

September 26, 2011

A Regular Meeting of Mayor and Council was convened at 8:18 p.m. on September 26, 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, Donovan, Lee, Lucas, and McCarthy

Absent: Grasso

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

#### CONSENT AGENDA

#### RESOLUTION 236-2011

#### RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY, RETIRING CLUB LICENSE NO. 1327-31-014-001 ISSUED TO MANASQUAN HOOK & LADDER CO. 1 IN AND BY THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY

**WHEREAS**, Club License No. 1327-31-014-001 was previously issued to Manasquan Hook & Ladder Co. 1 (the "Club License"); and

**WHEREAS**, the municipality was notified by the Division of Alcoholic Beverage Control that a resolution should be adopted by the municipality retiring this Club License.

**NOW, THEREFORE BE IT RESOLVED** on the 26<sup>th</sup> day of September, 2011, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. Club License 1327-31-014-001, previously issued to Manasquan Hook & Ladder Co. 1, is retired based upon the Licensee advising the Municipality that it did not wish to renew its license.
2. A certified copy of this Resolution shall be sent to

Director Jerry Fischer  
Division of Alcoholic Beverage Control  
140 East Front Street  
P.O. Box 087  
Trenton, NJ 08625-0087

Manasquan Hook & Ladder Co. 1  
33 Abe Voorhees Drive  
Manasquan, NJ 08736

#### RESOLUTION 237-2011

#### RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, COUNTY OF

September 26, 2011

**MONMOUTH, NEW JERSEY, AUTHORIZING T & M  
ASSOCIATES TO SUBMIT APPLICATION FOR BEACH  
AND DUNE MAINTENANCE**

**WHEREAS**, a Modification of the NJDEP Coastal General Permit No. 6 Beach and Dune Maintenance Activities is needed to include the area (Block 187, Lot 26) adjacent to the restroom facility of Riverside Drive; and

**WHEREAS**, an application for the modification of the current NJDEP Coastal General Permit Application for Beach and Dune Maintenance needs to be prepared and submitted; and

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Manasquan would like to authorize the services of T & M Associates, 9 Grand Avenue, Toms River, NJ 08753 for a not to exceed fee of \$5,750 per the proposal dated September 15, 2011; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council authorize the Administrator/CFO to sign and execute the agreement noted in this resolution subject.

**RESOLUTION  
240-2011**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AWARDED  
BID AND AUTHORIZING A CONTRACT FOR RECYCLABLE  
MATERIAL COLLECTION, REMOVAL AND DISPOSAL WITH DE  
LISA DEMOLITION, INC.**

**WHEREAS**, the current contract for the collection, removal and disposal of recyclable materials expires on December 31, 2011;

**WHEREAS**, the Borough of Manasquan entertained bids from contractors to provide for Recycling Services to the Borough of Manasquan and such bid process was duly advertised and required bids to be submitted by 2:00 p.m. on August 24, 2011 in accordance with N.J.A.C. 7:26H-6 et seq; and

**WHEREAS**, bids were received by various contractors pursuant to the conditions of the bid process; and

**WHEREAS**, pursuant to N.J.S.A. 40a:11-23.2., DeLisa Demolition, Inc. has fulfilled the requirements of the bid process; and

**WHEREAS**, the bid by DeLisa Demolition, Inc. included a three (3) year term beginning January 1, 2012 and concluding December 31, 2014; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that DeLisa Demolition, Inc. has been awarded the bid to provide collection, removal and disposal of recyclable materials to the Borough of Manasquan for a three (3) term to commence on January 1, 2012 as follows;

<u>Option</u>	<u>Period</u>	<u>Contract Amount</u>
#1	January 1, 2012 through	\$46,400.00

September 26, 2011

December 31, 2012

#1	January 1, 2013 through December 31, 2013	\$46,400.00
#1	January 1, 2014 through December 31, 2014	\$53,600.00

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

DeLisa Demolition, Inc.  
64 Steiner Avenue  
Neptune, NJ 07753

**BE IT FURTHER RESOLVED**, that the Mayor and Council authorizes the Borough Attorney to prepare a Contract for the Collection, Removal and Disposal of Recyclable Materials with DeLisa Demolition, Inc. and further authorizes the Mayor and Municipal Clerk to execute the agreement noted in this resolution.

