

SEPTEMBER 03, 2013

Regular Meeting of Mayor and Council was convened at 8:00 p.m. on September 3, 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, Mangan, Olivera and McCarthy

Absent: None

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

RECOGNITION LETTER RE: Police Department Personnel

Mayor Dempsey recognized Sergeant Michael Stoia, and Patrolman Michael Tischio on behalf of Sergeant Jacob Kleinknecht for their actions performed in the course of their duties resulting in saving a life on August 13, 2013. He presented plaques to Sergeant Stoia and Patrolman Tischio.

PROCLAMATION: ALLSTATE RECOGNITION

WHEREAS, on October 28 through October 30, 2012, Hurricane Sandy hit New Jersey causing a State of Emergency, inundating Manasquan in a record storm surge exceeding 8 feet, extremely high winds for over 24-hours, and causing extensive power outages of long-duration and destruction of countless homes; and

WHEREAS, the Good Hands, New Friends, Stronger Communities project-a partnership with the Allstate Foundation, Allstate New Jersey agents and employees, and Coastal Habitat for Humanity-has completely restored two homes in Manasquan, and has laid the foundation to restore eight other homes in Monmouth County, helping 10 families move forward with their lives and recover from Superstorm Sandy; and

WHEREAS, the Allstate Foundation and Allstate New Jersey agents and employees kicked off Coastal Habitat for Humanity's entire Sandy relief efforts with a \$125,000 grant and a coordinated, company-wide employee volunteer effort. Allstate New Jersey agents and employees have already volunteered 1,000 hours through this program to help these families recover, and will continue to volunteer with Coastal Habitat for Humanity fir the duration of the Good Hands, New Friends, Stronger Communities project.

WHEREAS, The Good Hands, New Friends, Stronger Communities program showcases how industry and the community can work together to restore families' lives and Allstate New Jersey is proud that other companies have followed out lead and are partnering with Coastal Habitat for Humanity, since the nonprofit organization is committed to repairing more than 60 homes affected by Superstorm Sandy within the next two years.

NOW, THEREFORE BE IT PROCLAIMED, that the Mayor and Council, on behalf of the residents of Manasquan, commend the members of Good Hands, New Friends, Stronger Communities project and partnership with the Allstate Foundation, Allstate New Jersey agents and employees and Coastal Habitat for Humanity for their exceptional service. The Borough of Manasquan was in "Good Hands" with Allstate.

CONSENT AGENDA

**RESOLUTION
272 -2013**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey are desirous of canceling outdated refund checks from September 5, 2011 totaling \$10.00.

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NOW THEREFORE, be it resolved that the following amounts are canceled and returned to the appropriate fund:

COURT FUND: Regular Acct# 196000576

<u>CHECK #</u>	<u>AMOUNT</u>
2535	\$10.00

TOTAL \$10.00

**RESOLUTION
-273 -2013**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey are desirous of canceling outdated refund checks from June 2, 2010, April 5, 2011, October 12, 2011 & August 1, 2012 totaling \$60.00.

NOW THEREFORE, be it resolved that the following amount is canceled and returned to the appropriate fund;

COURT FUND: Bail Account #196000584

<u>DATE</u>	<u>CHECK</u>	<u>AMOUNT</u>
06/02/2010	#3494	\$10.00
04/05/2011	#3647	\$6.00
10/12/2011	#3727	\$35.00
08/01/2012	#3863	\$9.00

TOTAL \$60.00

**RESOLUTION
275-2013**

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: CEFALU ENTERPRISES
29 POPLAR DR
STRLING, NJ 07980

AMOUNT OF REFUND DUE: \$284.50

REASON FOR REFUND: AFFORDABLE HOUSING -
BLOCK 136/LOT 3.02

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
276-2013**

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**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
PROMOTING CHRISTINE WHITE TO SUPPORT TECHNICIAN
III IN THE MANASQUAN POLICE DEPARTMENT.**

WHEREAS, the Borough of Manasquan ("Manasquan") Police Department is in need of a Support Technician III as defined by Civil Service; and

NOW, THEREFORE BE IT RESOLVED on the 3rd day of September 2013, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Christine White is promoted from Support Technician II to Support Technician III as defined by Civil Service in the Manasquan Police Department at an annual increase of \$3,000.00.
2. The effective date of this appointment is January 1, 2013.
3. A certified copy of this resolution shall be sent to :

