

NOVEMBER 19, 2012

Regular Meeting of Mayor and Council was convened at 8:00 p.m. on November 19, 2012 in Council Chambers of Borough Hall with Mayor George 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, and Mangan

Absent: Council Member McCarthy

Also present was Borough Attorney Mark Kitrick Borough Administrator/CFO Joseph Delorio, and Charles Rooney, Borough Engineer

Mayor Dempsey thanked the police department, public works, administrator, borough clerk, department heads and the staff in Borough Hall for working non-stop to get through Hurricane Sandy doing anything needed to get the job done and going way beyond their duties and this is what makes Manasquan Manasquan. He thanked the volunteers and the Fire Department, First Aid and OEM and they have worked non-stop from Sunday and are still going non stop at this time. He stated that the Fire Department and the First Aid were evacuating residents in water 5' deep or more to get them out safely. He thanked all the volunteers for their time and equipment that was used after the storm and anyone who helped Manasquan in this time of need. He thanked Council Member Donovan and his wife Jane for volunteering at the DCI building where they had to deal with the residents first hand after the storm when giving out passes to enter the beach area. He thanked the churches in the borough for helping with food and donations for residents and the restaurants who have been supplying food to anyone who needed a meal free of charge. He stated that he is sure he is forgetting someone or an organization so forgive him if he has.

Office of Emergency Management – Update

Dave Kircher OEM Coordinator stated that the Borough is getting more and more stable as time goes by. He reported that there was damage to 60% of the houses; he believes it was 1200 buildings, with some sort of damage. He reported on the damages caused by the storm and the length of time the National Guard will be in the area. He thanked the EMS and the Fire Departments since they did an outstanding job before, during and after the storm.

Chris Tucker went over the flooding that occurred during the storm and reported that this storm was unprecedented and that he believes that Manasquan came out of this as best as could ever had planned for. He reported on the process that was followed for evacuations and rescues. He thanked everyone for all the hard work that has gone on over the last few weeks.

Council Member Bossone made a motion to add Resolution 329-12 Authorizing Hiring of Structural Engineer to inspect the beach buildings, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Donovan made a motion to remove Resolution 310-12 from the Consent Agenda, seconded by Council Member Mangan. Motion carried unanimously.

CONSENT AGENDA

RESOLUTION 301-2012

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
RELEASING THE CASH MAINTENANCE GUARANTEE POSTED BY
CHURCH OF ST. DENIS

WHEREAS, Church of St. Denis posted a maintenance guarantee in the form of a cash maintenance bond in the amount of \$27,037.76. for improvements; and

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WHEREAS, a review of the bonded items shows that all are installed and are acceptable; in addition, all fees have been paid and conditions satisfied; and

WHEREAS, the governing body of the Borough of Manasquan is desirous of releasing the cash maintenance guarantee in the amount of \$27,037.76; and

NOW, THEREFORE BE IT RESOLVED on the 29th day of October, 2012, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The maintenance guarantee posted by Church of St. Denis may be released.
2. A certified copy of this Resolution shall be sent to:

Church of St. Denis
90 Union Avenue
Manasquan, NJ 08736

**RESOLUTION
302-2012**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the retirement of Jeanne E. Hill from the position of Dispatcher in the Police Department effective December 31, 2012 be and is hereby accepted.

**RESOLUTION
303-2012**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the retirement of Joan Coder from the position of Keyboarding Clerk 1 (Clerk Typist) in the Police Department effective November 1, 2012 be and is hereby accepted.

**RESOLUTION
304-2012**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, New Jersey that: **THOMAS & ELIZABETH BOVITZ**

WHEREAS, a refund for OVERPAYMENT OF COAH FEES

is due on the below described property in the amount designated as follows:

BLOCK: 107 LOT: 4

NAME: Thomas & Elizabeth Bovitz

PROPERTY LOCATION: 86 McLean Ave

AMOUNT OF REFUND: \$690.00

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO: Thomas & Elizabeth Bovitz

WHEREAS, the Tax Collector has certified that the property developer is entitled to the refund.

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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
306-2012**

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: MARK & SUSAN LIGGETT
27 NEWARK AVE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$182.50

REASON FOR REFUND: COAH FEES – BLK 41 LOT 10

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
307-2012**

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: MR. ROSS GOLDBERG
553 SALMON AVE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$198.25

REASON FOR REFUND: DEVELOPER'S ESCROW FEES –
BLK 184.04 LOT 2

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
308-2012**

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:

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NAME: ATLANTIC EQUITY GROUP, LLC
C/O TERRANCE HEGEL
52 TAYLOR AVE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$233.00

REASON FOR REFUND: DEVELOPER'S ESCROW FEES -
BLK 62 LOT 18

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
309-2012**

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: MR. RON LANGELL
177 FIRST AVE
MANASQUAN, NJ 108736

AMOUNT OF REFUND DUE: \$188.25

REASON FOR REFUND: DEVELOPER'S ESCROW FEES -
BLK 171 LOT 13

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
311-2012**

**RESOLUTION IN SUPPORT OF A-3393,
LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS
FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT**

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax ("BPP"); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers "providing dial tone and access to 51% of a local telephone exchange"; and

