

MARCH 18, 2013

Regular Meeting of Mayor and Council was convened at 8:17 p.m. on March 18, 2013 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 4, 2012.

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, Sinneck, Donovan, Olivera and McCarthy

Absent: Council Member Mangan

Also present was Borough Attorney Mark Kiriack Borough and Administrator/CFO Joseph Delorio

**HEARING – Blakey Avenue Special Assessment**

Mr. Delorio stated that this is the hearing for the assessments as related to the Blakey Avenue Project and that letters and assessments were sent out to the property owners.

Borough Engineer Charles Rooney went over the project and the cost sharing of the improvements to the homeowners.

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 Sinneck made a motion to close the hearing, seconded by Council Member Olivera. Motion carried unanimously.

Council Member Donovan made a motion to confirm the assessments as presented to the council, seconded by Council Member Sinneck. Motion carried by the following vote; “Yes”, Council Member Bossone, Sinneck, Donovan, Olivera, and McCarthy, “No”, none.

**APPOINTMENTS**

Mayor Dempsey appointed Ray Shinn, 60 Central Avenue to Shade Tree Commission Member for an unexpired term of 1/1/2013 to 12/31/2017

**CONSENT AGENDA**

**RESOLUTION  
77-2013**

**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. Charles Pergola  
101 Wyckoff Ave  
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$625.00

REASON FOR REFUND: Developer's Escrow -  
#01-2012

**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.

MARCH 18, 2013

**RESOLUTION  
78-2012**

**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: Lynn Mc Cabe  
38 Gertrude Ave  
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$387.50

REASON FOR REFUND: Developer's Escrow -  
#10-2010

**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  
79-2013**

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

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

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

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

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

**A. Owners/Operators:**

- 1) Eric Salzman – EZ Livery LLC.
- 2) Michael Beer – Beer Cab LLC.

**B. Operators:**

- 1) Robert Freeman – Mr. Taxi

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 18<sup>th</sup> day of March, 2013, as follows:

MARCH 18, 2013

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  
80-2013**

**CHANGE ORDER NO.1**

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

TITLE OF JOB: Beachfront Sand Screening

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

AGREEMENT MODIFICATION NO. 1

Fee to transport and grade additional sand for preventative measures.

AMOUNT OF CHANGE THIS RESOLUTION: \$10,000

TOTAL AMOUNT OF CHANGE: +\$10,000

**RESOLUTION  
81-2013**

**RESOLUTION AWARDDING A CONTRACT FOR TRACTOR TOWED  
BEACH CLEANING MACHING 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 2013 Tractor Towed Beach Cleaning Machine; and

**WHEREAS**, the two bids for this equipment were:

H. Barber & Sons, Inc	\$51,998.12
Kassbohrer All Terrain Vehicles, Inc.	\$49,500.00

**WHEREAS**, H. Barber & Sons, Inc. submitted a monetary bid in the amount of \$51,998.12; and

**WHEREAS**, Kassbohrer All Terrain Vehicles, Inc. was not materially responsive and failed to fully comply with the bid specifications set forth; and

**WHEREAS**, the Borough Attorney has determined the bid by H. Barber & Sons, Inc. 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 H. Barber & Sons, Inc. is a responsive and responsible bid; and

**WHEREAS**, the Borough Council is desirous of awarding a contract to H. Barber & Sons, Inc. for the bid in the amount of \$51,998.12 for the equipment;

MARCH 18, 2013

**NOW, THEREFORE BE IT RESOLVED** on the 18<sup>th</sup> day of March, 2013, 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 the Manasquan Borough attorney.

2. Subject to the above condition, a contract in the amount of \$51,998.12 is awarded to H. Barber & Sons, Inc. for this equipment.

3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with H. Barber & Sons, Inc.

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

H. Barber & Sons, Inc.,  
15 Raytkwich Drive  
Naugatuck, CT 06770

**RESOLUTION  
82-2013**

**WHEREAS**, the Borough of Manasquan has received \$54,426.00, from the Community Development Block Grant Program for the installation of ADA Accessible Doors at Borough Hall, 201 East Main Street; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that T&M Associates be and is hereby authorized to advertise a Bid Notice for the ADA Accessible Doors for Borough Hall.

