

September 12, 2011

A Regular Meeting of Mayor and Council was convened at 8:35 p.m. on September 12, 2011 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Council President Lee 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.

Council President Lee 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 DeLorio

APPOINTMENTS: Planning Board Appointments:

Council President Jeff Lee made the following appointments:

*Patrick DiSalvo from Shade Tree Member to
Alternate #1 for term of 1/1/2011 - 12/31/2015

*Ed Hyer to Shade Tree Commission
(unexpired term 12/31/2011)

*Mark Apostolou as Planning Board
Mayor's Designee (unexpired 12/31/2011)

Council Member McCarthy advised that Resolution 222-11 has an incorrect dollar amount on it.

Mr. DeLorio stated that it should be \$6,338.88 and this information is provided by the Tax Assessor and Tax Collector. He suggested that this resolution be voted on separately and indicate and amend that the numbers reflect the correct numbers as indicated by the State Tax Court.

RESOLUTION
222-2011

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

WHEREAS, refunds for State Court Judgements for 2009 and 2010 are due on the below described property in the amount designated as follows:

BLOCK: 185 LOT: 6.01 NAME: Flavo, Victor

PROPERTY LOCATION: 317 Beachfront

AMOUNT OF REFUND: \$6,330.88

REASON FOR REFUND:

State Tax Court Judgement for 2009	\$3629.36
State Tax Court Judgement for 2010	\$3701.52

REFUND CHECK TO BE MADE PAYABLE TO:

Zipp & Tannebaum, LLC
166 Glatzmer Avenue
Jamesburg, NJ 08831-1351

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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.

Council Member Lucas made a motion to approve resolution 222-2011 with the numbers to reflect the correct amount as indicated by the State Tax Court, seconded by Council Member McCarthy. Roll call was taken and the motion carried unanimously.

Council Member Connolly requested that resolution 233-2011 be voted on separately with regard to amending the Capital Improvement Budget for the Beach Building.

The Borough Attorney presented resolution 233-2011 Capital Budget Amendment (Amending Beach: Improvements to Main Beach Office) for a vote by the council.

Council Member Donovan made a motion to approve resolution 233-2011, seconded by Council Member Lee. Motion carried by the following vote, "yes" Council Member Donovan, Grasso, Lee, Lucas, and McCarthy; "no" Council Member Connolly.

CONSENT AGENDA

**RESOLUTION
218-2011**

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: 69 LOT: 37 NAME: Wheaton, Richard & Laura

PROPERTY LOCATION: 86 Marcellus Avenue

AMOUNT OF REFUND: \$2,441.60

REASON FOR REFUND: Property was sold 7/28/2011. Third quarter taxes were paid by both the old mortgage company and the closing Attorney. Refund is due to old property owner.

REFUND CHECK TO BE MADE PAYABLE TO:

Richard & Laura Wheaton
519 Woodland Avenue
Brielle, NJ 08730

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
219-2011**

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 50 % return of a Security Deposit is due to the below described Property for Street Opening #39-2011 that was completed:

NAME: John Cesario
266 Pine Avenue
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$500.00

CHECK MADE PAYABLE TO: John Cesario
266 Pine Avenue
Manasquan, NJ 08736

REASON: After inspection of the area the Superintendent of Public Works determined that 50% of the Security Deposit can be released to the property owner.

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
220-2011**

The Borough of Manasquan Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of the Borough of Manasquan expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001 the largest loss of life of any emergency response agency in United States history; and

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WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Manasquan:

- (1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and
- (2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and
- (3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and
- (4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and
- (5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Borough of Manasquan calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

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NOW THEREFORE, BE IT RESOLVED that the governing body of the Borough of Manasquan encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

**RESOLUTION
221-2011**

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 Surfing Event that did not occur:

NAME: John Oda
Orange 21 North America Surf Contest
2070 Las Palmas Drive
Carlsbad, CA 92011

AMOUNT OF REFUND DUE: \$400.00

REASON: This event was to be held August 30, 2011 but was cancelled. 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
223-2011**

BE IT RESOLVED that the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that Peter Moore be and is hereby granted an Unpaid Leave of Absence under the Family Medical Leave Act effective June 30, 2011 thru September 19, 2011.

