stated that he does not have much luck with people being paid over \$100,000 a year by the town and that he is tired of getting Mr. Trengrove's message, but at any rate he might know something that people probably don't like to think about and that is ways to make money instead of spending it. He stated that he thinks he heard the town engineer come up with hundreds of thousands of dollars worth of proposals and he sees hundreds of thousands of dollars worth of revenue readily available by just good business management at the beach. He stated at the beach a lot of the people that have the houses have begun to encroach on the dunes, on the beach, etc. and they have enlarged their beachfront properties by as much as 20%. He stated that he pays for every d??? inch of his property and these people are going right out onto the beach. He stated that is apparently nothing new in fact they even have a name for it "encroachment fee." He stated that there is only one encroachment on the beach which is from Mr. Wright. He stated that on the North end people have just been moving on out onto the beach and some areas have been paved. He stated that he was sitting in a chair that was placed on a dune that was dug out. He was approached by someone who stated that you are sitting in his chair on his property. He advised the gentlemen that he does not know whose chair it is but he does know whose property it is and it is not yours it belongs to the town. He stated that he just wanted to bring this to the attention of the council because he would call up somebody and get Mr. Trengrove's message and try to say hey look here is a way to raise a couple hundred thousand bucks. He stated that the other way to raise a couple hundred thousand would be just to have better enforcement at the beach of the beach collections. He stated that he watches these things carefully and he has seen hundreds of people just avoid the badge collectors. He stated that there are no sweeps of the beach. He stated that hundreds of thousands of dollars are being lost just because nobody is doing anything except texting or reading books. He went over his concern of the young people working and with the unemployment rate being high and there should be older people working that have experience.

Mayor Demspey went over the process for the encroachments that the Borough has. He advised that the only time that the town knows there is an encroachment is when the property is re-surveyed and goes through the planning board for a variance to add on to the property. Once the encroachment is found the property owner can either pay for the encroachment or remove the encroachment.

Mayor Dempsey stated that he will send Patrick Callahan down to the beach to see what Mr. Dee is talking about with regard to the chairs and the dunes being cut out for personal use.

Kathy Verde, 63 McGreevey Avenue, wanted to know if children can play bocce on the court.

Mayor Dempsey stated that it is geared for adults and that there will probably be a locker with a key and the key would be at the police department.

Joe Bossone, 46 Ridge Avenue, asked Mr. Grasso about his comment about closing the bars at 12 o'clock. He stated that this has already been gone through and it caused a lot of problems in town, and he wanted to know if Mr. Grasso was serious about closing the bars at 12 o'clock or is it just a threat that he throws out.

Council Member Grasso asked if Mr. Bossone can give him some ideas of problems.

There was discussion on questions and any problems between Council Member Grasso and Mr. Bossone.

Council Member Grasso stated "unless you can tell me what problems you are discussing I can't give you an answer."

Mr. Bossone stated "I do not have the problem."

Mayor Dempsey stated that Mr. Bossone is asking a question as to the seriousness of the 12 o'clock closing.

Council Member Grasso stated "I can not answer that unless I know what the problems are."



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Mr. Bossone asked again if Council Member Grasso is "serious about pursuing a midnight closing or is this just a threat that you throw out there every now and again."

Council Member Grasso asked what are the problems. He stated that Mr. Bossone has lived here for 25 years and he has not and asked what are the problems, tell me and I will tell you my answer.

Mr. Bossone stated "obviously you are not going to answer."

There was discussion between Council Member Grasso and Mr. Bossone.

Council Member Lucas made a motion to close the public session, seconded by Council Member McCarthy. Motion carried unanimously.

Council Member Lucas made a motion to close the regular meeting at 10:00 p.m., seconded by Council Member Lee. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria  
Municipal Clerk

**DATE APPROVED** 12-28-11