

JULY 16, 2012

Regular Meeting of Mayor and Council was convened at 8:43 p.m. on July 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, Connolly, Donovan, Jacobson, Mangan, and McCarthy

Absent: None

Also present was Borough Attorney John Jackson (in for Mark Kitrick) and Borough Administrator/CFO Joseph DeIorio

CONSENT AGENDA

Council Member Donovan made a motion to add to resolution 228-12 that copies be sent to all officials including the Federal officials, seconded by Council Member Mangan. Motion carried unanimously.

RESOLUTION 132-2012

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: ERIC H. & LORELEI REID
5 GARRYFORD DRIVE
MIDDLETOWN, NJ 07748

AMOUNT OF REFUND DUE: \$500.00

REASON FOR REFUND: PARTIAL REFUND STREET OPENING TRUST
SO#44/11 -38 FIRST AVE

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 133-2012

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: ERIC H. & LORELEI REID
5 GARRYFORD DRIVE
MIDDLETOWN, NJ 07748

AMOUNT OF REFUND DUE: \$500.00

JULY 16, 2012

REASON FOR REFUND: PARTIAL REFUND STREET OPENING TRUST
SO#43/11-39 BEACHFRONT

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
220-2012**

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: Paul Miller
132 North Main Street
Manasquan, New Jersey 08736

RE: Boat Slip #61 4th Avenue

AMOUNT OF REFUND DUE: \$806.26

REASON: Due to recent physical disability the leasee finds the slip and boat too challenging for use.

**RESOLUTION
221-2012**

BE IT RESOLVED, that the Hon. George R. Dempsey, Jr., Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Agreement Between The Borough of Manasquan and Mark White, Ph.D. at the contractual retainer of \$1800.00 for EAP services and the fee-for-service charge of \$125.00 per hour for Supervisor-Imposed referrals for the term July 15, 2012 through July 14, 2013.

**RESOLUTION
222-2012**

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan that Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to sign the following Agreement commencing from August 1, 2012 to July 31, 2013 :

System Sales Service Agreement – Fire Alarm Service

**RESOLUTION
223-2012**

RESOLUTION TO COMMIT FOR EXPENDITURE AFFORDABLE HOUSING TRUST FUNDS

WHEREAS, N.J.S.A. 52:27D-329.2(d) requires municipalities to commit for expenditure development fees within for years of collection or risk forfeiture of same to the State; and

JULY 16, 2012

WHEREAS, COAH's unaudited Affordable Housing Trust Fund spreadsheet as of June 5, 2011 shows that the Borough has \$488,971 at risk of forfeiture on July 17, 2012; and

WHEREAS, COAH staff has confirmed in writing that the actual number at risk is \$37,710.13; and

WHEREAS, the Borough prepared and adopted a Spending Plan which COAH approved on December 9, 2004; and

WHEREAS, the approved Spending Plan allocated funds towards a rehabilitation program; and

WHEREAS, by Resolution adopted on November 9, 2009, as amended on December 21, 2009, the Borough Council authorized the execution of an agreement with Monmouth County to administer its rehabilitation program; and

WHEREAS, the Borough entered in an agreement with the County on December 21, 2009 for its then remaining 12-unit rehabilitation obligation; and

WHEREAS, the County has rehabilitated nine (9) units since that time, at an average cost of \$20,091.96 per unit inclusive of the administrative fee; and

WHEREAS, the Borough has a remaining obligation of three (3) units, and thereby anticipates the use of an additional \$60,275.88 in affordable housing trust funds towards the satisfaction of its rehabilitation obligation.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Manasquan, Monmouth County, State of New Jersey, that the Borough has committed for expenditure, as that term is defined N.J.S.A. 52:27D-329.2(d), \$60,275.88 of its affordable housing trust funds towards its rehabilitation program through its contract with the County as authorized by Borough Resolution.

RESOLUTION

224-2012

CHANGE ORDER NO.4

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. 4

Additional equipment and labor for the Avaya Office Phones are needed in the Department of Public Works (\$860.40 & \$262.50). The original contract was signed on October 7, 2011.

AMOUNT OF CHANGE THIS RESOLUTION: \$860.40
\$262.50

TOTAL AMOUNT OF CHANGE: +\$7650.73

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

RESOLUTION

225-2012

JULY 16, 2012

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan that Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to advertise Bid Notice for small SUV.

