

August 1, 2011

A Regular Meeting of Mayor and Council was convened at 8:10 p.m. on August 1, 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 Mark Kitrick and Borough Administrator/CFO Joseph DeIorio

CONSENT AGENDA

**RESOLUTION
193-2011**

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

WHEREAS, a refund of monies is due to the following:

BOAT SLIP REFUND:

TO: Thomas J. Pryma
86 Whittredge Road
Summit, New Jersey 07901

RE: Boat Slip #3 Perrine

AMOUNT OF REFUND DUE: \$1757.61

REASON: Slip leaser realized that due to tidal changes the slip was too challenging for his elderly parents and children to access their boat.

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 refunds with said warrant to be charged against the General Ledger.

**RESOLUTION
194-11**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of Chad Manzo from the position of Class II Special Officer effective Thursday July 14, 2011 be and is hereby accepted.

**RESOLUTION
195-2011**

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

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WHEREAS, a return of Security Deposit for a Trash Receptacle located on Borough Property is due to the below described property owners in the amount designated as follows:

NAME: NJ TIMBERLINE BUILDERS, INC
P.O. BOX 103
ALLENWOOD, NJ 08720

AMOUNT OF REFUND \$500.00

CHECK MADE PAYABLE TO: NJ TIMBERLINE BUILDERS, INC
P.O. BOX 103
ALLENWOOD, NJ 08720

REASON: After inspection by the Superintendent of Department of Public Works it was determined that the Security Deposits can be returned.

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 Security Deposit with said warrant to be charged against the General Ledger.

**RESOLUTION
196-2011**

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

WHEREAS, a return of a Security Deposit is due to the below described Organization for a Beach Event that occurred July 23, 2011:

NAME: Joseph Petrone
Coastal Spine and Rehabilitation Center
800 Highway 71
Sea Girt, NJ 08750

AMOUNT OF REFUND DUE: \$400.00

REASON: Manasquan High School Swim Team 1 Mile Swim Event which took place July 23, 2011. Refund Approval given by Beach Department Head.

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 Event with said warrant to be charged against the General Ledger.

**RESOLUTION
197-2011**

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

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WHEREAS, a return of a Security Deposit is due to the below described Organization for a Beach Event that occurred June 18, 2011:

NAME: Vita M. Zupko
636 Summit Place
Brielle, NJ 07730

AMOUNT OF REFUND DUE: \$400.00

REASON: "Walk for Emma" Event which took place July 23, 2011. Refund Approval given by Beach Department Head.

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 Event with said warrant to be charged against the General Ledger.

**RESOLUTION
198-2011**

WHEREAS, Kimberly Mauro, owner of record of 25 Church Street Manasquan, New Jersey, Block 14 Lot 26.01 incurred a delinquency of property taxes which had been eligible for tax sale as prescribed by law. Taxes for 2010 have accrued to the lien, as required by law; and

WHEREAS, on December 30, 2010 the Tax Collector held a tax sale for unpaid 2009 property taxes, however, no bidders appeared and the lien was struck off to the Borough; and

WHEREAS, Tax sale certificate #09-00148 was duly recorded on February 11, 2011 in Book: OR-8878, Page 1661 with the original certificate on file in the Tax Collector's Office; and

WHEREAS, by way of a written correspondence, July 18, 2011, the property owner expressed a desire to redeem this tax lien in installments as permitted by law; and

WHEREAS, as of September 1, 2011, the amount required to redeem this lien is \$9,511.84. The amount required to redeem this lien as of September 1, 2014 is \$12,770.63; and

WHEREAS, the property owner has stated that at the time that the agreement is effective, they will pay to the Borough the amount required to bring 2011 taxes up to date and also anticipate providing a down payment of approximately \$2500 to be paid at the time that the agreement is made, leaving a balance of approximately \$10,270.63; and

WHEREAS, N.J.S.A. 54:5-68 states "The resolution may provide for payment of the estimated total sum due the municipality on any one parcel in substantially equal monthly installments, over a period not exceeding three (3) years and based on this information, 36 monthly payments would equal approximately \$371.31"; and

WHEREAS, N.J.S.A. 54:5-65 states "A municipality holding a tax sale lien may provide by resolution, general or special, as to any one or more specific parcels of property, for the redemption of the lien by installment payments. The resolution may be amended, altered or supplemented from time to time." and

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WHEREAS, N.J.S.A. 54:5-70 states "The final payment shall be sufficient to include all amounts due the municipality and secured by the tax sale lien, except the current year's taxes, and shall include interest properly chargeable on the respective unpaid balances." and

