

OCTOBER 1, 2012

Regular Meeting of Mayor and Council was convened at 8:55 p.m. on October 1, 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.

Boy Scouts David Peters and Billy Waldyer lead the room in the 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 Borough Administrator/CFO Joseph DeIorio, and Charles Rooney, Borough Engineer

APPOINTMENT: Mr. Charles Rooney – Borough Engineer's Report

Mr. Charles Rooney read the Engineer's report dated September 26, 2012.

Mr. Rooney stated that the contractor recommended that the State, County, and the Borough consider an application of an apoxy coating on the cap for the Fisherman's Cove Project which would give it a uniform appearance. He stated that the Borough's share would be \$250.

Council Member Mangan made a motion to move forward with the apoxy coating on the cap, seconded by Council Member Donovan. Motion carried by the following vote: "yes" Council Member Bossone, Connolly, Donovan, Jacobson, Mangan, and McCarthy, "no" none.

Mr. Rooney continued with his report.

There was discussion on the CAFRA Permit for the beach area.

CONSENT AGENDA

**RESOLUTION
274-2012**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, New Jersey that: RONALD LANGELL & JOSEPH SCELFO

WHEREAS, a refund for OVERPAYMENT OF COAH FEES is due on the below described property in the amount designated as follows:

BLOCK: 171	LOT: 13	NAME: Langell, Ronald & Scelfo, Joseph
PROPERTY LOCATION:	175 First Ave	
AMOUNT OF REFUND:	\$376.00	

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO: RONALD LANGELL & JOSEPH SCELFO

WHEREAS, the Tax Collector has certified that the property developer 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.

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**RESOLUTION
275-2012**

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

WHEREAS, a refund for OVERPAYMENT OF COAH FEES is due on the below described property in the amount designated as follows:

BLOCK: 7 LOT: 15 NAME: Amato, Joyce

PROPERTY LOCATION: 95 Narrumson Rd

AMOUNT OF REFUND: \$397.50

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO: JOYCE AMATO

WHEREAS, the Tax Collector has certified that the property developer 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
276-2012**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, New Jersey that: OCEAN BAY PROPERTIES, LLC

WHEREAS, a refund for OVERPAYMENT OF COAH FEES is due on the below described property in the amount designated as follows:

BLOCK: 49 LOT: 14.06

NAME: Ocean Bay Properties, LLC C/O DeCastro, Jack

PROPERTY LOCATION: 157 Curtis Pl

AMOUNT OF REFUND: \$500.50

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO:
OCEAN BAY PROPERTIES, LLC C/O DECASTRO, JACK

WHEREAS, the Tax Collector has certified that the property developer 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
277-2012**

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

WHEREAS, a refund for OVERPAYMENT OF COAH FEES is due on the below described property in the amount designated as follows:

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BLOCK: 85 LOT: 18.01

NAME: James Markham

PROPERTY LOCATION: 281 Cedar Ave

AMOUNT OF REFUND: \$357.50

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO: James Markham

WHEREAS, the Tax Collector has certified that the property developer 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
278-2012**

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

WHEREAS, a refund for OVERPAYMENT OF COAH FEES is due on the below described property in the amount designated as follows:

BLOCK: 7 LOT: 13

NAME: Kolarsick Builders, Inc

PROPERTY LOCATION: 99 Narrunson Rd

AMOUNT OF REFUND: \$446.00

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO: Kolarsick Builders, Inc

WHEREAS, the Tax Collector has certified that the property developer 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
279-2012**

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:

ABC TRANSFER FEE:

TO: Mario DePaola
149 E. Hill Road
Colonia, New Jersey 07067-3627

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RE: GMB, Inc - Maria's

AMOUNT OF REFUND DUE: \$240.00

REASON: Liquor License was a Corporate Structure Change which does not require a transfer fee.

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 280-2012

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

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

NAME: BIG BROTHERS/BIG SISTERS
CRYSTAL BROOK PROFESSIONAL BLDG
174 MAIN STREET
EATONTOWN, NJ 07724-4010

AMOUNT OF REFUND DUE: \$400.00

REASON FOR REFUND: Beach Use Security

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 281-2012

**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:

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A. Drivers:

1. Nicholas Tabor
2. Mark Loughlin

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 1st day of October, 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
282-2012**

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

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

NAME: REBECCA REINHARDT c/o Manasquan Elk's
231 CEDAR AVE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$100.00

REASON FOR REFUND: Use of Beach Fee-In Kind Exchange

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
283-2012**

BE IT RESOLVED, that the Hon. George R. Dempsey, Jr., Mayor of the Borough of Manasquan, and Borough Clerk Barbara Ilaria be and are hereby authorized to sign the United Cleaning Service Contract for the remainder of 2012.

