

SEPTEMBER 13, 2010

A Work Session Meeting of the Manasquan Mayor and Council was held on September 13, 2010 at 7:07 p.m., in Council Chambers of Borough Hall.

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 22, 2009.

ROLL CALL: Present: Council Members Bossone, Connolly, Donovan, Grasso, Lee, Lucas .

Also present were Borough Attorney James Kinneally, retiring Borough Administrator John Trengrove and Borough Administrator Joseph DeIorio.

Absent: None.

Mayor Dempsey related that he attended the recent Wind Turbine Meeting in Sea Girt. He also related that December regarding this topic and that the 2009 and 2010 members of the Governing Body were emailed information about it. He related that the wind turbine will be about 440 feet and there will be issues with noise. He also related that these structures are associated with causing vertigo, sleep apnea, flicker affect, pace maker interruption, hearing aid interruption and can also negatively affect the property values in Manasquan. He related that the DEP issued an overlay zone in December which prohibits the wind turbine to be located in that area. He related that a resolution opposing the wind turbine is scheduled for Council's consideration on the regular meeting and it will be distributed to the appropriate officials.

The Mayor asked if any member of the audience had any questions or comments regarding the proposed large scale Wind Turbine at the New Jersey National Guard Training Center in Sea Girt. He related that he cannot believe that someone would place a wind turbine in a residential neighborhood. He related that this is the result of a DOD program that was created 15 years ago to make military posts power independent.

Mayor Dempsey related that they are in the midst of a \$600,000 bird and bat study there. He related that the fact that the N.J. Coast is a flyway zone may bring the project to an end.

Mary Ryan, 113 Beachfront related that air traffic issues should be considered since often helicopters and banner planes often fly into that area. She related that the resolution should be sent to President Obama since the money being used is stimulus money.

A citizen related that there are probably from a DOD source with a lot of guidelines. He suggested that someone explore what the DOD conditions are for the placements of these types of turbines.

Item #1. Letter from Nancy Acciavatti requesting permission to attend the Municipal Clerk's Program.

Mayor Dempsey related that the Clerk's Office has always prepared the staff for future staffing needs. He related that when Barbara Ilaria was hired as the Senior Clerk Typist she attended the courses to become a certified Municipal Clerk and Municipal Registrar. He related that she was trained to assume the Deputy Clerk's position upon the retirement of former Deputy Clerk Penny Hamilton. He related that this request is for Mrs. Acciavatti to begin taking courses to become a certified Municipal Clerk so that she can transition into the Deputy Clerk's position when Mrs. Ilaria becomes the Municipal Clerk.

Council Member Donovan made a motion to approve the request, seconded by Council Member Lee. No roll call vote was taken, therefore, the motion failed.

Council Member Connolly related that this is premature since the Clerk's office staffing is going to be discussed in Closed Session this evening. She suggested holding this item until next week until they get a schedule and to see where Nancy will be fitting in. She related that the Borough already has a certified Deputy Municipal Clerk.

Mayor Dempsey related that the Governing Body will have a better idea after the closed session meeting.

Council Member Connolly related that it can be done next week.

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The Municipal Clerk related that this was presented to the Governing Body during her presentation at the 2010 budget meetings and they approved the funding in the Clerk's budget. She related that there is funding available to pay for the course that was already agreed to by the members of the Governing Body.

The Governing Body agreed to revisit this item until after the closed session meeting where the Clerk's Office Staffing will be discussed.

Item #2. Posting Minutes on the Borough Website.

Mr. Trengrove asked if it is the Governing Body's intention to archive the minutes. He related that there may be a cost associated with archiving them on the Borough website.

The Municipal Clerk related that a policy should be established.

Mr. Trengrove asked the Municipal Clerk to find out the cost to archive these records.

Council Member Grasso related that there is a little confusion here - we have to store them and we are looking to get the information out to the people in the audience and the snow birds.

The Municipal Clerk related that the Governing Body will also have to decide what type of minutes they want to be posted and obviously closed session meeting minutes cannot be posted Council Member Grasso interrupted the Clerk and stated that this is what he has been saying for six months that he just wants the approved minutes on the website.

