

DECEMBER 30, 2013

A Special Meeting of the Manasquan Mayor and Council was held on December 30, 2013 at 5:00 p.m., in Council Chambers of Borough Hall with Mayor George Dempsey presiding.

Mayor Dempsey related 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 and posted on the website on December 4, 2012.

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.

Mayor Dempsey stated that council will be going into closed session first because there may be action taken on Item #1.

The closed session portion of the minutes begins on the last page. The signature and approval date are located on the last page following the closed session meeting minutes.

Council Member Sinneck made a motion to add Resolution 381-13 Authorizing the Signing of Memorandum of Agreement with the PBA to the agenda, seconded by Council Member McCarthy. Motion carried unanimously.

**Acknowledgement and Acceptance of Report from CFO to Award Note**

Mr. Delorio advised that a Bond Anticipation Note was awarded to Provident Bank for an interest rate of 1.18% which would be the final payment on the Note when it matures next year.

**CONSENT AGENDA**

**RESOLUTION NO  
363-2013**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
RELEASING MORTGAGE MODIFICATION AGREEMENT**

**WHEREAS**, Donald and Barbara Warren executed a mortgage modification to the Borough of Manasquan in the amount of \$8,300 and recorded in the Monmouth County Clerk's office under the Housing Improvement Program; and

**WHEREAS**, the Borough of Manasquan has received a check in the amount of \$8,300 representing all fees have been paid and conditions satisfied; and

**WHEREAS**, the governing body of the Borough of Manasquan is desirous of releasing the Mortgage Modification Agreement; and

**NOW, THEREFORE BE IT RESOLVED** on the 30<sup>th</sup> day of December, 2013, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Mortgage Modification Agreement for Donald and Barbara Warren, 17 Sea Girt Avenue is hereby paid in full.
2. A certified copy of this Resolution shall be sent to:

The Lehman Law Firm, PC  
281 Main Street  
Woodbridge, NJ 07095

Joseph C. Lane  
Counselor of Law  
2600 Highway 35  
Manasquan, NJ 08736

Debbie Dovedytis, Program Analyst  
Housing Improvement Program

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County of Monmouth  
One East Main Street  
Freehold, NJ 07728

**RESOLUTION  
364-2013**

**BE IT RESOLVED** by the Council of the Borough of Manasquan, County of Monmouth, New Jersey that: DUNPHEY-SMITH COMPANY is the owner of property located in the Borough of Manasquan, and

**WHEREAS**, refunds for 2011 STATE TAX APPEAL JUDGEMENTS are due on the below described property in the amount designated as follows:

BLOCK: 52      LOT: 38.01      NAME: Dunphey-Smith Co

PROPERTY LOCATION: 224 Parker Ave

AMOUNT OF REFUND:      \$8,320.13

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

REFUND CHECK TO BE MADE PAYABLE TO: MICHAEL A VESPASIANO,  
ATTORNEY TRUST  
ACCOUNT

**WHEREAS**, the Tax Collector has certified that the current property owner, c/o their attorney 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  
365-2013**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the application of Inshore Atlantic, Inc. t/a Leggetts Sand Bar, for an Amusement Game License to operate one amusement game at 211-213-215 & 217 First Avenue, Manasquan, New Jersey for the year 2014 is hereby approved and accepted.

**BE IT FURTHER RESOLVED** that the Borough Clerk is instructed and authorized to issue a license, that is,

<u>NAME OF APPLICANT</u>	<u>ADDRESS OF PREMISE TO BE LICENSED</u>	<u>TYPE OF GAME AND LICENSE</u>
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Inshore Atlantic, Inc.	215-217 First Avenue	Video Golf Game
	Manasquan, New Jersey 08736	

**RESOLUTION  
366-2013**

**BE IT RESOLVED**, that the Hon. George R. Dempsey, Jr., Mayor of the Borough of Manasquan, and Borough Clerk Barbara Ilaria be and are hereby authorized to sign the United Cleaning Service Contract for 2014.

**RESOLUTION  
367-2012**

**WHEREAS**, the Borough of Manasquan's Personnel Policy #33 "Leave Policy" requires approval from the Mayor and Council for vacation carry over for Department Heads, and

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WHEREAS, the Department Heads have the following 2013 vacation days and are requesting to carry them over to 2014 as permitted by policy and approval by the Mayor and Council:

	2013
Joseph Delorio	15 Days
Barbara Ilaria	15 Days
Elliott Correia	28 Days
Thomas Nicastro	28 Days
Marie Higgins	24 Days
Frank DiRoma	0 Days

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan authorize the carry over of the unused 2013 vacation days to 2014 as per Borough Policy.

