

APRIL 16, 2012

Regular Meeting of Mayor and Council was convened at 8:00 p.m. on April 16, 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, Donovan, Grasso, Mangan, and McCarthy

Absent: Council Member Connolly

Also present was Borough Attorney Mark Kitrick, Borough Administrator/CFO Joseph DeLorio, and Borough Auditor Alan Shechter.

PUBLIC HEARING

Monmouth County Community Development Program Application

Mr. DeLorio advised that the Borough conducted its Community Participation Group Hearing at 6:30 p.m. earlier this evening as required by the Community Development Block Grant. He informed the council and audience of what the Community Development Block Grant Program is, who offers it, and how the Borough is eligible. He advised that the Borough is applying for Community Development Funds to fund handicap accessibility to the Municipal Building. He advised that with the amount of people that enter the building that he believes there is a need to make the doors handicap accessible. He advised at the meeting earlier with the Community Participation Group the application was discussed in detail.

Mr. Rooney, T&M Associates, the Borough Engineer explained how the ADA doors will make the access to Borough Hall easier. He went over the process that the Borough is looking to do with the push button accessibility. He advised that the back door of Borough Hall will have a sliding door as that doorway is wider than the door on the front of the building and this would be the access point for someone in a wheelchair or on crutches. He stated that the Borough is looking to replace 6 doors with the push button operation and then 1 double gliding door on the parking lot side (back door). He stated that the estimate including soft costs of a little less than \$80,000. He stated that the floor should be looked at in the vestibule and he will go back and look at that.

Mr. DeLorio stated that Community Development would only pay for hard costs; the professional fees are soft costs and are not eligible so there will be some cost that the Borough would have to incur.

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

Kathy Lindemer, Pine Avenue wanted to know if the funds are already included in the various improvements at Borough Hall.

Mr. DeLorio stated that this is part of the Capital Plan but in the expectation that the Borough is successful an ordinance needs to be drawn up to secure the funds.

Norman Merz, 26 Second Avenue asked Mr. Rooney about the buttons and what does he mean by that.

Mr. Rooney explained how the buttons for the ADA doors will work.

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

Resolution 120-12 was removed from the Consent Agenda to be voted on at this time.

RESOLUTION 120-12

AUTHORIZING COMMUNITY BLOCK GRANT APPLICATION

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WHEREAS, it is in the best interest of the Borough of Manasquan to apply for Community Development Block Grant Funds for certain eligible projects; and

WHEREAS, the Borough of Manasquan is seeking the installation of ADA Handicap Doors to the entranceways into the Borough Hall; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Manasquan, Monmouth County, State of New Jersey, that the Borough Administrator/CMFO, Borough Engineer and any other delegated individuals are hereby authorized to make an application for the Community Development Block Grant Funds for the fiscal year 2013 for the installation of ADA Handicap Doors for Borough Hall in the amount estimated by the Borough Engineer.

Council Member Donovan made a motion to approve Resolution 120-12, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Member Bossone, Donovan, Grasso, Mangan, and McCarthy, "no" None.

PROCLAMATIONS

ARBOR DAY

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, George R. Dempsey Jr., Mayor of the Borough of Manasquan, do hereby proclaim April 16, 2012 as

Arbor Day

in the Borough of Manasquan, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

APRIL ALCOHOL AWARENESS MONTH 2012

WHEREAS, Alcohol is a factor in the four leading causes of death among person ages 10-24: motor-vehicle crashes, unintentional injuries, homicide and suicide; and

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WHEREAS, approximately 9.7 million current drinkers in the United States are between the ages of 12-20; and

WHEREAS, alcohol is the most frequently used drug by high-school seniors; and

WHEREAS, young people begin drinking, on average, at 13.1 years of age; and

WHEREAS, young people who begin drinking before age 15 are five times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students and is a major factor in unprotected sex among youth, increasing their risk of contracting HIV or other **transmitted** diseases; and

WHEREAS, the typical American young person will see 100,000 beer commercials before he or she turns the age 18 (that is more than for sneakers, gum and jeans); and

WHEREAS, 13 percent of all youth, ages 12-17, had at least one serious problem related to drinking in the past year;

NOW, THEREFORE, BE IT RESOLVED, that I, George R. Dempsey, Jr., Mayor of the Borough of Manasquan, in conjunction with the Shore Community Alliance to Prevent Alcoholism and Drug Abuse, do hereby proclaim that April 2012 is **ALCOHOL AWARENESS MONTH** in Manasquan. As Mayor of Manasquan, I also call upon all citizens; parents; governmental agencies; public and private institutions; businesses and schools in Manasquan, to support efforts that will encourage recovery throughout our community. Let true and official copies of the Proclamation be spread upon the minutes of the Borough Council meeting held on the 16th day of April, 2012.

