

AUGUST 6, 2012

Regular Meeting of Mayor and Council was convened at 9:04 p.m. on August 6, 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 Mark Kitrick and Borough Administrator/CFO Joseph DeIorio

PROCLAMATION – Virginia Birckhead

Mayor Dempsey presented the following Proclamation

WHEREAS, certain of our citizens contribute of themselves for the betterment of the Borough of Manasquan, thus making this a better community. Virginia Birckhead is one of those citizens who gave of her time through work and volunteerism to help improve the quality of life in the Borough of Manasquan; and

WHEREAS, the passing of Virginia Birckhead brings sadness and sorrow to the community; and

WHEREAS, in 1961 Virginia and her husband Thomas Birckhead moved to Manasquan and together owned The Coast Star from 1961 until 1989 and owned and operated the Corner Store on First and Ocean Avenues from 1973 until 1980; and

WHEREAS, Virginia during the sixties while raising her four daughters, volunteered as a Girl Scout Leader in Manasquan, she was instrumental in establishing the Library Auxiliary of the Manasquan Public Library, of which she volunteered until 2009 as well as serving on the Board of Trustees until 2007 and overseeing the construction of the Children's wing; and

WHEREAS, Virginia through the years was an active member of many volunteer groups in Manasquan such as the "Save Our Station" Committee, the Centennial Committee, the Sqaun Beach Lifesaving Preservation Committee, the Manasquan Beach Improvement Association Station, and was a life member of the Squan Village Historical Society; and

WHEREAS, Virginia Birckhead was committed to providing the best possible service to the Borough of Manasquan. It is the work and dedication of great people like Virginia that make our community a wonderful place to live.

WHEREAS, Mayor and Council request that the citizens of the Borough of Manasquan continue the memory of Virginia Birckhead as an outstanding example of fine citizenship.

NOW, THEREFORE, BE IT RESOLVED, that I George Dempsey, Jr., Mayor of the Borough of Manasquan, on behalf of the Borough Council and the good people of Manasquan, do hereby remember Virginia Birckhead for her outstanding service to the Borough of Manasquan and do hereby proclaim Monday August 6, 2012, as **VIRGINA BIRCKHEAD REMEMBRANCE DAY** in the Borough of Manasquan. Let true and official copies of the Proclamation be spread upon the minutes of the Borough Council meeting held on the 6th of August, 2012.

CONSENT AGENDA

RESOLUTION 232-2012

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

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

NAME: JOHN CESARIO AND SUZANNE MC CARREN
266 PINE AVE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$500.00

REASON FOR REFUND: REFUND – STREET OPENING DEPOSIT
266 PINE 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
233-2012**

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: MADELINE MC CARTHY
557 ½ BRIELLE RD
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$100.00

REASON FOR REFUND: REFUND – CERTIFICATE OF OCCUPANCY FEE
557 BRIELLE RD, MANASQUAN, NJ

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
234-2012**

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

WHEREAS, refunds for Tax Title Lien Redemptions for the following properties are due on the below described property in the amount designated as follows:

BLOCK: 175 LOT: 47 NAME: Jewell, Charles & Linda

PROPERTY LOCATION: 455 Long Ave

AMOUNT: \$62,659.44

REASON FOR REFUND: Redemption of TTL #07-00131

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REFUND CHECK TO BE MADE PAYABLE TO: CRUSADER LIEN SERVICES
179 WASHINGTON LN
JENKINTOWN PA 19046-3507

WHEREAS, the Tax Collector has certified that the current lien holder is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Borough Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION
235-2012**

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

WHEREAS, refunds for Tax Title Lien Redemptions for the following properties are due on the below described property in the amount designated as follows:

BLOCK: 175 LOT: 47 NAME: Jewell, Charles & Linda

PROPERTY LOCATION: 455 Long Ave

AMOUNT: \$10,700.00

REASON FOR REFUND: Return of Premium Paid at Tax Sale Re: Redemption of TTL #07-00131

REFUND CHECK TO BE MADE PAYABLE TO: CRUSADER LIEN SERVICES
179 WASHINGTON LN
JENKINTOWN PA 19046-3507

WHEREAS, the Tax Collector has certified that the current lien holder is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Borough Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION
236-2012**

**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

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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. Drivers:

- 1) Thomas Russoniello
- 2) Kimberly Scarpula
- 3) Timothy Russoniello

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 6th day of August, 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
237-2012

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING
THE SUBMISSION OF APPLICATION FOR SHORE COMMUNITY ALLIANCE
GRANT

WHEREAS, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth; and

NOW, THEREFORE BE IT RESOLVED on the 6th day of August, 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 the submission of an application for the Shore Community Alliance grant for the calendar year 2013 in the amount of \$49,072.00.
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION
238-2012

CHANGE ORDER NO.5

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

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AGREEMENT MODIFICATION NO. 5

Additional equipment and labor for the Avaya Office Phones are needed in the Department of Public Works (\$1,128.75). The original contract was signed on October 7, 2011.