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WHEREAS, Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPTT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPTT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Manasquan commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

**RESOLUTION
324-2012**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR HURRICANE SANDY 2012**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government

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Services may approve expenditures or moneys by dedication by rider; and

WHEREAS, the Borough of Manasquan's plan of disposition of any funds collected, include, but not limited to, the restoration and reconstruction of the Beach area and general improvements to Parks and Facilities including any distribution of funds towards relief efforts to persons, groups and charitable organizations; and

WHEREAS, the allocation of the funds and the process thereof shall be set forth by the Governing Body of the Borough of Manasquan or any committees, official personnel or organizations assigned by the Borough, and

NOW, THEREFORE, BE IT RESOLVED by the *Borough of Manasquan*, County of *Morrmouth* New Jersey as follows:

1. The Borough Council does hereby request permission of the Director or the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:4-39, as amended by P.L. 1999, c.292, for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal "fee-based" recreation programs.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION

327-2012

WHEREAS, a State of Emergency was declared by Governor Chris Christie for the State of New Jersey as a result of Hurricane Sandy and,

WHEREAS, a State of Emergency was declared by Mayor George Dempsey for the Borough of Manasquan as a result of Hurricane Sandy and,

WHEREAS Hurricane Sandy National Emergency Grant that is available to municipalities and

WHEREAS, the grant creates temporary jobs to assist in the clean-up and restoration efforts as a result of this disaster and

WHEREAS temporary jobs may also include working on projects that provide food, clothing, shelter and other humanitarian assistance for disaster victims.

WHEREAS, the duration of these temporary jobs is limited to six months or 1,040 hours.

WHEREAS, the grant offers the following

- * A maximum wage of approximately \$12,000 per worker, excluding the cost of fringe benefits.
- * An additional amount will be available for fringe benefit costs associated with the hire, paid in accordance with the employer's policies

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council authorize the Administrator/Chief Financial Officer to apply for the necessary labor to attend to the relief efforts related to Hurricane Sandy and prepare the required resolutions at the next meeting of Mayor and Council to implement such grant.

RESOLUTION

328-2012

FORM OF SPECIAL EMERGENCY RESOLUTION –

NJS 4A:4-53, 54, 55.1 and 55.13

(5-year Special Emergencies)

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by *State of Emergency Costs of Extraordinary Expense as a result Hurricane Sandy* and,

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJS 40A:4-55:

- SOLID WASTE COLLECTION
OTHER EXPENSES \$900,977.40

2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$180,195.48 (must be at least one fifth of the total amount).

3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services
4. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

**RESOLUTION
326-12**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the following transfer in the 2012 Budget be authorized:

To:

Total \$ 4,600.00

Utilities	\$ 4,600.00
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Total \$ 4,600.00

325-2012

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

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1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	\$	20,209.45
Water/Sewer Fund	\$	11,156.99
Beach Fund	\$	579.60
General Capital Fund	\$	
Water/Sewer Capital Fund	\$	4,302.90
Beach Capital Fund	\$	

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

COMMITTEE REPORTS

Public Property & Parks Committee – Council Member Mangan had nothing further to report and thanked everyone for all the support and help for the residents and the borough. He congratulated Council Elect Olivera and Sinneck.

Law and Code Committee – Council Member Jacobson reported on traffic violations and the amount of money that the town has received. She thanked Joe Delorio, Administrator/CFO for his dedication during the storm and after and she thanked Barbara Ilaria, Municipal Clerk who had to take care of the elections while dealing with the aftermath of the storm. She also thanked Council Member Donovan and all the other volunteers.

Public Works Committee – Council Member Donovan thanked everyone that has been involved in helping out before, during and after the storm.

Administration and Finance Committee – Council Member Connolly reported that the property tax due date has been changed to November 30, 2013 and the tax assessor has received many inquiries about damaged homes and a revaluation and advised that the assessor would like that information forwarded to her in an e-mail or letter. She thanked the mayor for acknowledging all the groups that have volunteered because as a resident who has sustained substantial damage she stated that it was wonderful for the care and concern that was received.

Beach Committee – Council Member Bossone congratulate Council Elect Olivera and Sinneck. He agreed with the other council members in thanking the different groups and he thanked Dave Kircher and Chris Tucker for their outstanding efforts in making sure that there was no loss of life during the storm. He thanked the fire departments, first aid and the police department for their efforts regarding the storm. He reported that the beach has been devastated and the borough buildings will be inspected by a structural engineer. He reported that the committee has recommended that the Beach Headquarters project move forward to get the building built by early spring or early summer. He reported that the beach badges will be sold in December as they have been in past from December 10 – 28, 2012.

OEM Coordinator Chris Tucker stated that he has reported that approximately \$410 million in damages of public and private damages. He reported that the flood heights are unknown right now because the tide gage was blown out at Shark River, Sandy Hook, and Manasquan's tide gage was currently being relocated. He reported that there was approximately 11 to 12 feet above low tide which would be between 6 to 8 feet of water.

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AUDIENCE PARTICIPATION

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

There being none, Council Member Connolly made a motion to close the public portion, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Donovan made a motion to close the regular meeting at 8:39 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 2-4-2013