2012 MUNICIPAL BUDGET ACTION HEARING

RESOLUTION 94-2012

WHEREAS, the 2012 approved budget of the Borough of Manasquan, as advertised, has been posted in the Municipal Building at least one week prior to the date of this hearing; and

WHEREAS, a copy of the same has been made available to each person requesting it during said week and during this public hearing; and

THEREFORE, BE IT RESOLVED, that having conformed with the condition set forth in N.J.S. 40A:4-8, the 2012 budget be read by its title.

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

FINAL ADOPTION OF AMENDED 2012 BUDGET

Mr. Shechter stated that he will read the budget by title then it can be opened for public hearing. He read the Budget by Title.

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

Fred Faulkowski, 59 Ocean Ave. wanted to know how this budget compares to previous years.

Mr. Shechter stated the 2011 budget was \$8,562,961 and 2012 is \$8,732,000.

Mr. Faulkowski asked about the reserves and if they are increasing.

Mr. DeIorio stated that the surplus amount that is being used this year is \$1,000,000 which is less than last year. He stated that the amount that is re-generating for the last few years has been less than what is anticipated. He stated that the year surplus balances are trending downward. He went over the plan for surplus and the regeneration each year.

There was discussion about what can be done to help the seniors with taxes.

Council Member Mangan made a motion to close the budget hearing, seconded by Council Member McCarthy. Motion carried unanimously.

Council Member Donovan made a motion to adopt the 2012 budget, seconded by Council Member Mangan. Motion carried by the following vote; "yes" Council Member Bossone, Donovan, Mangan, and McCarthy, "no" Council Member Grasso.

**SELF-EXAMINATION OF BUDGET RESOLUTION
122-12**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Manasquan has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Manasquan that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

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BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Council Member Donovan made a motion to approve resolution 122-12, seconded by Council Member McCarthy. Motion carried by the following vote; "yes" Council Member Bossone, Donovan, Grasso, Mangan, and McCarthy, "no" none.

CONSENT AGENDA

**RESOLUTION
113-2012**

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

WHEREAS, a refund of monies is due to the following:

BOAT SLIP REFUND:

TO: Robert Black
73 Fletcher Avenue
Manasquan, New Jersey 08736

AMOUNT OF REFUND DUE: \$669.00

REASON: Boat Lessee paid for their Boat Slip by the deadline and then downsized to smaller boat slip at a lower cost.

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 with said warrant to be charged against the General Ledger.

**RESOLUTION
114-2012**

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

WHEREAS, a refund of monies is due to the following:

NAME: Gerald Brown
15 Dewey Ave.
Manasquan, New Jersey 08736

AMOUNT OF REFUND DUE: \$500.00

REASON FOR REFUND: Exempt Volunteer

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 refunds with said warrant to be charged against the General Ledger.

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**RESOLUTION
115-2012**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, PROMOTING
COURTNEY HOGAN FROM PAYROLL/ACCOUNT CLERK TO SENIOR
PAYROLL CLERK/ACCOUNT CLERK WITH A SALARY ADJUSTMENT**

WHEREAS, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey received a request from employee, Ms. Courtney Hogan for a salary increase; and

WHEREAS, Article 8, Section 2 of the agreement between the Borough of Manasquan and the Office and Professional Employees International Union, AFL-CIO, Local 32 permits the Borough of Manasquan, at its sole discretion, to award a salary increase; and

WHEREAS, on July 22, 2011 Ms. Hogan completed her training and received her Certifying Officer designation from the NJ Division of Pensions & Benefits as mandated by Chapter 52 Pension Reform Act of 2011.