AMOUNT OF CHANGE THIS RESOLUTION: \$1,128.75

TOTAL AMOUNT OF CHANGE: +\$8,779.48

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

**RESOLUTION
239-2012**

**RESOLUTION AWARDING A CONTRACT FOR THE SHADE TREE
ELEVATION IN THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH STATE OF NEW JERSEY**

WHEREAS, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for the Shade Tree Elevation Project; and

WHEREAS, one bid for this project was received:

Falkinburg's Tree Expert Co.	\$ 28,400
Emergent Work \$125.00 per hour	

WHEREAS, the Falkinburg's Tree Expert Company submitted a monetary bid in the amount of \$28,400 with \$125.00 per hour for emergent work; and

WHEREAS, the bid by Falkinburg's Tree Expert Company complies with the bid specifications and includes all required documentation; and

WHEREAS, the Borough Council has determined, for the reasons set forth below, that the bid of Falkinburg's Tree Expert Co. is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to Falkinburg's Tree Expert Company in the amount of \$28,400.00 with \$125.00 per hour for emergent work for the project;

NOW, THEREFORE BE IT RESOLVED on the 6th day of August, 2012, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This Bid award is subject to the review and approval of the Bid Documents by both the Manasquan Borough attorney and the New Jersey Department of Transportation Bureau of Local Aid.
2. Subject to the above condition, a contract in the amount of \$28,400 with \$125 per hour for emergent work is awarded to Falkinburg's Tree Expert Company for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Falkinburg's Tree Experts Company.

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4. A certified copy of this resolution shall be sent to:

Falkinburg's Tree Experts Company
PO Box 688
Brielle, NJ 08730

**RESOLUTION
240-2012**

WHEREAS, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, approved the Summer Recreation Employees for the Summer Season of 2012 on July 2, 2012:
and

WHEREAS, the hourly rate for Brendan Ward was erroneously entered as \$7.00 per hour; and

WHEREAS, the correct hourly salary should be as follows:

Brendan Ward 15 Marcellus Avenue \$10.00 per hour

**RESOLUTION
241-2012**

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, NJ 08736

AMOUNT OF REFUND DUE: \$787.50

REASON FOR REFUND: REFUND – COAH
15 DEWEY AVE, MANASQUAN, NJ

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
242-2012**

WHEREAS, N. J. S. A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Manasquan has additional monies from the State of New Jersey Clean Energy Program and wishes to amend its 2012 Budget to include this additional amount as revenue.

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NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Manasquan hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the beach budget of the year 2012 in the sum of \$6,382.88 which is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent
of the Director of Local Government Services:

Public and Private Revenues Off-Set with the appropriations:
Drunk Driving Enforcement Fund

BE IT FURTHER RESOLVED that a like sum of \$6,382.88 be and the same is hereby appropriated under the caption of:

General Appropriations
Operations excluded from "PUBLIC AND PRIVATE" programs Off Set by Revenues:
Drunk Driving Enforcement Fund

BE IT FURTHER RESOLVED that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services

**RESOLUTION
243-2012**

**RESOLUTION AWARDING A CONTRACT FOR ON-LINE
AUCTIONING OF SURPLUS ITEMS IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH STATE OF NEW JERSEY**

WHEREAS, the Borough of Manasquan is desirous to auction its surplus items through an on-line service and,

WHEREAS New Jersey State Department of Community Affairs, Division of Local Government Services, Local Finance Notices - 2008-9 and 2008-21 allow for the use of On-Line Auctioning and

WHEREAS, the Division of Local Government Services considers on-line auctioning a "best practice" for local state aid purposes and

WHEREAS, the Administrator/CFO/Purchasing Agent has recommended the use of New Jersey State Contract vendor GovDeals, Incorporated, in accordance with New Jersey State Contract A-70967 for this service,

NOW, THEREFORE BE IT RESOLVED on the 6th day of August, 2012, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey authorize the award of an agreement to GovDeals and authorize the Clerk and Administrator to prepare for a municipal auction.

**RESOLUTION
244-2012**

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CHANGE ORDER NO. 2

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

TITLE OF JOB: Manasquan Water Treatment Plant- Underground Storage Tank

ENGINEER: T&M Associates, 11 Tindall Road, Middletown, NJ 07748

CHANGE ORDER NO. 2. Engineering Services for the preparation of bid documents for remediation of contaminated soil per July 9, 2012 proposal (attached).