**RESOLUTION  
241-2011**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AWARDED  
BID AND AUTHORIZING A CONTRACT FOR SOLID WASTE  
COLLECTION SERVICE WITH DELISA DEMOLITION, INC.**

**WHEREAS**, the current contract for Solid Waste Collection Services expires on December 31, 2011; and

**WHEREAS**, the Borough of Manasquan entertained bids from contractors to provide for Solid Waste Collection Services to the Borough of Manasquan and such bid process was duly advertised and required bids to be submitted by 2:00 p.m. on August 24, 2011 in accordance with N.J.A.C. 7:26H et seq; and

**WHEREAS**, bids were received by various contractors pursuant to the conditions of the bid process; and

**WHEREAS**, pursuant to N.J.S.A. 40a:11-23.2, DeLisa Demolition, Inc. has fulfilled the requirements of the bid process; and

**WHEREAS**, the bid by DeLisa Demolition, Inc. included a three (3) year term beginning January 1, 2012 and concluding December 31, 2014; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that DeLisa Demolition, Inc. has been awarded to provide solid waste collection services to the Borough of Manasquan for a three (3) term to commence on January 1, 2012 as follows;

<u>Option</u>	<u>Period</u>	<u>Contract Amount</u>
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September 26, 2011

#2	January 1, 2012 through December 31, 2012	\$277,000.00
#2	January 1, 2013 through December 31, 2013	\$277,000.00
#2	January 1, 2014 through December 31, 2014	\$277,000.00

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

DeLisa Demolition, Inc.  
64 Steiner Avenue  
Neptune, NJ 07753

**BE IT FURTHER RESOLVED**, that the Mayor and Council authorizes the Borough Attorney to prepare a Contract for Solid Waste Collection Service with DeLisa Demolition, Inc. and further authorizes the Mayor and Municipal Clerk to execute the agreement noted in this resolution.

**RESOLUTION  
239-2011**

**Whereas**, the Borough of Manasquan entered into a contract with the County of Monmouth of July 14, 2005 for the rehabilitation of units of substandard owner occupied housing, and

**Whereas**, on August 4, 2008, the Borough of Manasquan amended the service agreement for contract administration of the Borough of Manasquan's Mount Laurel Indigenous Need Housing Rehabilitation Program with the County of Monmouth through County Resolution 08-767 and

**Whereas**, the per unit increase maximum increased from \$16,000 to \$25,000 per unit and,

**Whereas**, the County of Monmouth contacted the Borough of Manasquan to request additional funds for the rehabilitation of an owner occupied home located on Block 68 Lot 115 identified by the County as File # 303-MQR-910 and,

**Whereas**, the Chief Financial Officers certifies that Borough's Affordable Housing Trust account, used for these purposes, has sufficient funds for this request.

**Now therefore be it resolved** that the Borough of Manasquan agrees with the county recommendation to extend the maximum funding for rehabilitation to \$30,000 solely for the purposes of Block 68 Lot 115 identified as #303-MQR-910 and

**Be it further resolved** that this increase does not obligate future rehabilitation request unless authorized through a separate resolution.

**RESOLUTION  
238-2011**

**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 Municipal Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

September 26, 2011

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

CURRENT FUND APPROPRIATIONS	76,324.88
WATER/SEWER FUND APPROPRIATIONS	13,182.90
BEACH UTILITY FD APPROPRIATIONS	13,727.41
IMPROVEMENT AUTHORIZATIONS-CURRENT	18,879.05
IMPROVEMENT AUTHORIZATIONS -W/S	115,995.79

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, Donovan, Lee, Lucas, and McCarthy, "no" none.

### **ORDINANCES**

The Borough Attorney read the title of ordinance 2094-11 for second reading and final hearing.

#### **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**

The Mayor asked if there were any questions or comments regarding ordinance 2094-11.

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

There being none, Council Member Lee made a motion to close the public hearing, seconded by Council Member McCarthy. Motion carried unanimously.

Council Member Donovan made motion to pass and publish according to law ordinance 2094-121, seconded by Council Member Lee. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Lee, Lucas and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2095-11 for second reading and final hearing.

#### **BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF MANASQUAN BEACH HEADQUARTERS BUILDING, BATHROOMS LOCATED AT MAIN STREET AND BOARDWALK RIGHT OF WAY (BEACHFRONT) AND OTHER RELATED BEACH IMPROVEMENTS IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY, APPROPRIATING \$1,600,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**

Mayor Dempsey asked Mr. DeIorio to give a report on this ordinance.