WHEREAS, the Mayor & Borough Council have reviewed the Work performance of Ms. Hogan and have determined that it is appropriate to award a salary adjustment pursuant to Article 8, Section 2 of the aforementioned agreement; and

NOW, THEREFORE BE IT RESOLVED on the 16th day of April, 2012, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the Council hereby recognizes the following:

1. Courtney Hogan is promoted to Senior Payroll Clerk/Account Clerk at a salary rate of \$30,000.
2. The effective date of this appointment is July 22, 2011.
3. A certified copy of this resolution shall be sent to:

Courtney Hogan
96 Wyckoff Avenue
Manasquan, NJ 08736

**RESOLUTION
116-2012**

WHEREAS, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, entered into an employment contract with Barbara Ilaria for the position of Municipal Clerk and Municipal Registrar on October 12, 2010; and

WHEREAS, the Borough Council has agreed to a salary adjustment for Barbara Ilaria effective January 1, 2012, based on the performance and added duties and responsibilities of said employee; and

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NOW, THEREFORE, BE IT RESOLVED on this 16th day of April, 2012, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the Council hereby recognizes the following:

1. The Borough Council does hereby authorize a salary adjustment for Ms. Barbara Ilaria, Municipal Clerk/Registrar to \$70,000 annually retroactive to January 1, 2012.
2. A certified copy of this resolution shall be sent to:

Barbara Ilaria
139 Lenape Trail
Manasquan, NJ 08736

**RESOLUTION
117-12**

Resolution Opposing Senate Bills 1451 and 1452

WHEREAS, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

WHEREAS, the governing body of the Borough of Manasquan agrees with and supports the statement that "the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process"; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting

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become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies' ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the governing body of the Borough of Manasquan agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodian to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for "advisory, consultative or deliberative" material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for "reasonable" that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by "access to a computer"; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and

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- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the Borough of Manasquan strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Manasquan, County Monmouth, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 30th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

**RESOLUTION
118-2011**

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

WHEREAS, a refund of monies are due to the following:

NAME: Red Hawk Environmental Consulting
PO Box 245
Bridgewater Corners, NJ 05035

AMOUNT OF REFUND DUE: \$1000.00

REASON FOR REFUND: Street Opening Surety Bond

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 refunds with said warrant to be charged against the General Ledger.

**RESOLUTION
119 - 2012**

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING EXECUTION OF THE STIPULATION OF SETTLEMENT IN RE: AMERIPAY, LLC. CHAPTER 7 TRUSTEE V. BOROUGH OF MANASQUAN.

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WHEREAS, the Borough of Manasquan is party to an adversary proceeding, No. 11-1990, filed by complainant Charles M. Forman, the Chapter 7 Trustee for Ameripay, LLC; and

WHEREAS, the parties having agreed to settle this adversary proceeding under the terms set forth in the attached Stipulation of Settlement approved by the United States Bankruptcy court of New Jersey; and

WHEREAS, the Borough Attorney has reviewed the terms and conditions of the attached Settlement Agreement and found them to be reasonable; and

WHEREAS, the Chief Finance Officer has certified that there are funds available for this purpose. Subject to the adoption of 2012 Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Mayor and Clerk are hereby authorized, on behalf of the Borough, to execute the Settlement Agreement as attached to this Resolution for the purpose to settle the adversary proceeding, No. 11-1990, filed by complainant Charles M. Forman, the Chapter 7 Trustee for Ameripay, LLC;

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

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

**RESOLUTION
121-2011**

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

WHEREAS, a refund of monies is due to the following:

NAME: EVANS ENTERPRISES
1601 RT 71, SUITE 1A
BELMAR, NJ 07719

AMOUNT OF REFUND DUE: \$1,122.00

REASON FOR REFUND: Street Opening Surety Bond

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 with said warrant to be charged against the General Ledger.

**RESOLUTION
123-12**

**RESOLUTION AUTHORIZING A CHANGE FUND
IN THE AMOUNT OF \$12,000.00 FOR THE
BEACH DEPARTMENT**

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WHEREAS, there is a need to establish a change fund in the Beach Department to begin its beach operations and provide change to those in need and;

WHEREAS, the change fund, properly recorded by the finance department in its General Ledger is returned at the conclusion of the beach season;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that it hereby authorizes the Chief Financial Officer to establish a change fund in the amount of \$12,000 for the Beach Department.