**RESOLUTION
287-2012**

WHEREAS, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefore; and

WHEREAS, the borough council has determined that there is a need for professional services to review and analyze water treatment for the borough during the 2012-2013 calendar year; and

WHEREAS, the anticipated term of these contracts are one year (June 1, 2012 to May 31, 2013) as needed; and

WHEREAS, the Borough of Manasquan approved Resolution 217-2012 awarding a professional services agreement to Black and Veatch Engineers for the services of a Corrosion Expert Engineer for Water Treatment Facility and

WHEREAS, the borough council has determined that there is a need to extend the scope of services to Black and Veatch for Chemical Feed Engineer Services and

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WHEREAS, the following professional services providers have or will submit contracts to be reviewed for completeness and approval by the borough attorney indicating that they will provide their services for the agreed upon rate (s) that are contained in their contracts that are on file in the Clerk's Office.

Black and Veatch Engineers – Extension of Scope of Services, Chemical Feed Engineering Services
- Water Treatment Facility

These appointments are made pursuant to N. J. S. 2B:12-1 et seq.

WHEREAS, the scope of services include but are not limited to:

- Review and analysis of key drawings and documents related to the construction of the water treatment plant,
- Guidance in water plant operations using resources including but not limited to, process specialists, chemical feed designers, management and administration
- A site visit to review current facilities and operations and meet with Public Works and Council staff.
- A letter report outlining their findings and recommendations.

WHEREAS, the amount of these professional services will not exceed \$10,000; and

WHEREAS, a certification as to the availability of funds executed by the chief financial officer is attached to this resolution pursuant to the provisions of N. J. A. C. 5:30-5-4;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 1st day of October 1, 2012 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the municipal clerk, and shall be available for public inspection.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with these professionals to provide professional services to the municipality at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A certified copy of this resolution shall be sent to the professionals included in this resolution.

**RESOLUTION
288-2012**

WHEREAS, the borough council has determined that there is a need for professional services to review and analyze water treatment for the borough during the 2012-2013 calendar year; and

WHEREAS, the Borough of Manasquan Resolution 287-2012 awards a professional services agreement to Black and Veatch Engineers for the services of a Chemical Feed Engineer Services for Water Treatment Facility and

WHEREAS, the Borough's engineering firm, T&M Associates has offered to reimburse the Borough for these services, and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 1st day of October 1, 2012 as follows:

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1. Authorizes the Mayor to sign an agreement between the Borough of Manasquan and T&M Associates for the reimbursement of Chemical Feed Engineer Services for the Water Treatment Facility.
2. A certified copy of this resolution shall be sent to the professionals included in this resolution.

**RESOLUTION
290-2012**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, Monmouth County, New Jersey that the contract for the **Blakey Avenue Roadway Improvements** was constructed by **Mark Woszczak Mechanical Contractor, 1700 Atlantic Avenue, Manasquan, NJ 08736** in accordance with the Plans and Specifications and any approved Change Orders, as directed by the engineering firm of T&M Associates, Toms River New Jersey. Said construction is hereby completed and Mark Woszczak payment certification #2 in the amount of Forty Two Thousand Seven Hundred and Six Dollars and Fifty Seven Cents (\$42,706.57) is hereby considered final payment; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

Mark Woszczak Mechanical Contractor
1700 Atlantic Avenue
Manasquan, NJ 08736

**RESOLUTION
292-2012**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
AUTHORIZING THE PAYMENT OF \$17,901.70 FOR SETTLEMENT IN
THE MATTER CAPTIONED, KENNETH FLECK V. BOROUGH OF
MANASQUAN.**

WHEREAS, one, Kenneth Fleck, instituted litigation against the Borough of Manasquan in the United States District Court for the District of New Jersey, Trenton Vicinage, in the matter captioned Kenneth Fleck v. Borough of Manasquan, Civil Action No. 12-CV-02738; and

WHEREAS, in order to amicably resolve this matter, the complainant has agreed to accept from the Borough of Manasquan a lump sum payment of \$17,901.70 for the release of any and all claims and rights the complainant may have against the Borough of Manasquan and its officials and employees with respect to the above captioned matter; and

