

SEPTEMBER 16, 2013

Regular Meeting of Mayor and Council was convened at 8:00 p.m. on September 16, 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.

CERTIFICATE OF APPRECIATION: - Caroline Studer & Paige Tipaldi

Council Member McCarthy presented a Certificate of Appreciation to Caroline Studer & Paige Tipaldi for their help in finding a lost dog in the overgrown woods and swamp between Manasquan and Brielle off of Morris Avenue.

CONSENT AGENDA

**RESOLUTION
284-2013**

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

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

NAME: DUNE CONSTRUCTION LLC
327 APACHE LANE
BRICK, NJ 08724

AMOUNT OF REFUND DUE: \$500.00

REASON FOR REFUND: DUMPSTER SECURITY

**RESOLUTION NO
285-2013**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
RELEASING THE MAINTENANCE GUARANTEE POSTED BY
PIONEER GENERAL CONTRACTING CO., INC.**

WHEREAS, Pioneer General Contracting Co. Inc. and Selective Insurance Company, posted a maintenance guarantee in the form of a maintenance bond in the amount of \$87,504.00 for work in connection with the Central Avenue Roadway Improvements Project; and

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 maintenance guarantee in the amount of \$87,504.00; and

NOW, THEREFORE BE IT RESOLVED on the 16th 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:

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1. The maintenance guarantee posted by the Pioneer General Contracting Co., Inc. and Selective Insurance Company of America may be released.

2. A certified copy of this Resolution shall be sent to:

Pioneer General Contracting Co. Inc.
92 Anderson Avenue
Monroe, NJ 08831

Selective Insurance Company of America
40 Wantage Avenue
Branchville, NJ 07890

RESOLUTION 286-2013

WHEREAS, the through Executive Order 104 (October 27, 2012), the State of New Jersey declared a State of Emergency as a result of the impact of Superstorm Sandy and the aftermath; and

WHEREAS, the Borough of Manasquan had also declared a local State of Emergency; and

WHEREAS, on December 17, 2012, the Borough of Manasquan Administrator/CFO presented a Emergency Protection and Recovery Plan to respond to and recover from Superstorm Sandy; and

WHEREAS, the Borough of Manasquan, in order to provide such public improvements must fund the various items through a beach capital ordinance, and by the issuance of bonds and notes to finance the necessary funds along with the receipt of insurance claims and FEMA reimbursements; and

WHEREAS, on December 27, 2012 the Governing Body adopted Ordinance 2127-12 for the Emergency Replacement, Construction, Reconstruction and Improvement of the Beach Utility Facilities in the Borough for the amount of \$7,400,000; and

WHEREAS, a majority of the projects in the ordinance have been completed and the authorization provided for may not have been needed or spent in order to complete the purpose required in the original bond ordinance; and

WHEREAS the Administration and Finance Committee and Beach Committee have recommended that \$4,500,000 be cancelled from said Ordinance; and

WHEREAS, NJ Law permits the cancellation of such original bond ordinance after completion and provides that any remaining moneys in such ordinance may be transferred to the Beach Capital Fund if applicable;

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Manasquan, in the County of Monmouth, that Ordinance 2127-12 are hereby canceled in the amount of \$4,500,000 leaving a balance of \$2,900,000 authorized for the prescribed purposes in Ordinance 2127-12.

RESOLUTION 287-2013

WHEREAS, the Borough of Manasquan is desirous of appointing an Acting Temporary Part-Time Electrical Sub-Code Official; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th day of September 2013 appoint the following to Acting Temporary Part-time Electrical Sub Code Official at the rate of \$35.00 per hour with a minimum of 20 days effective September 11, 2013:

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- Mark Hyer, 9 Emmons Avenue, Farmingdale

**RESOLUTION
288-2012**

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: JAKE KLEINKNECHT
6-8 MAIN ST
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$675.00

REASON FOR REFUND: DEVELOPER'S ESCROW TRUST
BLOCK 34 LOT 2

**RESOLUTION
289-2013**

**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. Operators:

- 1) Wendy Fisher – Mr. Taxi

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th of September, 2013, 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
290-2013**

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

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

DUMPSTER SECURITY REFUND:

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NAME: Dovie Damen
581 Brielle Rd
Manasquan, NJ 08736
AMOUNT OF REFUND DUE: \$500.00

NAME: David Thomas McCann
620 Greenwich Court
Toms River, NJ 08753
AMOUNT OF REFUND DUE: \$500.00

NAME: Coffey Bros., Inc.
2559 Route 9 North
Howell, NJ 07731
AMOUNT OF REFUND DUE: \$500.00

COMMERCIAL TRAILER STORAGE

NAME: Zarrilli Homes
186 Mantoloking Road
Brick, NJ 08723
AMOUNT OF REFUND DUE: \$500.00

NAME: Atlantic Modular Builders
52 Taylor Ave
Manasquan, NJ 08736
AMOUNT OF REFUND DUE: \$500.00

RESOLUTION
293-2013

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	181,082.40
Water/Sewer Fund	26,549.11
Beach Fund	25,332.69
General Capital Fund	2,076.84
Water/Sewer Capital Fund	98,506.31
Beach Capital Fund	28,998.67

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.

