

May 16, 2011

A Work Session Meeting of Mayor and Council was convened at 7:00 p.m. on May 16, 2011 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey stated that copies of all resolutions and ordinances being considered at this meeting are available for the public to view on the front desk.

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, Lee, Lucas and McCarthy

Absent: None

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

ITEM #1 Use of Borough Property:

***Recreation Surf Lesson – Saturday and Sundays starting 6/26/11 and ending 8/7/11**

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

***Elks Day at the Beach – August 9, 2011**

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

***Recreation Yoga Lessons – Thursdays 6/23/11 to 8/25/11**

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

ITEM #2: Community Development Block Grant Special Meeting 6/1/2011

Mr. Delorio advised the council on applying for a Community Development Block Grant for the purposes of ADA access at the Municipal Building. He stated that part of the process requires a public hearing on the Community Grant Block Grant application and he is asking the Council to meet for Special Meeting on June 1, 2011 at 6:30 p.m. He advised the council that there needs to be a Citizen participation group at a minimum of a 3 member committee comprised of residents of Manasquan for the purposes of reviewing the application and its merits and that hearing will take place ½ hour before the special meeting of the governing body. He stated that there is a resolution on for the regular meeting to appoint 3 residents to that committee. He advised that there is another resolution on the regular meeting to appointment an alternate member to the Community Development Committee. He advised that he met with the County Community Committee Department and was advised that there should be a backup in case he could not make a meeting or if the need arises for additional representation and that Mr. Nicaastro would serve in that capacity for no additional fee.

ITEM #3: Acknowledge and Acceptance of Tax Collector's Monthly Report - April

Council Member Connolly made a motion to accept the Tax Collector's Monthly Report, seconded by Council Member Grasso. Motion carried unanimously.

ITEM #4: Acknowledge and Acceptance of Tax Collector's Statement of Uncollectable Taxes

Council Member Donovan made a motion to accept the Tax Collector's Statement of Uncollectable Taxes, seconded by Council Member Lee. Motion carried unanimously.

ITEM #5: Acknowledge and Acceptance of CFO Monthly Report – April

May 16, 2011

Council Member Connolly made a motion to accept the CFO Monthly Report, seconded by Council Member Lucas. Motion carried unanimously.

ITEM #6: Wells #2 and # 6 - discussion

Mayor Dempsey introduced Mr. Rooney and Joe Gimmel from T&M Associates the Borough Attorney.

Mr. Rooney stated that T&M was at the last meeting and advised the council the need to re-drill Wells #2 and #6. He advised that during the discussion with council there was a discussion on whether or not to go by change order with the current contractor or go with a separate bid. He advised that he met with the State representative with regard to the current NJEIT Program and current contract. He advised that he put together an outline of cost and timeline for each scenario.

Mr. DeIorio stated that the Council was given the outlines and the DPW committee met with the representatives from T&M Associates, myself and the Borough Attorney.

Mr. Gimmel updated the Council on the new locations of Wells #2 and #6 and he went over the options for the bidding or performing the work by change order.

Council Member Connolly wanted to know if the plant can put on line and then bid out or not.

Mr. Gimmel stated that the new wells need to be put on line prior to initiating the treatment plant operations because of the sequencing that is involved. He went over the process in which this should happen and why it can not wait until later.

Mr. Gimmel went over the process for the change order.

Mayor Dempsey asked if there were any more questions.

Council Member Grasso referred to a memo dated April 15, 2011 which he and Council Member Connolly did not receive and he wanted to go back to it with regards to the solar panels. He stated that since he was not privy to this information he couldn't ask the question but he would like to ask them now. He asked about the estimated cost \$131,000 for solar panels. He wanted to know where that figure came from.

Mr. Gimmel stated that T&M has done projects similar to this in the past and that figure was his analysis.

Council Member Grasso stated that if we do go to a solar panel company, which NJ is the highest producers of solar panels in the country, we might get a lower price than \$131,000. He asked Mr. Gimmel why the borough would pay a fee of \$13,000 when you can go directly to the solar company.

Mr. Gimmel stated that T&M had done similar projects.

Mr. Rooney stated that came up at a prior meeting and there was some discussion that council might initiate that. He stated that if the town can get it for free by all means do so.