RESOLUTION

124-12

**Resolution Urging the State Legislature to approve A-2454, which would
alter eligibility requirements for unemployment insurance for seasonal
public entity workers**

WHEREAS, R.S. 43:21-4 defines "seasonal industry or occupation" as an industry or occupation which, because climatic conditions make it impractical or impossible to do otherwise, customarily operates only during a regularly recurring 28-week period or periods of less than 26-weeks of work in a calendar year; and

WHEREAS, many municipal seasonal jobs in the State are offered for only 10 to 12 weeks in a given year such as beach taggers, recreation personnel, seasonal laborers and lifeguards due to the short summer season; and

WHEREAS, there should be no expectation by an employee who has applied for a seasonal job that when the season ends that there would be continued employment, in fact, that individual consciously made the choice to apply for and accept a seasonal job rather than seeking year-round employment; and

WHEREAS, when the length of employment is clearly defined by the public entity as a seasonal job with a specific beginning and ending date, this seasonal job should not be included in unemployment calculations for individuals working other jobs during the unemployment period of eligible benefits; and

WHEREAS, unlike private employers, municipalities and other public entities are unique in that unemployment claims arising from seasonal employment require the expenditure of taxpayers funds to pay unemployment claims for these individuals thereby burdening the already overwhelmed taxpayer in the State New Jersey; and

WHEREAS, in many cases municipalities and other public entities pay claims quarterly and do not pay into the unemployment compensation fund due to budgetary constraints and the high cost of unemployment insurance; and

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WHEREAS, these unexpected quarterly payments have forced some municipalities to do special emergency appropriations just to pay this year's claims thereby affecting next year's municipal budget which by all accounts will be equally as difficult as the present year's ; and

WHEREAS, Assemblywoman Amy Handlin and Assemblyman Sean Kean have introduced A-2454, which would prohibit all seasonal workers for receiving unemployment insurance benefits during a period between two successive seasons if the worker has a reasonable assurance that the worker will perform those services in the second of such seasons;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Manasquan urges the legislature to approve A-2454 as swiftly as possible, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

RESOLUTION

125-12

CHANGE ORDER NO.1

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

TITLE OF JOB: Avaya IP Office Phone System

COMPANY: Hunter Technologies
38 Corbett Way
Eatontown, NJ 07724

AGREEMENT MODIFICATION NO. 1

Additional Avaya Office Phones are needed in the Police Department (\$1,591.86) and Beach Department (\$525.00). The original contract was signed on October 7, 2011.

AMOUNT OF CHANGE THIS RESOLUTION: \$2,116.86

TOTAL AMOUNT OF CHANGE: +\$2,116.86

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

RESOLUTION

126-2012

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:

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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	\$ 66,654.26
Water/Sewer Fund	\$ 12,109.62
Beach Fund	\$ 7,047.67
General Capital Fund	\$ 1,120.24
Water/Sewer Capital Fund	\$ 158.44
Beach Capital Fund	\$

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

T&M RESOLUTIONS

RESOLUTION 127-2012

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.

T&M Assoc.

Current Fund	\$ 4,416.62
Water/Sewer Fund	\$
Beach Fund	\$ 1,707.41
General Capital Fund	\$ 7,065.99
Water/Sewer Capital Fund	\$ 21,857.88

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Beach Capital Fund	\$ 11,261.59
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Council Member Bossone made a motion to approve the resolution 127-12, seconded by Council Member Donovan. Motion carried by the following vote; “yes” Council Member Bossone, Donovan, Grasso, and Mangan, “no” none. Council Member McCarthy abstained.

ORDINANCES

The Borough Attorney read the title of Ordinance 2109-12 for second reading and final hearing.

**AN ORDINANCE FIXING THE SALARIES AND
COMPENSATION OF THE EMPLOYEES OF THE
BOROUGH OF MANASQUAN**

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

There was no public comment.

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

Council Member Mangan made a motion to pass and publish according to law ordinance 2109-12, seconded by Council Member McCarthy. Motion carried by the following vote: “yes” Council Member Bossone, Donovan, Grasso, Mangan, and McCarthy. “No” none.

The Borough Attorney read the title of Ordinance 2110-12 for second reading and final hearing.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5
(ANIMAL CONTROL) SECTION 5-3 AND CREATING
SUBSECTION 5-3.2 (ENFORCEMENT) OF THE BOROUGH OF
MANASQUAN CODE IN THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

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

There was no public comment.

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

Council Member Bossone made a motion to pass and publish according to law ordinance 2110-12, seconded by Council Member McCarthy. Motion carried by the following vote: “yes” Council Member Bossone, Donovan, Grasso, Mangan, and McCarthy. “No” none.

APPROVAL OF MINUTES

Budget Meeting - January 28, and February 11, 2012

Council Member Donovan made a motion to approve the minutes, seconded by Council Member Mangan. Motion carried by the following vote, “yes” Donovan, Grasso, Mangan, and McCarthy, “no” None. Council Member Bossone abstained on the January 28 minutes.