**RESOLUTION  
83-2013**

**WHEREAS**, the Borough of Manasquan is desirous of appointing SLEO, Class II for 2013; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 18<sup>th</sup> day of March, 2013 appoint the following Part-Time Communications Operator:

**CLASS II**

- Joseph L. Mason, Sylvania Avenue, Avon

**RESOLUTION  
85-2013**

**RESOLUTION AUTHORIZING THE MAYOR  
AND CLERK TO EXECUTE A REPAYMENT  
AGREEMENT WITH THE MONMOUTH MUNICIPAL  
JOINT INSURANCE FUND REGARDING FLECK COMPLAINT**

**WHEREAS**, the Executive Committee of the Monmouth Municipal Joint Insurance Fund has adopted a program to offer member authorities the ability to select an option for the Monmouth Municipal

MARCH 18, 2013

Joint Insurance Fund to process the payments to XL Insurance for the member's deductible and/or co-payments and to select the term of its repayments to the Fund, subject to the following conditions:

- a. The member would have to request this option from the local JIF's Executive Committee in writing, on a "per claim" basis.
- b. The member would have to adopt a resolution acknowledging the debt being incurred as a result of the claim and to select the option that payments be made over the period of one to four years following the year that payment(s) is made.
- c. If the member leaves the Fund during its repayment period, the balance shall be due and owing to the FUND before the date of membership termination.

**BE IT RESOLVED** the following:

- 1) The Monmouth Municipal Joint Insurance Fund will process payments billed by XL Insurance to the Municipality for deductibles and co-payment in connection with Fleck v. Borough of Manasquan claim up to \$21,370.01.
- 2) The Monmouth Municipal Joint Insurance Fund will bill the Borough of Manasquan for the payments it made on their behalf to XL Insurance – beginning with the next Fund Year assessment billing.
- 3) The Borough of Manasquan agrees to a re-payment plan of \$7,123.33 over the next three (3) Fund year billings, but not to exceed four years. The JIF reserves the right to accelerate payment and demand the entire outstanding balance due, within 30 days of notifying the MUNICIPALITY by certified mail return receipt requested.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Municipal Clerk of the Borough of Manasquan are authorized to execute the Re-Payment Agreement with the Monmouth Municipal Joint Insurance Fund.

#### **RESOLUTION 86-2013**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the services of T&M Associates, 9 Grande Avenue Toms River, New Jersey 08753 for purposes Contract Plans and Specifications for Existing Inlet comfort Station, Proposed Inlet Gazebo, Existing Ocean Avenue Comfort Station, Existing Riddleway Gazebo, and Existing Beach Department Building (Beach Garage), Bidding Assistance, and Construction Administration for an amount not to exceed \$75,825.00 for the service outlined in a proposal dated February 14, 2013.

#### **RESOLUTION 87-2013**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Part-Time Communications Operator; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 18<sup>th</sup> day of March, 2013 appoint the following Part-Time Communications Operator:

- Michael T. Jones, Cedar Run Road, Bayville

MARCH 18, 2013

**RESOLUTION  
89-2013**

**RESOLUTION AWARDING A CONTRACT FOR BEACHFRONT  
BUILDINGS AND BEACH DEPARTMENT BUILDING (BEACH GARAGE)  
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 Beachfront Buildings and Beach Department Building (Beach Garage) Improvements; and

**WHEREAS**, the three lowest bids for this project were:

	Base Bid	Add Alternate
McCauley Construction	\$309,500.00	\$ 6,500.00
PH Construction	\$329,220.00	\$10,000.00
Rocon Construction	\$346,205.00	\$10,400.00

**WHEREAS**, McCauley Construction submitted a base bid in the amount of \$309,500.00; and

**WHEREAS**, the Borough Engineer has determined the bid by McCauley Construction 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 McCauley Construction is a responsive and responsible bid; and

**WHEREAS**, the Borough Council is desirous of awarding a contract to McCauley Construction for the bid in the amount of \$309,500.00 for the project;

**NOW, THEREFORE BE IT RESOLVED** on the 18<sup>th</sup> day of March, 2013, 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 the Manasquan Borough attorney.
2. Subject to the above condition, a contract in the amount of \$309,500.00 is awarded to McCauley Construction for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with McCauley Construction

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

McCauley Construction  
48 Community Place, Unit C  
Long Branch, NJ 07740

**RESOLUTION  
90-2013**

MARCH 18, 2013

**RESOLUTION OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,  
NEW JERSEY, AUTHORIZING THE MAYOR AND  
MUNICIPAL ADMINISTRATOR TO EXECUTE A MORTGAGE SUBORDINATION  
AGREEMENT UNDER THE BOROUGH OF  
MANASQUAN INDIGENOUS NEED HOUSING REHAB**

**WHEREAS**, George and Carol Fagan executed a mortgage to the Mount Laurel Indigenous Need Housing Rehab Program in the amount of \$22,200.00, and, recorded in the Monmouth County Clerk's Office on September 5, 2008 under the Housing Improvement Program; and

**WHEREAS**, George and Carol Fagan are securing a Home Equity Loan through Provident Bank for the principal amount of \$20,000; and

**WHEREAS**, the Provident Bank requires the aforementioned mortgage to the Borough of Manasquan be subordinate to the Provident Bank; and

**WHEREAS**, it is necessary for the Mayor and Municipal Administrator to execute a Postponement of Mortgage with the Provident Bank to complete the transaction.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 18<sup>th</sup> day of March, 2013, as follows:

- 1 The Borough Council authorizes and directs the Mayor and Municipal Administrator to execute the Postponement of Mortgage Agreement to complete this transaction. The Postponement of Mortgage Agreement shall be in a form approved by the Municipal Attorney.