**RESOLUTION
227-2012**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees for the Summer Season of 2012; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th day of July, 2012 appoint the following Seasonal Beach Employees to work during the Summer Season, 2012:

Badge Checkers: As Needed for Remainder of 2012 Season

Margaret Moran	402 Perrine Blvd	\$7.50
Paige Grogan	4 Captains Court	\$7.50
Michael Khammar	306 Pine Avenue	\$7.50
Cynthia O'Boyle	60 Ocean Avenue	\$7.50
Bailey Ellicott	106 Broad Street	\$7.50
Sierra Meyer	3015 Tangier Drive, Allenwood	\$7.50
Olivia Galinis	534 Borrie Avenue, Brielle	\$7.50

Beach Patrol:

Kevin Kleinknecht	6 North Main Street	\$8.50
Samantha McWilliams (Badge Checker)	529 Harris Avenue, Brielle As Needed	\$11.00

EMT:

Gerald Brown, Jr	15 Dewey Avenue	\$12.00
Ryan Pettit	58 Pearce Avenue	\$12.00

Parking Lot Attendants:

Jacqueline Avon	245-2 Beachfront	\$9.00
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**RESOLUTION
228-2012**

WHEREAS, in the 1990's, the Borough of Manasquan entered into a local cooperation agreement with New Jersey Department of Environmental Protection (NJDEP) as local sponsors to the Federal Beach Erosion Shore Protection project which covered the oceanfront from Manasquan Inlet north to the Shark River Inlet; and

WHEREAS, all of the shoreline communities signed agreements to provide easements to construct and maintain the project as well as a financial contribution based on the length of shoreline in each Municipality; and

WHEREAS, the project design was for the 100 year storm event and called for a 50 year project life; and

WHEREAS, the NJDEP was the lead non-federal sponsor who signed a local cooperation agreement with the U.S. Army Corps of Engineers (USACE). The project design called for the placement

JULY 16, 2012

of sand to create a wider and higher elevation beach to withstand storm surge and wave attack during storms; and

WHEREAS, the project design was such that after 7 years periodic renourishment of the beach would be required with cost sharing from the USACE, NJDEP and the municipalities. This renourishment would occur over the 50 year life of the project as needed to ensure an adequate beach cross section existed to provide the needed protection for the upland areas. Nowhere in the USACE design is there a requirement for a dune; and

WHEREAS, the existence of the dune is superfluous to USACE, "engineered beach" design. Although the dune will afford some protection, its existence is not needed based on the USACE design for storm protection; and

WHEREAS, in this regard, reducing the height and/or width of the dune has no bearing on the USACE shore protection project; and

WHEREAS, residents along the beachfront area have complained about the limited view of the shoreline from their homes as a result of the increase in height of the dunes and the economic impact it has had on their home values; and

NOW THEREFORE BE IT RESOLVED, the Borough of Manasquan respectfully requests the assistance of Governor Christie and New Jersey Department of Environmental Protection to provide assistance to lowering the dunes, and

BE IT FURTHER RESOLVED that the Environmental Commission of the Borough of Manasquan requests similar assistance from the State of New Jersey; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Hon. Robert W. Singer, Hon. Sean T Kean & the Hon. David P. Rible, Governor, the Hon. Chris Christie, Lt. Governor, the Hon. Kim Guadagno, the New Jersey Department of Environmental Protection, the Hon. Frank Lautenberg, the Hon. Robert Menendez, the Hon. Christopher H. Smith, the Hon. Frank Pallone, Jr., and the Hon. Rush Holt.

**RESOLUTION
229-2012**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
NEW JERSEY, APPROVING TAXI / AUTOCAB OWNERS LICENSES AND TAXI / AUTOCAB
OPERATORS LICENSES PURSUANT TO MANASQUAN BOROUGH ORDINANCE 4-16**

WHEREAS, pursuant to Manasquan Borough Ordinance 4-16 entitled "An ordinance providing for the registration and regulation of taxis, autocabs and other vehicles engaged in the business of carrying passengers for hire, and the owners and drivers thereof and the business of operating taxis, fixing license fees and providing for penalties for the violation thereof"; and

WHEREAS, Section 5 of said ordinance allows for the issuance of these licenses by the Mayor and Council upon notification from the Borough Clerk of the satisfactory fulfillment of the licensing requirements; and

WHEREAS, the Borough Clerk has notified the Mayor and Council that the licensing requirements have been satisfactorily fulfilled by a number of applicants; and

WHEREAS, the Mayor and Council hereby approve the issuance of licenses for the following:

A. Owners:

- 1) James Kennedy – Kendu Able Inc.