COMMITTEE REPORTS

Public Safety & Recycling—Council Member McCarthy reported that he had a meeting with the Chief of Police and the Administrator with regard to the security at the Municipal Court. He stated that they have been advised by the State of New Jersey that every municipality is going to be required to have metal detectors and screening at Municipal Court. He reported that this is a requirement by the State but the municipality will have to pay for it. He advised that the cost will be split with Brielle since the court is

shared with that municipality. He reported that the police officers have gone through additional training on the use of firearms, use of force, domestic violence, and police pursuits.

Public Property and Parks Committee – Council Member Mangan reported that the Tourism is sponsoring the Decorated Boat Parade for the 125th Anniversary Celebration is Tuesday, August 21, 2012 from 5 -9 p.m. He stated that applications for participation in the boat parade will be available at Borough Hall on Saturday, May 26, 2012 from 9 a.m. to 12 p.m. He advised that the Use of Borough Property Ad Hoc Committee met last week and will meet again this week to discuss the larger policy not just specific applications. He reported that the Lifesaving Station fire extinguishers have been installed and that there was some damage at the bulkheads which has been repaired. He stated that there was a committee put together to look at the organization of borough government regarding the areas dealing with borough council and the committee assignments. He reported that he met with Council Members Donovan and McCarthy and will be reviewing over the year changing the committees that the council members serve on. He went over the committees that the Borough has now and that they are outdated and need to be reviewed and revised. He stated that if there is a better way of restructuring the committees then the delivery of a more efficient government will occur.

Law & Code Committee – Council Member Grasso stated that he wanted to go on the record regarding what happened with the Jersey Club Sports. He stated that on 4/2 three minutes prior to the meeting starting, Council Member Donovan handed out the brochure. He stated that the brochure states exactly what they want to do, having 21 year olds come here and play kick ball, volleyball and flag football. He stated that what bothers him is that there is 75 events for the whole summer tying up Mallard Park, Beach and other points in Manasquan. He stated that the questions that he asked of Ms. Nexon were honest, accurate, to the point and were not to be confused with any interrogation tactics stated by Council Mangan. He stated that on April 3 he sent an e-mail to the Borough Administrator Joe DeIorio for his opinions to the questions that were asked of Ms. Nexon and Jersey Club Sports, on April 5, he and Mr. DeIorio requested a follow up article with the Coast Star to discuss the questions. He stated that after 5 e-mails from him and 2 phone calls by Mr. DeIorio they have yet to hear back from the Coast Star or the reporter Amanda Stone. He thanked her for her concern about the fireworks that were thrown at his house the other night. He stated that some of the questions that he asked Mr. DeIorio and Ms. Nexon were 1; does the borough receive any money from the Jersey Club Sports or does the 20% go exclusively to the Recreation Commission. He stated that Mr. DeIorio's answer was under the current policy money from programs that are approved by recreation go to the recreation trust account. He stated that this account is dedicated for the future construction of the youth center, therefore the 20% received goes exclusively to the Recreation, 2; who pays for the police protection and the DPW clean up. He stated that Mr. DeIorio's answer was that currently police and DPW clean up current policy and are paid through the municipal budget, 3; how does the borough financially benefit from local beer and restaurant establishments as stated in her brochure. He stated that Mr. DeIorio's response was that other than property taxes and liquor license fees no other funding is received for the municipal budget from local beer and restaurant establishments. He asked if Jersey Club Sports pay beach fees, there will be 28 beach events when we don't know where they are going to be playing. He stated that Mr. DeIorio's comment was under current policy, should the program be approved by Recreation Committee, Jersey Club Sports will not pay any beach fees. He stated that based on the discussion at the last meeting of Mayor and Council this policy is under review per Joe DeIorio. He stated that this review is being done by me who independently volunteered to work with Borough Attorney Kitrick and Administrator Joe DeIorio to review this. He stated that he knows that Council Member Mangan mentioned that there was a committee formed and not one republican was on that committee and how is there open discussion. He stated that his questions regarding the 20% share to the Recreation Commission is how does the commission know they are getting the full 20% if all the applications and proceeds go directly to the JSC and this is why I asked Ms. Nexon if her business was an LLC. He stated that this way there is the opportunity to review her business financials making sure that the money that she collects is appropriately distributed to the recreation or the borough. He stated that this was a logical business question asked by many professors at any business 101 class and it is there to protect the recreation commission and the borough. He stated that Council Member Bossone made a comment that he is embarrassed because of the questions that were asked. He stated that he is very embarrassed that no one else up here asked this lady any questions about her business, even though she already rented a place here, she has a post card that has Manasquan on it, so it sounds like it was a done deal. He reported that the Code and Law construction revenues for March are increased by 4% over last year and the year to date revenues which are a negative 4% from last year. He stated that since January 1 there have been 37 homes under contract or sold in this town, 26 alone in the month of March and there is more to come. He stated that he has to ask why people are leaving this town. He stated that in 2009 there was \$54,000 worth of revenues, 2010 there was \$204,000 worth of revenues, the fees were raised, new supervisor and the permits have been streamlined. He stated that in 2011 there was \$224,000 in total revenues so if you take the two years 2010

