

MARCH 17, 2014

Regular Meeting of Mayor and Council was convened at 8:02 p.m. on March 17, 2014 in Council Chambers of Borough Hall with Mayor George Dempsey presiding.

Mayor Dempsey's statement re: Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 30, 2013.

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, Mangan, Olivera, and McCarthy

Absent: Council Member Donovan

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

CONSENT AGENDA

**RESOLUTION
93-2014**

BE IT RESOLVED, that the Hon. George R. Dempsey, Jr., Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Agreement with Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Manasquan, commencing April 1, 2014 and continuing through November 30, 2014.

**RESOLUTION
94-2014**

CHANGE ORDER NO.2

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey that the following change order has been submitted and requested by the vendor for approval.

TITLE OF JOB: Manasquan Beach Headquarters

COMPANY: Rice & Brown Architects
544 Washington Blvd.
Sea Girt, NJ 08750

AGREEMENT MODIFICATION NO. 2

Additional \$2,000.00 needed for additional Mechanical, Electrical and Plumbing design.

AMOUNT OF CHANGE THIS RESOLUTION: \$2,000.00

TOTAL AMOUNT OF CHANGE: +\$3,500.00

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

**RESOLUTION
95-2014**

CHANGE ORDER NO.3

Be it resolved by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey that the following change order has been submitted and requested by the vendor for approval.

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TITLE OF JOB: Manasquan Beach Headquarters

COMPANY: Rice & Brown Architects
544 Washington Blvd.
Sea Girt, NJ 08750

AGREEMENT MODIFICATION NO. 3

Additional \$2,000.00 needed for additional Mechanical, Electrical and Plumbing design.

AMOUNT OF CHANGE THIS RESOLUTION: \$945.12

TOTAL AMOUNT OF CHANGE: +\$4,445.12

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

**RESOLUTION
96-2014**

WHEREAS, the Borough of Manasquan is desirous of appointing Special Law Enforcement Officers Class II for the summer season 2014; and

WHEREAS, the Police Chief has submitted a request to have Edward W. Homiek re-appointed as Special Law Enforcement Officer Class II for the Borough of Manasquan effective March 28, 2014 at the current contractual rate of \$19.42 per hour:

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

Edward W. Homiek
328 Barcelona Drive
Toms River, NJ 08753

**RESOLUTION
97-2014**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, New Jersey that: **FREDERIC PAPERTH** is the owner of property located in the Borough of Manasquan, and

WHEREAS, refunds for **2013 STATE TAX APPEAL JUDGEMENTS** are due on the below described property in the amount designated as follows:

BLOCK: 82 LOT: 19.03 NAME: **Paperth, Frederic**

PROPERTY LOCATION: **28 Union Ave**

AMOUNT OF REFUND: **\$5,999.85**

REASON FOR REFUND: **Refund of Overpayment-State Tax Court Judgment.**

REFUND CHECK TO BE MADE PAYABLE TO: **FREDERIC PAPERTH,**

WHEREAS, the Tax Collector has certified that the current **property owner** is entitled to the refund.

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

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above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION
98-2014**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, New Jersey that: **240 PARKER MANASQUAN, LLC** is the owner of property located in the Borough of Manasquan, and

WHEREAS, refunds for **2013 STATE TAX APPEAL JUDGEMENTS** are due on the below described property in the amount designated as follows:

BLOCK: **52** LOT: **50.01** NAME: **240 Parker Manasquan, LLC**

PROPERTY LOCATION: **240 Parker Ave**

AMOUNT OF REFUND: **\$3,355.03**

REASON FOR REFUND: **Refund of Overpayment-State Tax Court Judgment.**

REFUND CHECK TO BE MADE PAYABLE TO: **MARCUS, BRODY, FORD & KESSLER,**

WHEREAS, the Tax Collector has certified that the current **property owner, c/o their attorneys** is entitled to the refund.

