

JANUARY 17, 2012

Regular Meeting of Mayor and Council was convened at 8:00 p.m. on January 17, 2012 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 7, 2011.

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 Bossone, Connolly, Donovan, Mangan, and McCarthy

Absent: Council Member Grasso

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

**APPOINTMENT: Mr. Charles Rooney – Borough Engineer's Report**

Mr. Charles Rooney read the Engineer's report dated January 12, 2012.

Mr. Rooney advised the council and the audience what has already been done and what needs to be done to the Fisherman's Cove Bulkhead.

Mr. DeIorio stated that the Borough has already met the 25% share of the Fisherman's Cove Bulkhead Project and he believes that the Borough would not need to include any additional funds.

It was recommended that the Public Works Committee be involved with the Fisherman's Cove Project.

Mr. Rooney continued with his report with CAFRA Permit/Beach and Dune Maintenance and the items following.

Mr. Rooney advised that the Blakey Avenue project bids were rejected and the new bid will be advertised this week with bid opening scheduled for February 16, 2012 with a report ready for the 20<sup>th</sup> of February.

Council Member Mangan recommended advertising in the Star Ledger as well as the Asbury Park Press and the Coast Star.

Mr. Rooney continued his report with NJDOT Local Aid 2012 and the items following.

**APPOINTMENTS:**

Mayor Dempsey made the following appointment:

Jamie Biesiada to Tourism Commission for an unexpired term of 1/1/11-12/31/13

**CONSENT AGENDA**

**RESOLUTION APPOINTING AND REAFFIRMING  
MUNICIPAL COURT JUDGE PAUL CAPOTORTO  
27-2012**

**WHEREAS**, on June 20th, 2011 the Governing Body of Manasquan appointed Paul Capotorto as Municipal Court Judge on a temporary basis until a permanent appointment is made via Resolution 162-11; and

**WHEREAS**, his annual salary shall not exceed \$30,000.00 per annum in accordance with the annual salary ordinance of the Borough of Manasquan; and

**WHEREAS**, Paul Capotorto, Esq., is to be considered a part-time employee of the Borough and therefore not entitled to benefits, such as medical benefits, afforded full-time permanent employees.

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**NOW, THEREFORE BE IT RESOLVED**, that Paul Capotorto, Esq., is hereby appointed and reaffirmed to an unexpired term ending May 3, 2012, to the position of Municipal Court Judge for the Borough of Manasquan at an annual salary of \$30,000.00 and shall be considered a part-time employee.

**RESOLUTION  
28-2012**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey that the Mayor and Municipal Clerk be authorized to sign an Animal Control Contract with the Associated Humane Societies, Inc. for the term commencing January 1, 2012 through December 31, 2012.

**RESOLUTION  
29-2012**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that Manasquan Hook & Ladder, Company No.1 has submitted the attached members that qualify under Ordinance 2005-07 Section 7 for "Exemption from the Payment of Permit Fees" these Members responded to 20% or more of the calls of the Unit or are Life Members of the Manasquan Hook & Ladder Company #1 Manasquan First Aid.

**RESOLUTION  
30-2012**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R. S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations," and,

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date

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fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Manasquan, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION  
32-2012**

**WHEREAS**, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefor; and

**WHEREAS**, the borough council has determined that there is a need for professional services during the 2012 calendar year; and

**WHEREAS**, the borough council has determined to provide the need to acquire these professional services as a non-fair and open contract pursuant to the provisions of N. J. S. A. 19:44A-20.5; and

**WHEREAS**, the chief financial officer of the municipality has determined and certified in writing that the value of these professional services will not exceed \$21,000; and

**WHEREAS**, the anticipated term of these contracts are one year (January 1, 2012 to December 31, 2012); and

**WHEREAS**, the following professional services providers have or will submit contracts to be reviewed for completeness and approval by the borough attorney indicating that they will provide their services for the agreed upon rate (s) that are contained in their contracts that are on file in the Clerk's Office.

John Ducey – Conflict Attorney

These appointments are made pursuant to N. J. S. 2B:12-1 et seq.

**WHEREAS**, a certification as to the availability of funds executed by the chief financial officer is attached to this resolution pursuant to the provisions of N. J. A. C. 5:30-5-4;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 7th day of January, 2012 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the municipal clerk, and shall be available for public inspection.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with these professionals to provide professional services to the municipality for the 2012 contract year at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.
4. A certified copy of this resolution shall be sent to the professionals included in this resolution.

**RESOLUTION  
33-2012**

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**WHEREAS**, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefor; and

**WHEREAS**, the borough council has determined that there is a need for professional services during the 2012 calendar year; and

**WHEREAS**, the borough council has determined to provide the need to acquire these professional services as a non-fair and open contract pursuant to the provisions of N. J. S. A. 19:44A-20.5; and

**WHEREAS**, the chief financial officer of the municipality has determined and certified in writing that the value of these professional services will not exceed \$21,000; and

**WHEREAS**, the anticipated term of these contracts are one year (January 1, 2012 to December 31, 2012); and

**WHEREAS**, the following professional services providers have or will submit contracts to be reviewed for completeness and approval by the borough attorney indicating that they will provide their services for the agreed upon rate (s) that are contained in their contracts that are on file in the Clerk's Office.

Kevin Starkey – Labor Attorney

These appointments are made pursuant to N. J. S. 2B:12-1 et seq.

