

October 17, 2011

A Regular Meeting of Mayor and Council was convened at 8:00 p.m. on October 17, 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

APPOINTMENTS

Mayor Dempsey made the following appointments to the Environmental Commission.

Donna Smith, 16 Church Street (unexpired) 1/5/09 – 12/31/11
Harvey McKenzie, 84 Virginia Avenue (unexpired) 1/1/11 – 12/31/13
Judy Mangan, 415 E. Main Street (unexpired) 1/1/11 – 12/31/13
Greg Love, 293 Pine Avenue – Alternate #1 – 1/1/11 – 12/31/12
Roseann Lozinski, 80 Dewey Avenue – Alternate #2 – 1/1/11 – 12/31/11

CONSENT AGENDA

RESOLUTION

251-11

WHEREAS, the Borough OF Manasquan is desirous to take advantage of the supplemental authority of N.J.S.A. 40A:11-3 and 40A:11-4; and

WHEREAS, the Borough of Manasquan is subject to the local Public Contracts law; and

WHEREAS, Local Finance Notice 2011-27 allows for the increase of the bid threshold for contracting units who certifies through an Affidavit of QPA Qualification that a certain criterion has been met; and

WHEREAS, the Borough of Manasquan has appointed Joseph DeIorio Administrator and Chief Municipal Finance Officer on August 23, 2010 via Resolution 112-10.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Manasquan amends its bid threshold to \$26,000 as permitted by law; and

1. A certified copy of this resolution be filed with the Director of the Division of Local Government Services; and
2. A Copy of the Affidavit of QPA Qualification pursuant to N.J.A.C. 5:34-5.4.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Manasquan, certify that the purchasing agent named in the resolution exercise the authority of a purchasing agent pursuant to N.J.S.A 40A11-2(30), with the specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit.

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**RESOLUTION
252-11**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
RELEASING THE PERFORMANCE BOND/GUARANTEE TO
PRECISION BUILDING AND CONSTRUCTION LLC**

WHEREAS, Precision Building & Construction LLC posted a performance guarantee in the amount of \$835,677.00 for Phase I Restoration of the Squan Beach Life Saving Station #9; and

WHEREAS, a review of the bonded items, shows that all bonded items are installed and are acceptable; and

WHEREAS, the Governing Body of the Borough of Manasquan is desirous of releasing the performance guarantee in the amount of \$835,677.00; and

WHEREAS, the release of these performance guarantees is specifically conditioned upon Precision Building & Construction LLC posting one (1) year maintenance bond in the amount of \$835,667.00 in accordance with the Municipal Land Use Law.

NOW, THEREFORE BE IT RESOLVED, on the 17th day of October, 2011, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The performance guarantee in the amount of \$835,667.00 posted by Precision Building & Construction LLC may be released.
3. The Chief Financial Officer is authorized to return the bond in the sum of \$835,667.00 to Precision Building & Construction LLC.
4. A certified copy of this Resolution shall be sent to:

Precision Building & Construction LLC
941 E. Min Street, Suite 202
Manasquan, NJ 08807

**RESOLUTION
254-11**

BE IT RESOLVED by the Borough of Manasquan, County of Monmouth State of New Jersey, that the Mayor and Municipal Clerk be authorized to sign the LICENSE AGREEMENT between the Borough of Manasquan and the PNC Bank, National Association commencing November 1, 2011 and terminating on October 31, 2016.

**RESOLUTION
255-2011**

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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 Organizations for events that occurred on Beach Property;

EVENT: River to Sea

NAME: On Your Mark Productions

Attn: Mark Zenobia
8709 Abbey Glen Way
Wilmington, NC 28411

AMOUNT OF REFUND DUE: \$58.00

EVENT: Make a Wish Foundation Beach Walk

NAME: Make a Wish Foundation of NJ
1034 Salem Road
Union, NJ 07083-7058

AMOUNT OF REFUND DUE: \$400.00

REASON: 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 events with said warrant to be charged against the General Ledger.

**RESOLUTION
256-2011**

**RESOLUTION AUTHORIZING THE
WAIVING OF FEES FOR PERMITS AND
INSPECTIONS RELATING TO DAMAGE
FROM HURRICANE IRENE.**

WHEREAS, many property owners in the Borough of Manasquan have experienced substantial damage as a result of Hurricane Irene; and

WHEREAS, many property owners will need to obtain permits and inspections to address the damage caused by Hurricane Irene; and

WHEREAS, the State of New Jersey by letter of August 29, 2011 from the Director of Division of Codes and Standards has advised municipalities that if the municipal fees for permits and inspections to repair damage from Hurricane Irene are waived that the State will also waive State permit surcharge fees; and

WHEREAS, the Borough of Manasquan wished to memorialize the waiver of Borough fees for

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permits and inspections of emergency repair damage from Hurricane Irene upon proof from the property owner that the repair work is related to damage from Hurricane Irene, which will also permit the waiver of the State permit fees, and waiver of fees be effective from August 29 through Wednesday, October 19, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Manasquan that it does hereby authorize the Construction Official to waive the Borough fees for permits and inspections to repair damage from Hurricane Irene upon proof from the property owner that the repair is related to damage from Hurricane Irene and the waiver of fees be effective from August 29, 2011 the date of this Resolution through Wednesday, October 19, 2011.

