

MARCH 22, 2010

A Regular Meeting of Mayor and Council was convened at 8:40 p.m., in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag. Alex Yasenchak and Shey Grady, Manasquan Troop #59 Boy Scouts led the salute to the Flag.

The Mayor 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 22, 2009.

ROLL CALL: Present: Council Members Bossone, Connolly, Donovan, Grasso, Lee, Lucas.

Absent: None.

Also present were Municipal Administrator John Trengrove and Municipal Attorney James Kinneally.

Mayor Dempsey asked Alex Yasenchak and Shey Grady if they had any questions for the members of the Governing Body.

Alex Yasenchak, 10 Acpoan Place asked if a sign could be put in the DPW yard directing residents to the Boy Scout's Newspaper Shed since there has been some confusion about where the newspaper recycling shed is.

Council Member Lucas thanked all those involved with the Boy Scout Newspaper Recycling efforts.

Shey Grady, Manasquan Boy Scout related that numerous teenagers hang around in Curtis Park at late hours and disturb the neighbors.

Council Member Lucas related that the Police Chief along with other Manasquan Police Officers are present in the audience and have heard your complaint.

PROCLAMATIONS:

The Mayor presented the following proclamation.

WHEREAS, the health of our community's people is the Foundation for a caring and productive society and our future rests with our ability to find cures for, and adequately treat individuals who are afflicted with a variety of illnesses; and

WHEREAS: hundreds of thousands of people are living with scleroderma and related conditions who continue to wait for a cure; and

WHEREAS: The Scleroderma Foundation is a non-profit organization dedicated to saving lives through scleroderma education and awareness; and

WHEREAS: The Scleroderma Foundation works to lessen the suffering related to this disease through research, service, and patient family and support;

NOW, THEREFORE, BE IT RESOLVED, that I, George R. Dempsey, Jr., Mayor of the Borough of Manasquan, on behalf of the Borough Council and the good people of Manasquan do hereby proclaim June 2010 to be

SCLERODERMA AWARENESS MONTH

and urge all the citizens of the State to recognize the seriousness of this disease and the meritorious work of the Scleroderma Foundation to find a cure.

Council Member Donovan related that a 21 year old friend of his had Scleroderma. He described the horrible symptoms and related that she passed away from the disease at only 26 years old. He related that he, along with his wife, have participated in several Scleroderma Fundraising walks and noted that the awareness of this disease has increased over the past 10 to 12 years.

MARCH 22, 2010

BOROUGH ENGINEER'S REPORT – Mr. Charles Rooney.

Mr. Rooney read the March 22, 2010 Borough Engineer's Report.

The Mayor asked if any member of the Governing Body had any questions for Mr. Rooney.

Council Member Lee asked if the Third Avenue Bulkhead Project can be expedited due to the damage done there after the recent storm.

Mr. Rooney related that area has been vulnerable for a while and got worse after the recent storm. He related that he hopes it will help. He also noted that he does not believe the Borough would like the project to occur during the summer months.

Council Member Lee related that he supports the T & M Associates bid for professional services for the Water Treatment Plant Project Engineering Services and related that it is best since T & M Associates designed the project that they oversee it.

Mr. Rooney related that it truly puts the ownership of the design and construction in one place. He described T & M Associate's proposal.

There was continued discussion regarding this matter.

2010 BUDGET INTRODUCTION – Mayor Dempsey related that the budget introduction has been removed from the agenda.

CONSENT AGENDA

Council Member Connolly made a motion to vote on the resolutions separately, seconded by Council Member Lee. Motion carried unanimously.

The Borough Attorney presented the following resolution for approval.

**BOROUGH OF MANASQUAN
RESOLUTION
36-2010**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the following transfer in the 2009 Budget be authorized:

CURRENT FUND

TO:		
	Legal Services & Costs	\$1,000.00

FROM:		
	Planning Board OE	\$1,000.00

Council Member Lee made a motion to approve the resolution, seconded by Council Member Grasso. Roll Call was taken and the motion was unanimously approved.

The Borough Attorney presented the following resolution for approval.

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 Law and Finance Committee and as set forth in the 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.

MARCH 22, 2010

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

CURRENT FUND:	\$ 50,423.22
WATER/SEWER FUND:	15,014.69
BEACH FUND:	1,475.84
GENERAL CAPITAL FUND:	431.06
WATER/SEWER CAPITAL FUND:	12,041.17
BEACH IMPROVEMENT FUND:	

Council Member Donovan made a motion to approve the resolution, seconded by Council Member Bossone. Roll Call was taken and the motion was unanimously approved.

The Borough Attorney presented the following resolution for approval.

**BOROUGH OF MANASQUAN
RESOLUTION
32-2010**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan approve the Water Treatment Plant Replacement Project Proposal.

Council Member Donovan made a motion to approve the resolution, seconded by Council Member Bossone. Motion approved by the following vote: "yes" Council Members Bossone, Donovan, Lee, Lucas. "No" Council Members Connolly, Donovan.