WHEREAS, N.J.S.A. 54:5-71 states " The resolution may provide that in making calculation of interest, it may be compounded annually, and that fractions of a month may be disregarded by the collector in giving credit in the computation of interest for payments made at irregular dates"; and

WHEREAS, N.J.S.A. 54:5-75 states "If any installment is not paid when due, or redemption is not completed within the time fixed in the resolution, the municipality, in any subsequent proceedings to enforce or foreclose the tax sale lien, or sell, assign, transfer or alienate it, shall proceed only for the unpaid balance after proper credit of such installment payments as were made." and

NOW THEREFORE, BE IT RESOLVED , that the Mayor and Council of the Borough of Manasquan, hereby authorize the Tax Collector to implement an installment payment plan on said property; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Tax Collector to make the necessary adjustments as prescribed by law.

**RESOLUTION
199-11**

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. The Mayor, Municipal Clerk and Chief Municipal 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 APPROPRIATIONS -	1,755,084.34
WATER/SEWER FUND APPROPRIATIONS -	13,518.85
BEACH UTILITY FD APPROPRIATIONS -	16,411.52
GENERAL CAPITAL FUND -	4,600.54
WATER/SEWER CAPITAL FUND -	250,747.70

**RESOLUTION NO.
200--2011**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees for the Summer Season of 2011; and

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NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 1st day of August, 2011 re-appoint the following Seasonal Beach Employee to work during the Summer Season, 2011:

LIFEGUARD	Address	Hourly Rate
Daniel Hersh	6 Berwick Ct. Eastampton, NJ	\$12.00

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

ORDINANCES

The Borough Attorney read the title of ordinance 2091-11 for first reading introduction.

ORDINANCE TO SUPPLEMENT CHAPTER 15 (RENTAL PROPERTY) OF THE CODE OF THE BOROUGH OF MANASQUAN TO REQUIRE THE POSTING OF A RENTAL CERTIFICATE OF OCCUPANCY IN A CONSPICUOUS PLACE IN THE INTERIOR OF THE RENTAL UNIT.

Mr. Kitrick stated that this was an ordinance that was adopted in 1992 but did not make the codification book and it will be put in chapter 15 Rental Property.

Mayor Dempsey stated that years' ago there used to be a red stamp on the co's advising that this area is subject to flooding. He stated that should be added to the ordinance.

Mayor Dempsey asked if council had any questions or comments regarding ordinance #2091-11.

There being none, Council Member Lucas made a motion to introduce ordinance 2091-11 with the addition of a red stamp stating this area subject to flooding, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2088-11 for first second reading and final adoption.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 (ADMINISTRATION) SECTION 2-33.1 ENTITLED DUTIES OF THE SHADE TREE COMMISSION AND SECTION 2-36.2 ENTITLED MEMBERSHIP IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mayor Dempsey asked Council if they had any questions or comments.

There being none Council Member Lee made a motion to open for public hearing, seconded by Council Member McCarthy. Motion carried unanimously.

There being none, Council Member Donovan made a motion to approve and publish according law ordinance 2088-11, seconded by Council Member Lee. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2089-11 for second reading and final adoption.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5 (ANIMAL CONTROL) SECTION 5-3 AND CREATING SUBSECTION 5-3.2 (VIOLATIONS AND PENALTIES) OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Mayor Dempsey asked Council if they had any questions or comments.

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Council Member Donovan asked if this ordinance would be taking the dog ordinance out of the general penalties ordinance.

Mr. Kitrick stated that Council Member Donovan is correct because it is giving a specific penalty.

Council Member Donovan asked if the purpose of this ordinance is making it easier to enforce the law.

Mr. Kitrick stated that is the purpose of the ordinance.

Council Member Connolly made a motion to open for public hearing, seconded by Council Member Grasso. Motion carried unanimously.

There being none, Council Member Connolly made a motion to approve and publish according to law ordinance 2089-11, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2090-11 for second reading and adoption.

**ORDINANCE FURTHER AMENDING AND SUPPLEMENTING CHAPTER 22
(WATER AND SEWER UTILITY) AND CREATING SECTION 22-4 ENTITLED
GREASE DISCHARGE ABATEMENT IN THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Mayor Dempsey asked Council if they had any questions or comments.

There being none Council Member Connolly made a motion to open for public hearing, seconded by Council Member McCarthy. Motion carried unanimously.

There being none, Council Member Lucas made a motion to approve and publish according to law ordinance 2090-11, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas and McCarthy, "no" none.

APPROVAL OF MINUTES

Work Session Minutes – March 7, 2011
Regular Session Minutes – March 21, 2011

Council Member Connolly made a motion to approve the minutes, seconded by Council Member Grasso. Motion carried with Council Member Connolly abstaining from the March 7, 2011 minutes.

