

OCTOBER 21, 2013

Regular Meeting of Mayor and Council was convened at 8:06 p.m. on October 21, 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.

PROCLAMATION: Manasquan Sea Lavender Club 20 Years

*Sea Lavender Garden Club
20th Year Anniversary*

WHEREAS, on October 19, 2013 the Manasquan Sea Lavender Club will mark 20 years since their first meeting; and

WHEREAS, the Sea Lavender Club started with 27 enthusiastic members and elected June Cunningham as their first President; and

WHEREAS, since its beginning, the Sea Lavender Club has pledged to promote an interest in gardening, encourage education and focus on civic beautification of the Borough of Manasquan; and

WHEREAS, the Sea Lavender Club began planting and maintaining fifteen pocket gardens in Manasquan and currently plant and maintain 25 Manasquan gardens; and

WHEREAS, through the years the Sea Lavender Club through their annual Mother's Day Sale, fund scholarships to deserving Manasquan students who hope to major in a subject relevant to the club; and

WHEREAS, the Sea Lavender Club has worked with the Manasquan Department of Public Works and Shade Tree Commission to help keep Manasquan beautiful; and

WHEREAS, the members of the Manasquan Sea Lavender Club have demonstrated a sound commitment to each other, to civic beautification and to gardening. We commend them for their enthusiasm and dedication to excellence. Congratulations on this milestone and may the Manasquan Sea Lavender Club continue to work toward enhancing the Borough of Manasquan beauty for years to come.

NOW THEREFORE BE IT RESOLVED, that I, George R. Dempsey, Jr., Mayor of the Borough of Manasquan, on behalf of the Borough Council take great pleasure in congratulating The Sea Lavender Club in recognition of their

20th Anniversary Year

NOW, THEREFORE, BE IT RESOLVED, that true and official copies of this proclamation be spread upon the minutes of the Borough Council meeting held on October 21, 2013.

CONSENT AGENDA

**RESOLUTION
312-2013**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of Donna Phelps, from the position of temporary assistant to the Administrative Offices as of October 22, 2013 is hereby accepted.

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**RESOLUTION
313-2013**

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: Falkinburg Tree Expert Company
P.O. Box 688
Brielle, NJ 08730

	\$28,400.00
INTEREST	\$31.44

AMOUNT OF REFUND DUE: \$28,431.44

REASON FOR REFUND: Developer's Bond

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
314-2013**

WHEREAS, the Borough of Manasquan is desirous of appointing a substitute School ATraffic Guard for th School Year 2013-2014; and

WHEREAS, the Police Chief has submitted the following individual for appointment as Substitute School Crossing Guard for the Borough of Manasquan School Year 2013-2014 at the current contractual rate of \$15.82 per hour:

Kleinknecht, Kevin D., 6 Main Street, Manasquan, NJ

**RESOLUTION
315-2013**

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 in the aftermath of Super Storm Sandy to as it pertains to FEMA reimbursement claims and related activity to assure proper receipt of FEMA funds for storm related activity; and

WHEREAS, the borough council has determined to provide the need to acquire these professional services as a non-fair and open contract pursuant to the provisions of N. J. S. A. 19:44A-20.5; and

WHEREAS, the anticipated term of this is for the calendar year 2013 on as needed basis; and

WHEREAS, the following consultant will provide consulting service at a rate of \$30.00 per hour for a maximum of 30 hours per week:

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Nicholas Teetelli Consulting Services LLC
500 Craig Road, 2nd Floor
Manalapan, NJ 07726

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

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 8th day of April, 2013 as follows:

1. The Mayor and Council hereby appoint said professional service at the rate set forth above.
2. This contract shall expire on 10/22/2014.
3. The Council authorizes the Mayor to sign the contract for services with Nicholas Teetelli Consulting Services LLC.
4. A certified copy of this resolution shall be sent to the professionals included in this resolution.

**RESOLUTION
316-2013**

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 2128-12 for the Emergency Replacement, Construction, Reconstruction and Improvement of the Borough Facilities in the Borough for the amount of \$5,548,000; 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 \$1,048,000 authorized for the prescribed purposes in Ordinance 2128-12.

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**RESOLUTION
317-2013**

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	3,789,890.92
	(Includes 2,005,757 BOE
	181,952.50 Fire
	1,435,789.30 County Taxes)
Water/Sewer Fund	17,256.91
Beach Fund	10,566.50
General Capital Fund	31,389.55
Water/Sewer Capital Fund	23,502.33
Beach Capital Fund	23,538.75

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 Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy. "No" none.