AMOUNT OF CHANGE THIS RESOLUTION: \$6,000

TOTAL AMOUNT OF CHANGE: +16,700

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

**RESOLUTION
246-2012**

**A RESOLUTION OF THE BOROUGH OF MANASQUAN OF THE COUNTY OF MONMOUTH
ADOPTING A FORM REQUIRED TO BE USED FOR THE FILING OF NOTICES OF TORT
CLAIMS AGAINST THE BOROUGH IN ACCORDANCE THE PROVISIONS OF THE NEW
JERSEY TORT CLAIMS ACT, N.J.S.A. 59:8-6.**

WHEREAS, the New Jersey Tort Claims Act, N.J.S.A. 59:8-6, provides that a public entity may adopt a form to be completed by claimants seeking to file a Notice of Tort Claim against the public entity; and

WHEREAS, the Borough of Manasquan is a public entity covered by the provisions of the New Jersey Tort Claims Act; and,

WHEREAS, the Borough of Manasquan deems it advisable, necessary and in the public interests to adopt a Notice of Tort Claim form in the form attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Manasquan of the County of Monmouth assembled in public session the 6th day of August, 2012, that the attached Notice of Tort Claim form be and hereby is adopted as the official Notice of Tort Claim form for the Borough of Manasquan; and,

BE IT FURTHER RESOLVED, that all persons making claims against the Borough of Manasquan, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, et. seq., be required to complete the form herein adopted as a condition of compliance with the notice requirement of the New Jersey Tort Claims Act.

**RESOLUTION
245-2012**

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.

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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	\$	1,734,115.61 (includes 1,471,923.50 county taxes)
Water/Sewer Fund	\$	21,066.27
Beach Fund	\$	17,465.73
General Capital Fund	\$	21,571.66
Water/Sewer Capital Fund	\$	24,518.00
Beach Capital Fund	\$	4,993.93

Council Member Donovan made a motion to approve the Consent Agenda, seconded by Council Member Bossone. 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 2120-12 for introduction.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5
(ANIMAL CONTROL) BY CREATING SECTION 5-12 (SALE OF
DOGS AND CATS) PROHIBITING THE RETAIL SALE OF DOGS
AND CATS IN PET SHOPS 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 Bossone made a motion to introduce ordinance 2120-12, seconded by Council Member McCarthy. Motion carried by the following vote; "yes" Council Member Bossone, Connolly, Donovan, Jacobson, Mangan, and McCarthy, "no" none.

APPROVAL OF MINUTES

Regular and Work Session Minutes - May 21, 2012 (Bossone absent)

Council Member Donovan made a motion to approve the minutes, seconded by Council Member McCarthy. Motion carried unanimously. Council Members Bossone and Jacobson abstained.

Special Meeting Minutes – May 24, 2012 (Connolly & McCarthy absent)

Council Member Mangan made a motion to approve the minutes, seconded by Council Member Bossone. Motion carried unanimously. Council Members Connolly, Jacobson, and McCarthy abstained.

COMMITTEE REPORTS

Public Safety & Recycling – Council Member McCarthy reported that the violations written by the Police Department are just about at a 5 year high. He reported that the committee discussed staffing issues within the police department. He reported that the intersection of Blakey and Curtis was discussed as to the appropriate traffic control.

Public Property & Parks – Council Member Mangan reported that he was working with the CFO regarding a funding plan to begin discussions with replacing the Borough bulkhead or at least repairing them. He

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reported for Tourism that the Lighted Decorated Boat Parade celebrating Manasquan's 125th Anniversary on Tuesday, August 21, from 5 to 9 p.m. Manasquan Elks is sponsoring the event and the Beach House, formerly O'Neills, is sponsoring the fireworks. He stated that applications are still being accepted to participate. He reported that September 21 is a cocktail party, September 22 is a parade and September 23 is Clambake in celebration of the Manasquan's 125th Anniversary and shirts are still available.

Law and Code Committee – Council Member Jacobson reported that zoning collected \$550 for permits in July and code enforcement collected \$2,036 for permits, \$11,954 was collected by the building department. She reported that the courts took in \$117,113.10 and the town will receive \$92,799.04. She mentioned that the trash on Ocean Avenue has been looked into and there is a change in the scheduled date of pickup for that area. She asked about a dock master and the trash cans at the docks.

Public Works Committee – Council Member Donovan had nothing further to report at this time.

Administration and Finance – Council Member Connolly reported that residents should be aware that they have until August 10, to pay their property taxes without interest and the water bills have gone out and are due August 17. She reported that the bills have been signed by the committee and they are available for the public to view at the front desk.

Beach Committee – Council Member Bossone reported that revenues for the beach year to date are \$1,483,000 which is down about \$74,000 from last year. He went over the events that will be held at the beach in the next few days. He reported that the non-operational sinks at the Ocean Avenue bathrooms are due to a leak in the wall and are scheduled to be fixed shortly. He reported on the Clambake date, price, places to buy tickets, etc.

AUDIENCE PARTICIPATION

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

Dick Meincke, 36 N. McClellan wanted to know the progress on reviewing the police dispatchers.

Council Member McCarthy stated that is one of the items that have been discussed in committee meetings. He stated that some issues may involve contractual issues so he does not want to comment on it at this time but there is an ongoing review of the department.

There was discussion on the dispatchers and shared services.

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

Council Member Donovan made a motion to adjourn the regular meeting at 9:29 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 9-17-12