Council Member Grasso stated that if the per year savings is approximately \$3,000 and in electrical costs and also includes a maintenance costs of \$3,000 to him that is a zero savings.

Council Member Grasso wanted to know who would be doing the maintenance on the solar panels and who will have the warrantee.

Mr. Rooney stated who ever puts the solar panels up will have the warranty and maintain it, not T&M. He stated that the Borough would make money on the selling of the energy credits it gets.

May 16, 2011

Council Member Grasso stated that it was strange that we are going to save \$3,000 and pay \$3,000 in maintenance.

Mr. Rooney stated that these are estimates.

Council Member Donovan made a motion to allow T&M Associates to follow up with change order for Water Treatment Plant, seconded by Council Member McCarthy. Roll call was taken and the motion carried unanimously.

ITEM #7: Plaza Fountain – Update

Mr. DeLorio stated that the plaza fountain is in working condition and recognized the efforts of the DPW, Charley Rooney from T&M Associates, Elks and Mike O’Boyle.

ITEM #8: 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 resolution for the beach appointments and he stated that he can not promote this or vote yes unless the five people that live in our town are switched with the five people that were hired from out of town. He inquired about the supervisor staff not being listed for approval.

The Municipal Clerk advised the Mayor and Council that the beach supervisors were approved at a previous meeting.

Council Member Connolly stated that she is very disturbed that 64% of the employees on the list, parking attendants, badge clerks, beach patrol and crew are from out of town. She stated that she understands that special training is needed for the lifeguards, rake operator, and the first aid but when looking at parking attendants and badge clerks they do not require a lot of training and she agrees with Council Member Grasso that the Borough should be hiring those employees that are now listed as needed. She stated that those employees should be given the jobs because they are all residents of Manasquan.

Council Member Grasso stated that everyone knows there is a shortage of parking and everything is done on a lottery basis and he has gotten some complaints that they are standing in line for 2 or 3 hours. He stated that a comment he heard and would like to have it verified is do the 133 people that are hired within this group do they get a free parking pass to park in the lots.

Mayor Dempsey stated that the lifeguards get a staff parking sticker and he is not sure about the other employees.

Council Member Grasso wanted to know where they park.

Council Member McCarthy stated that the lifeguards park by the lifesaving station.

Council Member Grasso wanted to know where the other employees park.

Council Member McCarthy stated he believes it is the Fourth Avenue Parking Lot.

The Beach Manager, Walter Wall was asked to approach the Council. He stated that the employees that have a license do get a parking pass. He stated that they are not allowed to park in Third Avenue and Second Avenue (by the Little League Field) and they are allowed to park in Pompano and Fourth Avenue.

There was a discussion on the parking passes and how many passes are given out to staff and how many are available to the public to purchase.

Mr. DeLorio stated that the resolution on for discussion tonight is the hiring of beach employees not what is being discussed. He advised that he would sit down with the beach committee to discuss these issues.

May 16, 2011

Council Member Connolly wanted to know how many seasonal employees were not called back.

Mayor Dempsey stated that there were some lifeguards, badge checkers, crew and beach patrol. He stated that all seasonal employees sign an "at will clause".

Council Member Connolly stated that they are all at will. She wanted to know if an employee was not called back were there reasons.

Mr. Kitrick stated that he would caution talking about individuals and why they were hired or not rehired. He stated that in order to give an answer to this question you would need more than a general answer, you would need specifics.

Council Member Connolly stated that documentation is important and she would like to know if there is existing documentation.

Mr. DeIorio stated that all beach employees as part of a practice that has been going on many years and when they are under consideration they sign a documents that states that "Manasquan operates under the Legal Doctrine known as Employment at Will, this means that your employment with the Beach Department may be terminated by either the Borough or yourself at any time without reason. Nothing contained within the Personnel Manual of Manasquan can modify the At Will nature of your employment and no supervisor has the authority to guarantee your employment, promotion, tenure, and increase in pay or similar action which can only be done through a formal action of the Governing Body of Manasquan." He stated that essentially that provides great management protections in that any person under consideration when they are hired, there is no guarantee that they will be re-hired and there is no guarantee whether or not there is any explanation involved.

