

DECEMBER 27, 2012

A Special Meeting of the Manasquan Mayor and Council was held on December 27, 2012 at 4:00 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 on December 18, 2012 and posted on the Borough website.

ROLL CALL: Present: Council Members Bossone, Donovan, Mangan, and McCarthy

Absent: Council Members Connolly and Jacobson.

Also present was Mark Kirrick the Borough Attorney and Joseph Delorio the Borough Administrator.

Mayor Dempsey thanked Ian Gray a resident and fireman of Manasquan who is a college student in Philadelphia for his concert which raised a donation to the town of \$1,061.

Council Member Mangan made a motion to acknowledge and accept the CFO report for Bond Anticipation Note, seconded by Council Member Bossone. Motion carried by the following votes; "yes" Council Member Bossone, Donovan, Mangan, and McCarthy, "no" none.

CONSENT AGENDA

RESOLUTION  
357-2012

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and Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, are desirous of canceling outdated checks from disbursement account.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

Affordable Housing - 603003140			
#1477	4/18/11		\$72.50
Recreation Commission – 603003191			
#2489	3/19/11		\$59.70
#2502	4/15/11		\$458.70
Miscellaneous Trust I -603003175			
#308	8/16/11		\$92.50
#311	8/16/11		\$599.00
Street Opening - 603003221			
#1139	5/4/11		\$500.00

RESOLUTION  
360-2012

WHEREAS, the beaches in New Jersey, generally, and specifically in the Borough of Manasquan, are some of the most beautiful beaches in the world: and

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**WHEREAS**, these beaches are invaluable assets for the State of New Jersey in terms of both environmental protection of shore communities and their attraction of millions of visitors who support the tourism industry in the state ; and

**WHEREAS**, the damage to Manasquan's infrastructure, and private property within Manasquan, resulting from the recent Superstorm Sandy has served to accentuate the value of the beach replenishment and dune construction and maintenance programs; and

**WHEREAS**, New Jersey state law (N.J.S.A. 40:61-22-20) currently provides that municipalities which border on and own lands bordering the Atlantic Ocean, tidal water bays or rivers may collect reasonable fees to defray the costs of providing facilities and safeguards for public bathing and recreation, including the employment of lifeguards; and

**WHEREAS**, the Borough of Manasquan collects such fees through its beach badge program; and

**WHEREAS**, State Senators Sweeney and Doherty are jointly sponsoring legislation, known as S-2368, which would require shore communities which accept state funding for storm-damaged beach replenishment to provide beach access and toilet facilities to the public at no charge, essentially requiring the elimination of Manasquan's beach badge program in exchange for state beach replenishment funds; and

**WHEREAS**, Manasquan's beach are storm-damaged and in need of replenishment; and

**WHEREAS**, the elimination of Manasquan's \$2,030,822.78 Beach Badge Program would result in a significant increase in Manasquan's property taxes; and

**WHEREAS**, The proposed legislation requires Manasquan to make an unacceptable choice between restoring its beaches and significantly increasing property taxes in order to maintain and safeguard its beaches; or, forego restoring its beaches, thereby endangering and exposing to further storm damage both public and private property and allowing its beaches to deplete and cease to attract visitors and tourists, thereby undermining every tourism-dependent business in the community; and

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan that any proposal to eliminate Manasquan's ability to collect beach fees as permitted by N.J.S.A. 40:61-22.20 without a corresponding commitment to replace the revenue generated from beach fees, including Senate Bill S-2368, is

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hereby opposed as being an unfunded mandate, and no the best interest of the Borough of Manasquan; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to the State Senator Sweeney, State Senator Doherty, the Council on Local Mandates, Senator Robert Singer, Assemblyman Sean Kean, Assemblyman David Rible, the Mayors of all New Jersey shore communities and the Monmouth County Freeholders.

