

JUNE 30, 2015

A Special Meeting of the Manasquan Mayor and Council was held on June 30, 2015 at 7:00 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 forwarded to the website on June 24, 2015.

ROLL CALL: Present: Council Members Lee, Sinneck, Donovan, Mangan, Olivera, and McCarthy

Absent: None

Council Member McCarthy arrived at 7:15 p.m.

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

ORDINANCES

The Borough attorney read the title of ordinance 2183-15 for second reading and final hearing.

CALENDAR YEAR 2015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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

There being no public comment, Council Member Donovan made a motion to close the public portion, seconded by Council Member Olivera. Motion carried unanimously.

Council Member Donovan made a motion to pass and publish ordinance 2182-15 according to law, seconded by Council Member Sinneck. Motion carried by the following vote: “yes” Council Member Lee, Sinneck, Donovan, Mangan, and Olivera. “No” none.

RESOLUTION 165-2015

WHEREAS, the 2015 approved budget of the Borough of Manasquan, as advertised, has been posted in the Municipal Building at least one week prior to the date of this hearing; and

WHEREAS, a copy of the same has been made available to each person requesting it during said week and during this public hearing; and

THEREFORE, BE IT RESOLVED, that having conformed with the condition set forth in N.J.S. 40A:4-8, the 2014 budget be read by its title.

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

2015 MUNICIPAL BUDGET

Mr. Shechter went over the budget to be adopted.

Council Member Mangan briefly went over the process that was used to come up with the budget and thanked all that were involved in getting the budget completed. He also went over FEMA funds and Community Disaster Loan funds that have been used in previous year and what will be used for this year.

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

JUNE 30, 2015

Dick Meincke, 36 N. McClellan Avenue inquired about the cost of the beach utility.

Mr. Shechter stated that there is a reserve for FEMA reimbursements of \$1,644,000 and insurance proceeds of \$201,000 which will be used to pay down the note.

Rich Bartholomew, 121 Lake Avenue commented on the health care costs that the town offers and stated that the council working with the public employees have done a great job in providing good coverage and saving money.

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

Mr. Shechter read the budget by title per resolution 165-2015.

Council Member Mangan made a motion to adopt the 2015 budget, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Lee, Sinneck, Donovan, Mangan, Olivera, and McCarthy. "No" none.

CONSENT AGENDA

Council Member Olivera made a motion to remove resolution 164-2015 from the consent agenda to vote on separately, seconded by Council Member Mangan. Motion carried unanimously.

RESOLUTION 161-2015

WHEREAS, application has been made to the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, by the Inshore Atlantic Inc. t/a Leggett's Sand Bar for renewal of Plenary Retail Consumption Liquor License No. 1327-33-007-007 to cover premises at 211-213-215-217 First Avenue, Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to Plenary Retail Consumption Liquor Licenses issued by it:

1. The submitted application form is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory, and local governmental laws and regulations of the Division of the Alcoholic Beverage Control.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and/or any additional financing obtained in the previous license term for use in the licensed business.

WHEREAS, the said Inshore Atlantic, Inc. t/a Leggett's Sand Bar is adjudged to be entitled to a Plenary Retail Consumption Liquor License covering premises at 211-213-215-217 First Avenue, Manasquan, New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough Clerk be designated, authorized and instructed to issue and deliver a Plenary Retail Consumption Liquor License to the said Inshore Atlantic, Inc. t/a Leggett's Sand Bar to sell at 211-213-215- 217 First Avenue, Manasquan, New Jersey any alcoholic beverages and also to include in this license an additional building in the rear to be used for storage purposes until midnight, June 30, 2016, subject, however, to the following conditions:

- a. The licensee shall provide two (2) qualified uniformed security persons who shall be assigned to duty in the parking lot from the hours of 7:00 p.m. to 3:00 a.m. on those Fridays, Saturdays and holidays upon which the licensee shall be open for business.