COMMITTEE REPORTS

Law & Code Committee – Council Member Grasso reported the code and construction revenues for July were \$11,615 versus last year of \$16,817. He stated that it was a decrease of 31% however year to date revenues are \$150,385 versus \$127,495 which is an increase of 17% from last year. He reported that year to date permits are \$1895 versus last year of \$1637 for a 15% increase. He reported that court revenues are not available at this time but will be available for the next council meeting. He reported that the taxi permit ordinance was distributed to the governing body to review and make any suggestions or comments before there is a vote on it for the first reading. He stated that this ordinance was tabled back on September 9, 2010 and asked Mr. Kitrick and Mr. DeIorio about the rules for this as far as taking it off the table to proceed if the year has expired.

Mr. DeIorio stated that his understanding with a tabling of an ordinance or any action by the governing body dies at the end of the year.

Mr. Kitrick agreed with Mr. DeIorio.

Council Member Grasso made a motion to re-introduce the taxi ordinance on the 15th of August for first reading. The motion was not seconded.

Mayor Dempsey stated that he does not believe that needs to be done.

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Council Member McCarthy stated that if the council is going to have any comments or questions it might delay the process past the 15th.

Administration and Finance Committee – Council Member Connolly reported that the details on the bills which amounted to \$2,040,316.95 are available on the front desk for the public to see. She reported that out of that amount \$1.6 million was paid to the county for taxes. She reported that the property tax bills should be received this week and due to the late mailing the grace period for payment of the third quarter will be extended to August 29, 2011. She advised that interest would not be charged on the third quarter taxes provided that payment is received on or before August 29, 2011. She advised that if the payment is not received before that date the interest will revert back to August 1, 2011. She reported that the new tax rate is \$1.609 per \$100 of assessed value. She stated that compared to last year of \$1.59 you have an increase of 1.9 cents. She reported that the school tax actually decreased and thanked Governor Christie for sending the extra money. She stated that if you have an average house assessed at \$501,800 as of this year you will be paying \$95.34 more than last year for the entire year. She stated that another area of concern is an emergency management question. She stated that during last week with very warm weather the electricity was out for a number of homes on Ocean Avenue. She stated that there were about 15 homes involved and it was out from 11 a.m. to 1 a.m. She stated that most people went to stay with neighbors or relatives. She stated that she thinks the Borough needs to designate an emergency building or shelters for people when these circumstances happen.

Mayor Dempsey stated that both firehouses and the first aid buildings have generators so they can be used for cooling or heating.

Council Member Connolly stated that she does not think the public knows this. She stated that no one in her area knew this so she thinks that the public needs to be educated as to where they can go when such outages occur and also in the winter.

The Municipal Clerk advised that it was posted on the website that the Wall Library was open for any one who needed shelter during the outage.

Council Member Connolly stated that she has people that don't have websites.

Council Member Lee stated that Mr. Bresnahan was on site on Ocean Avenue during that time. He stated that Mr. Bresnahan was not contacted by anyone on Ocean Avenue stating that they needed support services. He stated that Mr. Bresnahan did coordinate with the JCP&L and informed residence but he did not have any specific requests.

Council Member Connolly stated that if people know for instance that the LifeSaving Station was a site and the firehouses are sites she thinks the Borough should be educating the public where those sites are.

Mayor Dempsey stated that the LifeSaving Station could not be a designated site because it does not have a generator. He advised that the building would need to have generators.

Council Member Connolly wanted to know if this information could be advertised to educate the people.

Council Member Lee stated that would be a great thing to do with the e-mail blasts. He stated that he would check with OEM.

Public Safety & Recycling Committee – Council Member Lucas reported the activity report for the period of 7/18/11 – 7/31/11. He advised that there were 11 borough ordinance violations, 8 alcohol violations, 15 urinating in public, 5 litters, 4 over occupancy, and 49 other ordinances. He stated that for motor vehicle there were 104 moving violations, 183 parking violations, 13 criminal complaints, 2 DWI arrests, 8 criminal arrests, and total arrests of 18. He stated that this shows that the police department is out there doing their job during the busy summer season. He stated that he personally observed the heavy influx of traffic during the summer season especially through the business area. He stated that there are crosswalk signs posted there and he wants everyone to remember that pedestrians in the crosswalk have the right of way.