Mr. DeIorio stated that after the last council meeting there were some comments and questions about the condition of the building and he reached out to the Joint Insurance Fund representatives and they advised that they are not able to provide us with someone with the ability to inspect the condition or structural integrity of the building. He stated that they would provide the Borough with a safety manager who would check for issues such as asbestos, lead, work conditions, air quality. He advised that he reached out to someone he knows with the experience and who has no contacts with Manasquan and that he worked with in the past. He advised that he was informed that there are some code compliance issues.

Council Member Connolly wanted to know if the JIF Claims Department was notified.

Mr. DeIorio stated that he did contact the JIF Claims Department and they indicated that they would look at the building as a result of the condition of the building because of the earthquake and damage that occurred.

September 26, 2011

He stated that they will not comment on the condition of the building only if the Borough wishes to pursue a claim against it for the cost involved to repair or replace.

Council Member Connolly stated that it is the claims department that would make the decision of totaling the building or not. She stated that they should be in looking at the building.

Mr. DeIorio stated that he has contacted them and they will be looking at the building.

Mayor Demspey asked Mr. DeIorio to give a synopsis of the report for the public so that they will have an idea of what is contained in the report.

Mr. DeIorio stated that the report is to determine if the existing beach building on Main Street can be partially used for the new construction plans or if the building should be demolished and start with a complete new structure. He advised that there are photographs included in the report and he went over the report for the public. He advised that the report states that the building should be demolished and a new building be built to be in compliance with ADA along with it being an energy efficient building.

Mayor Dempsey asked if there were any comments or questions from council.

Council Member Connolly stated that she has concerns with the cost of the new building. She wanted to know when the discussion started for the building because as far as she knows Chris Rice gave a presentation. She stated that the Mayor said after the presentation there would be more discussion. She stated that she does not know what happened because now she is getting hit with a \$1.6 million bond issue. She stated that from January until Chris Rice appeared she did not receive any information, no resolutions passed, and there was a presentation tonight about replacing a phone system that was better. She stated that she believes that is bad management. She stated that she is concerned with the transparency to the public and with her. She recommended putting a hold on the whole issue and that it be re-examined, especially in light of this inspectors report. She went over her concerns with the inception of the beach building replacement in January until the present.

Council Member Lee stated that he would have to disagree with Council Member Connolly. He stated that the discussions were started on January 22, 2011, February 22, 2011, and on March 7, 2011 there was a resolution. He stated that he believes that this issue is political because Council Member Connolly claims there has been no discussion but there was discussion at the April 4, 2011 meeting and in June he brought it up in his committee report. Also, on July 18, 2011 Chris Rice made his presentation, August 2, 2011 Chris Rice went to the Planning Board and made another presentation to the public. He stated that the transparency is very open and again September 12, 2011 it was discussed. He stated that this has been in a planning purpose for many years. He stated that the projects at the beach have been taken one at a time and they have been addressed in order of importance. He stated that there are no tax dollars being used for this project and that it is all beach money that is driven by parking revenues and beach badge sales. He stated that he takes offense to Council Member Connolly suggest otherwise.

There was discussion on the wording of the bond ordinance as to the Borough of Manasquan being responsible for payment and the process for payments.

Mr. Kitrick stated that the language in the ordinance is required and standard language for adoption.

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

Jack Drew 111 Third Avenue stated that he has not seen a plan of the building and wanted to know if one has been presented and does the Borough know that it has to spend that much money to provide the services that are needed.

Mayor Dempsey stated that with all the projects that the Borough does the architect and engineer is asked to give a projected price and with a cushion so that the ordinance does not need to be amended. He stated that if the \$1.6 million does not get used it will be cancelled.

Mary Ryan, 113 Beachfront thanked Council Member Lee for bringing forward information regarding which meetings this subject was discussed. She stated that she remembers sitting at council meetings listening to conversations about the beach building. She suggested that if anyone has any questions with regards to the beach building just go and look at the building. She stated that is the focal point when people

September 26, 2011

come into town and go to the beach and it should be welcoming and modern looking. She stated that she believes that this is a positive thing for the beach and town and does not believe there has been anything hidden about it. She also stated that she believes that this has been very transparent process just from attending the council meetings.