**RESOLUTION NO
224-2011**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, RELEASING THE
MAINTENANCE GUARANTEE POSTED BY LUCAS
CONSTRUCTION GROUP, INC. AND LIBERTY MUTUAL
INSURANCE COMPANY.**

WHEREAS, Lucas Construction Group, Inc. and Liberty Mutual Insurance Group, Inc posted a maintenance guarantee in the form of a maintenance bond in the amount of \$189,577.32. for Glimmer Glass Drainage Improvements; and

WHEREAS, a review of the bonded items shows that all are installed and are acceptable; in addition, all fees have been paid and conditions satisfied; and

WHEREAS, the governing body of the Borough of Manasquan is desirous of releasing the maintenance guarantee in the amount of \$189,577.32; and

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NOW, THEREFORE BE IT RESOLVED on the 12th day of September, 2011, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The maintenance guarantee posted by the Lucas Construction Group, Inc. and Liberty Mutual Insurance Company may be released.
2. A certified copy of this Resolution shall be sent to:
Lucas Construction Group, Inc
173 Amboy Road
Morganville, NJ 07751

Liberty Mutual Insurance Company
701 Route 73 South Suite 130
Marlton, NJ 08053

**RESOLUTION NO
225-2011**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH,
NEW JERSEY, RELEASING THE MAINTENANCE
GUARANTEE POSTED BY D & D UTILITY
CONTRACTORS, INC. AND BONDEX INSURANCE
COMPANY.**

WHEREAS, D & D Utility Contractors, Inc., and Bondex Insurance Company, posted a maintenance guarantee in the form of a maintenance bond in the amount of \$69,659.00 for construction of Atlantic Avenue Sewer Replacement and North Main Street Sewer Repair; and

WHEREAS, a review of the bonded items shows that all are installed and are acceptable; in addition, all fees have been paid and conditions satisfied; and

WHEREAS, the governing body of the Borough of Manasquan is desirous of releasing the maintenance guarantee in the amount of \$69,659.00; and

NOW, THEREFORE BE IT RESOLVED on the 12th day of September, 2011, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The maintenance guarantee posted by the Lucas Construction Group, Inc. and Liberty Mutual Insurance Company may be released.
2. A certified copy of this Resolution shall be sent to:
D & D Utility Contractors, Inc.
272 West Avenue
Long Branch, NJ 07740

Bondex Insurance Company
30A Vreeland Road
Florham Park, NJ 07932

**RESOLUTION
226-2011**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH,
NEW JERSEY, SETTING THE COMPENSATION FOR THE
SHORE COMMUNITY ALLIANCE INTERIM COORDINATOR
AND CONSULTANTS**

WHEREAS, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

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WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth; and

WHEREAS, the Shore Community Alliance has retained Mark Gillespie; and

NOW, THEREFORE BE IT RESOLVED on the 12th day of September, 2011, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the Council does hereby authorize compensation for the period concluding December 31, 2011 as follows:

BABES Consultant, Mark Gillespie \$60.00 per hour

**RESOLUTION
227-2011**

WHEREAS, Tax Assessor Robyn Palughi and the Borough of Manasquan entered into an Employment Contract signed on August 16, 2010, and

WHEREAS, Section 1 of the agreement states salary rates for the Calendar Year of Employment for 2011 and 2012,

BE IT RESOLVED that the Borough Council of the Borough of Manasquan County of Monmouth, State of New Jersey, has authorized that the base salary of the below listed employee shall be increased as stated in the employment contract for the calendar years as follows:

EMPLOYEE:

Robyn Palughi, Tax Assessor	\$18,770.38 (2011)
	\$19,145.78 (2012)

BE IT FURTHER RESOLVED that the Borough Clerk is authorized to notify the employee upon passage of this resolution.

**RESOLUTION
228-2011**

**RESOLUTION COMMENDING MUNICIPAL RESPONSE
TO HURRICANE IRENE AND WELCOMING AN
INVESTIGATION INTO THAT OF CERTAIN PUBLIC
UTILITIES**

WHEREAS, in preparing for, dealing with, responding to and recovering from the devastation brought to our State by the winds and rains of Hurricane Irene, New Jersey municipal officials and local police, fire, rescue and EMS personnel – both paid and volunteers - once again ably demonstrated their selfless commitment to their hometowns, their neighbors and their duty; and

WHEREAS, by that commitment, and by their cooperation with adjoining municipalities, with county coordinators, and with Federal and State emergency management agencies, local officials and first responders confirmed the need for a government close to the people and immediately available to them in their need; and