JUNE 30, 2015

- b. At any time the licensed premises offers live entertainment or amplified music, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed.
- c. No bottles or cans shall be dumped in the solid waste dumpster maintained by the license holder between the hours of twelve (12) midnight and seven (7) a.m.
- d. No live music at the licensed premises after 1:30 a.m.
- e. Alcoholic beverages may only be served in connection with the service of food to patrons seated at tables in Section "B" of the premises (see diagram attached). Alcoholic beverages shall be served only by waiters or waitresses.
- f. No permanent or portable service bar shall be located in Section "B".
- g. The dining facilities and service of alcoholic beverages in Section "B" shall be closed and vacated no later than 12:00 midnight of each day. Further, Section "B" shall be open only when the kitchen is open.
- h. All patrons in Section "B" shall be seated.
- I. The 12' opening connecting Section "A" to Section "B" shall be reduced to a maximum of 8'. The restaurant area of Section "B" shall be physically secured after 12:00 midnight of each day to prevent patrons from using the area.
- j. The second floor of the building in Section "B" may only be used for administrative offices servicing the business on this site.
- k. All trash, refuse, and garbage shall be stored inside a separate designated enclosed area adjacent to the existing restaurant building and away from residential area.
- l. There shall be no outside storage of packaging material or building materials on the site.
- m. The hours of operation in Section "C" will include having the kitchen open until midnight with last seating at 11:00 p.m. and patrons out by midnight.
- n. No live music in Section "C" after 11:00 p.m.

**RESOLUTION
162-2015**

WHEREAS, application has been made to the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey by Squan Tavern, Inc. for the renewal of the Plenary Retail Consumption Liquor License No. 1327-33-005-003 to cover premises at 15-17-19-21 Broad Street, Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to Plenary Retail Consumption Liquor Licenses issued by it:

1. The submitted application form is complete in all respects.

JUNE 30, 2015

2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. Laws and Regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and/or additional financing obtained in the previous license term for use in the licensed business.

WHEREAS, the Squan Tavern, Inc. is adjudged to be entitled to a Plenary Retail Consumption Liquor License.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that the Borough Clerk is hereby designated, authorized and instructed to issue and deliver a Plenary Retail Consumption Liquor License to Squan Tavern, Inc. to sell any alcoholic beverages at 15-17-19-21 Broad Street, Manasquan, New Jersey until midnight, June 30, 2016, subject, however, to the following condition;

1. At any time the licensed premises offers live entertainment or amplified music, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed. Exterior doors shall not be left open continuously.
2. Alcoholic beverages will only be served in the permitted outdoor area only between 11:00 a.m. to 11:00 p.m.

**RESOLUTION
163-2015**

WHEREAS, application has been made to the Borough Council, Borough of Manasquan, County of Monmouth, State of New Jersey, from C. Jung, LLC., t/a Manasquan Liquors for renewal of the Plenary Retail Distribution Liquor License No. 1327-44-002-006 to cover premises at 139 Main Street, Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to the Plenary Retail Distribution License to be issued by it;

1. The submitted application form is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B. C. Laws and Regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed premises and/or any additional financing obtained in the previous licensed term for use in the licensed business.

WHEREAS, the governing body of the Borough of Manasquan has determined that C. Jung LLC., t/a Manasquan Liquors is entitled to a Plenary Retail Distribution License.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough Clerk is hereby designated, authorized and instructed to issue and deliver a Plenary Retail Distribution License to C. Jung LLC., t/a Manasquan Liquors to sell at 139 Main Street, Manasquan, New Jersey for consumption off the licensed premises of any alcoholic beverages in their original containers until midnight, June 30, 2016.

JUNE 30, 2015

**RESOLUTION
166-2015**

WHEREAS, application has been made to the Borough Council, Borough of Manasquan, County of Monmouth, State of New Jersey, by Hickory Group, L. L. C. t/a Remington's for Plenary Retail Consumption Liquor License No. 1327-33-010-010 to cover premises at 142 Main Street, Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to Plenary Retail Consumption Liquor Licenses issued by it:

1. The submitted application form is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory, and local governmental A.B.C. Laws and Regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and/or any additional financing obtained in the previous license term for the use in the licensed business.

WHEREAS, the said Hickory Group L.L.C. t/a Remington's is adjudged to be entitled to a Plenary Retail Consumption Liquor License.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council, Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough Clerk be designated, authorized and instructed to issue and deliver a Plenary Retail Consumption Liquor License to the said Hickory Group, L. L. C. t/a Remington's to sell alcoholic beverages at 142 Main Street, Manasquan, New Jersey, until midnight, June 30, 2016, subject, however, to the following conditions:

- a. At any time the licensed premises offers live entertainment, which is limited to three musician, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed. Exterior doors shall not be left open continuously.