WHEREAS, the complainant has provided a proposed Release ("the Release") which details the amount of the settlement and acknowledges a release of any and all claims and rights the complainant may have against the Borough of Manasquan and its officials and employees;

WHEREAS, the settlement shall be conditioned upon the execution of the Release which shall be incorporated herein; and

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WHEREAS, the Chief Financial Officer has certified that there are funds available for this purpose; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough is hereby authorized to resolve the matter Kenneth Fleck v. Borough of Manasquan, Civil Action No. 12-CV-02738, filed by complainant, Kenneth Fleck, against the Borough of Manasquan for the sum of \$17,901.10; and

BE IT FURTHER RESOLVED that settlement of this matter shall be conditioned upon the execution of the Release which the Borough finds acceptable; and

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

This Resolution shall take effect immediately upon adoption according to law

RESOLUTION
258-2012

RESOLUTION AWARDING A CONTRACT FOR PERRINE BLVD -
WARREN AVENUE ROADWAY IMPROVEMENTS 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 Perrine Avenue -- Warren Avenue Roadway Improvements Project; and

WHEREAS, three bids for this project were received:

	Base Bid	Plus Alt. 1	Plus Alt. 2
Mixalia Enterprises	\$500,652.25	\$526,812.25	\$557,806.25
Mark Woszczak Mechanical Contractors	\$580,000.00	\$605,422.50	\$632,263.00
Black Rock	\$594,941.25	\$623,441.25	\$653,527.25

WHEREAS, the Mixalia Enterprises submitted a monetary base bid plus alternates 1 and 2 in the amount of \$557,806.25; and

WHEREAS, the Borough Engineer has determined the bid by Mixalia Enterprises complies with the bid specifications and includes all required documentation and has recommended the award of the bid; and

WHEREAS, the Borough Council has determined, for the reasons set forth below, that the bid of Mixalia Enterprises is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to Mixalia Enterprises for the base bid plus alternates 1 and 2 in the amount of \$557,806.25 for the project;

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NOW, THEREFORE BE IT RESOLVED on the 1st day of October, 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 \$557,806.25 is awarded to Mixalia enterprises for this project subject to the certification of funds through the adoption of Ordinance 2124-12.

3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Mixalia Enterprises.

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

Mixalia Enterprises
420 Sycamore Avenue
Shrewsbury, NJ 07702

**RESOLUTION
291-2012**

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	\$	142,684.24
Water/Sewer Fund	\$	22,404.53
Beach Fund	\$	15,947.92
General Capital Fund	\$	11,627.70
Water/Sewer Capital Fund	\$	187.50
Beach Capital Fund	\$	836.00

Also presented by the Borough Attorney was Resolution 289-12 Amending Capital Budget for Sewer Replacement Line in the Glimmer Glass Section (Ordinance 2124-12) and Construction and Reconstruction of various Borough Streets (Ordinance 2126-12).

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.

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RESOLUTIONS:

**RESOLUTION
285-2012**

**RESOLUTION AWARDING A CONTRACT FOR SQUAN PLAZA
IMPROVEMENT PROJECT IN THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH STATE OF NEW JERSEY**

WHEREAS, the Squan Plaza design plan authorization to bid was awarded to T&M Associates pursuant to Resolution 187-2012; and

WHEREAS, THE Borough of Manasquan entertained bids from contractors to provide the Reconstruction of Squan Plaza for the Borough of Manasquan and such bid process was duly advertised and required bids to be submitted by 2:00 p.m. on September 11, 2012 in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq)

WHEREAS, six (6) bids for this project were received:

Mark Woszczak Mechanical Contractors	\$1,294,393.50
Seminole Construction	\$1,397,419.75
DeFino Contracting	\$1,430,130.00
A-Tech Concrete	\$1,593,350.00
Fiore Paving	\$1,650,359.40
Earle Asphalt	\$1,725,313.13

WHEREAS, Mark Woszczak Mechanical Contractors submitted a monetary bid in the amount of \$1,294,393.50; and

WHEREAS, the bid by Mark Woszczak Mechanical Contractors 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 lowest bid of Mark Woszczak Mechanical Contractors is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to Mark Woszczak Mechanical Contractors in the amount of \$1,294,393.50 for the project;

NOW, THEREFORE BE IT RESOLVED on the 1st day of October 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 \$1,294,393.50 is awarded to

Mark Woszczak Mechanical Contractors for this project.

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4. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Mark Woszczak Mechanical Contractors.