## **RESOLUTION**

**361-2012**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Special Law Enforcement Officers Class II for the year 2013; and

**WHEREAS**, the Police Chief has submitted the following individuals for appointment as Special Law Enforcement Officers Class II for the Borough of Manasquan 2013 at the current contractual rate of \$17.07 per hour:

Edward W. Homiek, Toms River  
Kevin D. Kleinknecht, Manasquan  
Matthew I. Kole, Manalapan  
Justin P. Ottmer, Brick  
Ilir Shunda, Manasquan

## **RESOLUTION NO 362-2012**

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

**WHEREAS**, Evelyn Helm executed a mortgage modification to the Borough of Manasquan in the amount of \$19,950, 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 \$19,950 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 27<sup>th</sup> day of December, 2012, 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 Evelyn Helm, 10 Minnesink Road is hereby paid in full.
2. A certified copy of this Resolution shall be sent to:

TFM Builders, LLC

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2390 Riverside Terrace  
Wall, NJ 07719

Popovitch and Popovitch, LLC  
1601 Bay Avenue  
Pt. Pleasant, NJ 08742

Debbie Dovedyris, Program Analyst  
Housing Improvement Program  
County of Monmouth  
One East Main Street  
Freehold, NJ 07728

### **RESOLUTION 363-2012**

**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 2011 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 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.

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RESOLUTION  
364-12

RESOLUTION OF THE BOROUGH COUNCIL OF  
THE BOROUGH OF MANASQUAN, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY  
AUTHORIZING AN ADDITIONAL SPECIAL  
EMERGENCY APPROPRIATION AND  
AUTHORIZING THE ISSUANCE OF SPECIAL  
EMERGENCY NOTES IN THE AMOUNT OF  
\$4,469,222.84 PURSUANT TO N.J.S.A. 40A:4-55

WHEREAS, the Borough of Manasquan, in the County of Monmouth, New Jersey (the "Borough") adopted resolution 328-12 authorizing a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 on November 19, 2012 appropriating \$900,977.40 to cover extraordinary expenses related to the Superstorm Sandy State of Emergency and indicated its intent to issue special emergency notes to fund such emergency costs; and

WHEREAS, the Borough adopted resolution 341-2012 authorizing a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 on December 3, 2012 appropriating an additional \$2,223,745.44 to cover additional extraordinary expenses related to the Superstorm Sandy State of Emergency for total appropriations of \$3,124,722.44 and authorized the issuance of special emergency notes to fund such appropriations pursuant to N.J.S.A. 4-55; and

WHEREAS, additional costs associated to the Superstorm Sandy State of Emergency for the following amounts:

SOLID WASTE	\$825,000
OFFICE OF EMERGENCY MGT OE	\$ 55,000
LANDFILL COSTS	<u>\$200,000</u>
TOTAL	\$1,080,000
Total amount of all special emergency resolutions	\$ 4,469,222.84

WHEREAS, the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$893,844.57 (must be at least one fifth of the total amount) for the total of all special emergency resolutions..

WHEREAS, that any amounts received by the Federal Emergency Management Agency (FEMA), State of New Jersey and other sources may reduce the impact by said amount.

WHEREAS, in order to fund these special emergency appropriations the Borough wishes to restate the authorization of the issuance of the special emergency notes pursuant to N.J.S.A. 40A:4-55 and to make certain determinations and authorizations with respect thereto; now therefore,

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE  
BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW  
JERSEY in accordance with the provisions of N.J.S.A. 40A:4-55 (with not less than two thirds of the full membership thereof affirmatively concurring) as follows:

1. An emergency appropriation is hereby amended for the following additional amounts:

SOLID WASTE	\$825,000
OFFICE OF EMERGENCY MGT OE	\$ 55,000
LANDFILL COSTS	<u>\$200,000</u>
TOTAL	\$1,080,000

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Total amount of all special emergency resolutions

\$ 4,469,222.84

2. The emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$893,844.57 (must be at least one fifth of the total amount) for the total of all special emergency resolutions..
3. That any amounts received by the Federal Emergency Management Agency (FEMA), State of New Jersey and other sources may reduce the impact by said amount.
4. That an "emergency note", not in excess of the amount authorized pursuant to law, be provided.
5. That such note shall be executed by Joseph Delorio, Chief Financial Officer.
6. That said note shall be dated December 2012, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth or one-third of the total amount appropriated by this resolution in each year after the authorization.
7. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
8. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

Section 1. The Borough is authorized to issue the special emergency notes in the amount of \$4,469,222.84 pursuant to N.J.S.A. 40A:4-55 to fund the emergency appropriations described above.

