

FEBRUARY 7, 2011

A Regular Meeting of Mayor and Council was convened at 8:00 p.m. on February 7, 2011 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey stated 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.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

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

Absent: None

Also present was Borough Attorney James Kinneally and Borough Administrator/CFO Joseph DeIorio

**PRESENTATION: State Police – Monmouth County OEM**

Mayor Dempsey introduced Freeholder Thomas Arnone who is the liaison to the OEM for the County and State Police Emergency Management Captain Don Barlow, and Monmouth County Emergency Management Coordinator Glen Mason.

Freeholder Thomas Arnone presented Manasquan Office of Emergency Management with a Proclamation recognizing the hard work that was done during the recent snow storm.

State Police Emergency Management Captain Don Barlow presented Letters of Commendation to Manasquan Office of Emergency Management and the following individuals for their outstanding efforts: Carl Budrecki, Ryan Dullea, Ed Fletcher, Dave Kircher, Kevin Kircher, Steve Kircher, Joseph Palmer, Jay Price, Sean Price, George Steiner, Andrew Trengrove, Chris Tucker.

Freeholder Thomas Arnone on behalf of Monmouth County Office of Emergency Management presented Ameritorious Team Commendation to the Manasquan Office of Emergency Management and Gary McTighe, Monmouth County Office of Emergency Management.

Dave Kircher, Manasquan OEM Coordinator stated that all of the names announced are just a part of the Manasquan Volunteer Fire Department. These were the individuals who drove the vehicles.

**PROCLAMATION:**

**READ ACROSS AMERICA-NJ  
MARCH 2, 2011**

**WHEREAS**, the citizens of the Borough of Manasquan stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation of America's jobs of the future, and their ability to compete in a global economy; and

**WHEREAS**, the Borough of Manasquan has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

**WHEREAS**, NEA's *Read Across America*, a national celebration of reading, will be conducted on March 2, 2011, which would have been the 107<sup>th</sup> birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

**WHEREAS**, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students; and

**NOW, THEREFORE, BE IT RESOLVED**, that I, George R. Dempsey, Jr., Mayor of the Borough of Manasquan, on behalf of the Borough Council and the good people of Manasquan do hereby proclaim March 2, 2011 as **READ ACROSS AMERICA-NJ** and to assure that every child is in a safe place reading together with a caring adult on March 2, 2011. Let true and official copies of the Proclamation be spread upon the minutes of the Borough Council meeting held on the 7th day of February, 2011.

FEBRUARY 7, 2011

**PROCLAMATION: Xander Bossone**

**WHEREAS**, Xander Bossone born December 22, 1999 is a life long resident of Manasquan and a fifth grade student at Manasquan Elementary; and

**WHEREAS**, Xander has been an active member of Manasquan Boy Scout Pack #59 for over five years, currently as a "Weeblos II" Cub Scout and will cross over to the rank of "Boy Scout" on February 24<sup>th</sup> of this year and will continue working towards his goal of becoming an "Eagle Scout" and;

**WHEREAS**, On his 11<sup>th</sup> birthday Xander made the decision that instead of receiving presents he would collect canned and dry boxed goods and donate them to the Food Bank of Monmouth and Ocean Counties to help families less fortunate this holiday season.

**WHEREAS**, Xander with the help of Adam Lowy and "Move for Hunger", he was able to secure a 16' truck, 2000 fliers, and a promise of transportation of all the food collected to the Food Bank of Monmouth and Ocean Counties.

**WHEREAS**, Xander distributed 2000 fliers to his school, church, and to local merchants as well as contacting The Coast Star, The Asbury Park Press Newspapers and News 12 New Jersey in hopes that they would assist in getting the word out of his event.

**WHEREAS**, On December 19, 2010 Xander held his first "Fill a Truck of Food" Birthday Food Drive. In one day he raised 5,565 pounds of food, which equates to 4,100 meals that the Food Bank can distribute to families in need. He also raised \$1,215.00 for the Food Bank as well as \$500.00 for "Move for Hunger".

**NOW, THEREFORE, BE IT RESOLVED** that, I, George R. Dempsey, Jr., Mayor of the Borough of Manasquan, on behalf of the Borough Council and the good people of Manasquan, do hereby recognize Xander Bossone for his outstanding volunteer service and to hereby proclaim February 7<sup>th</sup>, 2011 as "XANDER BOSSONE RECOGNITION DAY" in the Borough of Manasquan.