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

Mark Woszczak Mechanical Contractors
1700 Atlantic Avenue
Manasquan, NJ 08736

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

RESOLUTION 286-2012

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO P.W. MOSS & ASSOCIATES TO SERVE AS CONSTRUCTION MANAGER FOR THE MANASQUAN BEACH HEADQUARTERS

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(i) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefore; and

WHEREAS, the Borough of Manasquan did publicly advertise for proposals for the construction manager position and such proposals were required to be submitted by 2:00 pm, September 21, 2012; and

WHEREAS, the Borough Council has determined that there is a need for professional services for a construction manager for the Manasquan Beach Headquarters; and

WHEREAS, the Borough Council has determined the need to acquire these professional services in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, it is anticipated the term of the contract shall commence on or about October 15, 2012 and shall conclude April 15, 2013; and

WHEREAS, the Beach Committee evaluated the proposals and reported and recommended P.W. Moss for construction manager services; and

WHEREAS, the following professional services providers have or will submit contracts to be reviewed for completeness and approval by the Borough Attorney indicating that they will provide their services for the agreed upon rate (s) that are contained in their proposal that is on file in the Clerk's Office.

P. W. Moss & Associates
7 Plumridge Drive
Doylestown, PA 18902

This award is made pursuant to N.J.S.A. 40A:11-5(1)(a)(i).

WHEREAS, a certification as to the availability of funds executed by the chief financial officer is attached to this resolution pursuant to the provisions of N.J.A.C. 5:30-5-4;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 1st day of October 2012 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the municipal clerk, and shall be available for public inspection.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with these professionals to provide professional

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services to the municipality at the agreed upon rate that is contained in the proposal on file in the Clerk's Office.

3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.
4. A certified copy of this resolution shall be sent to the professionals included in this resolution.

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

ORDINANCES

The Borough Attorney read the title of ordinance 2122-12 for second reading and final hearing.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING) SECTION 35-12 (NONCONFORMING BUILDINGS AND LOTS) BY CREATING SECTION 35-26.2 TO PERMIT STRUCTURAL ALTERATIONS TO THE INTERIOR OF NONCONFORMING USES PROVIDED THAT THE STRUCTURAL ALTERATIONS DO NOT EXPAND OR EXTEND THE FOOTPRINT OR HEIGHT OF THE NONCONFORMING STRUCTURE AND CREATING A DEFINITION FOR ABANDONMENT WITHIN SECTION 35-3.1.

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

There being no comment, Council Member Mangan made a motion to close the public portion, seconded by Council Member Connolly. Motion carried unanimously.

Council Member Mangan made a motion to pass and publish ordinance 2122-12 according to law, seconded by Council Member Bossone. 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 2123-12 for second reading and final hearing.

ORDINANCE TO AMEND SECTION 7-10 (THROUGH STREETS) AND SECTION 7-11 (STOP INTERSECTIONS) OF CHAPTER 7 (TRAFFIC) OF THE BOROUGH OF MANASQUAN TO ESTABLISH THROUGH STREETS AND ESTABLISH STOP INTERSECTIONS AT VARIOUS LOCATIONS IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY.

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

There being no comment, Council Member Donovan made a motion to close the public portion, seconded by Council Member Jacobson. Motion carried unanimously.

Council Member Donovan made a motion to pass and publish ordinance 2123-12 according to law, 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 2124-12 for First Reading and Introduction.

BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$130,000 FOR A SEWER LINE REPLACEMENT AND RELATED APPURTENANCES IN THE GLIMMER GLASS SECTION OF THE MUNICIPALITY, AND AUTHORIZING THE ISSUANCE OF \$123,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH

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APPROPRIATION BY THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY

Council Member Donovan made a motion to introduce ordinance 2124-12, 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 2125-12 for First Reading and Introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 (PARKS AND RECREATION AREA) AND CREATING SECTION 10-4 (CRIMINAL HISTORY BACKGROUND CHECKS FOR VOLUNTEER COACHES) 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 introduce ordinance 2125-12, seconded by Council Member Bossone. 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 2126-12 for First Reading and Introduction.

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION AND/OR RECONSTRUCTION OF 3,000 LINEAR FEET OF VARIOUS MUNICIPAL STREETS IN THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$215,000 THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$204,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

Council Member Donovan made a motion to introduce ordinance 2126-12, seconded by Council Member Mangan. 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 – August 20, 2012
(Absent – McCarthy)

Council Member Donovan made a motion to approve the minutes, seconded by Council Member Mangan. Motion carried unanimously with Council Member McCarthy abstaining.