Section 2. The following matters in connection with the notes are hereby determined.

(a) All notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer;

(c) The notes shall be in the form determined by the Chief Financial Officer and the Chief Financial Officer's signature upon the notes shall be conclusive as to such determination;

(d) Notes issued hereunder may be renewed from time to time, provided, however, that at least 1/5 of all such notes and renewals thereof shall mature and be paid in each year so that all notes and renewals shall have matured and shall have been paid not later than the last day of the fifth year following the date of the emergency resolution, and the provisions of the Local Budget Law governing tax anticipation notes shall apply to the special emergency notes.

Section 3. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution, and the Chief Financial Officer's signature upon the notes shall be conclusive as to such determination.

Section 4. The Chief Financial Officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as the Chief Financial Officer may determine at not less than par and to deliver them from time to time to the

purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 5. The Chief Financial Officer, in connection with other professionals of the Borough acting under the Chief Financial Officer's direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Borough, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the Borough. The Chief Financial Officer is hereby authorized to execute such disclosure document on behalf of the Borough.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

Section 7. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The Borough does not intend to issue more than \$10,000,000 of tax-exempt obligations in calendar year 2012 that would count towards the limitation imposed by Section 265 of the Code and hereby designates the Notes as "bank-qualified" for purposes of Section 265 of the Code.

Section 8. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning December 31, 2012, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (1) Borough and overlapping indebtedness including a schedule of outstanding debt issued by the Borough; (2) the Borough's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with modified cash accounting as mandated by the State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law in effect from time to time;

(b) If any of the following material events occur regarding the Bonds, a timely notice not in excess of ten (10) business days after the occurrence of the event shall be sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;

- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) Notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

Section 9. If all or any part of the Rule is not or ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule is not or is no longer in effect required the provision of such information, shall not or shall no longer be required to be provided.

Section 10. The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 11. In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefore.

Section 12. The Chief Financial Officer is authorized and directed to report in writing to the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the



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amount, the description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

Section 13. This resolution shall take effect immediately.

**RESOLUTION  
365-2012**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,  
NEW JERSEY, PERMITTING THE PARKING OF  
RECREATIONAL VEHICLES ON RESIDENTIAL  
PROPERTIES IN THE BOROUGH OF MANASQUAN  
UNTIL APRIL 1, 2013**

**WHEREAS**, the Borough Code of the Borough of Manasquan prohibits the parking of certain types of vehicles, including recreational vehicles, in residential zones; and

**WHEREAS**, the Borough of Manasquan recognizes that Superstorm Sandy has displaced many Borough residents from their homes necessitating the use by some residents of recreational vehicles, commonly called RV, Motorhome, Caravan or Camper, parked on their properties for both living and storage purposes; and

**WHEREAS**, the Borough of Manasquan is desirous of permitting the temporary parking of these recreational vehicles on residential properties until April 1, 2013 for both living and storage purposes to residents whose homes sustained damage as a result of Superstorm Sandy.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 27<sup>th</sup> day of December, 2012, as follows:

1. The Borough of Manasquan shall permit the temporary parking of recreational vehicles on residential properties until April 1, 2013 for both living and storage purposes to residents whose homes sustained damage as a result of Superstorm Sandy;
2. The above permit is subject to any and all municipal and state inspection requirements.
3. This Resolution will take effect immediately upon passage.