ORDINANCES

The Borough Attorney read the title of ordinance 2142-13 for second reading and final hearing.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13 (PROPERTY MAINTENANCE) SECTIONS 13-1.1, 13-1.2 and 13-1.3 TO AMEND PROPERTY MAINTENANCE CODE STANDARDS FOR THE BOROUGH OF MANASQUAN PURSUANT TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

Council Member Mangan made a motion to open the hearing to the public, seconded by Council Member Olivera. 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 2142-13 according to law, seconded by Council Member Mangan. 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 2143-13 for first reading and introduction.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 (ADMINISTRATION) SECTION 2-19 (ADDITIONAL POSITION CREATED)

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**CREATING NEW SECTION 2-19.3 FOR THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Council Member Donovan made a motion to introduce ordinance 2143-13, seconded by Council Member Mangan. Motion carried by the following vote: "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy. "No" none.

APPROVAL OF MINUTES

June 17, 2013 Work and Regular Meeting Minutes (absent-none)

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

July 1, 2013 Work and Regular Meeting Minutes (absent-McCarthy)

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

COMMITTEE REPORTS

Public Safety and Recycling Committee – Council Member McCarthy reported that the committee will be meeting to discuss a few items and he will have a more detailed report at the next scheduled council meeting. He reported that new police officer Shannon Brown has completed half of the training and the Chief has received positive reports from the instructor concerning Shannon's progress and she will be joining Manasquan in 8 weeks. He reported that the Shade Tree Chair John Ryan has been working with Mr. Delorio to finalize a proposal to get elevation work done throughout the Borough. He reported that the Borough received a \$3,000 grant from the State to establish a Community Forestry Management Plan and they are waiting on some paperwork to move forward with the plan.

Public Property & Parks Committee – Council Member Olivera reported that the committee met to discuss the ADA doors and the vestibules in the front and back of the building which will be some sort of non-slip ADA compliant tile. He also reported that a \$3.1 million line item was cancelled by resolution tonight in ordinance 2127-12 for the boat docks and the committee could not, in good conscientious, let that stay in the ordinance as it was a Sandy bond ordinance and they all agreed that the docks were not specifically affected by the sandy storm. He stated that if the docks are going to be revitalized that it will stand by itself. He reported that the committee is working diligently on getting ways to fund this project. He went over the history of the patching that has been done at the docks and that they are looking into limiting the liability and the safety of the residence.

Administration & Finance – Council Member Mangan reported that the committee will be meeting soon to discuss upcoming finance issues and administration issues. He advised that the Administrator/CFO sent out e-mails advising the department heads to start preparing for the 2014 budget. He reported that they are also looking at some issues that will be affecting Borough finances long term which include how to deal with the community disaster loan money that was taken out this year, existing BANS, Emergency Note payments for clean up costs, three (3) bond ordinances, and contract negotiations.

Public Works Committee – Council Member Donovan reported that Public Works has cleaned all the storm drains and cross over pipes, cleaned up Warren Avenue and Mount Lane by the railroad tracks, replaced windows at DCI Recreation Annex, repaired the roof at the DPW garage, repaired the swings at Curtis Park, and repaired the shuffle board court. He reported that the Senior Group has bocce competitions on Tuesdays and Thursdays at 10 a.m. at Borough Hall. He reported that the Environmental Commission over the past several weeks has had a paper shredding event, home composting workshop, and a beach sweep. He thanked all the volunteers that came out to help with the events that were scheduled.

Law and Code Committee – Council Member Sinneck reported on the number of permits issued and the amount of revenue collected and he advised that the number of permits has gone up significantly since the storm. He advised that properties are starting to come back onto the tax role slowly. He also reported that the Edmunds

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software should be installed the first week in November and should be a major improvement in how the work is done in the code/construction department.

Beach Committee – Council Member Bossone reported that the inspections for the Beach Headquarters are finishing up and the punch list will be reviewed by the committee shortly. He advised that the Brielle Road bathrooms are the only ones open and will remain open until further notice depending on the weather. He reported that leashed dogs will be allowed on the beach starting November 1 and it is an ordinance that all owners clean up after their dog. He advised that there is some piping that is being stored at the cove until it is needed offshore for the beach replenishment, equipment should be arriving shortly, and pumping should start around first week in November. He advised that there is a presentation on the Borough website detailing the project and timeframe. He reported that the DPW continues to clean up all the wind blown sand and they will continue tomorrow. He thanked Mary Ryan of the MBIA and Chamber of Commerce for taking on Light up the Shore on the one year anniversary of Sandy. He reported that this is not a Borough event it is a state sponsored event. He went over the details of the event and advised that it will be put on the Borough website and other social media sites.

Council Member Mangan advised that this is the last meeting before elections and that he encourages all voters to come out to vote on November 5.

AUDIENCE PARTICIPATION

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

Mary Ryan, 113 Beachfront thanked Council Member Bossone for his help with the Light up the Shore event and she went over the events to be held in Manasquan. She stated that the MBIA is hosting a breakfast with the candidates on Saturday at 9:30 a.m.