and 2011 you are looking at \$428,000 worth of revenues and over 5,000 permits that got through our system smoothly. He stated that money for the courts for March were down from last year by 54% and this is the second straight month that revenues are under 55% and financial figures again are on a excel spreadsheet with accuracy from the assistance of Court Administrator Marie Higgins. He stated when the revenues don't make budget the taxpayers will have to make up the difference. He stated that back in 2010 there was a taxi license registration ordinance by 6-0 vote and it took 18 months but it was done. He stated that since January 1, 2012 only 17 applications have been approved with 9 applications coming from one company based in Mantoloking. He stated that it is now April 16 and there has yet to be one violation issued to any taxi operating in Manasquan without a registration, even though most of the taxis in this town that are operating have Belmar and Sea Girt registrations on their vehicles. He stated that there has been much talk about the beach parking lot and he sent a report regarding the beach parking lot meters on January 20, March 3 and April 2. He stated that the meters bring accuracy and money collection, they bring in efficiency and technology and they are only for the parking lots not the beach front as put in the Coast Star and that was an erroneous comment that they put in their paper. He stated that he met with the manager's of Integrated Technical Systems twice and also Borough Administrator Joe DeIorio and these meters are in Asbury Park, Long Branch and potentially going to be in Red Bank. He read a portion of an article from the NJ Press Media.com regarding parking meters. He stated that the report that was handed to the council and is somehow not being reviewed and last year we did \$240,000 in revenues off the parking lots and he stated that the company advised that it is guaranteed that there will be a 40% increase on that number so that is \$96,000. He went over his figures with the installation of the meters with the parking attendants being reallocated to another position on the beach and that does not mean they have to be fired. He stated that the violation fees will double from last year that means that there would be \$138,000 worth of generated revenues off these machines and it will cost us \$51,000 first cost to install them, pay for the 1 year warranty and they will provide us with a 1 year technical support. He stated that you are looking at \$87,000 in additional revenues in 1 year and that is a hell of a lot better than losing \$8,400 on lockers and after we have incurred our \$51,000 the Borough will be making \$125,000 plus on these meters that will go into the budget that we can re-asphalt the parking lots, put lighting up, trees and make them look better than what they are. He stated that he did a report and handed it to the Mayor and Council on the marina increases and the report states that in 2004 the Borough made \$204,000 in fees. He stated that the report showed a 5,10,25 and 50% increase and the magic number for this would be 25% if it was under agreement or discussion which would bring the total revenues to \$255,000. He stated that is \$.70 to \$1.70 a day increase depending on the size of the boat and that it would make it very interesting and helpful is to remove the marina fees from the clerk's budget and make it a utility so that money is exclusively used for the marina to fix it. He stated that for 2 years he has asked the Mayor and Council to review the current fee the Borough charges for beach use, which is \$100 for one use. He stated that he researched last years use of borough property and the fees collected and he went over those figures. He asked for Mr. DeIorio to explain the escrow.

Mr. DeIorio stated that the councilman asked him a question about escrow and what he suggested to him is that the borough look at the escrow policy and determine whether or not the escrow is sufficient or abandon that and charge and charge a higher fee.