**RESOLUTION  
366-2012**

**RESOLUTION OF THE BOROUGH COUNCIL OF  
THE BOROUGH OF MANASQUAN,  
MONMOUTH COUNTY, NEW JERSEY,  
ADOPTING A REVISED HEALTH INSURANCE  
OPT OUT POLICY**

**WHEREAS**, the Borough of Manasquan is entitled to offer health insurance coverage to its municipal employees pursuant to N.J.S.A. 40A:10-16 et seq.; and

**WHEREAS**, N.J.S.A. 40A:10-17.1 affords the Borough of Manasquan complete discretion in deciding whether to allow its employees to waive health insurance coverage and the amount of compensation to be paid therefor; and

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**WHEREAS**, the Borough of Manasquan's current health insurance waiver policy permits a monetary payment to municipal employees who opt not to accept health insurance coverage from the Borough of Manasquan in the amount of 50% of the cost of the insurance (or 25% if the waiver is filed on or after May 21, 2010 , or \$5,000.00, whichever is less); and

**WHEREAS**, the Borough of Manasquan, pursuant to the authority vested by N.J.S.A. 40A:10-17.1 is desirous of amending the current health insurance waiver policy to limit the monetary payment to municipal employees who opt not to accept health insurance coverage from the Borough of Manasquan to 50% of the health insurance costs for the calendar year 2012 rates (or 25% of the health insurance costs for the calendar year 2012 rates if the waiver is filed on or after May 21, 2010, or \$5,000.00, whichever is less);

**WHEREAS**, N.J.S.A. 40A:10-17.1 states the decision of a county, municipality or contracting unit to allow its employees to waive coverage and the amount of consideration to be paid therefor shall not be subject to the collective bargaining process.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 27<sup>th</sup> day of December, 2012, as follows:

4. The current health insurance waiver policy is hereby amended and revised to limit payments to municipal employees who decide not to accept health insurance to 50% of the health insurance costs for the calendar year 2012 rates (or 25% of the health insurance costs for the calendar year 2012 rates if the waiver is filed on or after May 21, 2010, or \$5,000.00, whichever is less);
5. A copy of this Resolution shall be sent to each current employee of the Borough of Manasquan and shall be provided to all future municipal employees.
6. This Resolution will take effect immediately upon passage.

**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

**WHEREAS**, due to Superstorm Sandy certain Department Heads could not take their allotted vacation time off in 2012 as they are considered essential personnel; and

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**WHEREAS**, the Department Heads have the following 2011 and 2012 vacation days and are requesting to carry them over to 2013 as permitted by policy and approval by the Mayor and Council:

	2011	2012
Joseph Delorio	4.5 Days	15 Days
Barbara Ilaria	9 Days	15 Days
Elliott Correia	0 Days	28 Days
Thomas Nicastro	10.5 Days	28 Days
Patrick Callahan	0 Days	7 Days
Marie Higgins	5 Days	24 Days

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan authorize the carry over of the unused 2011 and 2012 vacation days to 2013 as per Borough Policy.

**RESOLUTION  
368-2012**

**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 2012 Budget be authorized:

**CURRENT FUND**

TO:

Administrator SW	\$ 1,000.00
Clerk SW	2,000.00
Finance SW	4,500.00
Legal O/E	4,000.00
Code SW	500.00
Code Enforcement OE	800.00
Electrical SW	700.00
Police SW	2,000.00
OEM SW	330.00
OEM OE	5,500.00
Planning Board SW	150.00
Animal Control	1,488.00
Parks SW	10,000.00
Shade Tree OE	31,000.00
Vehicle Repair and Maintenance	10,000.00
Anniversary and Holiday OE	530.00
Social Security	7,000.00
Unemployment Trust	4,702.18
Accumulated Trust	<u>8,474.16</u>
Total	\$ 94,674.34

FROM:

Streets and Roads SW	\$ 10,000.00
Streets and Roads OE	5,000.00
Mayor and Council OE	50.34
Board of Health SW	3249.00
Fire Subcode SW	375.00
Recycling SW	3,000.00
Traffic OE	1,000.00
Group Health Insurance	7,000.00

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Utilities	<u>52,000.00</u>
Total	\$ 94,674.34

**WATER/SEWER FUND**

TO:	
Salary and Wages	\$ 23,000.00
Social Security	\$ 2,600.00
Unemployment Insurance	<u>\$ 5,950.62</u>
Total	\$ 31,550.62