COMMITTEE REPORTS

Public Safety & Recycling Committee – Council Member McCarthy reported that the Police Department participated in operation "Take Back" co-sponsored by the Drug Enforcement Agency, NJ Attorney General's Office, and NJ Chief of Police Association which is a program where prescription drugs were turned in at the police department. He reported that the police department is in the process of the Fall in-service updates and firearms qualifications and that LED lights are being looked into being mounted on the handguns of the police officers.

Public Property & Parks Committee – Council Member Mangan reported that he is working on plans for funding of the bulkhead repairs. He stated that he is looking for ways to stream line the committees for the borough to run a more efficient/streamline operation.

Law and Code Committee – Council Member Jacobson reported on the zoning, code department and building department reports and advised that the committee met to review several code fees that should be amended and some that should be added. She went over the zoning fees and code rental fees that the committee discussed. She reported that Coded Systems should make a presentation at the next meeting to go over the idea of putting all the fees into one ordinance. She reported that she had previously reached out

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to the Chamber of Commerce regarding the Plaza Project to donate some of the trees, planters, or clean up some of the properties behind their store.

Public Works Committee – Council Member Donovan reported that leaf collection started today on the east side of the tracks and the schedule is posted on the website. He reported that water readings were completed and will be going back to finish up a few punch list items. He reported that construction will start at Fisherman's Cove within next 2 weeks and advised that there might be some delay in traffic on certain streets with the equipment and material will be brought to the site. He reported that the wire has been re-installed at Mac's Pond to deter the geese from landing in the water. He reported that the Environmental Commission is having a beach clean up with Clean Ocean Action and there will be a paper shredding event at the Fourth Avenue Parking Lot on November 4 from 9 a.m. to 1 p.m. or until the truck fills up. He thanked everyone that was involved in the 125th Anniversary Celebration.

Administration and Finance – Council Member Connolly reported that information was received from the health insurance carrier that it will be increasing 10% as of next year. She also reported that all the employees that are represented by unions will be negotiating their contracts. She reported that all the bills have been approved by the committee and total \$193,687.89.

Beach Committee – Council Member Bossone reported that he has nothing to add to what has already been reported about the beach.

AUDIENCE PARTICIPATION

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

Boy Scout David Peters, 275 Euclid Avenue asked Council Member Mangan about the municipal bulkhead at the marina and if it will be a permanent fix.

Council Member Mangan stated that if the bulkhead was to be replaced as it is now would cost in the range \$3 to \$4 million in terms of re-doing all of the Borough's bulkheading and docks and have a lifespan of 50 years. He stated that the Borough is not financially in the position to do this project at this point. He stated that one of the other options would have a lifespan of 10, 15 or 20 years is one that the committee is looking to do and that would be sheeting.

Boy Scout Joey Waldyer, 34 N. Jackson Avenue asked Council Member McCarthy about stop streets not having white lines and wanted to know if this is something the town would look into.

Council Member McCarthy stated that he will talk to the Chief of Police and the DPW liaison to look into adding the white stop lines at the intersections.

Julie Cocozza, 45 N. Potter Avenue commended Lee Weisert for the 4 nights of programming that was put on during the 125th Anniversary Celebration. She stated that she believes that he could put more programs on if he had the scheduler and she would like the council to revisit this request.

Jack Drew, 111 Third Avenue inquired about the scheduling of the Plaza project and voiced his opinion on the contractor that was approved for the project. He went over how he believes the Plaza project should be scheduled in phases.

There was discussion on the protocol for road projects and meeting with the affected businesses or property owners and the schedule for the project.

Fran Drew, 111 Third Avenue, inquired about volunteers that fixed the fountain in the rose garden in the Plaza and wanted to know why the fountain is not running.

Mr. Nicastro, Superintendent of Public Works stated that it was turned off because the motor/pump is in a pit and the sprinklers were leaking or being overused and filling up the pit. He stated that he pulled the motor because he didn't want the motor to burn up and have to be replaced.

There was discussion on the fountain motor/pump and the rose garden during construction of the Plaza Project.

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There was discussion on shrubs and trees for the Plaza Project.

Ron Jacobson, 59 McLean Avenue asked for the award price of the Plaza.

Mayor Dempsey stated that the award was for \$1,294,393.50 and it was awarded to Mark Woszczak.

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 close the regular meeting at 10:00 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 2-4-2013