Council Member Grasso stated that this would stream line where the money is, where it's going and put it in a proper perspective and proceed. He stated that Council Member Donovan suggested increasing the bench fees for extra revenues, but apparently there are no bench fees in this town, so what is going to be raised. He stated that over the years there are 260 benches listed in this town that were made, 60 of the benches were made by Mr. Brown before his services were terminated and in 2009 2 benches were made that cost \$870, for 2010 and 2011 the records show that no benches were made even though there are many around that you can see are new and have been made. He stated that he has not signed the bills in 2 months and he does not have the stomach to do it anymore and the Mayor asked last week why. He stated that he will give three points why it has been 2 years that he has been signing the bills and there has been many questions asked of the previous administrator and the current administrator, he commented Joe DeIorio for his knowledge of using excel and that is one of the reasons that I hired the guy. He stated the first question he asked was do you know an excel spreadsheet and know how to drive numbers. He went over the vehicle repairs in the police department and his suggestion of putting the vin numbers and mileage on the bills to keep track of each car and this was also for the DPW and Beach vehicles. He stated that there was a very good council member Jeff Lee head of the beach but he asked a question last year if the color of the uniforms at the beach because he has had many comments from people saying they do not know who the lifeguards are and can not find them under a moment of distress, no one is wearing red. He asked nicely if the uniforms can be changed to red because nothing has been purchased yet. He stated that he was told that there was enough inventory right now and new uniforms are not going to be purchased and on August 15 he signed a bill for \$9700 for new uniforms when he was told in April that there was enough uniforms. He

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stated that this was from the supervisor and did he mislead him, if he mislead me he must have mislead you also because you paid \$9700 for extra uniforms that weren't needed. He stated that this came up again and he asked the same question to change the uniforms to red, it is the international organization code for lifeguards and if you go on the website you will see every lifeguard in this country wearing red but Manasquan. He asked the question again can this be done and even if we can't there is \$19,000 in the budget that was not used for the lockers that could be used for the uniforms. He stated that the reply that he got back was "no" it is a 2-1 vote and the blue uniforms are staying there is enough inventory and about 1 ½ hours later there was an e-mail that came by to Mr. Wall – go out and buy what you need. He stated that he will not sign a bill for uniforms. He asked that supervisor Wall let him know what he is going to buy before he puts the order in. He believes that he got treated with disrespect and that is not right because he is asking questions to help you (taxpayers) not me. He stated that the last thing that got him was that there is a local establishment that sponsors and donates pizza here in Manasquan but on August 15 he gets a bill for \$415 for pizza and \$90 worth of gift cards that comes under the budget and this is the second year in a row and he is also asking how far back this goes. He stated that this is why he has not signed bills in 2 months and he has asked the chairman to take me off the bill signing because he does not want to do it anymore. He stated "Ladies and gentlemen there have been a lot of things in the blog saying things about me but 2 years I gave you everything I could, everything, spreadsheets, business you name it. Worked very closely with this gentlemen here (Mr. DeLorio) and very closely with this gentlemen here (Mr. Kitrick) and last year our committee had 9 points of action, 9 points of action that we sat down through the whole year full committees, we had our arguments, we had discussions, we had some explanations but we hammered out what we had to do. That is what compromise is. That's when you have strict committees not committees with the same amount of people of the same party on it. Out of those 9 action points we completed 8 out of the 9. I am proud of that committee and I am proud of working with Borough Attorney Kitirck who is part of the meeting and also Joe DeLorio for a buffer to get it done but we got the job done. A lot of this stuff here (reports) nobody even looks at it. He hears on the street on Don it's a great idea about the parking meters we can make money on them. Well come up here and tell that to them. I am truly disappointed folks. It's been 2 good years and I enjoyed this but I am really disappointed in what happens up here.

Public Works Committee – Council Member Ed Donovan reported that the brush and leaf pick up has been completed but you can bring leaves to the municipal yard and bundle branches and put them out for garbage. He reported that they have started flushing the fire hydrants and if there is discolored water just run the faucet until the water clears up and it should not take very long and it should be done by the end of next week. He reported that the Environmental Commission has a rain barrel workshop at the Recreation Annex at 67 Atlantic Avenue from 6-8 p.m. on Thursday the 19th, there is a beach sweep on the 21st from 9-12 on Main Beach in association with Clean Ocean Action, composting workshop for Monday, April 30 from 7-8:30 p.m. at the Annex and you can get information from the Borough website in the next few days, and the Environmental Commission website is squangoesgreen.com, paper shredding event on May 5, 2012 at Brielle Borough Hall co-sponsored by the Manasquan DPW and Brielle DPW and is open to Manasquan and Brielle residents. He reported on the Recreation Commission and advised Council Member Grasso that the Jersey Shore Sports was a presentation to Council. He stated that the commission has been exploring passing an ordinance to have background checks on all our coaches and supervisors in the youth programs and this should be moving forward shortly. He reported that Monmouth County is requesting the Borough of Manasquan's permission to spray for mosquito and they will notify the police department before spraying.