FROM:	
Other Expenses:	<u>\$ 31,250.62</u>
Total	\$ 31,550.62

**BEACH FUND**

TO:	
Unemployment Insurance	<u>\$ 15,000.00</u>
Total	\$ 15,000.00

FROM:	
Other Expenses	<u>\$ 15,000.00</u>
Total	\$ 15,000.00

**RESOLUTION  
369-2012**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW THEREFORE, BE IT RESOLVED**, by the council of the Borough of Manasquan of state of New Jersey, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

<u>Ord. No.</u>	<u>Date</u>	<u>Project Description</u>	<u>Author.</u>	Amount Canceled	
				<u>Funded</u>	<u>Unfunded</u>
1778-1817	03/06/00	Update Electrical Panel		\$153,818.64	
1818	03/20/00	Water & Sewer Line -- Colby Ave.		\$ 1,636.95	
1954	06/20/05	Water & Sewer Lines --Parker Ave.		\$ 18,604.96	
1971	03/20/06	Water Main -- Perrine Blvd.		\$ 23,284.33	
1649/1816/1839	12/04/00	Affordable Housing		\$ 22,030.50	
1724/1844/1850	06/26/97	Acquisition of Borough Hall		\$ 14,698.99	
1765/1901/1909	10/05/98	Underground Storage Tank Remediation		\$113,940.22	
1837/1857	12/04/00	Street & Sidewalk Improv. -- N. Main St.		\$ 56,851.43	

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1879/1919/1955	04/15/02	Stockton Lake Improvements	\$ 150.00
1876	04/01/02	Reconstruction of Roads – Ocean Ave.	\$ 41,593.17
1905	03/03/03	Construction of Sidewalks – Third Ave.	\$ 24,276.02
1912	05/19/03	Improvements to Roads – Morris Ave.	\$ 63,211.93
1916/1929	11/03/03	Improvements to Railroad Station	\$ 22,813.29
1989	11/20/06	Railroad Station Canopy	\$ 1,847.90

RESOLUTION  
371-2012

WHEREAS, the following appropriations balances remain in the 2012 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.

<u>WATER/SEWER</u>	
Fire Hydrants	\$ 3,000.00
Tools	3,000.00
	<u>3,000.00</u>
Improvements to Borough Property	\$9,000.00

<u>BEACH</u>	
Operating Expense	<u>64,000.00</u>
	\$64,000.00

RESOLUTION  
372-2012

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 additional monies from the Hurricane Sandy National Emergency Grant – Labor Assistance, Monmouth County Division of Workforce Development and wishes to amend its 2012 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 beach budget of the year 2012 in the sum of \$80,000 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:

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Hurricane Sandy National Emergency Grant – Labor Assistance  
Monmouth County Division of Workforce Development

**BE IT FURTHER RESOLVED** that a like sum of \$80,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations  
Operations excluded from "PUBLIC AND PRIVATE" programs Off Set by Revenues:  
Hurricane Sandy National Emergency Grant – Labor Assistance  
Monmouth County Division of Workforce Development

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

**RESOLUTION  
373-12**

**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 \$2,887,132.85 with a maturity date of December 27, 2013.

**RESOLUTION  
370-2012**

**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	50,667.94
Water/Sewer Fund	16,284.55
Beach Fund	10,008.61
General Capital Fund	4,360.05
Water/Sewer Capital Fund	3,311.68
Beach Capital Fund	2,113.40

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Council Member McCarthy made a motion to approve the consent agenda, seconded by Council Member Mangan. Motion carried by the following votes; "yes" Council Member Bossone, Donovan, Mangan, and McCarthy, "no" none.

## **ORDINANCES**

The Borough Attorney read the title of ordinance 2127-12 for Second Reading and Final Hearing.

**BOND ORDINANCE PROVIDING FOR THE EMERGENCY REPLACEMENT, CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT OF BEACH UTILITY FACILITIES FOR THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$7,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,400,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.**

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

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

Council Member Mangan made a motion to pass and publish ordinance 2127-12 according to law, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Member Bossone, Donovan, Mangan, and McCarthy; "no" none.

