

BOROUGH OF MANASQUAN
AGENDA

SPECIAL MEETING OF MAYOR AND COUNCIL, FEBRUARY 9, 2013 AT 10:00 A.M., IN COUNCIL CHAMBERS OF BOROUGH HALL.

Mayor Dempsey's statement re: Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press and posted on the Website on February 7, 2013.

AGENDA ITEMS:

PROCLAMATION: Congenital Hear Defect Awareness Week

DISCUSSION:

Dumpster Permits on Borough Streets – Storm Related
Water Treatment Plant - Update

CONSENT AGENDA:

- 50-2013 Awarding Sand Screening Contract
- 51-2013 Awarding Emergency Beach Accessway Contract
- 52-2013 Extending Contract for Black and Veatch
- 53-2013 Opposing Senate Bill 2511 Amendments to OPMA
- 54-2013 Issuance of Special Emergency Note

ORDINANCES:

Second Reading and Final Adoption of Ordinance 2130-12

Ordinance Amending and Supplementing Chapter 35-3.1 (Definitions) section 35-11 (Supplementing Lot, Height, and Yard Requirements) and Schedule 1 to Amend Zoning Requirements for Residential Structures Located in Flood Hazard Zones V and A

AUDIENCE PARTICIPATION

ADJOURNMENT

**BOROUGH OF MANASQUAN
RESOLUTION
50-2013**

**RESOLUTION AWARDING A CONTRACT FOR
BEACHFRONT SAND SCREENING IN THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH STATE OF
NEW JERSEY**

WHEREAS, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for Beachfront Sand Screening; and

WHEREAS, the three lowest bids for this project were:

James R. Ientile, Inc. \$237,500.00

Grinnell Recycling \$321,000.00

CAP Services, Inc. \$332,000.00

WHEREAS, James R. Ientile, Inc. submitted a monetary bid in the amount of \$237,500.00; and

WHEREAS, the Borough Engineer has determined the bid by James R. Ientile, Inc. complies with the bid specifications and includes all required documentation and has recommended the award of the bid; and

WHEREAS, the Borough Council has determined, for the reasons set forth below, that the bid of James R. Ientile, Inc. is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to James R. Ientile, Inc. for the bid in the amount of \$237,500.00 for the project;

NOW, THEREFORE BE IT RESOLVED on the 9th day of February, 2013, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This Bid award is subject to the review and approval of the Bid documents by the Manasquan Borough attorney.
2. Subject to the above condition, a contract in the amount of \$237,500.00 is awarded to James R. Ientile for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with James R. Ientile, Inc.
4. A certified copy of this resolution shall be sent to:

James R. Ientile, Inc.
28 Vanderburg Rd.
Marlboro, NJ 07741

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at a special meeting held on February 9, 2013.

BARBARA ILARIA, RMC
Municipal Clerk

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 1, 1975, I hereby state that there is annexed hereto a proper certificate of availability of funds executed by the Chief Financial Officer.

MARK G. KITRICK, ESQ.
Borough Attorney

Mark G. Kitrick, Eq
P.O. Box 547
Brick, NJ 08723

CERTIFICATION

I am the financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 9th day of February 9, 2013, I hereby certify to the Borough Council of the Borough of Manasquan as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contract, which is pending approval by the governing body.

2. The funds certified herein as being available for the aforementioned contract have not been certified by the undersigned as being available for any other contract now pending or in force.

ACCOUNT : Z-08-99-602-551

JOSEPH DEIORIO
Chief Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES		NO	

**BOROUGH OF MANASQUAN
RESOLUTION
51-2013**

**RESOLUTION AWARDING A CONTRACT FOR
BEACHFRONT EMERGENCY ACCESS WAY
RECONSTRUCTION IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH STATE
OF NEW JERSEY**

WHEREAS, quotes were requested and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for Beachfront Emergency Access Way Reconstruction: and

WHEREAS, the three lowest bids for this project were:

Manzo Maroba, Inc.

<u>Base Bid</u>	<u>Add. Alt. No 1</u>	<u>Add. Alt. No.2</u>	<u>Add. Alt. No3</u>
\$491,735.00	\$39,725.00	\$67,080.00	\$25,800.00

James R. Ientile, Inc.