WHEREAS, when the needs of their fellow citizens called for a response beyond the power of local officials, immediate contact was made with responsible parties and the reaction of those concerned closely monitored by New Jersey Mayors and municipal governing body members; and

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WHEREAS, the lengthy wait of thousands of their fellow citizens for the restoration of essential utility services, such as electric, has angered and frustrated local officials, leading to calls for an explanation; and

WHEREAS, in the Borough of Manasquan, the community at large, businesses, and public officials expressed outrage over the lack of precise communication, poor planning from a Hurricane that was predicted well in advance, inability to deploy crews around the clock and set proper priorities, and

WHEREAS, on August 31st after numerous attempts to communicate with proper management official from JCP&L, Mayor Dempsey faxed a letter to the Utility and included Governor Christie, BPU President Solomon, State Senate and Assemblymen, County Office of Emergency Management and the New Jersey State League of Municipality, concerning the safety and well being as well as the economic impact due to the inability to return electrical service during the Labor Day Weekend, a high point of the summer tourist and economic season, and

WHEREAS, in response to those calls, Board of Public Utilities President Lee Solomon has added his voice to theirs and he has, further, pledged that the Board of Public Utilities (BPU) will investigate and review thoroughly the conduct of all utilities, and their parent companies during this crisis; and

WHEREAS, BPU President Solomon has stated that if the review, which will include public hearings, indicates that adequate preparations were not made in advance of the storm, or adequate resources not dedicated to deal with its aftermath, then the BPU will hold the utilities accountable; and

WHEREAS, we sincerely welcome those assurances and thank BPU President Solomon for them;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Manasquan does join in commending our courageous first responders and our fellow local officials, throughout the State, for their selfless commitment and tireless service before, during and after New Jersey endured the impact of Hurricane Irene; and

BE IF FURTHER RESOLVED, that we, likewise, commend State and Federal emergency management professionals and those at the county level who report to them, as we commend BPU President Solomon for his leadership in holding accountable those parties responsible for delivering vital utility services to our fellow citizens; and

BE IT FURTHER RESOLVED, that we compliment and acknowledge the excellent efforts by Governor Christie and his administration, for their extraordinary efforts in dealing with this emergency and for their helpfulness and hands-on approach in working with our State and Local Officials; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the New Jersey State League of Municipalities, to Governor Christie and to our State Senator and to those who represent us in the General Assembly.

**RESOLUTION
229-2011**

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 Walk that occurred on June 5, 2011:

NAME: Scleroderma Foundation Delaware Valley Chapter
Christine Gaydos
385 Kings Highway North, Cherry POB
Cherry Hill, NJ 08034

AMOUNT OF REFUND DUE: \$400.00

REASON: Refund Approval given by Beach Department Head.

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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
230-2011**

**RESOLUTION APPROVING SUBMITTAL OF A
GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION FOR THE SQUAN PLAZA
RECONSTRUCTION PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Manasquan formally approves the grant application for the above stated project.

WHEREAS, these improvements are estimated to cost \$845,480.00

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA- 2012-Manasquan Borough-00311 to the New Jersey Department of Transportation on behalf of the Borough of Manasquan.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manasquan and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of the execution of the grant agreement.

**RESOLUTION
231-2011**

**RESOLUTION APPROVING SUBMITTAL OF A
GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION FOR THE SQUAN PLAZA
BIKE PATHS PROJECT.**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Manasquan formally approves the grant application for the above stated project.

WHEREAS, these improvements are estimated to cost \$50,595.00.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2012-Manasquan Borough-00043 to the New Jersey Department of Transportation on behalf of the Borough of Manasquan.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manasquan and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of the execution of the grant agreement.

**RESOLUTION
232-2011**

**RESOLUTION APPROVING SUBMITTAL OF A
GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE SQUAN PLAZA
SAFE STREETS TO TRANSIT PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Manasquan formally approves the grant application for the above stated project.

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WHEREAS, these improvements are estimated to cost \$233,035.00

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as SST-2012-Manasquan Borough-00039 to the New Jersey Department of Transportation on behalf of the Borough of Manasquan.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manasquan and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approval of the execution of the grant agreement.

**RESOLUTION
235-2011**

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. 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	188,763.42
Water/Sewer Fund	47,231.12
Beach Utility	37,570.25
Current Improvements	23,075.88
Water/Sewer Improvements	14,863.95

Council Member McCarthy 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.