Christine White
368 Pine Avenue
Manasquan, New Jersey 07736

**RESOLUTION
277-2012**

WHEREAS, the Borough of Manasquan is desirous of entering an employment agreement with Frank DiRoma for the position of Supervising Code Enforcement Officer; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 3rd day of September, 2013, as follows:

1. The Borough Council authorizes and directs the Mayor and Municipal Clerk to execute the employment contract with Frank DiRoma
2. A certified copy of this Resolution shall be sent to:

Frank DiRoma
30 Brewster Circle
Old Bridge, NJ 08857

**RESOLUTION
278-2013**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN
APPROVED STATE CONTRACT VENDORS FOR CONTRACTING
UNITS PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Manasquan has the need on a timely basis to purchase goods or services utilizing State contracts for the purpose of the acquisition of a 2014 Ford F350; and

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WHEREAS, the Borough of Manasquan intends to enter into contracts with: **CHERRY HILL WINNER FORD FLEET**, located at 250 Berlin Road, Cherry Hill, NJ 08034 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractor by approved New Jersey State Contract A79113/T2789, pursuant to all conditions of the individual State contracts, in the amount of \$48,124.00; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Manasquan pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

RESOLUTION 279-2013

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 purpose of Contract Plans and Specifications for the Squan Life Saving Station #9 Building Improvements for an amount not to exceed \$29,900.00 for the services outlined in a proposal dated August 5, 2013.

RESOLUTION 280-2013

RESOLUTION AWARDING A CONTRACT FOR THE BOROUGH HALL GENERATOR 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 Borough Hall Generator project; and

WHEREAS, eight bids for this project were received:

Electro Maintenance Inc.	\$90,700.00
DPR Electric	\$120,000.00
FSG Electric	\$120,000.00
Dee-En Electrical	\$125,000.00
Breaker Electric	\$138,000.00
GMH Associates	\$139,500.00
Electrical Application	\$143,345.00
Lighton Industries	\$172,000.00

WHEREAS, Electro Maintenance, Inc. submitted a monetary bid in the amount of \$90,700.00; and

WHEREAS, the bid by Electro Maintenance Inc. complies with the bid specifications and includes all required documentation; and

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WHEREAS, the Borough Council has determined, for the reasons set forth below, that the bid of Electro Maintenance Inc. is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to Electro Maintenance Inc. in the amount of \$90,700.00 for the project;

NOW, THEREFORE BE IT RESOLVED on the 3rd day of September 3, 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 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 \$90,700.00 is awarded to Electro Maintenance Inc. for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Electro Maintenance
4. A certified copy of this resolution shall be sent to:

Electro Maintenance Inc.
5133 W. Hurley Pond Road
Farmingdale, NJ 07727

**RESOLUTION
281-2013**

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: Manasquan Water Treatment Plant-Underground Storage Tank

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

AGREEMENT MODIFICATION NO. 1

Replacement of MW 1 with MW 1A

AMOUNT OF CHANGE THIS RESOLUTION: \$2,000

TOTAL AMOUNT OF CHANGE: +\$21,900.00

**RESOLUTION
282-2013**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
APPOINTING AN ASSISTANT TO THE TAX COLLECTOR**

WHEREAS, the Borough of Manasquan Courtney Hogan currently serves the Borough as Senior Payroll Clerk/Account Clerk; and

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WHEREAS, the Borough of Manasquan is in need of an alternate authorized individual to sign and provide tax collection functions in the absence of the Tax Collector position; and

WHEREAS, Courtney Hogan has successfully taken the required New Jersey approved courses for Tax Collector; and

WHEREAS, Courtney Hogan successfully passed the State examination for Tax Collector on April 10, 2013 and now is a New Jersey licensed Tax Collector; and,

NOW, THEREFORE BE IT RESOLVED on the 3rd day of September, 2013, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Ms. Courtney R. Hogan is appointed as the Assistant to the Tax Collector for the Borough of Manasquan and is authorized to perform the necessary duties in the absence of the Tax Collector.