**RESOLUTION
167-2015**

WHEREAS, application has been made to the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey by Coastal Restaurant Group LLC., t/a Edgar's Pub for renewal of Plenary Retail Consumption Liquor License No. 1327-33-011-012 to cover premises at 153 Sea Girt Avenue, Manasquan, New Jersey; and

WHEREAS, the governing body makes the following factual findings with respect to Plenary Retail Consumption Liquor Licenses issued by it:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. Laws and Regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed premises and/or any additional financing obtained in the previous licensed term for use in the licensed business.

WHEREAS, the governing body of the Borough of Manasquan has determined that Coastal

JUNE 30, 2015

Restaurant Group LLC., is entitled to a Plenary Retail Consumption License.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough Clerk is hereby designated, authorized and instructed to issue and deliver a Plenary Retail Consumption Liquor License to the said Coastal Restaurant Group LLC. t/a Edgar's Pub to sell any alcoholic beverages at 153 Sea Girt Avenue and also to store alcoholic beverages in a separate building until midnight, June 30, 2016, subject, however, to the following conditions:

1. As to the area where the licensee enclosed an existing sundeck as approved by a resolution dated November 3, 1986, the following condition applies:
 - a. An aisle in conformance with BOCA Building and Fire Code Regulations must surround every side of the bar.
 - b. At any time the licensed premises offers live entertainment or amplified music, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed. Exterior doors shall not be left open continuously.
2. No bottles or cans shall be dumped in the solid waste dumpster maintained by the license holder between the hours of twelve (12) midnight and seven (7) a.m.
3. The licensee shall provide two (2) qualified uniformed security persons who shall be assigned to duty, about or adjacent to the parking lot serving the licensed premises from the hours of 7:00 p.m. to 3:00 a.m. on those Fridays, Saturdays and holidays from May 15th through September 15th when the licensee shall be open for business.
4. The Borough Council reserves the right to require the licensee to make appropriate arrangements to ensure that patrons of the licensed premises do not park or interfere with parking at 254-256-258 Parker Avenue.

**RESOLUTION
168-2015**

WHEREAS, application has been made to the Borough Council, Borough of Manasquan, County of Monmouth, State of New Jersey, by the Johannessen Sisti Inc., t/a Spirit of '76 Wines and Liquors for the renewal of the Plenary Retail Distribution Liquor License No. 1327-44-004-003 to cover premises at 119 Taylor Avenue, Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to Plenary Retail Distribution Licenses to be issued by it;

1. The submitted application form is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. Laws and Regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of license and the licensed business and/or any additional financing obtained in the previous license term for use in the licensed business.

WHEREAS, the said Johannessen Sisti Inc., is adjudged to be entitled to a Plenary Retail Distribution Liquor License.

JUNE 30, 2015

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough Clerk is hereby designated, authorized and instructed to issue and deliver a Plenary Retail Distribution Liquor License to the Johannessen Sisti Inc., to sell at 119 Taylor Avenue, Manasquan, New Jersey for consumption off the licensed premises any alcoholic beverages in their original containers until midnight, June 30, 2016.

**RESOLUTION
170-2015**

WHEREAS, application has been made to the Borough Council, Borough of Manasquan, County of Monmouth, State of New Jersey by Veterans of Foreign Wars Post 1838 t/a Manasquan VFW Post 1838 for the issuance of a Club License No. 1327-31-016-001 to cover premises at 30 Ridge Avenue in the Borough of Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to Club Licenses to be issued by it:

1. The submitted application is complete in all respects including submission of the Club Member list.
2. The officers and directors of the Club are qualified according to statutory, regulatory and local governmental A. B. C. Laws and Regulations.
3. The Club maintains all records required by N.J.C.A. 13:2-8.8 and N.J.C.A. 13:2-8.12; and

WHEREAS, the Manasquan VFW Post 1838 is adjudged to be entitled to a Club License;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that the Borough Clerk is hereby designated, authorized and instructed to execute the aforesaid Club License to the Manasquan VFW Post 1838. This license is in effect until midnight, June 30, 2016, subject, however, to the following condition:

1. At any time the licensed premises offers live entertainment or amplified music, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed. Exterior doors shall not be left open continuously.