ORDINANCES.

The Borough Attorney read the title of ordinance 2093-11 for second reading final adoption.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 SECTION 3-23 (FIRES AND EXPLOSIVES) OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Council President Lee made a motion to reject Ordinance 2093-11 so that changes can be made to the document, seconded by Council Member McCarthy. The 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 2094-11 for first reading and introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 SECTION 3-23 (FIRES AND EXPLOSIVES) OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Council President Lee asked if the council had any comments or questions.

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There being none Council Member Donovan made a motion to introduce ordinance 2094-11, seconded by Council Member Lucas. 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 2095-11 for first reading and introduction.

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF MANASQUAN BEACH HEADQUARTERS BUILDING, BATHROOMS LOCATED AT MAIN STREET AND BOARDWALK RIGHT OF WAY (BEACHFRONT) AND OTHER RELATED BEACH IMPROVEMENTS IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY, APPROPRIATING \$1,600,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

Council President Lee asked if the council had any comments or questions.

Mr. DeLorio stated that he was asked to present the structure of the pay back should the council proceed with this project. He went over the construction of the beach headquarters facility in addition to constructing bathrooms and other related beachfront Beach Utility improvements. He stated that the key element that needs to be pointed out is that it is not just building another building but it will include bathrooms. He stated that the headquarters in of itself will include bathroom facilities per this ordinance. He stated that the amount that has been written into the ordinance is \$1.6 million. He advised that the architect's research showed that the project should be in a range from \$900,000 and \$1.2 million. He stated that this did not include any professional costs, DEP permitting, or any DEP work should there be a requirement. He also stated that it did not include additional professional services, advertising, legal costs, or relocation costs. He stated that the council already approved the beach utility budget, as part of the state document, included a \$100,000 appropriation for a down payment for such a project. He advised that this amount is already built into the 2011 budget. He also advised that the ordinance allows short term financing through a bond anticipation note, long term bonds, grants, donations or other sources of funding. He stated that historically the Borough has taken on the policy that once one major project in the beach utility is completed they would look at other potential improvements along the beach. He stated that the Borough has completed the last payoff of ordinance 2001 and 2013, the comfort station and the beach rake. He went over the money that was paid down on these ordinances. He stated that after this year there will not be any debt service for the beach utility. He stated that the revenues would come from beach revenue sources such as beach badges and that no property tax dollars will be used to fund the project. He stated that it states in the ordinance that no property tax dollars will be used for this project. He advised the council of how this loan would be paid down and by when. He went over the revenues for the beach for the past 2 years and the payments for this project.

Council Member Connolly stated that if there is so much money coming off the beach she would rather see the money being used for certain projects such as Sea Watch, give more money for the water usage up at the beach, and give more money for the parking lots that are owned by the town. She stated that money could be given to us to reduce our taxes. She stated that the whole that the beach building was managed as to the project was "very bad." She stated that she is disappointed in how it is being rushed through and the amount of money that is being spent on this building. She stated that what can be done with what we have has not been explored fully.

Council Member McCarthy stated that none likes to spend money but the Borough has to be realistic in our decisions and really think about the future. He stated that this is a building that is 60 plus years old and it is important to have a new building that represents the money that is taken in at the beach.

Council Member Connolly stated that she does not see that a building would draw people to the beach. She stated that the people are coming to use the beach and if they could buy a beach badge out of a tent if they could. She stated that her problem is that all of a sudden the Council is keying in on this building this year. She stated that she had not heard about the building in the past. She stated that she has been in the building and believes that it could be renovated.

Council President Lee stated that he finds it incredulous for Council Member Connolly to state that she has not heard this being planned for many years. He stated that this has been on the radar screen for at least 4 years. He stated that the committee has been waiting for one project to end and to plan for the next one.

Council Member Connolly stated that she has not been on the beach committee and perhaps Council Member Lee has not shared that information.

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Council President Lee stated that it has been discussed at budget meetings and it has been discussed yearly. He stated that capital monies have been put into the account. He stated that the committee has been working diligently on this project knowing that it was coming up. He reiterated that the new facility will have public restrooms. He stated that he believes that this is a great project for the town that is long overdue and has not been pushed through.

Council Member Connolly wanted to know why the project design has not been bid out.