The Borough Attorney presented the following resolution for approval.

**BOROUGH OF MANASQUAN
RESOLUTION NO. 31-2010**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, NEW JERSEY, ADOPTING A NEW JERSEY
GOVERNMENT §457 DEFERRED COMPENSATION PLAN DOCUMENT**

WHEREAS, the Borough of Manasquan (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective December 17, 1990 for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer desires to adopt a restated Plan Document; and

WHEREAS, such revised Plan Document shall supersede the previously adopted Plan Document; and

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Manasquan hereby adopts a deferred compensation plan provided by Great-West Life & Insurance Company that has been assigned the plan identifier 74-PD-GWL-120208 by the Division of Local Government Services.

BE IT FURTHER RESOLVED that the Employer is adopting a deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Taxpayer Relief Act of 2001 (United States Public Law No. 105-34), the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law 107-16), the Pension Protection Act of 2006 (PPA), the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act), and final Treasury Regulations §1.457-4, and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent, and;

BE IT FURTHER RESOLVED, the Borough of Manasquan Administrator, is hereby designated as the Local Plan Administrator of the Plan; and

MARCH 22, 2010

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803, Trenton, NJ 08625-0803

Council Member Donovan made a motion to approve the resolution, seconded by Council Member Bossone. Roll Call was taken and the motion was unanimously approved.

**BOROUGH OF MANASQUAN
RESOLUTION
33-2010**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, Monmouth County, State of New Jersey, that the Municipal Clerk and the Mayor be authorized to sign the Interlocal Agreement between the Township of Wall and the Borough of Manasquan for the services of the Township's Crisis Intervention Team (CIT) to the Borough of Manasquan for victims of domestic violence. This agreement is for one year commencing May 1, 2010 and terminating on April 30, 2011.

Council Member Bossone made a motion to approve the motion, seconded by Council Member Connolly. Roll Call was taken and the motion was carried unanimously.

The Borough Attorney presented the following resolution for approval.

**BOROUGH OF MANASQUAN
RESOLUTION NO. 34-2010**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE
AGREEMENT #10A-13 WITH THE COUNTY OF MONMOUTH**

WHEREAS, the County of Monmouth desires to obtain alcoholism/drug abuse prevention services; and

WHEREAS, the Borough of Manasquan, and its partner towns of Brielle, Sea Girt and Spring Lake Heights have formed the Shore Community Alliance for the purposes of providing alcoholism and drug abuse prevention services ;and

WHEREAS, the County of Monmouth has agreed to pay the Borough of Manasquan a sum not to exceed \$48,835.00 to provide the aforementioned services; and

WHEREAS, the County of Monmouth provided a written agreement to the Borough of Manasquan in return for the payment not to exceed \$48,835.00; and

NOW, THEREFORE BE IT RESOLVED on the 22nd day of March, 2010, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that Mayor George Dempsey, Jr. is hereby authorized to execute Agreement #10A-13 on behalf of the Borough of Manasquan with the County of Monmouth for funding for the Shore Community Alliance.

Council Member Donovan made a motion to approve the resolution, seconded by Council Member Bossone. Roll Call was taken and the motion was unanimously approved.

ORDINANCES

The Borough Attorney read the title of ordinance #2063 -10 for the second reading and final hearing.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4-5 "DOOR TO DOOR
COMMERCIAL SOLICITATION;" CHAPTER 4-15 "GARAGE SALES;" CHAPTER 14
"BUILDING AND HOUSING" AND CHAPTER 15 "RENTAL PROPERTY" AND
CREATING CHAPTER 4-9 "ENCUMBRANCES ON PUBLIC PROPERTY" IN THE
BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Mayor Dempsey asked if any member of the audience had any questions or comments regarding ordinance #2063-10.

MARCH 22, 2010

There being none, Council Member Lucas made a motion to approve ordinance #2063-10, seconded by Council Member Grasso. Roll Call was taken and the ordinance was unanimously approved.

APPROVAL OF MINUTES

Council Member Donovan made a motion to approve the following minutes:

Work Session and Regular Meeting Minutes of March 8, 2010
Budget Meeting Minutes of January 30, 2010

The motion was seconded by Council Member Bossone. Motion carried unanimously.

COMMITTEE REPORTS

Law and Code Committee – Council Member Grasso related that the Borough Construction Official is reviewing the code to look for revenue and safety opportunities. He related that they are looking at a Taxi Fee ordinance. He related that other surrounding municipalities have Taxi Fees and that they are looking to do the same thing in Manasquan. He related that it is a revenue generator, will protect the town and the citizens that are in the taxis. He detailed his work on this proposal to date.

Administration and Finance Committee – Council Member Connolly related that the census report is out and encouraged everyone to send it back by its due date of April 1st.