**RESOLUTION
257-2011**

WHEREAS, Manasquan First Aid Squad Inc. wishes to donate a 1980 Chevrolet Truck Vin #CKX33AJ142566 which is no longer needed, to the Manasquan Department of Public Works; and

NOW THEREFORE BE IT RESOLVED, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan hereby accepts and acknowledges the donation of the Chevrolet Truck from the Manasquan First Aid Squad Inc.

**RESOLUTION
258-2011**

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	3,992,986.39 (County Taxes of 1,620,445.34 & School Taxes of 2,069,203.00)
Water/Sewer Fund	16,515.60
Beach Fund	5,676.38
General Capital Fund	35,447.53

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Water/Sewer Capital Fund

160,193.59

Council Member Donovan made a motion to accept the Consent Agenda, seconded by Council Member Lee. 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 2096-11 for second reading and final hearing.

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF STORMWATER MANAGEMENT AND DRAINAGE IMPROVEMENTS AND THE CONSTRUCTION AND/OR RECONSTRUCTION OF THE ROADWAY, CONCRETE CURBS, SIDEWALKS AND DRIVEWAY APRONS AND RELATED APPURTENANCES IN THE GLIMMER GLASS SECTION OF THE MUNICIPALITY, AND APPROPRIATING \$425,000, THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$403,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION AND TO DETERMINE THAT SPECIAL ASSESSMENTS BE LEVIED FOR THE CONSTRUCTION OF THE CONCRETE CURBS, SIDEWALKS AND DRIVEWAY APRONS TO PAY FOR THE COST OF SUCH IMPROVEMENTS IN AND BY THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2096-11.

Council Member Donovan made a motion to open the hearing to the public, seconded by Council Member Lucas. Motion carried unanimously.

There being none, Council Member Lucas made a motion to close the public hearing, seconded by Council Member Lee. Motion carried unanimously.

Council Member Donovan made a motion to adopt and publish according to law ordinance 2096-11, 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 2097-11 for second reading and final hearing.

BOND ORDINANCE PROVIDING FOR A SEWER LINE REPLACEMENT AND RELATED APPURTENANCES IN THE GLIMMER GLASS SECTION OF THE MUNICIPALITY, AND APPROPRIATING \$125,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$118,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION BY THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2097-11.

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

There being none, Council Member Lucas made a motion to close the public hearing, seconded by Council Member Lee. Motion carried unanimously.

Council Member Donovan made a motion to adopt and publish according to law ordinance 2097-11, seconded by Council Member Lee. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas, and McCarthy, "no" none.

Council Member Lee recused himself from discussion of ordinance 2098-11.

The Borough Attorney read the title of ordinance 2098-11 for first reading and introduction.

AN ORDINANCE PROVIDING FOR THE REGISTRATION AND REGULATION OF TAXIS, AUTOCABS AND OTHER VEHICLES ENGAGED IN THE BUSINESS OF CARRYING PASSENGERS FOR HIRE, AND THE OWNERS AND DRIVERS THEREOF AND THE

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BUSINESS OF OPERATING TAXIS, FIXING LICENSE FEES AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2098-11.

There being none, Council Member Grasso made a motion to introduce ordinance 2098-11, seconded by Council Member McCarthy. Motion carried by the following vote, "yes" Council Members Connolly, Donovan, Grasso, Lucas and McCarthy, "no" none.

APPROVAL OF MINUTES

Work Session Minutes – April 18, 2011 and May 2, 2011
Regular Meeting Minutes – April 18, 2011 and May 2, 2011

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

COMMITTEE REPORTS

Law & Code Committee – Council Member Grasso reported that there are no changes for September but will give a report at the next meeting for October. He reported that he has not received 2011 violation report as of today. He advised that after speaking with Council Member Lucas and Captain Correia that the report is only completed for the summer months. He stated that he asked that this information be reported year round because it is beneficial to the tracking and assessing the financial and violations information that is needed to administer the court department. He asked that this report be submitted monthly for the entire year. He thanked Mr. Kitrick and Mr. DeIorio and the Committee Members for there hard work for getting the Taxi Ordinance together. He thanked the Coast Star for the article that was written with regard to dogs on the beach. He stated that after doing some research on Bond Ordinance 2028-08 and speaking with Mr. DeIorio that there is about \$80,000 still in the Technology Improvement Bond. He stated that there is money there to be used for the \$6,000 that is requested for the cable television.

Council Member Grasso made a motion to approve the \$6,000. There was no second.

Council Member Grasso asked that Mr. DeIorio and Mr. Kitrick meet with the Law and Code Committee and with the DPW Superintendent, Tom Nicaastro to review the snow emergency plan.