Mayor Dempsey stated that this is something that is done every year.

Council Member Donovan made a motion to approve permission to spray for mosquito, seconded by Council Member Bossone. Motion carried unanimously.

Council Member Donovan stated that the Tourism Commission and the Boat Parade Committee have asked for permission to have available applications at Borough Hall on the 26th for the Boat Parade.

Council Member Donovan made a motion to approve Tourism Commission's use of borough hall on May 26 from 9-12 to disseminate applications for the boat parade, seconded by Council Member Mangan. Motion carried unanimously.

Beach Committee – Council Member Bossone stated that he feels that he needs to address some of the things said by Council Member Grasso because they affect him and they were misquoted and he needs to clear this up. He stated that the pizza eating contest is run by his father but it is a Tourism Commission event and it is not sponsored by Squan Tavern and the word sponsor should never be used because it is a Tourism Event. He stated that Squan Tavern supplies the pizza for the event and Council Member Grasso

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is misleading when he says that you pay for them. He stated the \$3 that is charged is made up by the people who enter the contest and pay \$3. He stated that the only money that is charged for that contest is for the plaques and gift certificates that are for Manasquan for the Chamber of Commerce downtown, hence it being a Tourism Commission event, it is supposed to cost money and there is money in the budget to do these events and that is what it is for.

Council Member Grasso stated that the budget comes out of the taxpayers' pocket.

Council Member Bossone asked if Council Member Grasso wanted to do away with the Tourism Commission.

Mayor Dempsey clarified the Tourism Budget.

Council Member Bossone stated that with regard to the bathing suits, he never said that there was enough to cover the whole year. He stated that he told Mr., Grasso and the rest of the committee that there was some inventory and after reviewing that inventory he recommended staying with the blue because of the existing inventory. He stated the committee voted 2-1 to stay with the blue uniforms.

Mayor Dempsey stated that the \$9,000 bill that Mr. Grasso was talking about was not all bathing suits, it included uniforms for the badge checkers, beach patrol, parking attendants, and crew.

Council Member Bossone stated that according to Mr. Grasso there has been many people looking for guards and can't find them under times of distress. He asked if anyone knows when such an incident was reported.

There was discussion on where the lifeguards are and what color they wear in other towns..

Council Member Bossone stated that he would like to see the reports where people were looking for lifeguards and couldn't find them and then maybe he would feel differently about wearing red uniforms. He commented on Council Member Grasso's comments that the revenue for the boat docks is not being raised enough. He stated that Mr. Grasso stated there were 37 houses sold in town and would like to know why those people left town, he wanted to know why 37 people bought in Manasquan. He advised that there was an article in the paper last week that quoted him and he said he was embarrassed by the way Mr. Grasso was talking to Ms. Nexon not by the questions that were asked. He stated that not one event has been approved for Jersey Club Sports. He reported that season parking and badges are on sale this week and went over the additional people selling parking passes and badges to make the line go faster. He stated that there are about 100 parking passes left from the 600 that was started with. He reported that almost \$50,000 was taken in by beach sales. He stated that there are no dogs allowed on the beach until November and fines are being given out and it will be enforced. He went over the beach office and the time frame for selling badges.

Mayor Dempsey went over Freedom of the Press and Freedom of Speech.

AUDIENCE PARTICIPATION

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

Pamela Lewis, 40 First Avenue, wanted to know what the metal strip on Stockton Road is.

Mr. DeLorio stated that it is on Stockton Lake Blvd. and there was a request from 93 Cowart Street to have water discharged from the property to Stockton Lake. He advised that the DEP had mandated that the method in which the homeowner was to discharge the water would be to gain access through some yards and onto Stockton Lake Blvd. He advised that he has had several conversations with the DEP as well as the contractor that put the ramp over the hose. He stated that project is not completed and the DEP has granted permission for an extension to them to discharge the water in that manner. He is hoping that the water will be done by the end of April but he can not guarantee that.

Ms. Lewis stated that she fully supports Mr. Grasso and to sit as an audience member she can see count 5 wolves watching our chicken house.

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Patty Bossone, Ridge Avenue, stated that she is a mom of 5 children and who have all gone through Jr. Guard and commented that not everyone wears red uniforms. She stated that the volleyball games would be good for 17 to 20 year olds that can't go to the bars and parking meters will get rid of how many teenagers' jobs.

Council Member Bossone 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 9:25 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 7-2-12