

May 2, 2011

A Work Session Meeting of Mayor and Council was convened at 7:00 p.m. on May 2, 2011 in Council Chambers of Borough Hall with Mayor 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 21, 2010.

ROLL CALL: Present: Council Members Connolly, Donovan, Grasso and Lucas

Council Member McCarthy arrived at 7:05 p.m.

Council Member Lee arrived at 7:14 p.m.

Absent: None

Also Present was Borough Administrator Joseph DeIorio and Borough Attorney Mark Kitrick

ITEM #1 Use of Borough Property:

***Algonquin Arts Outside Movies – Mondays in August**

Mayor Dempsey asked if officers were supplied for this event last year.

The Municipal Clerk advised that this event was held inside last year and no approval was necessary.

Mayor Dempsey asked if they are going to need an officer on site.

Council Member Lucas stated yes.

Council Member Lucas made a motion to approve this request with the stipulation that they have to pay for 1 officer on site, seconded by Council Member Donovan. Roll call was taken and the motion carried unanimously.

***Elks flag ceremony – Squan Plaza Rose Garden**

Council Member Connolly made a motion to approve this request, seconded by Council Member Lucas. Roll call was taken and the motion carried unanimously.

***Sea Lavender Garden Club – Garden Tour – various streets**

Council Member Lucas made a motion to approve this request, seconded by Council Member McCarthy. Roll call was taken and the motion carried unanimously. Council Member Connolly abstained.

***Cub Scouts Fishing Derby – June 3, 2011**

Council Member Lucas made a motion to approve this request, seconded by Council Member Grasso. Motion carried unanimously.

***Cub Scouts Bike-A-thon – May 13, 2011**

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

***Walk 4 Emma 30 mile walk – June 18, 2011**

Mayor Dempsey advised that all fees and paperwork is in order.

Council Member Connolly made a motion to approve this request, seconded by Council Member McCarthy. Roll call was taken and the motion carried unanimously.

ITEM #2 Solid Waste and Recycling Bid - Discussion

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Mr. DeIorio advised that the Superintendent of Public Works, Code Enforcement Officer, members of the Public Safety and Recycling Committee reviewed the contract and bid specifications. He stated that the bulk of the work both the review and legal parts of it came through the Borough Attorney who has prepared the bid specs and the potential contract.

Mr. Kitrick advised that it will be a 1 year contract with 2 one year option periods. He advised that if the anticipated scheduled is maintained there would be an advertising date for Thursday, June 16, bid date of August 16 with the award date of September 12, 2011.

Council Member Grasso stated that he had a chance to review the bid and it was well done. He stated that he brought up to the Mayor, Council Members Donovan and Connolly that there are certain streets that are located on the Beachfront. He advised those streets to be Lockwood Avenue, Ocean Avenue, Pershing Avenue, Rogers Avenue and Sims Avenue that still have rentals and still have summer homes. He stated since they are being picked up on Tuesday, garbage can be sitting there for 3 to 4 days. He stated that the appearance is not good, the health problems not good and also the animal problems. He stated that puts this forward as a request, not for himself, but it is for the people that live in this area. He went on record to state that these five streets should have been picked up on Monday alleviating the problem of appearance, health and just garbage lying on the streets.

Mayor Dempsey stated that he was at the committee meeting because Council Member Lucas could not make it and the Monday pick up was brought up and discussed at great length and it was decided to continue with the zones that are currently being used. He stated that it is a balance of the amount of streets that they cover equally in the 3 days. He stated that it was voted on in the Committee and they decided to leave it as is.

Council Member Grasso stated that he has to defer to the Mayor that maybe you don't know the area. He stated to the Mayor that you tell me you lived here all your life but Ocean Avenue and these streets are on the beachfront. They are rental and summer homes. People leave and they leave the garbage there for 4 days. This is not what we want to see on a block and it has nothing to do with the block he lives on. This is what people have told me. He stated that it stops on Ocean Avenue at the bridge and there is no reason why that truck could not go another 20 homes and pick up garbage so it is removed. He stated that this is a health issue and an appearance issue when people are walking to the beach. He stated that he has seen mothers with strollers have to go into the street because they have to walk around the garbage. He stated that if you feel comfortable with that Mr. Mayor and being responsible for this town that is fine with him, but he does not. He stated that the people that live on these streets don't either.

Council Member McCarthy stated that this was also discussed at the pre-rental committee that was 2 or 3 weeks ago. He stated that one of the issues discussed was the reluctance from the landlords or the realtors was using rear yard pick up. He stated that there is something that the property owners have as a remedy. He stated that the property owners have the option for the rear yard pick up so the garbage doesn't sit on the curb for days.

Council Member Grasso stated that has to be put on an amendment and has to be put in the contract and do they have to do this.

Council Member McCarthy stated that they have the option that is available that was discussed at the committee meeting.

Council Member Grasso stated that the rear yard has only been picked up for the last 2 years. He stated that this has been going on for 6 years and it is a mess.

Mayor Dempsey stated that the option has been there for many years.

Council Member Grasso stated that the Mayor should go down on Tuesday and look at the garbage that is out.