Council President Lee stated that the committee thought that this architect would be the best for the job with his expertise in the area. He stated that the only issue that came up at the public meeting was the placement of the restrooms.

There was discussion on the way the project was handled, why this particular architect was chosen and why this project should move forward.

Council Member Lucas made a motion to introduce ordinance 2095-11, seconded by Council Member McCarthy. Motion carried by the following vote, "yes" Council Member Donovan, Grasso, Lee, Lucas and McCarthy, "no" Council Member Connolly.

APPROVAL OF MINUTES

Regular Session Minutes – April 4, 2011

Work Session Minutes – April 4, 2011

Council Member Lucas made a motion to approve the minutes, seconded by Council Member McCarthy. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Lee, Lucas and McCarthy, "no" None. Council Member Grasso abstained.

COMMITTEE REPORTS

Law & Code Committee – Council Member Grasso reported that the revenues for construction for August were 11,386 versus 10,381 of last for a 10% increase. He stated that the year to date revenues is \$161,771 versus last year of \$127,832 which is a plus 21%. He stated that year to date the construction is down 21%. He believes that this number will be surpassed within the next few months. He reported that court revenues for August were \$79,381 versus last year of \$93,984 for a negative 18%. He stated that court revenues as of year to date are \$280,627 which is a minus 1% behind last year. He stated that revenues are currently down year to date of \$148,560 and he does not see the court revenues being the same as last year. He reported the violations for the year are down compared to last year. He stated that this is the lowest violation activity report in 9 years. He reported that at the meeting of August 15, 2011, for the record, any issues that affect the people of Manasquan will always be questioned by him or otherwise it would be negligent on his behalf. He stated that for the media outlet to suggest that he was attacking and not questioning is irresponsible reporting.

Council Member Grasso made a motion to have the 5 page letter that was discussed at the August 15, 2011 meeting from Captain Correia put in the minutes in full for public viewing and transparency. This motion was not seconded.

He advised that he would like Mr. DeIorio to go over a meeting that was held with regard to the taxi ordinance.

Mr. DeIorio stated that at the last meeting the initial intent was to have for first reading the taxi ordinance but there was a call received from the State of New Jersey Motor Vehicle Commission advising that there was some review of some taxi cab companies in the Borough. He stated that the commission was extremely helpful with providing information by reviewing the draft taxi ordinance and found that there was some inconsistencies with state law. He stated that due to this information there was some modifications made to the ordinance and would like the council to approve more time so that the ordinance can be revised based on those discussions but also give back that draft ordinance for the State to review and to give the Borough some direction as to the state laws. He stated that he believes that it would be ready for the next council meeting.

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Mr. Kitrick stated that the goal is to make sure that the language is correct to coincide with State Law.

Council Member Grasso continued with his report. He thanked everyone for what they did for Hurricane Irene. He deferred to Mr. DeIorio to go over the key points on how the process worked.

Mr. DeIorio thanked the council member for the kind words but he stated that the most important point that he wanted to make is that there was a phenomenal team to work with. He stated whether it be the Clerk's Office, Public Works, OEM, Police, Fire, or First Aide that day at the commend center was an opportunity to see how Manasquan would perform but also an opportunity to learn for future storms. He went over what was done before, during, and after the Hurricane. He stated that the Borough Hall should be on a whole building generator because if power had gone out for a few days the borough offices would not be able to function. He stated that the lack of response from JCP&L was inexcusable. He asked that the resident share their experiences with JCP&L so that the Borough will be prepared for hearings that were requested for this lack of response.

Council Member Grasso continued with his report. He stated that it is time to start talking about a snow ordinance and it has been on the table for 2 years now. He recommended that the Public and Safety Committee under Council Member Lucas, DPW Committee under Council Member Donovan, and the OEM Coordinators Dave Kircher and Chris Tucker work together to draft emergency actions needed to evacuate the residents and the removal of snow. He stated that when this report is completed then it would go to Code and Law where in conjunction with the Administrator, Attorney, and Code Enforcement Officer Callahan to be reviewed to see if there is any legal issues that may have to be addressed.

Administration and Finance Committee – Council Member Connolly reported that the committee approved bills in the amount of \$311,504.00 and they are available for public review on the front desk. She congratulated Mr. DeIorio for completing a year of service with the Borough.