RESOLUTION  
368-13

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

CURRENT FUND

TO:

Health Benefit Waiver	\$ 12,000.00
Unemployment Compensation Insurance	31,000.00
Accumulated Leave Trust	5,000.00
Buildings and Grounds OE	<u>3,350.00</u>
Total	\$ 51,350.00

FROM:

Clerk O/E	3,350.00
Code Department OE	5,000.00
Finance S/W	2,000.00
Professional Engineering OE	10,000.00
Employee Group Health	12,000.00
Utilities O/E	<u>19,000.00</u>
Total	\$ 51,350.00

WATER/SEWER FUND

TO:

Accumulated Leave O/E	\$ <u>20,000.00</u>
Total	\$ 20,000.00

FROM:

Unemployment Trust O/E	\$ 5,000.00
Utilities- O/E	<u>15,000.00</u>
Total	\$ 20,000.00

BEACH UTILITY FUND

TO:

Unemployment Compensation Trust	\$ <u>10,000.00</u>
Total	\$ 10,000.00

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FROM:

Salary and Wages	\$ 5,000.00
Other Expenses O/E	<u>5,000.00</u>
Total	\$ 10,000.00

**RESOLUTION  
369-2013**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that Barbara Ilaria,

Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to sign the following 2013

Agreement:

Ellicott Network Consultants, LLC – Hardware and System Software Support

**RESOLUTION  
370-2013**

**RESOLUTION AWARDING A CONTRACT FOR SQUAN BEACH LIFE SAVING  
STATION #9 BUILDING IMPROVEMENTS IN THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH STATE OF NEW JERSEY**

**WHEREAS**, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for Squan Beach Life Saving Station #9 Building Improvements; and

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

Contractor	Base Bid	Deduct Alt. No. 1	Deduct Alt. No 2
Trinity Construction	\$109,850.00	\$2,310.00	\$9,900.00
Straight Edge Construction	\$139,198.00	\$2,400.00	\$11,000.00
J&M Contracting	\$139,000.00	\$3,500.00	\$4,000.00

**WHEREAS**, Trinity Construction submitted a base bid in the amount of \$109,850.00; and

**WHEREAS**, the Borough Engineer has determined the bid by Trinity Construction complies with the bid specifications and includes all required documentation and has recommended the award of the bid; and

**WHEREAS**, the Borough Council has determined, for the reasons set forth below, that the bid of Trinity Construction is a responsive and responsible bid; and

**WHEREAS**, the Borough Council is desirous of awarding a contract to Trinity Construction for the bid in the amount of \$109,850.00 for the project;

**NOW, THEREFORE BE IT RESOLVED** on the 30<sup>th</sup> day of December, 2013, by the Mayor and

Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This Bid award is subject to the review and approval of the Bid documents by the Manasquan Borough attorney.

2. Subject to the above condition, a contract in the amount of \$109,850.00 is awarded to Trinity Construction for this project.

3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Trinity Construction

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

Trinity Construction  
2290 West County Line Road  
Jackson, NJ 08527

### **RESOLUTION 371-2013**

**WHEREAS**, N. J. S. A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Manasquan has been notified by the County of Monmouth that additional DEDR funds from the State of New Jersey Municipal Alliance Program is available and wishes to amend its 2013 Budget to include this additional amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Manasquan hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the current budget of the year 2013 in the sum of \$1,000.00 which is now available as a revenue from:

#### **Miscellaneous Revenues**

Special Items of General Revenue Anticipated with Prior Written Consent  
of the Director of Local Government Services:

Public and Private Revenues Off-Set with the appropriations:  
Municipal Alliance on Alcoholism and Drug Abuse Program Fund

**BE IT FURTHER RESOLVED** that a like sum of \$1,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations  
Operations excluded from "PUBLIC AND PRIVATE" programs Off Set by Revenues:  
Municipal Alliance on Alcoholism and Drug Abuse Program Fund

**BE IT FURTHER RESOLVED** that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services.

### **RESOLUTION 372-2013**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R. S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations," and,

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual

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Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Manasquan, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### **RESOLUTION 373-2013**

**WHEREAS**, the Local Finance Board of the State of New Jersey has promulgated a regulation requiring that a Corrective Action Plan be prepared as part of the annual audit process; and

**WHEREAS**, Local Finance Notice 92-15 required that this plan be prepared by the Chief Financial Officer and approved by the Governing Body.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan, County of Monmouth and State of New Jersey that they hereby approve the Corrective Action Plan for the year 2012, a requirement of the annual audit, prepared by the Chief Financial Officer and which is attached hereto and made part of this resolution.

#### **RESOLUTION 374-13**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, Monmouth County, New

Jersey, that the Mayor, Chief Financial Officer and Municipal Clerk be authorized to sign a Bond Anticipation

Note in the amount of \$2,554,018.70 with a maturity date of December 30, 2014.