Council Member Donovan asked what the ordinance states about putting garbage out.

Mayor Dempsey stated that the ordinance states 24 hours before.

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Council Member Grasso stated that if they are leaving on a Saturday is the Borough going to fine all the rentals or the summer people. He stated that if you want to do that that is fine with him. He stated that if you want to put a fine of \$100 for everyone who has a summer house or a rental property, go ahead and do it. I'm ready.

Council Member Donovan stated that if a landlord owns the property and can opt to have rear yard pick up, why wouldn't they opt to have rear yard pickup.

Mayor Dempsey stated that is the price of doing business.

Council Member Grasso made a motion to pick up the garbage on Mondays for the streets he mentioned, seconded by Council Member Connolly. Motion failed by the following vote: "yes" Council Member Grasso and Connolly. "no" Council Member Donovan, Lee, Lucas, and McCarthy.

Mr. Kitrick advised the Council of a change on page 9 Item E on the solid waste bid with regards to cardboard as the municipality requires that these items be separated from other solid waste.

Mayor Demspey asked if there were any more questions from Council.

Council Member Donovan wanted to mention that Mary Ryan had asked about a seasonal option and the option is in the bid contract and it is up to the contractor if they are going to bid on that option.

Mr. DeIorio advised that Council that there is a resolution on the Regular Meeting authorizing the advertisement of the bid specs.

ITEM #3 OEM Grant Application - discussion

Mr. DeIorio advised the Council that the OEM had approached him with a request to apply for a grant for the replacement of the OEM Emergency Siren at Ocean Avenue. He advised that Chris Tucker of OEM is here if the Council has any questions. He advised that the date should be March 31, 2011 not April.

Mr. Tucker advised the council of the condition the siren is in and that it needs to be replaced. He advised the council of the grant applications and the length of time it takes to receive the grant money. He stated that it is OEM's opinion that would be too long to wait to proceed with the work that needs to be done. He asked the Mayor and Council permission to repair and/or replacement of the siren and also to apply for the grant application.

Council Member Connolly asked if the repair and/or replacement will interfere with the grant.

Mr. DeIorio stated that was a question that came up last year when the Federal Government actually made it permissible for the borough to use those funds to pay off what was already purchased. He advised that usually with grants that does not happen. He stated that he would like some commitment that repair and/or purchase of the siren would still be covered by the grant before the Borough proceeds.

There was discussion on the grant and the need to make sure that the siren is in working condition.

There was discussion on bid threshold and quotes.

Mr. Tucker advised that there is only one company that is compatible with the system that the Borough already has.

Mr. DeIorio stated that there is a resolution authorizing the submission of the grant application at the Regular Meeting and that the ordinance will be prepared for the following meeting for the purchase of the siren.

ITEM #4: Red Hawk Environmental - Update

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Mr. DeLorio updated the Council on an outstanding item from a few years ago. He stated that the Borough Attorney when he was appointed took this on to remedy and the Borough received an Order to Show Cause that moved this to a higher priority level. He informed the council that there was a request to put testing wells, as required by the DEP, on borough property from a private residential homeowner. He advised that this required the Borough to ask for a Hold Harmless Agreement and any other type of agreements that were required.

Mr. Kitrick stated that it is a Hold Harmless Agreement and an Access Agreement which has been executed by all the parties and the Borough is just waiting for it to come back from Red Hawk Environmental and it has been requested that Red Hawk give the borough a 7 day notice before they begin any work.

Council Member Grasso asked if the Borough would have any financial penalty for not doing this for 2 years.

Mr. Kitrick stated that there would not be a penalty. He also advised the Council that the Order to Show Cause is no longer in affect.

ITEM #5: Animal House Hearing - Update

Mr. DeLorio went over the process for violations of the Animal House Ordinance.

Council Member Lucas commended Mr. Kitrick for getting the ball rolling and stated that it is important that the Borough stay on top of this issue.

Mr. Kitrick updated the council and advised that the scheduled date is for June 2, 2011 at 1 p.m. He advised that there has been one response from the individual that was notified and he is looking to dissolve them as quickly as possible.

Council Member Grasso wanted to know how long these violations were outstanding.

Mr. Kitrick stated that it varies and that 4 individuals had to be notified and there were some from June and September of last year.

ITEM #6: Police Department Ford Escape Purchase - Discussion

Mr. DeLorio advised that the Officer in Charge Captain Correia requested that the Borough move forward with a purchase of Ford Escape SUV. He advised as mentioned during the budget proceedings this issue was brought forth. The Governing Body decided that if it was going to purchase the SUV it would be purchased out of the Capital Budget rather than the operating budget to save immediate tax dollars. He stated that the Ford Escape, which has been told by the Captain, there are some available and he is asking the Governing Body to proceed as soon as possible to make Manasquan available to the vehicles.

Council Member Connolly stated that she just signed a bill for a Ford Crown Victoria for \$29,000.00 and she believed that during the budget discussion that it would be either the Crown Victoria or the SUV and most of the council said SUV because it stands up better in the winter. She stated she thought it was just one or the other.