Public Safety and Recycling Committee – Council Member Lucas informed the public of the new regulations regarding background checks for licensing purposes. He described the new Statewide fully automated electronic fingerprinting system for non-criminal justice purposes. He noted that the process may take up to 6 weeks.

Public Property and Parks Committee – Council Member Lee related that the Teen Night Coalition, which he described to the Governing Body, is asking to improve the DCI building. He related that they along with several groups that they have formed alliances with, would like to improve the DCI Building through volunteer service. He related that they are looking to provide a safe place for the teens to convene. They are asking that the Governing Body support this initiative.

Council Member Lee made a motion to grant them the ability to continue forward with these kinds of improvements for a great program, seconded by Council Member Bossone. Roll Call was taken and the motion was unanimously approved.

Beach Committee – Council Member Bossone related that the Beach Department is preparing the beach for the summer season. He announced the beach bathroom and badge sales schedules. He related that about 30 cubic yards of sand were lost in the recent storm and that the first weekend of May the Borough will start grooming the sand on the beach. He related that he is looking for support of the amended beach budget which includes shower towers, storage bins and playground equipment.

Public Works Department – Council Member Donovan related that today was the last day to put out storm debris on the curb for the DPW to pick up but it can also be put out on the second trash pick up day. He related that the DPW is urging the public to be careful about flushing or dropping items in the toilet because these items damage or disable the sewer pumps. He related that a 12 x 12 foot deck was found floating near Long Ave and it is now being stored in the Fourth Ave Garage. He announced that the Manasquan Recreation Commission Fool's Run Race will take place on Saturday and that the Manasquan Environmental Commission Clean Up will take place on Sunday, March 28th.

AUDIENCE PARTICIPATION

Jack Drew, Virginia Ave related that he does not believe that the Borough's Auditor should help to prepare the Borough budget. He related that the ordinances listed on the agenda do not have a description. He suggested that if a homeowner goes three years without any problem with getting his C/O he should get a three year hiatus from getting a permit. He related that if the homeowner demonstrates that they have complied with the law year after year then he doesn't understand why they have to get inspected twice a year.

MARCH 22, 2010

Mayor Dempsey related that he believes the requirement is set by ordinance and that he would not want to change it because it is for the safety of the renters.

Mr. Drew related that it seems that leaves and twigs add to the trash tipping fees. He related that the Borough should establish a composting site so that a lot of these types of items would not go into the garbage stream.

Mayor Dempsey related that the Borough's leaves are transported to the Borough yard 12 months a year.

Council Member Donovan related that they chip the wood to be used for mulch.

Mr. Drew asked if the Borough has given up on consolidating services with other municipalities.

Mayor Dempsey related that the Borough Administrator is currently working on three interlocal agreements. He related that the Borough has a shared services committee. He informed Mr. Drew of several of the Interlocal Agreements that the Borough has entered into.

Ken Leppard, Ocean Transport commended the Governing Body for considering an ordinance regulating Taxi Cabs. He related that he has seen an influx of cabs in the Jersey Shore. He related that all the cabs in the State are going to come to Manasquan because the surrounding municipalities regulate taxi cabs. He related that having more cabs is not better. He related that the ordinance will bring in revenue for the town. He related that many companies aren't licensed properly and it is a huge safety issue.

Michael Minton, 89 McLean Ave related that he supports reinstalling the playground equipment at the beachfront and that it provides great entertainment value for children. He related that it is difficult to have this discussion because of the lack of money. He related that there is an issue of safety for the children and that it is very difficult to put a price on. He related that there is a substantial effect on the revenue that is generated in the town as a result of the playground equipment. He related that an enormous amount of people visit the Manasquan beach because there is playground equipment. He also related that the off-season visitors also spend money in the town as a result of people that go to the Manasquan beach because of what it offers.

Fran Drew, Virginia Ave supports what Mr. Leppard said and stated that if what Mr. Leppard said is true it would be wise to have an ordinance.

Ed Hyer, 56 Second Avenue related that it doesn't make any sense to borrow money for a 10 year period for playground equipment that only lasts 6 years. He related that commercial quality equipment can be found on the internet for 10 to 15 thousand dollar range and if the Borough is budgeting \$50,000 for this equipment they should be installing three of them.

Council Member Bossone related that Mr. Hyer is correct in that the Borough intends to purchase three units.

Liam Boland, Leon's Transportation commended the Governing Body for considering a taxi cab ordinance. He related that it is a matter of public safety and that we need to know who is driving these vehicles. He related that the other municipalities flushed the taxis out and that they are all going to come to Manasquan this summer. He related that it is all about safety and we have to make sure that our children are safe when they get into a cab.

Council Member Bossone made a motion to adjourn the regular meeting at 9:34 p.m., seconded by Council Member Donovan. Motion carried unanimously.

Respectfully submitted,



Colleen Scimeca
Municipal Clerk

DATE APPROVED 5/17/10