**WHEREAS**, a certification as to the availability of funds executed by the chief financial officer is attached to this resolution pursuant to the provisions of N. J. A. C. 5:30-5-4;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 17th day of January, 2012 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the municipal clerk, and shall be available for public inspection.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with these professionals to provide professional services to the municipality for the 2012 contract year at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.
4. A certified copy of this resolution shall be sent to the professionals included in this resolution.

Council Member Bossone made a motion to approve the Consent Agenda, seconded by Council Member McCarthy. Motion carried by the following votes, "yes" Council Member Bossone, Connolly, Donovan, Mangan, and McCarthy, "no" none.

## **RESOLUTION 31-2012**

**WHEREAS**, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefor; and

**WHEREAS**, the borough council has determined that there is a need for professional services during the 2012 calendar year; and

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**WHEREAS**, the borough council has determined to provide the need to acquire these professional services as a non-fair and open contract pursuant to the provisions of N. J. S. A. 19:44A-20.5; and

**WHEREAS**, the chief financial officer of the municipality has determined and certified in writing that the value of these professional services will exceed \$21,000; and

**WHEREAS**, the anticipated term of these contracts are one year (January 1, 2012 to December 31, 2012); and

**WHEREAS**, the following professional services providers have or will submit contracts to be reviewed for completeness and approval by the borough attorney indicating that they will provide their services for the agreed upon rate (s) that are contained in their contracts that are on file in the Clerk's Office.

Geoffery S. Cramer - Planning Board Attorney

Albert D. Yodakis, T & M Associates - Board Engineer

These appointments are made pursuant to N. J. S. 2B:12-1 et seq.

**WHEREAS**, a certification as to the availability of funds executed by the chief financial officer is attached to this resolution pursuant to the provisions of N. J. A. C. 5:30-5-4;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 17th day of January, 2012 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the municipal clerk, and shall be available for public inspection.
4. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with these professionals to provide professional services to the municipality for the 2012 contract year at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.
4. A certified copy of this resolution shall be sent to the professionals included in this resolution.

Council Member Mangan made a motion to approve Resolution 31-12, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Members Bossone, Connolly, Donovan, and Mangan, "no" none. Council Member McCarthy abstained from voting.

## **ORDINANCES**

The Borough Attorney read the title of ordinance 2103-12 for first reading and introduction.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11 (DOCKS AND BULKHEADS) OF THE MUNICIPAL CODE TO ESTABLISH THE TERM OF LEASES AND RENTAL FEES FOR THE DOCKING AND MOORING OF BOATS, AND TO ESTABLISH DRY STORAGE FEES FOR BOATS, RECREATIONAL VEHICLES AND NONCOMMERCIAL TRAILERS IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY.**

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2103-12

Council Member Donovan made a motion to introduce ordinance 2103-12, seconded by Council Member Mangan. Motion carried by the following vote, "yes" Council Member Bossone, Connolly, Donovan, Mangan, and McCarthy, "no" none.

## COMMITTEE REPORTS

Public Safety & Recycling –Council Member McCarthy reported that he spoke to the Chief Pro Tem and was informed that the Division of Police Training has advised the new police officer hired at the end of last year, Ken Hamill, that he is exempt from attending the full academy. Mr. Hamill was required to attend a 1 day orientation on January 9 and over the next 5 ½ months he will be required to attend 17 classes and then he will be fully certified as a Police Officer on May 24, 2012 and during that period when Mr. Hamill is not in training he will be scheduled to work as a Police Officer. He stated that the committee will be meeting to address the hiring and naming of the new Police Chief. He stated that the Planning Board will be meeting in March to take a comprehensive look at all the Borough's land use ordinances and address some of the concerns such as flag lots and building two houses on single lots.

Public Property and Parks Committee – Council Member Mangan reported that Tourism welcomed Jamie Besieda as a new member and he is looking to a very productive year. He advised that the parks and public property committee will be meeting to discuss the bulkheads and a request that was carried over from last year which is an Eagle Scout who will be working on improvements to Manito Park. He advised that the committee will be working on the Borough's energy policy and discussing how the Borough can work with different groups in town that are already promoting better energy projects.

Public Works Committee – Council Member Ed Donovan reported that the new water treatment plant should be on line mid February with further testing. He advised that Christmas Trees will be picked up until February 24. He also advised that the new mason dump truck has been delivered and it is being used by the Department of Public Works and it would be used to help out in the event there is any snow. He advised that the Public Works budget will be discussed this Saturday. He reported that the Environmental Commission will be distributing recycling information to business and multi family dwellings and the information will contain instructions on reports that those entities are required to file with the Certified Recycling Coordinator.

Administration and Finance Committee – Council Member Connolly reported that the budget meetings will start this Saturday, January 21, 2012 and there are 2 more schedule, Saturday January 28 and Saturday, February 11. She advised that the Fire District is having their public meeting tomorrow night regarding their budget at 35 Colby Avenue at 7:15 p.m. She also advised that the public will be voting on the Fire District Budget on February 18.

Beach Committee – Council Member Bossone welcomed Jamie Besieda to the Tourism Commission. He reported that he met with the Beach Manager and the Administrator to go over building plans. He advised that the committee will be meeting this week to go over the budget.

## AUDIENCE PARTICIPATION

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

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

Council Member Donovan made a motion to adjourn the regular meeting at 8:30 p.m., seconded by Council Member Bossone. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria  
Municipal Clerk

DATE APPROVED 3-19-12