The Municipal Clerk related that the approved closed session minutes cannot be posted.

Council Member Grasso related that he didn't say closed session minutes.

The Municipal Clerk related that Council Member Grasso had stated "minutes" which would include all of the minutes.

Council Member Grasso said, let me restate that - no closed door minutes -- only approved minutes by the Council and Governing Body.

The Municipal Clerk clarified with the Governing Body that they are requesting that the work session and regular meeting minutes get posted on the website.

Council Member Grasso related that is what he has been saying for six months.

The Municipal Clerk related that she doesn't know who Council Member Grasso was saying that to but that she needs a clear written policy.

Item #3. Creating the Position of Director of (Cable) Television Services.

Council Member Connolly related that Mr. Lee Weisert is a member of the Cable Advisory Committee and runs the television station at the school on behalf of the municipality and the high school. She related that he has requested this title because he doesn't have a title. She provided a list of his duties that he intends to do.

Mayor Dempsey related that he doesn't have a problem with the appointment but that the Borough Ordinance doesn't allow for it.

Council Member Donovan related that there is no title in the ordinance.

Council Member Connolly related that the reason for the title is so he can attend meetings and act as a representative for the Borough.

Item #4. Letter from Manasquan Planning Board Chairman Requesting Permission to Attend the League Conference in Atlantic City.

Council Member Bossone made a motion to approve the request, seconded by Council Member Donovan. Roll Call was taken and the motion was unanimously approved.

Item #5. Use of Borough Property Requests:

- September 18th, 2010 Virginia Ave Block Party

Council Member Lucas made a motion to approve the event, seconded by Council Member Lee. Motion carried unanimously.

- Use of the Little League Field - Shore Fire Baseball Team & Use of the Little League Field – Manasquan/Brielle Travel Teams

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

- Beachfront Surfing Contest – National Scholastic Surfing Association

Council Member Lee made a motion to approve the event with the stipulation that arrangements are made to have portable restrooms near the event site, seconded by Council Member Bossone. Motion carried unanimously.

Item #6. 2011 Professional Appointments:

- Non-Fair and Open?

Mayor Dempsey related that in the past the Governing Body selected Non-Fair and Open.

Mr. Trengrove explained that if the Governing Body chooses Fair and Open the municipality will have to prepare RFPs for the professional contracts. He related that Fair and Open does not limit the amount of political donations. He related that Non-Fair and Open is the traditional method of appointing professionals and he noted that it limits the political donations to \$300.00.

Council Member Connolly stated that with Fair and Open no donations can be made.

Mr. Trengrove related that with Fair and Open political donations are not limited.

Council Member Donovan made a motion to continue with Non-Fair and Open, seconded by Council Member Bossone. Roll Call was taken and the motion was unanimously approved.

The Municipal Clerk clarified that the Non-Fair and Open resolution is scheduled for approval at the reorganization but that it is necessary to know in advance so that the contracts can be processed accordingly.

- Borough Engineer

Mayor Dempsey asked if the members of the Governing Body want to continue with T & M Associates in 2011.

The Municipal Clerk clarified that the appointment will take place at the Reorganization but the Governing Body has to decide whether or not to accept RFP or proposals for the positions.

Council Member Donovan related that he is satisfied with T & M Associates and that he supports their reappointment. He also related that the Borough is in the midst of several large projects and he would like them to continue with the Borough.

Council Member Lee agreed with Council Member Donovan's comments.

Council Member Connolly related that she has a problem deciding upon who will be in these positions in 2011 when the members voting on the appointments may not be here in 2011.

Mr. DeLorio related that the Governing Body is not choosing the individuals or the firms that will be in those positions but whether or not the positions themselves are Fair and Open or Non-Fair and Open. He related that if the Governing Body chooses Fair and Open the Clerk needs enough time to process the RFPs.

The Municipal Clerk related that either way the Governing Body has to direct the Clerk to get RFPs or proposals. She noted that either way is very time consuming considering the time it

takes to advertise and conduct interviews.

Council Member Lucas suggested rescheduling this matter to the next meeting.

Council Member Connolly suggested waiting until November after the election.