**NOW, THEREFORE, BE IT RESOLVED**, that true and official copies of this Proclamation be spread upon the minutes of the Borough Council meeting of February 7th.

**APPOINTMENT: Richard Read to Planning Board as Mayor's Designee C1**

Mayor Dempsey appointed Mr. Richard Read to the Planning Board as his Designee Alternate C1

**CONSENT AGENDA:**

**RESOLUTION  
35-2011**

**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. Routine and customary bills during the month of January 2011 were paid through manual checks as a result of the annual rollover of accounts.
3. 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	3,927,655.47
WATER/SEWER FUND:	389,887.47

FEBRUARY 7, 2011

BEACH FUND. :	66,621.55
GENERAL CAPITAL FUND:	1,290.29
WATER/SEWER CAPITAL FUND:	335,581.40
BEACH IMPROVEMENT FUND:	

**RESOLUTION  
33-2011**

**WHEREAS**, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefor; and

**WHEREAS**, the borough council has determined that there is a need for professional services during the 2011 calendar year; and

**WHEREAS**, the borough council has determined to provide the need to acquire these professional services as a non-fair and open contract pursuant to the provisions of N. J. S. A. 19:44A-20.5; and

**WHEREAS**, the chief financial officer of the municipality has determined and certified in writing that the value of these professional services will exceed \$21,000; and

**WHEREAS**, the anticipated term of these contracts are one year (January 1, 2011 to December 31, 2011); and

**WHEREAS**, the following professional services providers have or will submit contracts to be reviewed for completeness and approval by the borough attorney indicating that they will provide their services for the agreed upon rate (s) that are contained in their contracts that are on file in the Clerk's Office.

Geoffery S. Cramer - Planning Board Attorney

Albert D. Yodakis, T & M Associates - Board Engineer

These appointments are made pursuant to N. J. S. 2B:12-1 et seq.

**WHEREAS**, a certification as to the availability of funds executed by the chief financial officer is attached to this resolution pursuant to the provisions of N. J. A. C. 5:30-5-4;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 7<sup>th</sup> day of February, 2011 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the municipal clerk, and shall be available for public inspection.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with these professionals to provide professional services to the municipality for the 2011 contract year at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.
4. A certified copy of this resolution shall be sent to the professionals included in this resolution.

**RESOLUTION  
30-2011**

FEBRUARY 7, 2011

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey confirms the appointment of Nancy Acciavatti, 73 Marcellus Avenue, Manasquan, New Jersey from provisional to permanent Deputy Municipal Clerk as of February 1, 2011. No salary change. The appointee has met all the necessary requirements and evaluations for the position of Deputy Clerk.

**RESOLUTION  
31-2011**

**BE IT RESOLVED** by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

**WHEREAS**, refunds for overpayments on the following tax bills are due on the below described property in the amount designated as follows:

BLOCK: 185      LOT: 11    NAME: James Lusk  
PROPERTY LOCATION:    331 Beachfront  
AMOUNT OF REFUND:    \$1063.71.00  
REASON FOR REFUND:    State Tax Court Appeal Judgment.

REFUND CHECK TO BE MADE PAYABLE TO:  
McCarter & English, LLP  
Four Gateway Center  
Mulberry Street  
P.O. Box 652  
Newark, NJ 07102-0652

**WHEREAS**, the Tax Collector has certified that the current property owner is entitled to the refund.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION  
32-2011**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that the Manasquan First Aid has submitted the attached members that qualify under Ordinance 2005-07 Section 7 for "Exemption from the Payment of Permit Fees" these Members responded to 20% or more of the calls of the Unit or are Life Members of Manasquan First Aid.

**RESOLUTION**

FEBRUARY 7, 2011

34-2011

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to sign the Black Box 2011 Agreement.

Council Member Donovan made a motion to accept the Consent Agenda, seconded by Council Member Lucas. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas, and McCarthy, "no" none.

#### **APPROVAL OF MINUTES**

Regular Meeting Minutes – November 8, 2010  
Work Session Minutes – November 8, 2010

Council Member Connolly made a motion to approve the minutes, seconded by Council Member Lucas. Motion carried by the following vote; "Yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas. Council Member McCarthy abstained from voting.

Council Member Donovan made a motion to add to the Agenda a discussion about the construction at the Water Treatment Plant by Patock construction, seconded by Council Member McCarthy.