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
99-2014**

**RESOLUTION AWARDING A CONTRACT FOR SAND REMOVAL
AND SAND SIFTING IN THE BEACH AREA OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, a Request for Proposals were requested and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-5 et seq.) for sand removal and sand sifting in the beach area of the Borough of Manasquan; and

WHEREAS, three proposals for this service were received:

Mark Woszczak Mechanical Contractors	\$16,500.00	(600cy)
Burke Construction Inc.	\$14,750.00	(350cy)
James R. Ientile Inc. (JRI)	\$50,000.00	(2000cy)

WHEREAS, the Chief Financial Officer/Qualified Purchasing Agency has determined that the lowest responsive and responsible quote was submitted by Mark Woszczak Mechanical Contractors in the amount of \$16,500.00; and

WHEREAS, the proposal by Mark Woszczak Mechanical Contractors complies with the proposal specifications and includes all required documentation; and

WHEREAS, the Borough Council is desirous of awarding a contract to Mark Woszczak Mechanical Contractors in the amount of \$16,500.00.

NOW, THEREFORE BE IT RESOLVED on the 17th day of March 2014, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

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1. This award is subject to the review and approval of the Manasquan Borough attorney
2. Subject to the above conditions, a contract in the amount of \$16,500.00 is awarded to Mark Woszczak Mechanical Contractors for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Mark Woszczak
4. A certified copy of this resolution shall be sent to:

Mark Woszczak Mechanical Contractors
1700 W. Atlantic Avenue
Manasquan, NJ 08736

**RESOLUTION
100-2014**

WHEREAS, The Mayor and Council of the Borough of Manasquan is desirous to conduct a town wide Garage Sale on April 26th, and 27th, 2014; and

WHEREAS, Chapter 4-15 of the Manasquan Borough Code permits Garage Sales under certain conditions; and

WHEREAS, in order to effectively and efficiently conduct a town wide Garage Sale certain borough rules and regulations need to be addressed for the day of the Garage Sale; and

NOW THEREFORE BE IT RESOLVED, that the Borough sets the date of the town wide garage sale for April 26th, and April 27th, 2014 for a special fee of \$10.00 payable to the Borough of Manasquan, and;

BE IT FURTHER RESOLVED that bulk waste restrictions regarding early placement at curb and number of items are lifted for garage sale permit holders of the town wide garage sale and will be picked up on their first garbage day of that week.

**RESOLUTION
101-2014**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
APPOINTING SEAN PRICE AS FULL TIME LABORER IN THE
DEPARTMENT OF PUBLIC
WORKS IN THE BOROUGH OF MANASQUAN**

WHEREAS, the Borough of Manasquan ("Manasquan") is in need of a Full-Time Laborer in the Department of Public Works; and

NOW, THEREFORE BE IT RESOLVED on the 17th day of March, 2014, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

2. Sean Price is appointed Full Time Laborer in the Department of Public Works.
3. Salary rate shall be Full Time Laborer Base Salary of \$32,686.17 per contract in affect at time of appointment.

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4. The effective date of this appointment is March 17, 2014.
5. A certified copy of this resolution shall be sent to:

Sean Price
48 Warren Avenue
Manasquan, NJ 08736

**RESOLUTION
102-2014**

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 the following services as outlined in a proposal dated March 7, 2014:

1. Emergency Beach Replenishment Permit – Prepare and submit request for an emergency permit to sift sand presently located at the Beach Garage Parking Lot with placement of the sifted sand on the beach and prepare a letter request documenting the nature of the emergency and a basemap depicting the current location on the beach. The fee is a Not to Exceed \$2,000 fee for preparing and submitting the emergency permit application.
2. Coastal General Permit for Beach Maintenance – Prepare a formal permit application for a Coastal General Permit for Beach Maintenance which will include the emergency activity described in #1 above and the preparation of the required administrative application paperwork, notifications, comprehensive NJDEP compliance narrative, color photos and NJDEP permitting Plan depicting the regulatory impacts within beach area. The fee is a Not to Exceed \$4,000 fee for preparing and submitting the Coast General Permit application for Beach Maintenance.