**RESOLUTION  
88-2013**

**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	687,820.40
Water/Sewer Fund	109,668.39
Beach Fund	33,475.96
General Capital Fund	36,043.50
Water/Sewer Capital Fund	250.00
Beach Capital Fund	395,667.18

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 Bossonne, Sinneck, Donovan, Olivera, and McCarthy, "no" none.

MARCH 18, 2013

## ORDINANCES

The Borough Attorney read the title of ordinance 2132-13 for first reading and introduction

**ORDINANCE SUPPLEMENTING CHAPTER 12  
(BEACHES AND BEACHFRONT) AND CREATING  
SECTION 12-11.2 ENTITLED SEA WATCH BEACH  
SECTION PARKING PERMIT AND SECTION 12-12  
ENTITLED SEASONAL LOCKER PERMITS AND  
SECTION 12-12.1 ENTITLED SEA WATCH BEACH  
SECTION LOCKER PERMITS IN THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH, STATE OF  
NEW JERSEY**

Council Member Bossone made a motion to introduce ordinance 2132-13, seconded by Council Member Olivera. Motion carried by the following vote; "yes" Council Member Bossone, Sinneck, Donovan, Olivera, and McCarthy, "no" none.

## APPROVAL OF MINUTES

Work Session Minutes – January 22, 2013  
Regular Meeting Minutes – January 22, 2013

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

## COMMITTEE REPORTS

Public Safety & Recycling – Council Member McCarthy reported on a hearing that he attended with DEP regarding the ABFEs. He advised that there is an e-mail address that will be posted on the borough website where residents can voice their concerns and criticism to the maps.

Parks & Public Property – Council Member Olivera reported that the borough engineer has drafted a report for the bulkheads and damage caused by the storm. He went over the other storm repairs that are being done and the repairs will be happening soon. He reported that the boat slip renewals have closed and that there are 23 slips available and there are 16 lottery applications submitted. He reported that the playground at Mac's pond was damaged from Sandy. He reported that the parks and public property have been tasked with standardized requirements for use of borough property and took look at tasks for securing homes that have been viewed as potentially dangerous due to the damage that has been caused by the storm.

Public Works Committee – Council Member Donovan reported that the public works department is looking for a part time keyboarding clerk. He reported that the five concrete street markers that were damaged by the storm have been replaced. He stated that if anyone has sustained damaged due to debris removal that they should report that the public works department. He reported that water meters are scheduled to read meters this week but depends on the weather and that the anti goose wire has been removed from Mac's pond so that it could be stocked with trout.

Law and Code Committee – Council Member Sinneck that the law and code department has issued 67 permits and 3 were storm related demolitions. He reported that 560 permits have been issued year to date and 22 of them were for demolitions. He reported that the end date for no charge permits will be March 28, 2013. He went over the changes that are taken place in the department to make things work more responsive.

Beach Committee – Council Member Bossone reported on the progress of the beach headquarters building and the sand sifting project. He also reported on the paving of the emergency access way and the Brielle Road Bathroom, beach rake, and season badges. He reported that badges will be on sale the week of April 1 and that there are 600 parking left to purchase. He reported on the Sea Watch parking and lockers being taken over by the Borough.

Mr. Delorio updated council and audience on a meeting with the Army Corp of Engineers. He stated that the project is expected to start June/July to replenish the beaches and there will be a public outreach meeting so that the public can gain information about the project.



MARCH 18, 2013

#### AUDIENCE PARTICIPATION

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

John Winterstella, stated that he is pleased that a proactive role is being taken and stated his opinion on COAH requirements and advised that the town should make sure that the State exempts any properties that are damaged by the storm.

Mary Ryan, 113 Beachfront inquired about the Sea Watch parking and locker fees.

Mr. Kiriack advised that the fees for parking at Sea Watch will be \$400.

Joan Coccozza, 45 N. Potter Avenue inquired about the locker fees at Sea Watch.

Mr. Kiriack stated that the lockers are different sizes and the prices would be \$170, \$325, and \$410.

Kathy Lindemer, 321 Pine Avenue voiced her concerns with the maps and paying for insurance rates.

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

Council Member McCarthy made a motion to close the regular meeting at 8:46 p.m., seconded by Council Member Bossone. Motion carried unanimously.

Respectfully submitted,

*B. Maria*

Barbara J. Maria  
Municipal Clerk

**DATE APPROVED** 7-1-13