Administration and Finance Committee – Council Member Connolly reported that bills were signed in the amount of \$4.2 million and most of that money went to the County for taxes, the School and Fire District. She advised that the committee met to review the budget up to the 3rd quarter and she advised that most departments, committees, and commissions are on budget with the exception of Shade Tree. She reported that due to damage during the hurricane a lot of trees need to be removed or trimmed exhausting the Shade Tree Budget. She stated that at the next meeting of November 21, 2011 the Cable Advisory will be in to video the meetings. She advised that the last time it was done there were problems with the sound and they will be trying to improve the sound. She advised that this would be for testing purposes only and will not be published or shown on television.

Public Safety & Recycling – Council Member Lucas stated that he has nothing further to report at this time.

Beach Committee – Council Member Lee stated that he has nothing further to report at this time.

Public Property and Parks Committee – Council Member McCarthy reported that the Planning Board's Sign Committee is looking at the use of digital signs. He stated that they are looking to address digital signs for restriction of illumination, how often the sign can change colors etc. He reported that they will be looking into the restrictions on flag lots which are houses being built behind another house. He reported that the Tourism Commission will be participating in the Candy Cane Hunt on December 2, 2011 to coincide with the lighting of the tree in town. He reported as to the Public Property and Parks that the boards have been inserted into Mac's Pond to control the water level. He advised that they were removed prior to the hurricane to allow the water to flow to the ocean. He reported that the sidewalks that were damaged during the storm in town have been repaired.

Public Works Committee – Council Member Donovan reported that all sidewalks through out the town have been repaired not just the ones on Main Street. He reported that leaves will be picked up on the East

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side of the tracks this week. He reported that fire hydrants will be flushed this week and next week and that if the water is discolored to run it for a little bit and it will clear up. He advised that the new Water Treatment Plant is moving along and the new filters will be tested on Monday the 24th. He reported that the Committee is working on two interlocal agreements regarding services that might be able to be provided by our Department of Public Works. He advised that the Chamber of Commerce Scare Crow contest will be held with the scare crows being displayed along Main Street.

AUDIENCE PARTICIPATION

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

James Fischer, 39 Union Ave, owner of Mad Taxi stated that he read the ordinance and wanted to know how the amount of insurance was decided.

Mayor Dempsey stated that this is a number that the State and the town has come up with.

Mr. Fischer stated that he thinks it is too high and he believes that the fare prices will have to be increased. He stated that he disagrees with the increase.

Council Member McCarthy stated that this deals with insurance and the reason why a taxi is not a normal vehicle as defined under Title 39 in NJ Motor Vehicle Law.

There was discussion on the insurance, why it is at this amount and how this number was agreed upon.

Mr. Fischer wanted to know what type of enforcement there will be for this ordinance.

Mayor Dempsey stated that the taxis will have a decal from the Clerk's office and it will be up to the police department to enforce the law.

Sandy' Taxi – Neptune, NJ reiterated what Mr. Fischer's concerns are with the insurance and the enforcement.

John Case, owner Squan Taxi reiterated what the other taxi owner's concerns are with the insurance. He stated he has drivers that are under 21 who drive emergency vehicles as volunteers in the town and can not drive a taxi now.

Mayor Dempsey stated that the Borough is mirroring the State Law and is being carried through.

There was discussion on the age of drivers, how many patrons a taxi can hold and CDL licensing.

Mary Hunt, 2811 Harrison Street, Wall stated that she is an employee of Squan Taxi and wanted to know how this ordinance will be enforced.

Mayor Dempsey stated that the taxis will be signed as other towns have. He stated that the Police Department will enforce it.

Ms. Hunt stated that there are police officers here that can hardly deal with what they have on a regular basis. She asked how it will be enforced.

Mayor Dempsey stated that the Police Department will enforce it. He stated that the Borough has never had a taxi ordinance so please don't state that we didn't enforce it. He stated that there are going to be signs and the Police Department will enforce it.

Ms. Hunt asked again how is that going to happen. She stated that it is not being enforced in other towns so how does Manasquan plan to enforce it.

Mayor Dempsey stated that there is foot patrol that goes around in the beach area, there is bicycle patrol and they can write the summons.

Ms. Hunt asked if it doesn't happen what you are going to do.

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Mr. DeIorio stated that there will be the enforcement, however he would encourage other taxi cab drivers or other individuals that if they can not see the decals, which will be a requirement, on a taxi to inform the Administrative Office to follow up. He stated that the DMV Commission is very specific in that the Governing Body must approve all taxi cabs that use Borough streets. He stated that if any taxi cab comes across a taxi that has not been approved, if you inform us, we then can notify DMV Commission that they do not have permission to do business on our streets.

Anthony Pizzillo, 265 Pine Avenue advised that he is a new member to the community and loves the town and happy to be here. He wanted to know what if anything is being done about the loitering issue in town.

Mayor Dempsey stated that there was a study done 2 or 3 years ago and everything that came up regarding other towns and states was followed by the town to see if that procedure could be used here. He stated that the issue has to start at the Federal Government because the Borough can not enforce an ordinance because the ACLU will not allow it.

Council Member Connolly 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 8:53 p.m., seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 2-21-12