Council Member McCarthy made a motion to approve the resolutions, seconded by Council Member Mangan. Motion carried by the following votes: “yes” Council Member Lee, Sinneck, Donovan, Mangan, Olivera, and McCarthy. “No” none.

**RESOLUTION
164-2015**

WHEREAS, application has been made to the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey by BPOE Manasquan Lodge 2534 for the issuance of Club License No. 1327-31-012-001 to cover premises at 17 Stockton Lake Boulevard in the Borough of Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to Club Licenses to be issued by it:

1. The submitted application is complete in all respects, including the submission of the Club Member list.

JUNE 30, 2015

2. The officers and directors of the Club are qualified according to all statutory and local governmental A.B.C. Laws and Regulations.
3. The Club maintains all records required by N.J.C.A. 13:2-8.8 and N.J.C.A. 13:2-8.12; and

WHEREAS, the BPOE Manasquan Lodge 2534 is adjudged to be entitled to a Club License.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that the Borough Clerk is hereby designated, authorized and instructed to issue and deliver the aforesaid Club License to the BPOE Manasquan Lodge 2534. This license is in effect until midnight, June 30, 2016, subject, however, to the following condition:

1. At any time the licensed premises offers live entertainment or amplified music, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed. Exterior doors shall not be left open continuously.

Council Member Sinneck made a motion to approve the resolutions, seconded by Council Member Mangan. Motion carried by the following votes: “yes” Council Member Lee, Sinneck, Donovan, Mangan, and McCarthy. “No” none. Council Member Olivera abstained.

RESOLUTION 169-2015

WHEREAS, application has been made to the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey by Coastal Restaurant Group LLC., t/a Edgar’s Pub , for a Place-to-Place Transfer of Alcohol Beverage Control Plenary Retail Consumption License # 1327-33-011-012, for expansion of its license at its premise located at 153 Sea Girt Avenue to include rooftop dining and amendment of current trade name of Edgar’s Pub to the trade name of Reef and Barrel; and

WHEREAS, the pending transfer was advertised in the Coast Star on June 11 and June 18, 2015, and no complaints have been filed with the Borough Clerk; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned Place-to-Place Transfer and trade name amendment is hereby approved and it is to become effective upon adoption of this resolution, subject, however, to the following conditions:

1. At any time the licensed premises offers live entertainment or amplified music, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed. Exterior doors shall not be left open continuously.
2. No bottles or cans shall be dumped in the solid waste dumpster maintained by the license holder between the hours of twelve (12) midnight and seven (7) a.m.
3. The licensee shall provide two (2) qualified uniformed security persons who shall be assigned to duty, about or adjacent to the parking lot serving the licensed premises from the hours of 7:00 p.m. to 3:00 a.m. on those Fridays, Saturdays and holidays from May 15th through September 15th when the licensee shall be open for business.

JUNE 30, 2015

4. The Borough Council reserves the right to require the licensee to make appropriate arrangements to ensure that patrons of the licensed premises do not park or interfere with parking at 254-256-258 Parker Avenue.
5. There will be no audio speakers in the second floor dining area, no parties shall be planned and there will be no live entertainment.
6. Rooftop dining shall cease and the rooftop area will be vacated at 10:00 p.m., with the last seating at 9:00 p.m.
7. Rooftop dining shall have seating for 40 people only and shall be seasonally available during the months of May through September.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Director of the New Jersey Division of Alcoholic Beverage Control.

Council Member McCarthy made a motion to approve the resolutions, seconded by Council Member Mangan. Motion carried by the following votes: “yes” Council Member Lee, Sinneck, Donovan, Mangan, Olivera, and McCarthy. “No” none.

AUDIENCE PARTICIPATION

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

There being no comments from the public Council Member Donovan made a motion to close the public portion, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Donovan made a motion to close the special meeting at 7:21 p.m. seconded by Council Member Olivera. Motion carried unanimously.

Respectfully submitted,

Barbara Ilaria
Municipal Clerk