JULY 16, 2012

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th day of July, 2012, as follows:

1. The Borough Clerk has notified the Mayor and Council that all licensing requirements have been satisfactorily fulfilled pursuant to Section 5 of Borough Ordinance 4-16.

**RESOLUTION
231-2012**

**RESOLUTION FOR APPROVAL TO SUBMIT A TRANSPORTATION
ENHANCEMENT GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SQUAN
PLAZA RECONSTRUCTION PROJECT.**

WHEREAS in the 1950s, several adjoining business and resident property deeded property to the Borough of Manasquan for the purposes public parking and public street and

WHEREAS the Governing Recognizes the need and the importance of reconstructing and redesigning the Squan Plaza area,

WHEREAS Ordinance Number 2105-12 was adopted on March 19, 2012, providing for the reconstruction of Squan Plaza and,

WHEREAS, on June 18, 2012, the Governing formally adopted a redesign and reconstruction of Squan Plaza and

WHEREAS, on June 18, 2012, the Mayor and Council approved Resolution 187-2012 which authorized T&M Associates to prepare specifications and bid documents for the Squan Plaza Project and,

WHEREAS, the Mayor and Council of the Borough of Manasquan are desirous to submit this "project ready" application for additional grant funds

NOW, THEREFORE, BE IT RESOLVED that the Council of Manasquan formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TE-2012-Manasquan Borough-00157 to the New Jersey Department of Transportation on behalf of the Borough of Manasquan.

BE IT FURTHER RESOLVED that The Borough of Manasquan indicates and certifies the continual ownership and maintenance of the project. The Borough of Manasquan hereby agrees to the maintenance commitment as outlined by the New Jersey Department of Transportation's Transportation Enhancement Program and does certify that it will continually own and maintain the improvements completed under this project for the useful life of the project, which is anticipated to be a minimum of 20 years after the construction is complete.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manasquan and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION
230-2012**

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

JULY 16, 2012

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	\$	232,548.28
Water/Sewer Fund	\$	15,777.94
Beach Fund	\$	8,734.14
General Capital Fund	\$	7,855.54
Water/Sewer Capital Fund	\$	1,628.25
Beach Capital Fund	\$	4,250.00

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.

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

ORDINANCES

The Borough Attorney read the title of Ordinance 2118-12 for introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING) SECTION 35-11 (LOT, HEIGHT AND YARD REQUIREMENTS) BY CREATING SECTION 35-11.4 PROHIBITING THE CREATION OF FLAG LOTS IN ALL ZONES IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

Mayor Demspey asked if there were any questions regarding this ordinance.

There being none, Council Member McCarthy made a motion to introduce ordinance 2118-12, seconded by Council Member Mangan. Motion carried by the following vote; "yes" Council Member Bossone, Connolly, Donovan, Jacobson, Mangan, and McCarthy, "no" none.

The Borough Attorney read the title of Ordinance 2119-12 for introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING) SECTION 35-12 (NONCONFORMING BUILDINGS AND LOTS) BY CREATING SECTION 35-12.4 TO PERMIT STRUCTURAL ALTERATIONS TO THE INTERIOR OF NONCONFORMING STRUCTURES PROVIDED THAT THE STRUCTURAL ALTERATIONS DO NOT EXPAND OR EXTEND THE FOOTPRINT OR HEIGHT OF THE NONCONFORMING STRUCTURE.

Mayor Demspey asked if there were any questions regarding this ordinance.

There being none, Council Member McCarthy made a motion to introduce ordinance 2119-12, seconded by Council Member Mangan. Motion carried by the following vote; "yes" Council Member Bossone, Connolly, Donovan, Jacobson, Mangan, and McCarthy, "no" none.

JULY 16, 2012

APPROVAL OF MINUTES

Special Meeting – April 25, 2012 (absent Donovan and Mangan)

Council Member Bossone made a motion to approve the minutes, seconded by Council Member Mangan. Motion carried by the following vote; “yes” Council Member Bossone, Connolly, Jacobson, Mangan, and McCarthy, “no” none. Council Members Donovan and Jacobson abstained.