Public Safety & Recycling Committee – Council Member Lucas reported the break down on the police activity from 8/22/11 through 9/5/11. He commended the police department for a job well done during the summer season. He thanked and commended Captain Correia and the police department, Tom Nicastro and the DPW department, members of the Fire Department, members of the First Aid, and Dave Kircher and Chris Tucker of OEM. He also commended Joe DeIorio (Administrator), Barbara Ilaria (Municipal Clerk) and Mayor Dempsey for spending more than 16 hours in the Borough Hall making sure that everything was completed and the safety of the resident put forth.

Beach Committee – Council Member Lee stated that he agrees with all the thanks that went out to the various groups and individuals with regards to Hurricane Irene. He reported that he will have some numbers to report from the beach at the next meeting.

Public Property and Parks Committee – Council Member McCarthy stated that a great deal of thanks goes to all the people involved with both the preparation in advance, the response during the storm, and the clean up and follow up after the storm. He thanked the OEM Coordinators, Police Department, DPW Department, Fire Departments, and the First Aid. He also thanked the MBIA and the Boy Scouts for their effort after the storm and he thanked the Administrator and the Mayor. He reported on the Tourism Commission and thanked the Osprey for their support of the Labor Day Fireworks as well as all the sponsors of the events throughout the summer. He reported that the Tourism Commission will be involved in the Candy Cane Hunt as well as Christmas in Manasquan. He reported that he and Ray Summers have already started with the Boat Parade plans to celebrate the 125 Anniversary of Manasquan. He reported on the Public Property and Parks that there were a number of trees down throughout the Borough and he thanked the DPW for the clean up efforts. He reported that the bocce court is making progress however the storm may have delayed things. He reported that he received a call from a resident who informed him that there is only one handicap spot in the entire Main Street commercial area. He stated that might be something that the council would need to be looked at for the handicap residents. He reported that the Planning Board had a few new members appointed. He congratulated Jay Price for becoming the new coach of the high school football team and his first victory.

Public Works Committee – Council Member Donovan thanked Mr. DeIorio, Mayor Dempsey, the staff for all the time that was put in and the hard work during the storm. He also thanked Mr. Nicastro and the DPW for a great job they did in clearing the streets and making things accessible in town. He also thanked the Fire Departments, Police Department, First Aid, and Dave Kircher and Chris Tucker from OEM. He reported that the DPW has completed brush pick up from the storm and if there is any brush that needs to be picked up it can be cut into a 4' length and bundle it up and it can be put out with normal garbage. He

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reported that a 24 hour test has been completed with well #8 and there were no complaints and apparently the test went ok. He reported that the First Aid Squad wants to donate a 1980 truck which has 12,000 miles on it, is four wheel drive, and a plow to the DPW. He thanked Brielle for lending a truck to the Borough for picking up brush after the storm. He reported that the Environmental Commission is having a paper shredding event on Sunday, September 18, 2011 at the 4th Avenue parking lot from 9 a.m. to noon. He reported that the Borough gets credit for what is collected on the recycling report. He stated that the Recreation Commission family picnic on September 17, 2011 starts in the early evening.

AUDIENCE PARTICIPATION

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

Lou Coccozza, 45 N. Potter Avenue stated that he needs to take exception with Council Member Connolly in her opinion on the new Main Street Beach Station. He stated that he thinks that building has out lived its usefulness, its ugly and unsafe. He stated that he believes that it would cost far more to try and renovate the building then it would be to demolish and start from scratch.

Jim 2 Drawbridge Lane stated that he came to the meeting to speak on the quality of life issues that he noticed this year. He stated that he has never see so much garbage stacked between the houses and never put out to the curb with animals going through it. He stated that he was glad to see that there is an ordinance with regards to taxi cabs.

Mary Ryan, 113 Beachfront stated that she lives on the beachfront and she can not tell you what kind of weather beating buildings take up there. She stated that she is very much in favor of the new beach building. She stated that she does not think that this was a hidden agenda type of project. She stated that it is very important that the beach gets recognition as being Manasquan and Manasquan is the beach, they are not two separate entities. She stated that this should not be made into a contest or anything as to who is getting the money. She stated that she had a great experience working with local government with regards to the fire pit ordinance.

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

Mr. DeIorio thanked Walter Wall, Beach Manager for getting the beach up and running after the storm.

Council Member Lucas made a motion to close the regular meeting at 9:55 p.m., seconded by Council Member Connolly. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 2-6-12