Beach Committee – Council Member Lee reported there was another great weekend at the beach and that the season adult badges are up 300 compared to last year. He stated that the beach is tracking a little better, roughly \$50,000, over last year at this time. He stated that the staff has been great. He reported that there

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seems to be a mini rash of imitation badges that were confiscated and people were arrested and processed. He stated that there were 6 adult badges and 1 junior badge. He commended the staff for recognizing the imitation badges.

Mayor Dempsey asked if Council Member Lee knew what the cost of a summons would be.

Council Member Lee stated that his understanding is that the summons could be between \$300 and \$500. He reported that the bathrooms have experienced quite a bit of vandalism at night along with signs that have been removed from the sand. He stated that next Monday night will be the annual lifeguard tournament hosted at Main Beach and suggests people come out and cheer on Manasquan. He thanked council for approving Daniel Hirsch to return to the beach staff while he is on Military leave.

Public Property and Parks Committee – Council Member McCarthy reported that Thursday, August 4, 2011 and August 11, 2011 the concerts will return to Main Beach starting at 7:30 p.m. He reported that the band Kootz and the following week is the band Reggae Plus. He stated that August 14, 2011 will be Big Sea Day at the beach. He advised that the Recreation Department and various groups have a host of events that are planned throughout the day. He advised that the Tourism Commission will be sponsoring the Sand Castle contest with construction starting at 10 a.m. with judging at noon. He reported that the parks and public property the subcommittee had a very productive meeting with JD Kuper speaking about the Bocce Court with the council unanimously voting to approve the bocce court. He stated that he has been approached by 2 other young men that are applying for eagle scouts about doing volunteer work for the community. He stated that one is looking to get some work done at the LifeSaving Station involving painting and some other miscellaneous activities and the other gentlemen is looking to work on a park. He stated that there should be more information to come regarding the additional 2 volunteers. He stated that he has started to put together a series of guidelines for the Lifesaving Station with Mr. DeIorio help. He reported that the pocket park next to the PNC Bank will be on the agenda for the next council meeting as the lease expires shortly and it does not cost the Borough anything. The park is utilized by people sitting and walking along Main Street.

Public Works Committee – Council Member Donovan congratulated Fire Company No. 2 for a very successful Fireman's Fair and thanked them for keeping Mallard Park clean every day. He stated that the crew was at the Alice Hemphill Sanctuary this morning and cleaned up the debris that was left there earlier from cutting. He reported that the water treatment plant is moving along nicely, the building is completed, 90% of the equipment has been installed. He reported that new well #8 which replaces well #6 is 80% done. He reported that well #9 was started today to be drilled which will replace well #2. He stated that there are going to be some pipes lying around the water treatment plant construction site for 24 hours after each well is completed because water needs to run through the pipes for 24 hours after the well is done. He stated that that location and dates of those pipes will be posted on the internet. He reported that the bid opening for the two trucks that were authorized for the DPW to purchase has passed and that both of the bids were more than expected and are in attorney review right now. He stated that they might be rejected or reduce the scope of the bid. He stated that the DPW will send out the leaf truck tomorrow and most of the area will be cleaned up due to the warm weather and the leaves falling early. He advised that the street sweeper can not clean the street if there are leaves on it. He reported that Sunday August 7, 2011 the Senior Citizens Group is hosting the Berry Festival in Squan Plaza. He also reported that he was very disappointed in reading the Coast Star on Thursday, July 21, 2011. He advised that the NJ State Government passed a local government ethics law to give people some confidence in their local elected officials. He stated that the law is not onerous; it requires local elected officials to put down sources and income. He stated that one of the Council Members sitting at this dais for 2 years in a row improperly filled out those forms in violation of the NJ State Statute. He stated that he was looking forward to an apology in last Thursday's Coast Star since the council member is a prolific letter writer, but Council Member Grasso did not even mention it. He stated that nothing was mentioned in his committee report today. He stated that Council Member Grasso has had several opportunities to apologize to the people of Manasquan and the people of the State of New Jersey for his ignorance and arrogance.

AUDIENCE PARTICIPATION

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

Fran Drew, 111 Third Avenue thanked the council for the privilege to speak to them. She stated that since all of the council are leaders in this community and since education is a large major part of the budget she thought that the council might like to see a film "Waiting for Superman." She stated that this film is an

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engaging and inspiring look at public education in the United States. She stated that she has 6 copies and she would like to share them with the Council Members.

Captain Elliott Correia, Manasquan Police Department stated that he knows Daniel Hersh personally and stated that he is not a Seal he is a Navy Rescue Swimmer. He stated that he believes Mr. Hirsch would like the record to show the correct title.

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

Council Member Donovan made a motion to close the regular meeting at 8:44 p.m., seconded by Council Member Lee. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 12-19-2011