2. The effective date of this appointment is April 10, 2013.

3. The annual stipend for this position is \$3,000.00

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

Ms. Courtney R. Hogan
2308 Bennett Avenue
Point Pleasant NJ 08742

RESOLUTION 283-2013

BE IT RESOLVED by the Borough Council of 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	59,693.34
Water/Sewer Fund	8,215.22
Beach Fund	18,274.93
General Capital Fund	42,311.59
Water/Sewer Capital Fund	43,229.52
Beach Capital Fund	5,341.44

Council Member Donovan made a motion to approve the consent agenda, seconded by Council Member Mangan. Motion carried by the following vote; "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy. "No" none.

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**RESOLUTION
274-2013**

WHEREAS, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award 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 for the Borough in the matter of Patock Construction v. the Borough of Manasquan and T & M Associates to serve as an expert witness on behalf of the Borough of Manasquan; and

WHEREAS, the anticipated term of this contract is one year (September 3, 2013 to August 31, 2014) as needed; and

WHEREAS, the following professional services provider has 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 contract that are file in the Clerk's Office:

DJS Associates, Inc.

This appointment is made pursuant to N.J.S.A. 40A:11-5 et seq.

WHEREAS, the scope of services include, but are not limited to, to provide an expert report and expert testimony for ongoing litigation requires a \$2,500.00 retainer.

WHEREAS, the amount of these professional services will not exceed \$10,000.00; 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 3rd day of September 2013, 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.

Council Member Bossone made a motion to approve this resolution, seconded by Council Member Sinneck. Motion carried by the following vote: "yes" Council Member Bossone, Sinneck, Donovan, Olivera, and McCarthy. "No" none. Council Member Mangan abstained.

ORDINANCES

The Borough Attorney read the title of ordinance 2139-13 for first reading and introduction

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35
(ZONING) SECTION 35-11.8 (ADDITIONAL LOT, HEIGHT AND
YARD REQUIREMENTS) TO AMEND ZONING REQUIREMENTS
FOR STANDBY GENERATOR LOCATIONS ON RESIDENTIAL
LOTS**

Mayor Dempsey asked if there were any questions from council.

Council Member Mangan asked if this would include air conditioners.

Mayor Dempsey stated that it is just the generator.

Council Member Olivera asked if this would only affect permanent structure generators not portable generators.

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Mayor Dempsey answered affirmatively just permanent.

Council Member Donovan made a motion to introduce ordinance 2139-13, seconded by Council Member McCarthy. Motion carried by the following vote; "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2140-13 for first reading and introduction

**ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE
MANASQUAN BOROUGH TENNIS COURTS LOCATED AT 167 BROAD
STREET MANASQUAN AND OTHER RELATED IMPROVEMENTS IN
THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW
JERSEY, APPROPRIATING \$15,000.00 THEREFORE AND
AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS OF
THE BOROUGH FOR FINANCING SUCH APPROPRIATION**

Council Member Sinneck made a motion to introduce ordinance 2140-13, seconded by Council Member Bossone. Motion carried by the following vote; "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy, "no" none.

COMMITTEE REPORTS

Public Safety and Recycling Committee – Council Member McCarthy congratulated the officers for their services to the borough and the residents. He also congratulated and thanked the members of the detective bureau, Detective Sergeant Jake Kleinknecht and Detective Pharo for their investigation which lead to the arrest of two (2) individuals, one for cocaine possession and one for distribution and possession of cocaine. He advised that next week there will be several speakers to attend the Seniors meeting regarding fraud and specifically talking about computer related crimes as well as Sandy fraud related issues. He thanked Tom Hugh a Manasquan resident who is a great assistant in bringing representatives of the prosecutor's office to assist with security after the storm. He thanked the fire commissioners for contributing to the cost of the radio equipment that was damaged at the last storm. He reported that the number of summonses issued is down slightly from last year but above the 2011 year. He reported that the flag at the new playground was cut down and stolen and that the new security system could deter any future problems.

Public Property & Parks Committee – Council Member Olivera reported that the estimate for the work to be performed at the Life Saving Station has been completed and there was a resolution on the agenda tonight approving the professional services portion of the project. He reported that the borough has already received money from the insurance company which is an amount of money to cover the remediation. He reported on Mac's pond and the removing of a board to allow the water to flow and the timer on the fountain has been replaced and repaired. He reported that the DCI Recreation Annex had roof damage from the storm and has been completed and a few windows have been replaced by DPW. He thanked the Coast Star for putting it in the paper to allow the residents to know what is going on in town.

