

SEPTEMBER 20, 2010

A Work Session Meeting of the Manasquan Mayor and Council was held on September 20, 2010 at 7:00 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 and Borough Administrator/CMFO Joseph DeIorio.

Retiring Borough Administrator John Trengrove arrived at 7:30 p.m. and exited the regular meeting at 8:20 p.m.

Absent: None.

ITEM #1. Proposed Taxi License Fee Ordinance Review.

Mr. Kinneally related that a meeting was held with Council Member Grasso and the Police Chief regarding this proposed ordinance. He related that he addressed several areas that the Police Chief raised concerns about but that there are other areas that are policy decisions of the Governing Body. For example, he related that the amount of fees being charged should be decided by the Governing Body. He related that the fees should have some reasonable relationship to the cost provided for.

Council Member Lee related that since the services provided are a basis for the fee he asked Council Member Grasso what services are going to be provided by this ordinance. He related that he is very concerned about having taxis available in the beach area between the hours of 10:00 p.m. and 2:00 a.m. He related that there has been an improvement of getting the bar patrons out of Manasquan at bar break. He related that the police agree that the taxis serve the purpose of getting the people out of the bar area and help to maintain a good quality of life in that area.

Council Member Grasso related that one of the reasons for this ordinance is for the safety of the town and also the safety of the taxi cabs. He related that the taxi owners are in favor of this ordinance but that maybe there are one or two that are not. He related that it is basically to be in the same realm of the surrounding towns who license cabs in their towns. He related that we want to be the same as the surrounding towns and that there are rogue taxi cabs that have gone down Ocean Ave that are questionable – as far as their appearance and how they drive. He related that he agrees that the Borough wants the bar patrons out of town as soon as possible following bar break. He related that our own taxi companies have 15 seat vans and can move the people out. He related that this is to protect the people and generate revenue. He related that we will be getting revenues from people who are outside our town as well as our own. He related that we will be able to enforce the law for taxis that are in our town who don't belong here and that they will be fined. He related that it is a win-win across the board for everyone who is in this town and even for the owners of the Osprey and Leggett's so that they can get people off of their properties as quickly as possible.

Council Member Lee related that he agrees with some of the points and that he believes the taxi cab company owners will be in favor of it if it is enforced.

Council Member Grasso related that he is not the Police Chief and that it is not his responsibility.

Council Member Lee related that unless the Borough has buy in from the Chief and the officers it seems that it is a revenue generator.....Council Member Grasso cut off Council Member Lee and stated that he agrees that he has to buy into this and being the protector of this town he has to buy into it. He related that he is protecting the citizens of the town. He reiterated that non-Manasquan cabs fly down Ocean Avenue at 60 miles an hour.

Council Member Lee related that speeding is protected now with existing enforcement.

Council Member Grasso related that it has not and that not one ticket on Ocean Ave has been written.

Council Member Lee clarified that this proposed ordinance will not address speeding issues.

Council Member Grasso related that it is up to Council to decide what to do.

Council Member Lucas related that he met with the Chief on this issue and asked him to monitor taxi related activities. He related that the Chief prepared a memo which indicated that there were no reports of anything contrary to what may have been perceived or stated throughout the course of this summer season. He related that the Police Chief related that there is nothing that warrants the passing of a taxi ordinance at this time. He related that the issue can be revisited at a later time. He related that he has to go along with the Police Chief who has been working in this community for 30 years and has insight about what happens in Manasquan. He also related that the Chief is concerned about the well-being of this town.

Council Member Donovan made a motion to table the proposed Taxi Ordinance, seconded by Council Member Lucas. Motion carried by the following vote: "yes" Council Member Bossone, Donovan, Lee, Lucas. "No" Council Member Connolly and Grasso.

The Clerk pointed out that the document is not in ordinance form; therefore, an ordinance is not being tabled. She related that the matter is being tabled and not an ordinance.

ITEM #2. Director of Television Appointment.

Mr. Kinneally related that he reviewed the statute and it does not restrict a municipality regarding the operation of their cable television channels. He noted that there is channel access through Verizon now. He related that the ordinance would have to be amended and noted that the ordinance needs a lot of work. He relate that the ordinance will have to define what is allowed to occur and what the individual is allowed to do.

Council Member Connolly related that has been done and that we have been talking about this for several weeks.

Council Member Donovan asked if the statute addresses what a Governing Body can do.

Mr. Kinneally related that it does not but it indicates that the municipality has the right to have a municipal channel as a part of their franchise. He related that it doesn't address how the municipality can or should operate. He related that because there is no State statute the municipality has to adopt an ordinance. He recommended that the Borough establish rules and regulations. He related that the current ordinance is just an advisory ordinance and doesn't contemplate the operation of a municipal channel.

Council Member Connolly argued that the current ordinance does address the operations and services of any cable television franchisee servicing a municipality.

Mr. Kinneally related that the current ordinance indicates that the Borough oversees those that monitor and evaluate the municipal channel.

Council Member Donovan related that is not running a channel but that it is looking at the services that are provided to the residents of Manasquan.