**RESOLUTION
103-2014**

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF MANASQUAN AND MONMOUTH COUNTY FOR RECONSTRUCTION OF THE BACK OF POMPAÑO PARKING LOT IN COMPLIANCE WITH THE PROVISIONS OF N.J.S.A. 40:8A

WHEREAS, the Borough of Manasquan and Monmouth County are desirous of entering into an Interlocal Agreement for the reconstruction of the back of Pompano Parking Lot to provide proper drainage and leveling of the area; and

NOW, THEREFORE, BE IT RESOLVED, on this 17th day of March, 2014 by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Borough of Manasquan and Monmouth County are hereby authorized and directed to enter into an Interlocal Agreement.
2. A certified copy of this Resolution shall be sent to:

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Mr. Gary Fread
Asst. Highway Superintendent
County of Monmouth

**RESOLUTION
104-2014**

WHEREAS the Borough of Manasquan, NJ, has recently experienced several natural disasters which have highlighted the critical importance of providing adequate and timely public warning and emergency information; and

WHEREAS the Federal Emergency Management Agency has developed the Integrated Public Alert and Warning System (IPAWS) which enables Federal, State, and local authorities to instantly issue critical public alerts and warnings within their respective jurisdiction through the use of the Emergency Alert System on Cable TV, Wireless Emergency Alerts through cellular networks, as well the National Weather Service Dissemination System through the NOAA Weather Radio; and

WHEREAS the Office of Emergency Management has determined that IPAWS will significantly improve the Borough's alert and warning capabilities by enabling emergency public information to be simultaneously sent through multiple communications devices effectively reaching a larger portion of affected populations; and

WHEREAS it is the recommendation of the Office of Emergency Management that the Borough enter into a Memorandum of Agreement with the Federal Emergency Management Agency authorizing Manasquan to utilize the Integrated Public Alert and Warning System in order to increase public warning capabilities for the purpose of protecting life and property of the residents of this town.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Manasquan:

1. The Municipal Office of Emergency Management is hereby authorized to coordinate the implementation of the IPAWS warning system and shall prepare all required submittals, agreements to the Federal Emergency Management Agency, as required.
2. The Municipal Administrator is hereby authorized to execute the Memorandum of Agreement between the Borough and FEMA.
3. The Municipal Emergency Management Coordinator shall oversee the formation of a local Collaborative Operating Group and be responsible for maintain and approve authorized users of the system within this jurisdiction.

**RESOLUTION
105 -2014**

WHEREAS, the Borough of Manasquan is desirous to participate in the Federal Surplus Property Program and the New Jersey State Agency of Surplus Property Program; and

WHEREAS, the Federal and State program requires a certification that the personnel assigned by the borough are designated as accredited representatives of this organization duly authorization and empowered to select, acquire and receipt for Federal Surplus Property; to obligate this organization for the payment of all service charges assessed by the State Agency for the provision of such property and to execute related documents certifying compliance by this organization with the terms, conditions, reservations and restrictions which will apply to the receipt and use of Federal Surplus Property; and

NOW THEREFOR BE IT RESOLVED, that the Borough of Manasquan authorizes the Administrator/CFO to complete and sign the necessary forms and designate the following individuals as accredited representatives of the Borough:

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- Chris Tucker, OEM Coordinator
- Dave Kircher, OEM Coordinator
- Tom Nicastro, Superintendant of Public Works
- Elliot Correia, Police Chief
- Joseph Delorio, Administrator/CFO

**RESOLUTION
106-2014**

WHEREAS, N.J.S.A. 40:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2014 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the Total Temporary Budget Appropriations, including this amendment resolution is \$1,706,046.00 Current Budget is 1,677,551.00, Water/Sewer Utility Budget is 515,795.00 and Beach Utility Budget is 403,141.00

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, amend the Temporary Budget as approved through Resolution 57-2014 with the following appropriations:

2014 TEMPORARY BUDGET AMMENDMENT

CURRENT BUDGET	Other Expenses
Office of Emergency Management O/E	1,000.00
Total Temporary Budget Amendment – Current	<u>1,000.00</u>

**RESOLUTION
107-2014**

WHEREAS, it shall become necessary to expend for some of the purposes specified in the budget, an excess of the respective sums appropriated, and

WHEREAS, there is an excess in one or more appropriation reserve over and above the amount deemed necessary to fulfill the purposes of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-59 provides for the transfer of such amounts deemed in excess, to appropriations the amount of which are deemed to be insufficient to fulfill the purpose of such appropriations, and