Mr. DeIorio updated the Council on the compromise to Patock's original request to work on Saturdays and Sundays to a request that would extend weekday hours and hours on Saturdays. He stated that since then the Council had authorized him to reach out to the community adjacent to the Water Treatment Plant. He advised that the Superintendent of Public Works distributed a flyer and submitted an e-mail blast through the website and as a result of those efforts there were three (3) responses. He advised the Council that the Code of the Borough of Manasquan allows work to be done on Saturdays already, so as of right now if the contractors wish to do work on Saturday there is nothing to prohibit them from doing so. However, the Council has taken the effort to listen to the concerns of the residents and consider all avenues to come up with a compromise.

Mayor Dempsey asked the Council if there were any questions on this matter.

Council Member Connolly stated that she is concerned with the quality of life issue and that the three (3) residents that responded probably represent 50% of the people that live near that water/sewer plant. She read a response from Ms. Sampson. She recommended that the Borough not permit the extra work to be done but would permit them to work a little longer during the week.

Mayor Dempsey advised that the company has already been given permission to start at 7 a.m. during the week.

Council Member Donovan recommended allowing the company to work later during the week until 7:00 or 8:00 p.m. He stated that he spoke to some of the residents near the plant and advised that some of them would rather allow Patock to work through the weekend and get the project done before the weather gets nice. He stated that some of the residents do not want work done there at all. He advised that the ordinance would allow Patock to work on Saturday and he would suggest allowing them to work on Saturday and not Sunday during the hours that the reclamation center is open.

There was discussion on the ordinance and if the ordinance can be changed just for this project.

Joe Gimmell, the Engineer for this project informed the Council the need for the extended hours requested. He stated that the contractors doing the work will be specific to the decant tank work. He stated that it is specialized construction work not just any laborer can to this type of work.

There was a discussion on the work that needs to be done and if the extra time is going to speed up the completion date.

Mr. Kinneally advised that if the contractor wishes to work on Saturdays he can because the Borough has an ordinance allowing construction work on Saturdays.

FEBRUARY 7, 2011

Council Member Lucas made a motion to allow the company to be able to work on Saturdays with a start time of 9:00 a.m. and end at 3:00 p.m. and no Sunday work, seconded by Council Member Donovan. Motion carried by the following vote: "Yes" Council Member Donovan, Grasso, Lee, Lucas, McCarthy. "No" Council Member Connolly.

Mr. DeIorio asked what the consensus of the Council is with regards to the work week.

Mayor Dempsey stated that he believed that the hours were extended at the last meeting.

Mr. DeIorio stated that the only action that was taken at the last meeting was to offer a compromise and to submit that compromise to the residents for discussion.

Council Member Lucas made a motion to extend the work week hours to 6:00 p.m., seconded by Council Member Donovan. Roll call was taken and the motion carried unanimously.

### COMMITTEE REPORTS

Law & Code Committee – Council Member Grasso had nothing further at this time.

Administration and Finance Committee – Council Member Connolly had nothing further at this time.

Public Safety & Recycling Committee – Council Member Lucas had nothing further at this time.

Beach Committee – Council Member Lee had nothing further at this time.

Public Property and Parks Committee – Council Member McCarthy thanked Ray Summers and Dominic Bossone again for their involvement in Tourism. He also thanked Gary McTighe for all his help to the Tourism Commission. He stated that he has received several inquiries and Council Member Lee has been a big help in the transition about ice skating on Mac's Pond. He stated that the ice has not been thick enough to be open to the public for use. He advised that Mac's Pond will be stocked with larger trout this year and he will be contacting the PBA who has their fishing contest there. He stated that he has received many complaints about the poor condition of NJ Transit Parking Lot. He stated that Mr. DeIorio has been a great help in contacting NJ Transit. He reported that there will be a major change in NJ Land Use Law that will go into effect on June 1, 2011 which is a change that eliminates the time of decision law which allows a planning board up until and even after approval is given allows the municipality to change an ordinance up until construction is started. He reported that the Planning Board has decided to review all the Borough ordinances and report back to the Council.

Public Works Committee – Council Member Donovan had nothing further at this time.

### AUDIENCE PARTICIPATION

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

There being no public comments.

Council Member Connolly made a motion to close the public session, seconded by Council Member Lee. Motion carried unanimously.

Council Member Donovan made a motion to close the regular meeting at 8:55 p.m., seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,

*B. Ilaria*  
Barbara J. Ilaria  
Municipal Clerk

DATE APPROVED 7-11-11