Council Member Connolly continued by stating monitoring and evaluating the operations – com on, gentlemen she stated.

Mayor Dempsey related that it is not operations.

Council Member Connolly asked the counselor to come up some suggestions for them and she will review it with the Cable Television Committee.

Mr. DeIorio related that he will meet with the Borough Attorney and Council Member Connolly and integrate what is being said here into an ordinance.

Council Member Bossone asked if the Borough has received documentation from Mr. Weisert indicating that he is interested in the position.

Council Member Connolly related that Mr. Weisert recommended that the Borough create this

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title so that he could go to association meetings. She related that he has been unable to attend the association meetings because he does not have an official title.

Council Member Bossone related that it would be appropriate to obtain something in writing as the Borough does for all the other committee and commission positions.

Council Member Connolly related that Council Member Bossone will have to take her word.

Mayor Dempsey asked why he can't submit a letter.

Council Member Connolly related that we don't have anything open for him to be interested in. She related that what we are talking about is will we appoint him. She related that obviously we haven't decided.

Council Member Bossone related that he shouldn't be expected to put someone in a position unless he knows if they are interested in it.

Council Member Connolly related that Mr. Weisert wrote the list of duties - okay?

Council Member Lee asked how does Council Member Connolly envision this to continue if Mr. Weisert retires.

Council Member Connolly related that it might not be and no one will take it on. She related that obviously he is doing the job and running the television station.

Council Member Lee asked if the equipment is owned by the school.

Council Member Connolly related that she believes it is.

Council Member Lee related that should be researched and asked if Mr. Weisert will still have access to the equipment if he retires from his position with the school. He asked if he will still have access to the equipment and will that drive a change with the appointment.

Council Member Connolly related that will be up to the Council.

Mayor Dempsey related that Mr. Weisert will have to resign and his replacement will take the position.

Council Member Connolly related that she will ask Mr. Weisert to submit a letter for the proposed position.

ITEM #3. Draft Resolution Regarding the Posting of Public Documents on the Borough Website.

Council Member Connolly questioned the statement indicating that the Borough Clerk is willing to make her best efforts to coordinate the posting of agendas of work and regular session minutes on the Borough website after ensuring the completion of her statutory responsibilities. She related that she doesn't understand that she is willing to make her best efforts and asked what is that all about.

Mayor Dempsey related that for example if the Clerk is tied up with election responsibilities the agenda may be delayed in getting posted.

The Municipal Clerk related that is simply indicating that there are statutory duties that would take priority over the posting of agendas and minutes. She related that there may be a delay but they would be posted eventually.

Mr. DeIorio also pointed out that there could be a delay on the part of the company that manages the website.

The Clerk also noted that an emergency might prevent the items from being posted immediately.

Council Member Connolly and Grasso stated that it is about time that the minutes are posted.

Council Member Grasso related that we have been working on this since April and he is very happy to see it. He related that he agrees that other things may take priority but the website is always showing other things like recreation events, on a weekly or daily basis. He related that he is sure that we can have some schedule that will get these items in people's hands on a certain day so they know they are going to get it.

Mayor Dempsey related that he is not in favor of holding the Clerk to a certain day.

Council Member Connolly pointed out that they have to be approved and signed before they are posted.

The members of the Governing Body agreed to schedule this resolution for approval at the regular meeting on 9/20/10.

#### ITEM #4. Use of Bandstand Fee Policy.

Mr. Kinneally related that if the Borough wants to charge for the use of its equipment it would have to pass an ordinance that permits it to collect the money. He related that currently there is no ordinance that permits the Borough to collect money for the use of the Borough owned bandstand. He related that the Governing Body has talked about imposing this fee.

The Municipal Clerk related that the Borough has to use its staff to set up and remove the bandstand, therefore, the cost could be paid for by the user of the equipment. She also noted that there are administrative costs from the Clerk's office associated with this equipment use.

Council Member Connolly asked if this would mean that the Borough would charge the VFW who puts on the parades for us.

The Municipal Clerk related that the Governing Body would have to create a policy similar to the Use of Borough Property Policy where they could exempt organizations that that provide an in-kind exchange.

Mr. DeIorio related that the Borough could set the parameters where certain groups are eligible for a waiver of the fee.

Council Member Donovan asked if it would be fiscally responsible to pass a costly ordinance when only a few organizations are charged for the use of the bandstand.

The Municipal Clerk related that this item surfaced because the Governing Body wanted to charge a fee approximately six weeks ago.

Mayor Dempsey related that the Governing Body will continue to approve the use of the bandstand and set up by DPW staff at its work session meetings.

There were no objections from the members of the Governing Body.

#### ITEM #5. Review of Resolutions and Ordinances for Consideration at the Regular Meeting.

Council Member Connolly asked about the Absence from Meeting Policy. She related that copies of the ordinances that are scheduled for action at meeting of the Governing Body should be available at the meetings for the public. She related that it is just a matter of the Clerk running off a few copies and having them available.