Work Session Meeting – May 7, 2012

Regular Meeting – May 7, 2012

Council Member Donovan made a motion to approve the minutes, seconded by Council Member Mangan. Motion carried unanimously. Council Member Jacobson abstained.

COMMITTEE REPORTS

Public Safety & Recycling – Council Member McCarthy reported that following the Memorial Day Parade a patron severed his Achilles tendon while riding his bike and Sergeant Jerry Murphy, Officers Craig and Parker responded to the scene and addressed the situation until that person could be transported to the hospital. The patron reached out to the Chief to let him know the good job that his officers are doing. He stated that if there is any concerns about the construction at the high school please do not hesitate to contact the police department. He reported that there has been a large number of bicycle violations observed and reported by the police department and they are going to start issuing warnings and then a summons will follow for second offense.

Public Property & Parks – Council Member Mangan reported that Tourism will be holding a pizza eating contest Thursday, Main Beach at 2 p.m. and the kayak and canoe races will be this Saturday, July 21 at 10 a.m. at Stockton Lake Park. He reported that the 125th Anniversary Lighted Boat Parade applications are available throughout town. He stated that the use of borough property ad hoc committee met this week and made progress on better defining the 3 Borough areas that are used for events. He will report further at the next meeting.

Law and Code Committee – Council Member Jacobson reported on the amount of money collected for zoning permits, certificates of inspection, and building permits. She reported on the taxi problem where there were not enough taxis to get the patrons out of town at bar closing seems to have gotten better. She reported on the recycling and garbage on Ocean Ave and the surrounding streets that is put out a couple days prior to the scheduled day. She went over other issues that the committee discussed at the last meeting.

Public Works Committee – Council Member Donovan reported that the temporary fencing around the water plant will be removed within the next few weeks. He reported that the DPW continues to sample water around town. He reported that the pump for the fountain has been removed do to the pit flooding which is being investigated.

Administration and Finance – Council Member Connolly reported the committee will be researching companies that do surplus auction which should cover a wider audience and will add additional revenues. She reported on the amount of money brought in by the taxi ordinance. She went over website update regarding paying taxes by credit card. She reported that property tax bills have been sent out and are due August 1, 2012. She went over the new rates from the Monmouth County Board of Taxation.

Beach Committee – Council Member Bossone reported that the beach revenue so far is \$1,332,000 which is down slightly from last year at this time. He went over other events for the 125th Anniversary Celebration which will be the weekend of September 21, 2012.

AUDIENCE PARTICIPATION

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

John Winterstella, former mayor, stated that the council should pay immediate attention to the Perrine Blvd. docks. He reported that he was around in 1977 when the docks were built and at that time money was put aside to maintain them and in the mid 90's they were re-decked and re-capped. He stated that today there is

JULY 16, 2012

a serious problem with the bulkhead eroding and sink holes. He suggested that the council take action before someone gets seriously injured.

There was discussion on the Perrine Blvd. docks and what needs to be done and the costs that would be involved in replacing the docks.

Fran Drew, 111 Third Avenue stated that she has the same problem at her house with the sink holes and she re-sheathed it from the water. She wanted to know who she should talk to about all the water that was on the streets on Sunday after a storm with no high tide.

Council Member Mangan stated that the rain on Sunday was almost a flash flood situation and that it was more rain then he has ever seen.

Ms. Drew wanted to know if a core sample has been taken or planned to be taken on the end of squan plaza where there is contaminated soil on the west end.

There was discussion on the soil contamination years ago and clean up.

Mike, Sinneck, Environmental Commission Chair reported on the clean up of the contaminated soil.

Mary Ryan, 1123 Beachfront thanked council for their part in the request to lower the dunes. She went over her opinion on the dune lowering.

Carol Wilkens Kirkman, 22 Willow Way stated that 2 sinks in the Ocean Avenue bathroom have not been working since June.

Council Member Bossone stated that there is a problem with the plumbing in the wall that is in the process of being fixed.

Ms. Kirkman stated that there are pedestrian crossing signs that have disappeared in the beach area and she believes that they should be put back.

Council Member McCarthy stated that he would look in to the signs.

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

Council Member Donovan made a motion to adjourn the regular meeting at 9:17 p.m., seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,

B. Ilaria

Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 9-4-12