Lou Coccozza, 45 N. Potter Avenue stated that he was present at a meeting and he believes it was one of the budget meetings for the Beach and it was Council Member Grasso who came up with the idea of incorporating local architecture students. He stated that he believes that Council Member Connolly and Council Member Grasso talk and does not understand how she can say she did not know about this project.

Rich Barthalomew, 121 Lake Avenue stated that there was a phrase in the ordinance that said "and other beach related improvements" and wanted to know if there are any other specific improvements that are being thought about.

Mayor Demspey stated that he believes it pertains to the walkways to the approach to the bathrooms and possibly having to reconfigure part of the ramps.

Carl Straub, 27 Willow Way wanted to know what will be expected in a new building, such as a beach badge sales office, public bathroom, beach manager office, lifeguard facilities and EMT room. He wanted to know if this description is available to the public.

Mayor Dempsey stated that there is a set of plans available at Borough Hall and Mr. DeLorio will put them on the website. He stated that the requirements were suggested by all the different departments that will be using the building.

Mr. DeLorio went over the surplus account and how it works.

Council Member Connolly went over what she believes can be done with the beach money to offset costs to the taxpayers.

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

Council Member Lee made a motion to approve and publish according to law ordinance 2095-11, seconded by Council Member Lucas. Motion carried by the following vote, "yes" Council Member Donovan, Lee, Lucas, and McCarthy, "no" Council Member Connolly.

## COMMITTEE REPORTS

Administration and Finance Committee – Council Member Connolly stated that she does not have a report for this meeting.

Public Safety & Recycling – Council Member Lucas stated that he has nothing further to report at this time.

Beach Committee – Council Member Lee reported that the unaudited results from the beach for 2011 are \$1,760,400 and last year was \$1,793,300 which is down about \$32,000. He reported that the revenues for 2009 were \$1,537,039. He thanked Wally and his staff for a great year.

Public Property and Parks Committee – Council Member McCarthy reported that there have been some comments from neighbors in the Mac's Pond area that the geese have returned to the area. He advised that there will be a meeting this week to address the geese concern and re-install the wire that was laid across Mac's Pond to prevent geese from landing there. He reported that there was a meeting to address the sidewalks on Main Street particularly the areas of the sidewalk that have been uplifted by tree roots. He advised they are looking into getting different types of trees planted that would have less of a root problem. He stated that a lot of credit should be given to the Mayor with regard to the hurricane as he has been working behind the scenes, giving updates with regard to JCP&L as well as representative of the State.

Public Works Committee – Council Member Donovan reported that the leaf collection season starts on Monday, October 3, 2011 on the east side of the tracks and the schedule is on the website. He reported that the DPW started reading water meters today and the geese control wires are to be installed on Mac's Pond on Wednesday. He reported that the 2 new wells at the Water Treatment Plant are almost complete. He advised that the new plant should be on line by mid November. He congratulated the Environmental

September 26, 2011

Commission on a successful paper shredding event on September 18 where they collected 4 ½ tons of business paper and received 120 pounds of food donations from the participants for the Monmouth/Ocean Food Bank. He congratulated the Recreation Commission on a successful family picnic. He reported the resignation of Carmen Triggiano as Alternate #1 of the Recreation Commission. He congratulated the Chamber of Commerce on a successful Arts & Crafts Fair on Saturday, September 24.

#### AUDIENCE PARTICIPATION

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

Mary Ryan, 113 Beachfront addressed the Hurricane Irene Report wherein the Borough is offering permit waivers for residents who needed to do repairs as a result of the hurricane. She suggested that the Borough also offer an amnesty to people who receive summonses who were confused or otherwise just uninformed about the bulk pick up after Hurricane Irene. She suggested adding a day after labor for the bulk pick up.

Mr. DeIorio stated that the waiver of the permit fee was issued by the State of New Jersey allowing the municipality to give that option.

Fran Drew, 11 Third Avenue stated that she was saddened by the loss of so many shade trees during the hurricane. She stated that she believes that there were no sycamores trees lost.

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

Mr. DeIorio stated that he received an e-mail from Council Member Grasso and asked that he note for the record that he was not able to attend for medical reasons.

Council Member Connolly made a motion to close the regular meeting at 9:20 p.m., seconded by Council Member Lee. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria  
Municipal Clerk

DATE APPROVED 2-6-12