Heather Garrett Muly, 28 Elizabeth Avenue stated that she went to the planning board meeting and they recommended that she come to council. She is looking for some help from the council with the field project at the High School. She stated that she believes that the voices of the people surrounding the property are not be heard by the BOE. She brought some ordinances from other towns for council to review to put some rules in place because the town is the one who polices the property. She briefly went over the ordinances from the other towns and she also went over her concerns with the proposed field and the lights.

Mayor Dempsey suggested the Public Safety Chair and the police officer in charge of traffic get together to discuss this situation.

Council Member McCarthy stated that he will talk to the police officer in charge of traffic and report back to council.

Mike Shelton, 123 Lake Avenue wanted to know if council can address the questions regarding the comments made in the Warrior Athletic Complex resolution as submitted to the State Department of education relating to the White Swan Superfund clean up. He read the comments to the council. He stated that he did not know that he had a public health, safety and welfare concern living down stream from Mac's pond due to PCE until the resolution from the Planning Board. He wanted to know what he should do as a resident living down stream.

Mark Kitrick asked if Mr. Shelton is asking for a comment on the resolution from the Planning Board.

Mr. Shelton stated that he is looking for the Mayor and council to address the health, safety and welfare issue that obviously exists for the majority of the people in Manasquan based on a resolution that was put together. He wanted to know if a notice should go out to the residence advising them that they should get their homes checked as a result of PCE.

Mr. Kitrick asked if Mr. Shelton is asking for the town to look into this issue.

Mr. Shelton stated that he is asking Mr. Donovan because at the planning board meeting Mr. Shelton was told that Mr. Donovan went to the meeting and would be equipped to answer this question and explain to him if there is an EPA concern.

Council Member Donovan went over his understanding of the meeting and that the ground water is being affected which is traveling in an north easterly direction and the ground water touches the Borough of Manasquan somewhere in the area of Sea Girt Avenue. He stated that most of the contamination is north of the

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Borough of Manasquan and he reported that he did not hear anything about surface water contamination nor did he hear that any of the wells that were put around the high school or the grammar school for the Sea Girt Avenue side of Manasquan had shown significant amounts of PCE. He advised that one concern that the state had about the ground water was that PCE and TCE are very volatile and can become gases very easily but it only becomes a problem when it is in a contained space. There was concern expressed about the ground water near Barlow's which they use to irrigate their plants but that is one method for removing PCE and TCE is called air stripping.

Mr. Shelton asked if the council has a concern about the health, safety, and welfare of the residents down stream of Mac's Pond as it relates to PCE contaminates from White Swan.

Council Member Donovan stated that the only reference that the state made to PCE contaminants was Judah Creek and the fact they the DEP and EPA were planning on the possibility of remediation where they would pump the water out of the aquifer, clean it and dispose of it in the creek.

Mr. Shelton was looking for clarification on the resolution from the planning board on current subsurface or ground water contamination. He stated that Matt advised that the highest amount of PCE ever found in our area was down past the school. He stated that he did not hear about this even when an elementary school addition was being built but now it comes up when it relates to a sports field.

Mr. Kiritick asked if Mr. Shelton was referring to paragraph 21 of the planning board resolution.

Mr. Shelton stated that there were two but 21 is the certain one.

Mr. Kiritick stated that this resolution came from the planning board and that it did not come from this public body and he believes that in paragraph 21 the reference to this concern is accentuated by the location of the retaining wall. He read paragraph 21 for Mr. Shelton and the council. He stated that this paragraph is pertaining to the construction of a retaining wall.

There was discussion back and forth between Mr. Shelton and Mr. Kiritick.

Council Member Mangan stated that Mr. Shelton should not be looking for council's opinion on the contamination but should be looking to the DEP opinion.

Mr. DeIorio stated that the Borough has not received any official notice from EPA that there is a concern for our residents and this has been posted on the website.

Heather Garrett Muly, 28 Elizabeth Avenue stated for clarification that maybe that it was not brought up before when the elementary school was added is that within the last 6 to 9 months is when it expanded. She stated that the plume was always Sea Girt Estates in Wall Township coming that way. She stated that the EPA has come in and done a study and they started expanding their testing. She stated that she falls within the triangle and she has thought about getting it tested for her own safety. She stated that before the permits from the DEP were given to the school, since then those issues have been brought up into that area. She stated that the EPA has not been noticed the homeowners in that span but potentially may. She stated that the Wall Township website has a very good presentation.

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

Mayor Dempsey read a statement in recognition of the one year anniversary of Super Storm Sandy.

Council Member McCarthy made a motion to adjourn the meeting at 8:54 p.m., seconded by Council Member Olivera. Motion carried unanimously.

Respectfully submitted,

B. Olvera

Barbara J. Olvera
Municipal Clerk

DATE APPROVED 12-30-13