Administration & Finance – Council Member Mangan reported on the Sandy Bond Ordinance which a portion was cancelled tonight by resolution and that the committee is reviewing the current bond ordinance for items to be cancelled. He went over FEMA and the payment process and how it will affect the budget for next year. He reported that the committee will be reviewing all the professional contracts which will be up on January 1 of each year and whether they will be going out for Request for Proposals in anticipation of next year's appointments.

Public Works Committee – Council Member Donovan reported that public works has been painting the fire hydrants and street markers and they have completed stop line and sign installation that were mandated by the state at the railroad crossings. He advised that if you see a fire hydrant that has a garbage bag on it that means that the fire hydrant is not working and is scheduled to be repaired this week. He advised that the project on Willow Way will start in a couple of weeks to replace the water main and there will be a meeting for the residence in the Willow Way area on September 11. He reported on the schedule of the Squan Plaza

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project. He reported on a meeting that he attended regarding the White Swan, Sun Cleaners PCE plume that is working its way from Wall Township along the northern boarder of Manasquan, but mostly in Sea Girt heading east.

There was discussion on opposing by resolution the plan presented to deal with the plume.

Law and Code Committee – Council Member Sinneck reported on the streamlining of permits in the code/construction department and Frank DiRoma has been on the job for 2 weeks and he is looking into all the issues that have been affecting the code/construction department. He reported that not all construction sites have their permits posted on premise. He also reported on the revenues and permits that were issued in August.

Beach Committee – Council Member Bossone reported that the beach is official closed but the guards will be on duty for the next two (2) weekends weather permitting and the bathrooms will remain open daily through September with the possibility of being extended into October. He reported on the unaudited revenue which is down 21% from last year. He also reported that the south ramp on Main Street was open in time for the Labor Day fireworks but unfortunately the fireworks were cancelled and that a light pole was installed at the Beach Headquarters. He advised that Sandscapes donated their time and screened all the sand around the playground last week and he reported on the flag that was stolen at the playground over the weekend. He reported that Jersey Cares will be in town again for some more painting, building and supplying bike racks which are at no cost to the town. He advised that the committee is discussing a digital sign for the beach headquarters and the committee met with the Army Corp of Engineers and the State regarding the beach replenishment and the project start date will be the end of October beginning of November. He went over the process of the areas of beach to be closed at one time, time of dredging, where the sand will be coming from and how long the process is going to take.

Mr. Delorio pointed out that the DEP has offered to have a public information session for the Borough and the residents which will be posted on the website, facebook and twitter for the date and he wants to get the word out that if there are any residents along beachfront that need to move there homes onto the beach in order to put pilings in they should consider making those proposals now because they will not be allowed after the project starts.

AUDIENCE PARTICIPATION

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

Pat Straub, 27 Willow Way advised that a marketing company had put flyers in the doors of the Willow Way area homes. She wanted to know if there is some type of ordinance that prohibits flyers to be placed in the doors of houses.

Mayor Dempsey stated that he doesn't believe that there is an ordinance that prevents flyers from being placed in doors.

Council Member Mangan stated that his understanding is that there is a registration requirement but you can not prohibit it.

Chief Correia stated that this company was registered with the borough for the flyers.

Mary Ryan, 113 Beachfront thanked Council Member Donovan for the template and Council Member Bossone for the information on the beach replenishment information. She inquired about the digital sign for the beach headquarters.

There was discussion on the digital sign and how and who would design it and does it need to go out to bid.

Carl Straub, 27 Willow Way advised that the Mosquito Commission was in town and tore up a good part of the Judah Creek between Broad Street and the Elementary School and a little bit on the High School side.

There was discussion on what areas were going to be done first and the area to be completed.

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Carol Hoblitzell, 403 Beachfront inquired about an ordinance about digital signs in Manasquan.

Council Member McCarthy stated that there is an ordinance but the Borough would be exempt.

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

Council Member McCarthy stated that the borough has a do not knock list that you can be added to. He advised that they can contact Chris White in the police records department.

Council Member Mangan made a motion to adjourn the meeting at 8:52 p.m., seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,

B. Blawie
Barbara J. Blawie
Municipal Clerk

DATE APPROVED 12-30-13