

SEPTEMBER 4, 2012

Regular Meeting of Mayor and Council was convened at 8:27 p.m. on September 4, 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, and McCarthy

Absent: Council Members Connolly, Jacobson, and Mangan

Council Member Jacobson arrived at 8:28 p.m. and Council Member Connolly arrived at 8:29 p.m.

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

APPOINTMENT: Rita Coleman, 103 Colby Ave. – Shade Tree Commission
Alternate #2 – unexpired term 01/01/12 – 12/31/2015

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

CONSENT AGENDA

BOROUGH OF MANASQUAN RESOLUTION 253-2012

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. Drivers:

- 1) David Dalton
- 2) Paul Zuhowski
- 3) Ibrahim E. Abdelwahed

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 4th day of September, 2012, as follows:

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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 254-12

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Mayor be authorized to sign The State Local Cooperative Housing Inspection Program Agreement with the Bureau of Housing Inspections to conduct State inspections during the period from July 1, 2012 to June 30, 2013.

RESOLUTION 255-2012

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: TIMOTHY MAHER
 223 WHITFORD AVE
 NUTLEY, NJ 07110

AMOUNT OF REFUND DUE: \$205.00

REASON FOR REFUND: COAH REFUND
 40 PEARCE CT., MANASQUAN, NJ 08736

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 256-2012

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: CERTIFIED CLEANING SERVICES, LLC
 331 NEWMAN SPRINGS ROAD
 BLDG 1, 4TH FLOOR SUITE 143
 RED BANK, NJ 07701

AMOUNT OF REFUND DUE: \$500.00

REASON FOR REFUND: DUMPSTER REFUND TRP#89
 61 CLARK ST

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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.

257-12 insert

**RESOLUTION
259-2012**

WHEREAS, the Borough of Manasquan has the need to purchase a sport SUV for the Police Department; and

WHEREAS, the six quotes requested for this purchase, exclusive of motor vehicle fees were as follows:

Lester Glenn Auto Group 101 Route 37 East Toms River NJ 08753	<u>\$21,550.50</u>
SeaView 810 Highway 35 Ocean Township NJ 07712	<u>\$21,796.18</u>
Pinebelt Chrysler Jeep 1400 Rt 88 Lakewood NJ 08701	<u>\$22,960.00</u>
World Jeep Chrysler 681 Shrewsbury Avenue Shrewsbury, NJ 07702	<u>\$23,428.43</u>
All American Ford in Old Bridge 3698 Route 9 South Old Bridge NJ 08857	<u>\$25,787.99</u>
Buhler Auto Group 105 Highway 36 Eatontown, NJ 07724	<u>\$24,707.00</u>

WHEREAS, the Borough of Manasquan's bid threshold per resolution 251-11 is \$26,000; and

WHEREAS, as a result the Borough of Manasquan intends to enter into contract with: Lester Glenn Auto Group through this resolution and properly executed contracts, which shall be subject to all the conditions applicable; and

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractor, pursuant to all conditions, in the amount of \$20,879.00; and

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**RESOLUTION
260-2012**

BE IT RESOLVED, that on August 6, 2012 the Mayor and Council of the Borough of Manasquan passed resolution 244-2012 approving a Change Order in the amount of \$6,000 for Engineering Services for the preparation of bid documents for remediation of contaminated soil; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan that T&M Associates, 11 Tindall Road, Middletown, Borough Engineer of the Borough of Manasquan, be and is hereby authorized to advertise Bid Notice for Soil Remediation Project at the Water Treatment Plant.

**RESOLUTION
261-2012**

WHEREAS, the Borough of Manasquan, County of Monmouth and State of New Jersey entered into an agreement for the restoration and reconstruction of the Fisherman's Cove bulkhead, and

WHEREAS, during the design and permitting efforts of the shoreline stabilization project over the past 24 months, we have observed a deterioration of the west end of the jetty which has resulted in the concrete surface pedestrian walkway to settle, and

WHEREAS, the settlement has worsened over this period and is now approximately 5 inches lower at the west terminus of the jetty and has caused a tripping hazard for individuals who fish in that area and family and seniors who walk in that area, and

WHEREAS, the Borough, County and State have on several occasions reported this circumstance to the USACE with photographs either directly from the Borough or through the NJDEP office, and

WHEREAS, the Army Corp of Engineers has indicated to the above parties that they do not have funding available for the restoration of the Jetty, and

WHEREAS, due to the lack of financial participation from the federal government and condition of the area at that time, the original scope of the project excluded this part from the original specifications, and