COMMITTEE REPORTS

Public Works Committee, Public Property & Parks Committee, Beach Committee, Public Safety & Recycling Committee and Administration & Finance Committee deferred there reports to the Regular Meeting.

Law & Code Committee – Council Member Grasso reported that the revenues for Law & Code for April are not available right now. He stated that for some reason he receives e-mails for discussion and for help. He advised that he received an e-mail with regard to something that is going on with the League Legislative Committee. He read an e-mail, leaving out the name and address, with regards to high weeds, pile of dirt, and unfinished structure for 2 years. He read what the League Legislative Committee's response is to vacant property. He stated that there have been some meetings regarding reviewing ordinances and resolutions and policies. He stated that the Borough has been trying to get taxi regulations here for 14 or 16 months. He stated that it seems that everyone around us wants to do it and the Borough is always reactive. He read an article from the Coast Star regarding taxi regulations in another town.

Mayor Dempsey asked Council Member Grasso if his report is going to be much longer because there are closed session items on the agenda for tonight.

Council Member Grasso stated that "yes it is Mr. Mayor, we can do our closed door meetings after these people want to go home" and continued to read the article. He stated that he has copies of ordinances from other towns and he does not know why the Borough can not get this thing passed. He stated that this is revenues generated through our town approximately \$20,000. He also stated that it would protect our people from rogue taxi cabs as the taxi cabs owners have told him. He stated that our own people want this because it protects them also. He stated that we sit here and not do our work and this is 16 months that a previous attorney was paid to work on. He stated that "we had a lackadaisical police chief that didn't want to do anything and we are sitting here saying are we every going to pass this and everybody else is doing it around us. I don't understand our thinking on this. We are here to work for the people. We are here to work for everybody that is sitting there and sitting at home right now and maybe will be watching on television finally but lets start doing stuff that's right for the people. That's all I have to say right now."

May 16, 2011

Council Member Lucas stated that “I take exception making a statement about a lackadaisical Chief. He is not here to defend himself and that is unprofessional and not right.”

Council Member Grasso stated “he was here for 14 months.”

Mayor Dempsey advised Council Member Grasso that one person at a time can speak and it is Council Member Lucas speaking at this time.

Council Member Lucas stated “you are out of line and it is a disgrace you making a statement like that.”

Council Member Grasso stated “Council Member Lucas you were the one who told me to do this in January of 2010 and I did and you backed out and the Chief backed out. Why would you ask me to do this.”

Council Member Lucas stated “he is not here to defend himself.”

Council Member Grasso stated “he was here for 14 months.”

Mayor Dempsey stated “one at a time.”

Council Member Lucas stated “he is not here and it is a disgrace to make a comment like that.”

Council Member Grasso stated “I’m sorry to say it he was here for 14 months.”

Council Member Lucas stated “it is unprofessional.”

Council Member Grasso stated “you don’t even know what the word professional is Joe.”

Mayor Dempsey stated that was enough.

The Borough Attorney read the Closed Session Resolution.

AUDIENCE PARTICIPATION

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

Amanda Matyas, 9 Pershing Avenue read a prepared statement stating that she is 19 years old, a resident and registered voter in Manasquan. She advised that 2010 she graduated from Manasquan and has just completed her first year at the Catholic University of America in Washington DC. She advised that in March 2011 her mother handed in her application for employment on the beach to a worker at town hall. She stated she believes her name is Stephanie. She stated that Stephanie advised her mother that her application was the first application received for this season. She stated that at this point in time she has still not received a phone call for an interview. She stated that it is her understanding that 4 people have been hired so far. She stated that she is here tonight to verbalize that she is still available for hire and am hoping to be considered for a position as a badge clerk.

Lou Cocozza, 45 N. Potter Avenue inquired at about wells #2 and 6 & #5 and 7 at the new water treatment plant. He stated that he understands the process that was described by Mr. Rooney of T&M Associates concerning wells #2 and 6 as to why the Borough did not know about the problems with those wells because they wanted to do the examination of the confines of the NJEIT Grant. He advised that the report was that T&M Associates was not aware of any problems with wells #2 and 6 because they were operating fine and it was only when T&M went in with a camera and scoped it that it was discovered that the well casings were damaged. His question was with regards to wells #5 and 7. He wanted to know if there was any plan to examine wells #5 and 7 prior to the plant going on line because he would really hate to see any problem with those wells when they go online. He stated that it would be better for the taxpayers if the Borough was sure that those wells were operating properly.