Mayor Dempsey related that they will have the opportunity to comment before it is voted on at the Reorganization Meeting.

The Municipal Clerk related that it is time consuming and also noted that the budget cycle also begins in November.

Mayor Dempsey asked whether or not the Governing Body would like this matter scheduled for the next meeting.

Council Member Connolly related we certainly do not want to make the appointments next week.

The Clerk related that the next step is to decide which professional appointments the Governing Body will be accepting proposals or RFPs for.

Mr. DeLorio related that regardless of whether the Governing Body chooses Non-Fair and Open or Fair and Open the positions will be selected at the Reorganization Meeting. He related that with the Fair and Open process there is a time frame that has to be adhered to.

Mr. Trengrove related that the Governing Body has instructed the Clerk to schedule this matter for consideration annually in September.

The Municipal Clerk noted that even the Non-Fair and Open process is time consuming, in particular the engineering firms.

Item #7. United States Lifesaving Station Heritage Association Visit.

Mr. Trengrove related that Precision Building and Construction is agreeable to the visit as long as an insurance policy is obtained from the U.S. Lifesaving Station Heritage Association and that the Borough is named as additional insured. He noted that during the construction period the site belongs to Precision.

Council Member Bossone made a motion to approve the request with the stipulation that a Certificate of Insurance naming the Borough as Additional Insured is obtained, seconded by Council Member Lucas. Motion carried unanimously.

Item #8. Review of Resolutions Scheduled for Consideration at the Regular Meeting.

Council Member Connolly asked if Mr. Wall's position is full-time or part-time.

Mr. Trengrove related that he will work the same schedule as in the past and the hours needed to get the job done in the Winter months. He related that his salary will not change. He related that the Borough ordinance stipulates that his job terminates beginning October but in reality he is working all Winter long including participating during the budget cycle. He noted that when his term ends so does his insurance coverage.

Council Member Connolly asked what type of coverage does he need.

Mr. Trengrove related that he needs liability and workers compensation.

Council Member Connolly related that he would be covered automatically if he was working for the Borough. She asked if he will receive any benefits or a pension.

Mr. Trengrove related that when his term ends so does the insurance coverage which is one of the reasons for the year round appointments. He related that he does not receive benefits. He also related that he would have to work 30 hours a week to be eligible for enrollment into the pension system.

Council Member Bossone related that there is nothing different except that the term will be

year round.

Council Member Connolly asked why the two part-time laborers are DPW employees and asked if there is money available in the DPW budget to cover their salaries.

Mr. Trengrove related that one is in the DPW budget and the Borough will be reimbursed by workers compensation since he is filling in for someone who is out due to a work related injury.

Council Member Connolly asked if this position was advertised.

Mr. Trengrove related that it was advertised.

The Municipal Clerk related that Brett Nielsen's position is a Laborer in accordance with the Civil Service Department.

Mr. Trengrove related that Mr. Nielsen's salary is \$15.00 per hour and that it will be paid for by the department that he is doing work for. He noted that the Union has signed a document acknowledging that Mr. Nielsen will not receive benefits.

Council Member Grasso asked how is their time tracked.

Mr. Trengrove related that the department head is responsible to track the time with a time sheet.

The Municipal Clerk suggested changing the resolution to reflect that Brett Nielsen is a Laborer and not a Beach Laborer.

AUDIENCE PARTICIPATION

Mary Kotsopoulos thanked the members of the Governing Body who supported the Wind Turbine Resolution that is scheduled for approval this evening.

CLOSED SESSION

The Borough Attorney presented a resolution authorizing the Governing Body to meet in closed session at 7:51 p.m. (See **Closed Session #1** following the work session meeting – below)

Council Member Connolly asked for an explanation of Closed Session Item #4/Workplace Conditions.

The Borough Attorney related that he can explain it in closed session and that he cannot get any more specific.

Council Member Grasso asked if the issue is broken pipes.

Mr. Kinneally related that the item is working conditions for employees of the Borough.

Council Member Lucas made a motion to approve the resolution, seconded by Council Member Lee. Motion carried unanimously.

The closed session minutes, minute approval date and minute approval signature begin on the next page.