WHEREAS, it is in the Borough's best interest to have this section of the promenade repaired for the safety of pedestrians and the extension of the useful life of the jetty, and

WHEREAS, if the work is not completed, an approximately 10 foot section of the promenade will have to be closed off from the public, and

WHEREAS, the financial responsibility for the Fisherman's Cove project is as follows: 75% State and 25% County/Municipal and within the 25%, only 5% being the responsibility of the Borough, and

WHEREAS, the additional amount for this work as quoted by Bird Construction, is \$92,498.00, an amount within the Borough Engineer's estimate, and,

WHEREAS, the Borough Engineer recommends the Borough proceed with this amendment, and

NOW BE IT RESOLVED, that the Governing Body of the Borough of Manasquan approves the financial participation of the Borough for the Jetty repair subject to:

- Project Cost sharing percentages apply
- Monmouth County agrees to financially participate and

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- The required repairs are substantially consistent with the scope of work associated with the Bird Construction estimate stated above

**RESOLUTION
262-2012**

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.

Current Fund	\$	2,221,591.85 (Includes 2,109,325.16 BOE Tax Levy)
Water/Sewer Fund	\$	37,295.39
Beach Fund	\$	28,691.37
General Capital Fund	\$	55,419.31
Water/Sewer Capital Fund	\$	19,091.09
Beach Capital Fund	\$	1,000.00

Council Member Donovan 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, and McCarthy, "no" none.

BEACH HEADQUARTERS PROJECT – RESOLUTIONS

Borough Attorney Kitrick read a letter from Chris Rice of Rice and Brown Architects dated September 4, 2012 stating his recommendation of the contractor TXM and a letter from Charles Rooney of T&M Associates stating his recommendations for the contractor TXM.

**RESOLUTION
226-2012**

**RESOLUTION AWARDING A CONTRACT FOR MANASQUAN
BEACH HEADQUARTERS PROJECT 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 Manasquan Beach Headquarters project; and

WHEREAS, seventeen bids for this project were received:

Straight Edge Construction	\$1,298,182
Mark Woszcak	\$ 998,850 (withdrawn)
3R Painting & Contracting	\$1,239,777
McCauley Construction	\$1,531,340

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GPC Inc.	\$1,411,636
TQM Construction Corporation	\$1,083,670
Cypreco Industries, Inc.	\$1,496,573
Ray Angelini	\$1,358,000
Rocon Contracting	\$1,128,000
Sakoutis Builders	\$1,198,000
Tornree Construction	\$1,521,777
Shorelands Construction	\$1,445,497
Kelso Construction Co., Inc.	\$1,174,000
Dell-Tech	\$1,224,347
Tekton Development Corp.	\$1,174,000
Apex Enterprises	\$1,385,839
Coastal General	\$1,339,934

WHEREAS, TQM Construction Corporation submitted a monetary bid in the amount of \$1,083,670.00; and

WHEREAS, the bid by TQM Construction Corporation 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 TQM Construction Corporation is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to TQM Construction Contractors in the amount of \$1,083,670.00 for the project;

NOW, THEREFORE BE IT RESOLVED on the 4th day of September 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. The Bid award is further subject to compliance with all Bond and Insurance requirements as specified by the Borough of Manasquan.
3. Subject to the above conditions, a contract in the amount of \$1,083,670.00 is awarded to TQM Construction Corporation for this project.
4. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with TQM Construction Corporation.
5. A certified copy of this resolution shall be sent to:

TQM Construction Corporation
21 Pine Street, Suite 206
Rockaway, NJ 07866

Council Member Bossone made a motion to approve the resolution, seconded by Council Member Jacobson. Motion carried by the following vote; "yes" Council Members Bossone, Donovan, Jacobson, and McCarthy, "no" Council Member Connolly.

RESOLUTION

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263-2012

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan that the Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to advertise for a Professional Services Agreement for the position of Construction Manager for the Manasquan Beach Headquarters to be constructed at 205 Beachfront in the Borough of Manasquan.

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

ORDINANCES

First Reading and Introduction – Ordinance 2121-12
Pet Sale Ordinance

Council Member Bossone made a motion to introduce ordinance 2121-12, seconded by Council Member McCarthy. Motion carried by the following vote; "yes" Council Member Bossone, Connolly, Donovan, Jacobson, and McCarthy, "no" none.

APPROVAL OF MINUTES

Regular and Work Session Minutes – June 18, 2012
Absent Bossone (part) and Jacobson

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

Regular and Work Session Minutes – July 2, 2012
Absent None

Regular and Work Session Minutes – July 16, 2012
Absent None

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

Council Member Donovan made a motion to remove resolution 258-12 from the Consent Agenda for a future meeting, seconded by Council Member McCarthy. Motion carried by the following vote; "yes" Council Member Bossone, Connolly, Donovan, Jacobson, and McCarthy; "no" none.