The Borough Attorney read the title of ordinance 2128-12 for Second Reading and Final Hearing.

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$5,548,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,283,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF**

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

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

Council Member Mangan made a motion to pass and publish ordinance 2128-12 according to law, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Member Bossone, Donovan, Mangan, and McCarthy; "no" none.

The Borough Attorney read the title of ordinance 2129-12 for Second Reading and Final Hearing.

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER/SEWER UTILITY FACILITIES FOR THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$528,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$528,000 BONDS OR**

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## **NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF**

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

There being no comment, 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 pass and publish ordinance 2129-12 according to law, seconded by Council Member Mangan. Motion carried by the following vote: "yes" Council Member Bossone, Donovan, Mangan, and McCarthy; "no" none.

### **AUDIENCE PARTICIPATION**

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

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

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

Council Member McCarthy made a motion to suspend the Special meeting, seconded by Council Member Bossone. Motion carried unanimously.

Council Member Donovan made a motion to re-open the special meeting, seconded by Council Member Bossone. Motion carried unanimously.

Council Member Bossone made a motion to add Resolution 374-12 to the agenda, seconded by Council Member Donovan. Motion carried unanimously.

### **RESOLUTION 374-12**

**WHEREAS**, the Borough of Manasquan entered into a contract with Patock Construction Company, for the construction of a Water Treatment Plant which contract was executed by both parties on July 14, 2010; and

**WHEREAS**, Patock Construction Company, is deemed to be in default of the terms of this contract; and

**WHEREAS**, the contract work was originally required to be completed by May 29, 2011. Thereafter, there were a number of revised construction schedules and revised completion dates through April 27, 2012. The work under the contract was not completed by the final revised completion date of April 27, 2012 and remains incomplete today despite repeated demands for Patock Construction Company to complete the project.



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**WHEREAS**, on May 9, 2012 the water treatment plant was placed in operation. From May 9, 2012 through today's date, the water treatment plant has experienced substantial operational issues caused by Patock Construction Company's poor workmanship and malfunctioning equipment.

**WHEREAS**, as a result of Patock Construction Company's failure to complete the project, poor workmanship and malfunctioning equipment, the Borough of Manasquan has incurred substantial additional costs, included without limitation, additional compensation for water treatment plant personnel and additional damages caused by the poor performance of the water treatment plant.

**WHEREAS**, the Borough Engineer, T&M Associates has issued numerous letters to Patock Construction Company demanding completion of the project. Included in the numerous letters sent to Patock Construction Company by T&M Associates was a "Notice of Default" correspondence dated December 14, 2012. Within this correspondence a status summary of the deficiencies was addressed and noted that various deficiencies and malfunctioning equipment remained. The December 14, 2012 correspondence recommended that Patock Construction Company be declared in default due to failure to complete the work.

**WHEREAS**, the Borough Engineer, T&M Associates has executed an Engineer's Certificate of Contractor's Default on December 21, 2012. This certification advises the Borough of Manasquan that Patock Construction Company's failures and neglect under the contract are of sufficient seriousness and gravity for the Borough of Manasquan to declare Patock Construction Company in material breach of the contract and the contract documents pursuant section GC.21.4, "Annulment of Contract" of the Contract Documents. This provision in the Contract Documents permits the owner to take prosecution of the work out of the hands of the contractor.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to the engineer's certificate of contractors default and further pursuant to section GC.21.4, "Annulment of Contract" of the Contract Documents that Patock Construction Company is hereby declared in default of the contract entered into with the Borough of Manasquan on July 14, 2010.

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Council Member McCarthy made a motion to approve resolution 374-12, seconded by Council Member Bossone. Motion carried by the following vote; "yes" Council Member Bossone, Donovan, and McCarthy, "no" none. Council Member Mangan abstained from voting. Mayor Dempsey voted "yes" to pass the motion.

Council Member Donovan made a motion to close the meeting at 5:48 p.m., seconded by Council Member Bossone. Motion carried unanimously.