WHEREAS, the transfers about to be authorized do not affect any appropriation reserves to which or from which transfers are prohibited under the statutes, and

NOW, THEREFORE BE IT RESOLVED that the following transfers between appropriation reserves to be authorized pursuant to N.J.S.A. 40A:4-59:

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the following 2013 Appropriation Reserve transfer be authorized:

CURRENT FUND

TO: Police S/W	\$ 5,000.00
Municipal Clerk S/W	\$ 5,000.00
Finance S/W	\$ 3,000.00
Code Enforcement S/W	\$ 500.00
Construction S/W	\$ 3,000.00
Plumbing Sub Code S/W	\$ 100.00
Fire Sub Code S/W	\$ 100.00
Parks and Playgrounds S/W	\$ 2,000.00
Municipal Court S/W	\$ 2,000.00
Mayor and Council O/E	\$ 100.00

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Finance and Administration	\$ 1,000.00
Traffic Lights	<u>\$ 1,000.00</u>
TOTAL	\$22,800.00

FROM: Group Health Insurance \$22,800.00

WATER SEWER FUND

TO: Social Security \$5,000.00

FROM: Water/Sewer O/E \$5,000.00

BEACH FUND

TO: Social Security \$5,000.00

FROM: Beach O/E \$5,000.00

BE IT FURTHER RESOLVED, that a copy of this resolution be filed forthwith with the Chief Financial Officer.

**RESOLUTION
108-2014**

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	703,457.66
Water/Sewer Fund	121,299.75
Beach Fund	21,805.75
General Capital Fund	4,172.33
Water/Sewer Capital Fund	3,452.45
Beach Capital Fund	90.80

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

ORDINANCES

The Borough Attorney read the title of ordinance 2150-14 for introduction.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35
(ZONING), SECTION 35-3.1 (DEFINITIONS) AND SECTION 35-11
(SUPPLEMENTARY LOT, HEIGHT AND YARD REQUIREMENTS)**

Council Member Mangan made a motion to introduce ordinance 2150-14, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Bossone, Sinneck, Mangan, Olivera, and McCarthy. "No" none.

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The Borough Attorney read the title of ordinance 2151-14 for introduction.

**ORDINANCE AMENDING CHAPTER 26 (PERSONNEL) TO CREATE
SECTION 26-26 OF THE BOROUGH OF MANASQUAN CODE IN
THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

Council Member Sinneck made a motion to introduce ordinance 2151-14, seconded by Council Member Mangan. Motion carried by the following vote: "yes" Council Member Bossone, Sinneck, Mangan, Olivera, and McCarthy. "No" none.

APPROVAL OF MINUTES

February 22, 2014 – Budget Meeting
February 22, 2014 – Special Meeting

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

COMMITTEE REPORTS

Public Safety & Recycling – Council Member McCarthy reported that the interviews are taking place for the records clerk position and that there over 25 applicants for the job and the interviewing should be done by the middle of the week. He reported that the two part-time dispatchers are doing their on the job training and they should be done with training and be able to fill some of the empty positions by the end of April beginning of May which would result in some financial savings for the Borough. He stated that he spoke to the Chief and he has received a couple of complaints about the intersection of Route 71 and Sea Girt Avenue and the lack of cross walks at the intersection.

Public Property and Parks Committee – Council Member Olivera reported that the ADA doors for Borough Hall are almost complete and the Life Saving Station walk through will be on Thursday. He reported that the boat slip renewal was up on Saturday and that there are 22 remaining slips which will be put into a lottery system. He reported on the schedule for the April 12 Parks Day and he stated that the committee will be spending about 45 minutes at each of the 5 parks that will be visited.

Administration and Finance Committee – Council Member Mangan reported that the temporary budget amendment was approved tonight because the Borough is closing out on 2013 but are not there yet because the Borough is waiting on a few more figures to come together from the State as well as some direction on how to prepare the budget with regard to FEMA payments and insurance claims. He stated that the committee is looking at the last Saturday in March as the introduction of the budget but he will let everyone know of the date when confirmed with the State as to what needs to be done. He stated that the Clerk's office is reviewing the RFP for the website.