Mr. DeLorio stated that the Crown Victoria was purchased through the Beach Budget through the allotment that the Borough has set aside, however, the SUV was discussed during the current budget discussion because originally it was there and part of the discussion was that if the Borough was to move ahead with the purchase it would be done through separate ordinance and a separate discussion by the governing body.

Council Member Connolly stated wasn't there a discussion that the old SUV would go to the Beach Department.

Mr. DeLorio stated that is correct.

There was discussion on the Crown Victoria, SUV and what was discussed during the budget process.

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Mr. DeLorio stated that what the Police Department would like is direction from the Governing Body whether it should move ahead with the SUV.

Council Member Connolly stated that she has difficulty with that because she had difficulty with it during the budget process. She stated that she thinks 1 car is certainly sufficient and she has problems bonding for the SUV because you are paying much more for that because of the interest charges on that compared to the Crown Victoria which was entirely taken from the budget.

Mr. DeLorio stated that was part of the discussion when the tax rate was being discussed for the current budget and part of the discussion was whether or not to keep the \$25,000 allotment for the SUV in the current budget or not. He stated although there was some discussion whether the Borough should move ahead with the vehicle itself, part of the discussion and part of what he said was that the Governing Body would have an opportunity to vote on that vehicle at the time we would have the ordinance available for review and for a vote.

There was discussion on the vehicles and what was discussed at the budget with regards to the SUV and the Crown Victoria.

ITEM #7: Review of Resolutions for Consideration at the Regular Meeting

Mayor Dempsey asked if there were any questions from the Council on the Resolutions scheduled for the Regular meeting.

Council Member Grasso inquired about the Seasonal Laborers for the Beach. He stated that he is on the Beach Committee this year and he had no idea that there was going to be a meeting to review who was going to be hired. He advised that right now there is 65% of the 52 people do not live in this town. He stated where everyone on the list lived. He wanted to know why the Borough is not going to our people first and giving them the opportunity to work on the Beach. He stated that the other thing he is concerned about is that there are previous employees that were not recalled. People who had 10 to 15 years of service that were not recalled. He stated that the Borough is leaving itself open for litigation here. He stated that there is age discrimination and gender discrimination and he is concerned about this. He asked if there is written proof and documents that say that these people were a problem it should be presented to them, but to not rehire them or not tell them concerns him. He is hoping that these people do not initiate action on the Borough.

Council Member Lee stated that "being Beach Chair he wasn't invited to any meeting."

Council Member Grasso stated "why not you are running the thing."

Council Member Lee stated that these are recommendations and these are people that have been working for the Borough in the past.

Council Member Grasso stated that if he was there he would have said how come we have 34 people that don't live in this town and aren't we always saying that we want to hire from within.

Council Member Lee agreed with that and when positions come in that is always given weight. He stated that Council Member Grasso is insinuating that the beach has enough staff and enough people from town to hire every position. He stated that he would like to see that and he would be happy to meet with Council Member Grasso because he fully agrees when there is an opportunity to hire that he has been a strong proponent to hire Manasquan residents. He stated that the meeting has traditionally been done by Wally Wall and his staff. He would like to invite Wally, Council Members Grasso and Donovan and have a meeting and discuss that.

There was discussion on residents being hired and the rates paid to employees.

Council Member Grasso made a motion to put a hold on this resolution until it can be reviewed further, seconded by Council Member Connolly.

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Council Member McCarthy stated that his concern is that the next meeting is May 16, 2011 and the beach opens 10 days later and will that be enough time to get the list approved by Council.

Council Member Lucas stated that there are only 4 people that are new hires and all the others have been invited back from last year.

Council Member Connolly stated that the whole policy of just offerings these jobs to people that have them reeks a little bit of discrimination. She stated that no one has permanent tenure to these jobs and that is what is being done. She stated that it is not fair to residents of Manasquan who might need jobs.

Council Member McCarthy stated that he thinks that discrimination is a dangerous word. He thinks that we should be careful of accusing anyone in the Borough of engaging in any type of discrimination. He stated that there is also something about rewarding employees that do work hard and he thinks that it is a dangerous precedent to set that if we have someone who does work hard and does work diligent for us to let them go. He stated that he would defer to the Department Head as to who is hired or re-hired. He stated that he does not have a problem appointing all but the 4 new hires and figure out what the story is with these 4 he believes that we need to be ready for the summer because it is a major resource for the Borough in many ways. He thinks that it is a shame that we are doing a disservice to the community if the beach is not ready.

Council Member Grasso withdrew his previous motion that was on the table to withdraw the Seasonal Beach Laborer Resolution.

Council Member Donovan stated that the Resolution for the DPW Seasonal Laborers was amended to add Frank Servidio, 100 Ocean Avenue as MadVac operator which is on the Consent Agenda

COMMITTEE REPORTS

Committee reports were held until the Regular Session Meeting.

AUDIENCE PARTICIPATION

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

There was no audience participation.

Council Member Lucas made a motion to close the public portion of the work session meeting, seconded by Council Member McCarthy. Motion carried unanimously.

Council Member Donovan made a motion to close the work session meeting at 8:15 p.m., seconded by Council Member Lucas. 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.