RESOLUTION
291-13

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**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE N. MCLELLAN AVENUE ROAD
RECONSTRUCTION PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Borough of Manasquan Council formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2014- Manasquan Borough-00588 to the New Jersey Department of Transportation on behalf of the Borough of Manasquan; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manasquan and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION
292-13**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE OLD SQUAN ROAD RECONSTRUCTION
PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Borough of Manasquan Council formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2014- Manasquan Borough-00623 to the New Jersey Department of Transportation on behalf of the Borough of Manasquan; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manasquan and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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.

ORDINANCES

The Borough Attorney read the title of ordinance 2139-13 for the second reading and final hearing.

**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**

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

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

Council Member McCarthy made a motion to pass and publish ordinance 2139-13 according to law, seconded by Council Member Sinneck. 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 the second reading and final hearing.

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**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 Olivera made a motion to open the hearing to the public, seconded by Council Member Bossone. Motion carried unanimously.

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

Council Member Sinneck made a motion to pass and publish ordinance 2140-13 according to law, seconded by Council Member Bossone. 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 2141-13 for first reading and introduction.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 29,
SECTION 29-3 (DEFINITIONS) OF THE FLOOD DAMAGE PREVENTION
ORDINANCE FOR THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY**

Council Member Mangan made a motion to introduce ordinance 2141-13, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy. "No" none.

APPROVAL OF MINUTES

May 6, 2013 Work and Regular Meeting Minutes
May 20, 2013 Work & Regular Meeting

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

COMMITTEE REPORTS

Public Safety and Recycling Committee – Council Member McCarthy reported that he attended a meeting of the Manasquan Seniors along with the Chief of Police, Detective Jake Kleinknecht, as well as Tom Huth the Director of Major Crimes from the Monmouth County Prosecutor's office and an investigator from the Prosecutor's office who spoke to the group about different frauds and different Sandy related issues as well as computer fraud and how to protect themselves with the computer. He reported that Shannon Brown started her seventh week at the academy and she is approximately one-third of the way done and that she qualified on the firearms portion and she is moving forward to completion. He reported that there was a discussion with the Chief about the security cameras for the beach area and that several members of the council attended the September 11 event that was organized by the fire department.

Public Property & Parks Committee – Council Member Olivera reported that the Public Works has completed the post labor day clean up and trimming in all the parks in town and they painted the jungle gym in Skokos Park. He also reported that the new roof on the Life Saving Station looks really good and that it looks like it has been there forever. He advised that there was a report about the Fourth Avenue boat docks where the wire is hanging low and there will be discussion on the remediation of some of the boat docks. He reported that the wire that prevents the geese from landing in the water at Mac's Pond will be put up shortly.

Administration & Finance – Council Member Mangan reported that the committee will be meeting to discuss the current bond ordinance and the overall debt picture.

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Public Works Committee – Council Member Donovan reported that there are a couple of windows at the DCI Recreation Annex that needed to be repaired as well as the roof and that these repairs should be completed within the next few weeks. He also reported that 11 fire hydrants have been replaced, there is a paper shredding event on Saturday at the Fourth Ave. parking lot, leaf pick up will start on September 30 and the schedule is posted on the website, the Environmental Commission is hosting a home composting workshop in October, the Senior Group will be having CPR training on September 24 which is open to everyone, and a new program will be coming to Manasquan from the State called Stronger than New Jersey Business Grant workshop.

Law and Code Committee – Council Member Sinneck reported on the permits issued and the revenues received and that the code enforcement department will be making sure that the contractors and homeowners have permits for the work that is being done to homes in the Borough. He also went over some changes to the staff and the way things are being run to make it quicker and easier for the homeowners and the employees. He went over a meeting that he attended regarding the Community Development Block Grant program and the money that is available to towns.

Beach Committee – Council Member Bossone reported that the work on the Beach Headquarter building continues and the committee is waiting for an updated schedule from the contractor and that the north side ramp is closed while there is construction at Gee Gees. He reported that the beach security cameras are being looked into. He also reported that the preliminary design has been received for the Third Avenue parking lot from T&M and the committee has decided to wait on this project until the spring. He advised that lifeguards are done for the season and he urged caution to anyone going into the ocean with no guards around. He reported that the bathrooms will be open through September and that dogs are not allowed on the beach until November 1 and they need to be leashed at all times. He advised that construction vehicles that wish to obtain access to the beach emergency access way must obtain a permit from the Clerk's office and that this will be closely monitored.

AUDIENCE PARTICIPATION

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

Rich Bartholomew, 121 Lake Avenue inquired about substantial improvement definition in the ordinance as it pertains to historic structures. He stated that if there is a benefit to substantial improvement one could mean the exact opposite. He stated that the way he arrived at his interpretation is that he substituted the word "if" for the word "provided" under item b. He stated that it should be looked at before the next reading to make sure that it is worded correctly.

There was discussion on the interpretation of the ordinance and the substantial improvement definition and it was recommended that the ordinance definition be looked into before the hearing date.

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

Council Member Donovan made a motion to adjourn the meeting at 8:29 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,

B. Blawie

Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 12-30-13