#### **RESOLUTION 375-2013**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Seasonal Laborers for the

Department of Public Works for the purpose of snow plowing; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan,

Monmouth County, New Jersey, on this 30<sup>th</sup> day of December, 2013 appoint the following Department of

Public Works employees to work from January 1, 2014 thru December 31, 2014:

- Drew Coder, 119 Church Street, the hourly rate of \$15.00
- Ryan Dullea, P.O. Box 150, Manasquan at the hourly rate of \$ 15.00
- Brett Nielson, 287 Old Bridge Road, Brielle at the hourly rate of \$15.00
- Frank Servidio, 100 Ocean Avenue at the hourly rate of \$15.00

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- Jerry Hall, 30 Marcellus Avenue, at the hourly rate of \$15.00
- Kevin Buck, 39 Watson Court, Howell, at the hourly rate of \$15.00

**RESOLUTION  
376-2013**

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

**WHEREAS**, a refund of monies is due to the following:

NAME: Mr. Robert Hohenstein  
838 William Drive  
Brielle, NJ 08730

AMOUNT OF REFUND DUE: 537.50

REASON FOR REFUND: Remaining Developer's Escrow – 165/24.01  
60 1<sup>st</sup> Ave  
App #29-2013

**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  
377-2013**

**WHEREAS**, the Mayor and Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, are desirous of canceling outdated checks from disbursement account.

**NOW, THEREFORE**, be it resolved that the following amounts from their respective accounts are canceled and returned to the appropriate fund:

Junior Lifeguard - 603003515

#313	8/12/12	\$890.00
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Recreation Commission – 603003191

#2697	7/10/12	\$35.00
#2700	7/10/12	\$35.00
#2716	8/09/12	\$160.80

**RESOLUTION  
378-2013**

**WHEREAS**, the following appropriations balances remain in the 2013 Budget unexpended,

**THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the following appropriations be cancelled.

**WATER/SEWER**

Other Expenses	<u>\$ 20,000.00</u>
	\$ 20,000.00

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BEACH

S&W	\$89,318.00
Other Expenses	<u>27,000.00</u>
	\$116,318.00

**RESOLUTION  
379-2013**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the application of Manasquan Beach House for an Amusement Game License to operate two amusement games at 390 E. Main Street, Manasquan, New Jersey for the year 2014 is hereby approved and accepted.

**BE IT FURTHER RESOLVED** that the Borough Clerk is instructed and authorized to issue a license, that is,

<u>NAME OF APPLICANT</u>	<u>ADDRESS OF PREMISE TO BE LICENSED</u>	<u>TYPE OF GAME AND LICENSE</u>
Manasquan Beach House	390 E. Main Street Manasquan, New Jersey 08736	Video Buck Hunter
Manasquan Beach House	390 E. Main Street Manasquan, New Jersey 08736	Video Golden Tee
Manasquan Beach House	390 E. Main Street Manasquan, New Jersey 08736	Video Mega Truck

**RESOLUTION  
381-2013**

**BE IT RESOLVED**, that the Hon. George Dempsey, Jr., Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Memorandum of Agreement with the Police Benevolent Association (PBA).

**RESOLUTION  
380-2013**

**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.
3. Related bills associated with Super Storm Sandy included in this bill list are approved subject to the award of an Emergency Note previously authorized through 2012 resolutions 364-2012, 355-2012, 354-2012 and 341-2012,

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	74,799.35
Water/Sewer Fund	26,779.81
Beach Fund	8,670.30
General Capital Fund	9,216.17
Water/Sewer Capital Fund	



Beach Capital Fund

437.50

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 2146-13 for second reading and final hearing.

### ORDINANCE AMENDING SECTIONS 22-2 (BASE WATER AND SEWER SERVICE RATE) AND 22-3 (WATER AND SEWER USAGE CHARGE) OF CHAPTER 22, WATER AND SEWER UTILITY OF THE REVISED GENERAL ORDINANCES IN ORDER TO INCREASE WATER AND SEWER RATES AND USAGE CHARGES IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

Pamela W. Lewis stated that she is at the meeting tonight because of an article in the Coast Star where it stated that there is 161 homeowners that were not charged and she wanted an explanation as to why her mother who closes up her house for 6 months is charges rates.

Mayor Dempsey stated that there are two (2) ways to turn off the water; you can turn off the water remove the meter and bring it to Borough Hall and the bill stops or you can request the town to turn off the meter and leave it in place. He advised that the bill runs on because the meter is there and ready to serve charge is there.

Ms. Lewis asked that if she did remove the meter does the public works remove the meter or does a plumber do that.

Council Member Donovan stated that a plumber would need to do that.

Ms. Lewis wanted to know if there is a service charge for the meter going back and forth.

Council Member Donovan stated that he does not believe there is a charge.

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

Council Member Mangan made a motion to pass and publish ordinance 2146-13 according to law, 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

Work Session and Regular Meeting Minutes – September 3, 2013 (absent none)

Work Session and Regular Meeting Minutes – September 16, 2013 (absent none)

Work Session and Regular Meeting Minutes – October 21, 2013 (absent none)

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

Work Session and Regular Meeting Minutes – October 7, 2013 (absent Sinneck)

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

## AUDIENCE PARTICIPATION

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

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Mary Ryan, 113 Beachfront commended everyone for the service that they provided to the community during the past year and thanked them very much for the time and effort that they put in. He stated that she is very proud to have each of the council members working for the citizens.

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

Council Member Sinneck made a motion to close the special meeting at 5:36 p.m. seconded by Council Member Mangan. Motion carried unanimously.