May 16, 2011

Mr. Rooney stated that the wells will be examined and the problem that is right now is that he is looking at the beginning of the summer season. He stated that the whole approach in examining the wells was to really touch them once by pulling out the existing components, examine the casing and the screening and then put in new components viable to the new treatment plant. He stated that all along the approach on all 4 wells was to do them at the later part of the project starting with wells #2 and 6. He advised that unfortunately they encountered problems that were not anticipated based on prior inspections and based on performance. He stated that similarly wells #5 and 7 based on performance and water quality it is not anticipated that there will be any problems. He stated that these wells will not be looked at until after the summer after the heavy water demand part of the season. He stated that they tried looking at well #5 about three weeks ago and there were issues when they started to extract components of the well. He stated that he did not want to jeopardize having well #5 off line for the summer. He stated that if wells #5 and 7 were to be off line the Borough would have to buy water from NJ American Water. He advised that the plan right now is to commence wells #2 and 6 and get the upgraded and get those converted to the new treatment plant and then after the summer season then wells #5 and 7 would be pursued.

Mr. Cocozza asked that if for some reason there is a problem with wells 5 and 7 does the Borough have the capacity to supply our water if one of the wells can not be brought on line at the higher peak.

Mr. Rooney stated that after the peak summer usage with wells #2 and 6 available either 5 or 7 would meet the winter demands.

Mario Gentile, 65 Ocean Avenue asked how come you can't put a casing on it or a liner inside them wells. He wanted to know what the diameter of the wells were.

Mr. Gimmel stated that they are 8 inch diameter wells and T&M looked at re-doing the internal casings and screens. He stated that would reduce the capacity of the well and there would be no guarantee that you would see any appreciable yield that way in the future. He stated that his experience is that the capacity decreases once you start to do that type of rehabilitation.

Mr. Gentile asked if the casings were cracked.

Mr. Gimmel stated that there is a problem with the casing in wells #6, there is a tear in it and there is material coming into the well and both screens are deteriorating.

Rich Bartholomew, 121 Lake Avenue addressed the Mayor and stated that the Borough is currently looking at about 4.2 million spend against a 4.6 million budget. He stated that he knows that all projects have contingency and wanted to know if the contingency is inside that 4.2 or is it the differential between the 4.2 and the 4.6 at this point in time.

Mr. DeIorio stated that there is a contingency within the entire fund amount that is set aside for different aspects, design, construction, etc. He stated that based on the \$6.2 million allotment for the Borough there is a 5% contingency associated with the entire project. He stated that the Borough can still work within the 6.2 million because that was what was applied for and authorized by the NJEIT. He stated that the contingency is based upon the application award amount.

There were questions with regards to the contingency fees which Mr. DeIorio answered.

Mr. Bartholomew asked about the 64% non-Manasquan folks in the summer hires.

Council Member Connolly stated that was correct.

Mr. Bartholomew asked the reason for looking outside of the town.

Mayor Dempsey stated that some of the employees start when they are 14, 15 Or 16 years old and then as they get older they move out of town but still work for the town. He also advised that some of the people that work at the beach are employees who have lived at a relative's house all summer and the employee's address is not Manasquan.

May 16, 2011

Ed Hyer, 56 Second Avenue stated that he is under the impression that the original contract included funds to rehabilitate the two wells that are now being replaced. He stated that he did not hear anything about a credit from the contractor for the work he doesn't have to do in rehabilitating the wells that are being replaced and where does that stand.

Mr. Gimmel stated that the work that was included in the contract was removing the existing pump, televising the well and installing the new well pump.

Mr. Hyer asked if the scope of the contractor's contract did not include anything that is now eliminated by having to drill 2 new wells.

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

Council Member Donovan made a motion to authorize the Captain's test to be open to the members of the Manasquan Police Department from the rank of Sergeant and above, seconded by Council Member Lee. Roll call was taken and the motion carried unanimously.

Council Member Lucas made a motion to close the work session meeting at 8:55 p.m., seconded by Council Member McCarthy. 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.