COMMITTEE REPORTS

Public Safety & Recycling Committee – Council Member McCarthy reported that the new SUV for the Police Department was purchased and he advised that credit should be given to the Chief and the Administrator for obtaining the vehicle for \$21,550 which is \$5,000 less than the sticker price. He reported that he has received a summary of the summer activities which will be available for the Mayor and Council to review and he went over the summary in brief.

Law and Code Committee – Council Member Jacobson reported on the Code Department revenue and the permits that were issued. She reported that the licensing of the Taxi Cabs has brought in over \$8,000 and she reported how many and what type of taxi permits were issued. She reported that the committee will be meeting on September 17, 2012 with the Code Officer and the realtors to go over issues and concerns that have come up over the summer. She thanked Patrick Callahan, Officer Fernandez and Chief Correia for looking into an animal house violation on Long Ave. She reported that a notice has been sent out from the Mosquito Commission advising of the dangers of West Nile virus and how to avoid getting the virus. She went over some maintenance issues that were reported at the high school and the school property. She

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reported about the coaching issues that have been addressed through the Board of Education and what the final result has been.

Public Works Committee – Council Member Donovan reported that the public works department has been a great help all year with the 125th Celebration events along with all the many other jobs that need to be done throughout town and at Borough properties. He reported on bulk pick up being next week. He reported that bids have been received for the next phase of the Glimmer Glass Project and are being reviewed and should be scheduled for award at the next meeting. He reported there is going to be a meeting with the Monmouth County Mosquito Control Commission to discuss deslagging creeks in the borough to help with the mosquito problem.

Administration and Finance – Council Member Connolly reported that the committee has approved the bills and are available for the public to view which amounts to \$2.3 million. She reported that a new piece of equipment has been purchased for the finance department which will allow the employees to scan all the bills and give receipts on water bills and property tax bill and will also keep track of the total receipts. She reported that the Monmouth County Health Department will be hosting a flu clinic in Borough Hall on Friday, September 14, 2012 from 10 a.m. to 11:30 a.m. She reported that the Cable Advisory Committee will be participating in the 125th Anniversary Celebration by showing historic and contemporary videos about Manasquan and will begin on September 17 through September 20, 2012 from 7 p.m. to 9 p.m.

Beach Committee – Council Member Bossone reported that the beach is now closed but guards will remain on duty for the next few weekends and reminded people of the rip currents with an upcoming storm. He reported that dogs are not allowed on the beach until November 1. He reported that the unaudited revenue for the beach is \$1,730,000 which is down \$30,000 from last year. He thanked Wally Wall and his staff for a great season. He advised that the clam bake is September 23, 2012 and ticket sales will cease on September 16.

AUDIENCE PARTICIPATION

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

Mary Ryan, 113 Beachfront voiced her appreciation to Chief Corriea and Manasquan Police Department for their cooperation in making it a much better quality of life for most of the resident in Manasquan. She thanked Administrator Delorio and Public Works Superintendent Nicastro and the council members that were cooperative in making things happen for the boat parade. She voiced her concerns about the contractor that was awarded the Beach Headquarters project.

There was discussion on the Construction Manager position and what the responsibilities will be.

Katherine Lindemer, 21 Pine Avenue wanted to know if the construction manager is added to the lowest bid is it still the lowest bid and what is the difference.

Mr. Kitrick stated that it is still the lowest bid.

There was discussion on the reasoning of hiring a construction manager.

Ms. Lindemer inquired about the corrosion expert that was hired by the borough and the pigging and she wanted to know how much more this will cost the borough or is someone else responsible.

Mr. Delorio stated that the pigging has not been instituted and if the council decides to go that route then they would have to determine source of funds. He stated that the corrosion expert did meet on site and had a presentation made before the committee and a final report has been issued which is under review now and that money has been charged to the water plant project that is part funded through the Environmental Trust Fund loan and also a grant that was received from the state. He advised that any issues dealing with who is paying what are legal matters and they will be discussed in closed session.

Mike Sinneck, 380 Cedar Avenue stated that he is pleased that the construction is about to begin on the beach building. He inquired about the accountability if there is a problem with the construction with so many people involved.

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

Council Member Donovan made a motion to adjourn the regular meeting at 9:22 p.m., seconded by Council Member Connolly. Motion carried unanimously.

Respectfully submitted,

B. Ilaria

Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 10-15-12