Mr. DeIorio related that this is in reaction to the State instituting a Best Practices Policy. He related that the Best Practices is a mechanism that the Department of Community Affairs created to release the last five percent of State Aid to communities. He related that there is a list of about 88 questions and depending on how many questions are answered correctly will determine if the municipality will receive its last five percent. He related that this was issued about one month ago but that there has been changes to it. He related that since the Borough does not have a policy he recommends that one is adopted to gain one point to obtain the five percent. He related that the policy mirrors the State law and that an absence can be permitted if voted on by the Governing Body.

Council Member Donovan asked why the State is requiring the Borough to pass this ordinance since it is redundant. He related that in the past the Borough was asked to repeal ordinances

because they were in conflict with State statutes. He related that it is a waste of time other than to get the extra point.

Mr. DeLorio related that there are some very good questions on the list but that some of them are redundant.

Council Member Lee related that the minimal rate paid of \$3,000 paid to the OEM Coordinator Dave Kircher is well worth the money. He related that he puts a lot of time and energy into his work for the community and he noted that they spearheaded reimbursement from FEMA for \$80,000.

Mr. Trengrove related that Dave Kircher and the Deputy OEM Coordinator are invaluable.

Mayor Dempsey related that the OPRA Fee Ordinance has been rescheduled to the first meeting in October since the new fees will take place in November.

#### COMMITTEE REPORTS

Public Works Committee – Council Member Donovan congratulated the Recreation Commission for hosting a successful Family Picnic on Main Beach yesterday. He related that approximately 400 people attended and a terrific time was had by all. He related that a paper shredding event will take place on September 26<sup>th</sup>, 2010 from 9:00 a.m. and 12 Noon in the Fourth Ave Parking Lot for the Manasquan Residents.

Beach Committee – Council Member Bossone had no report.

Public Property and Parks Committee – Council Member Lee personally thanked Mr. Trengrove who has been professional, knowledgeable and committed to Manasquan. He was always available to assist and that he is invaluable.

Public Safety and Recycling Committee – Council Member Lucas reiterated Council Member Lee's comments regarding Mr. Trengrove. He stated that the Police Chief and the Police Department also thank Mr. Trengrove for all his cooperation through out the years. He thanked Mr. Trengrove for his assistance and cooperation during his tenure.

Administration and Finance Committee – Council Member Connolly related that her committee has approved the Payment of Bills that is scheduled for approval at the Regular Meeting. She related that the Police are going into binding arbitration and the White Collar Union is going into fact finding. She related that the State of N.J. Public Employment Relations Commission will be helping the Borough to appoint the arbitrator and fact finder. She related that the cost will be shared by the Borough and the Union. She thanked Mr. Trengrove.

Law and Code Committee – Council Member Grasso thanked Mr. Trengrove for his service to this community. He related that he and Mr. Trengrove have had a lot of emails about the private sector versus the public sector and that he has learned a few things. He related that he appreciates Mr. Trengrove's time and effort. He thanked the Ocean Avenue Residents who started a Wind Turbine Committee. He related that they are circulating a petition protesting the closeness of the Wind Turbine to residential property. He related that they are not against green – we are all for green but that this is 500 feet next to people's property and that he has no idea of the impact on humans or birds and bats.

Council Member Bossone shared a personal story about when Mr. Trengrove was a police detective and made a presentation to his high school class. He related that who would have thought that this many years later we would be working together for the Borough. He informed Mr. Trengrove that he appreciates all that he has done for the Borough.

Council Member Donovan thanked Mr. Trengrove for his professional service in every part of the Borough that he has worked in. He thanked him for his institutional knowledge, for keeping us out of trouble, for obtaining grants, for managing projects and noted that his help is invaluable. He related that his help when he was a new council member was invaluable.

The work session was recessed to **Closed Session Meeting #1** at 7:47 p.m. (See Closed Session Meeting #1 following the work session meeting portion of the minutes)

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The work session meeting was reconvened from the closed session meeting at 8:15 p.m.

#### AUDIENCE PARTICIPATION

Ed Hyer, Second Ave related that he was disappointed in the action with regard to the taxi ordinance. He related that he was not privy to what the Chief had to say but that he would like to see the ordinance move forward. He related that taxis are a nuisance in the beachfront area and that they park in the middle of the road at all hours and blow their horns waiting for people to come out. He related that the Chief's issues have to be address but that ordinance that can be enforced is needed. He related that he recalls at an earlier meeting the estimate for revenues for this ordinance would have paid for an additional weekend officer down there or where taxis are circulating.

Mayor Dempsey related that it is tabled and will be looked at again.

Council Member Lucas related that he wants to ensure that we are all comfortable with the ordinance if it is enacted.

Mr. Hyer related that it is going to take three months to pass the ordinance, therefore, it has to be addressed in the next few months.

Richard Fastnach, 99 Minerva Ave related that while noise might be an issue with taxis, they save lives by transporting people around Manasquan. He related that they are keeping people off of the road.

Council Member Donovan made a motion to recess the work session meeting at 8:19 p.m., to the regular meeting, seconded by Council Member Bossone. Motion carried unanimously.

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