Law and Code Committee – Council Member Sinneck reported on the meeting that took place with the realtors regarding rental properties. He stated that the code department will be looking into hanging items on rails, garbage & recycling, parking, rules regarding pools, beer games that can be viewed from the street or sidewalk. He reported that CO inspections are being done within 72 hours from the request. He reported on streamlining the department with new software.

Beach Committee – Council Member Bossone reported that the Clerk's office has started the process for the Sea Watch parking and locker renewals. He reported that he received a letter from the NJDOT on the Third Avenue Parking Lot which stated that the DOT is still reviewing the application. He stated that a pre-con meeting will be set up soon for the Third Avenue Parking Lot. He reported on the progress at the Beach Headquarters and it is moving along and he reported that the building will be ready for the April badge sales. He reported that the swing sets have been put up and he reported on the siding at Sea Watch. He also reported on the camera security system at the beach, sign installation at headquarters, fencing in the back of Pompano Parking Lot, and the interlocal agreement with the County to survey and re-grade the back of the Pompano Lot. He reported on the additional sand sifting that needs to go out for a permit. He stated that the pre-season beach sales will be April 14 through 19 and then Saturday and Sunday beginning May 2 until the beach opens full time on June 20. He stated that as of April 1 there will be no dogs allowed on the beach or the beach walk.

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AUDIENCE PARTICIPATION

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

Mary Ryan, 113 Beachfront read an article from the Coast Star regarding the new dune system and the walk over. She asked if there is any other design plan besides cross over that is being looked at in terms of design plan for the beach.

Mayor Dempsey stated that he is not aware of any.

Mr. DeLorio stated that the Borough has been talking about dunes since the storm so the report is correct in that the Borough has been speaking to DEP for the last year and half to get them to make a decision on templates they have. He stated that they are the one that is suggesting and insisting on walk over.

Ms. Ryan asked if council would consider putting in dunes without using the DEP template.

Mr. DeLorio stated that if the Borough does then they are not engineered dune and then the Borough is back to the situation that was there before the storm for decades and there would not be funding from FEMA.

There was discussion on the openings, access for beach vehicles, and handicap accessibility.

Mr. DeLorio stated that there has been no decision on the dunes as there is so much detail and change in details that DEP has proposed and not proposed over the last year that the Borough has not even gotten to the point of them going to the site.

Marilyn Jacobson, 59 McLean Avenue inquired about the building height change and she also inquired about the recreation director salary and if they will receive benefits.

Mr. Kitrick stated that the ordinance that was read for introduction tonight has nothing to do with the height of buildings but it has to do with architectural elements if the building has been raised and there is masonry block or pilings.

Mr. DeLorio stated that the recreation director will not be receiving benefits and the salary will be coming from the recreation commission funds and not out of the budget.

Ms. Jacobson inquired about the trees in the Plaza and that she has not heard back from Council Member McCarthy about adopt a tree program.

Council Member McCarthy stated that he will follow up with the Shade Tree and get in touch with her.

Ms. Jacobson also inquired about the code requirements for the certificate of occupancy and she is glad that there are requirements for this. She stated that other towns during a CO inspection are looking to see if there are any open permits for that property.

Mayor Dempsey stated that with the capability and efficiency of Frank DiRoma as the code/construction supervisor it will be done correctly.

Ms Jacobson asked if a building inspector goes in to inspect the property they should have some sort of a drawing of what the property was at that time and if additions have been made without a permit.

Mayor Dempsey stated that there is no way the building inspector could have a drawing on each property.

There was discussion on this subject.

Elliott Correia, Chief of Police stated that there was some confusion that started at the meeting about the pools. He stated that there is nothing in the current ordinance that restricts the size or depth of the pools that are in the front yard or side yard. He stated that if what was discussed or what Council Member Sinneck stated is going to be enforced the ordinance will have to be changed. He went over the sections of the ordinance that deal with pools.

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There was discussion on the pool ordinances and the UCC code and who can enforce these codes.

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

Council Member Sinneck made a motion to close the regular meeting at 8:34 p.m. seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 4-7-14