<u>Base Bid</u>	<u>Add. Alt. No 1</u>	<u>Add. Alt. No.2</u>	<u>Add. Alt. No3</u>
\$499,064.00	\$50,500.00	\$67,080.00	\$41,280.00

All Surface Asphalt Paving

<u>Base Bid</u>	<u>Add. Alt. No 1</u>	<u>Add. Alt. No.2</u>	<u>Add. Alt. No3</u>
\$505,027	\$40,500.00	\$77,400.00	\$46,440.00

WHEREAS, Manzo Maroba, Inc submitted a monetary base bid in the amount of \$491,735.00; and

WHEREAS, the bid by Manzo Maroba, Inc complies with the quote specifications and includes all required documentation; and

WHEREAS, the Borough Council is desirous of awarding a contract to Manzo Maroba, Inc. amount of \$491,735.00 for the project;

NOW, THEREFORE BE IT RESOLVED on the 9th day of February 2013, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This award is subject to the review and approval of the Manasquan Borough attorney
2. Subject to the above conditions, a contract in the amount of \$491,735.00 is awarded to Manzo Maroba, Inc.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Manzo Maroba Inc.
4. A certified copy of this resolution shall be sent to:

Manzo Maroba Inc.
208 Hwy 34, Suite 21
Matawan, NJ 07747

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at a special meeting held on February 9, 2013.

BARBARA ILARIA, RMC
Municipal Clerk

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 20, 1975, I hereby state that there is annexed hereto a proper certificate of availability of funds executed by the Chief Financial Officer.

MARK G. KITRICK, ESQ.
Borough Attorney

Mark G. Kitrick
635 Diquesne Blvd.
Brick, NJ 08723

CERTIFICATION

I am the financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 9th day of February, 2013, I hereby certify to the Borough Council of the Borough of Manasquan as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contract, which is pending approval by the governing body.

2. The funds certified herein as being available for the aforementioned contract have not been certified by the undersigned as being available for any other contract now pending or in force.

ACCOUNT: Z-08-99-602-551

JOSEPH DEIORIO
Chief Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES	NO		

**BOROUGH OF MANASQUAN
RESOLUTION
53-2013**

**RESOLUTION OPPOSING SENATE BILL
2511 AMENDMENTS TO OPEN PUBLIC
MEETINGS ACT**

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the governing body of the Borough of Manasquan agrees with and supports the statement that "the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process"; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

WHEREAS, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

WHEREAS, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

WHEREAS, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

WHEREAS, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

WHEREAS, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

WHEREAS, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

WHEREAS, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Borough of Manasquan for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

BE IT FURTHER RESOLVED that the governing body of the Borough of Manasquan hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the Borough of Manasquan State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the February 9, 2013 meeting.

 BARBARA ILARIA, RMC
 Municipal Clerk

	INTRO	SECOND	AYE	NAY	ABSTAIN	ABSENT
COUNCIL						
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES		NO	

**BOROUGH OF MANASQUAN
RESOLUTION
54-2013**

**RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, IN THE
COUNTY OF MONMOUTH, NEW JERSEY
AUTHORIZING AN ADDITIONAL SPECIAL
EMERGENCY APPROPRIATION AND
AUTHORIZING THE ISSUANCE OF SPECIAL
EMERGENCY NOTES IN THE AMOUNT OF
\$4,659,222.84 PURSUANT TO N.J.S.A. 40A:4-55**

WHEREAS, the Borough of Manasquan, in the County of Monmouth, New Jersey (the "Borough") adopted resolution 328-12 authorizing a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 on November 19, 2012 appropriating \$900,977.40 to cover extraordinary expenses related to the Superstorm Sandy State of Emergency and indicated its intent to issue special emergency notes to fund such emergency costs; and

WHEREAS, the Borough adopted resolution 340-2012 authorizing a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 on December 3, 2012 appropriating an additional \$2,223,745.44 to cover additional extraordinary expenses related to the Superstorm Sandy State of Emergency for total appropriations of \$3,124,722.44 and authorized the issuance of special emergency notes to fund such appropriations pursuant to N.J.S.A. 4-55; and

WHEREAS, the Borough adopted resolution 364-2012 authorizing a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 on December 3, 2012 appropriating an additional \$1,800,000.00 to cover additional extraordinary expenses related to the Superstorm Sandy State of Emergency for total appropriations of \$4,469,222.84 and authorized the issuance of special emergency notes to fund such appropriations pursuant to N.J.S.A. 4-55; and

WHEREAS, additional 2012 costs associated to the Superstorm Sandy State of Emergency for the following amounts:

SOLID WASTE	<u>\$190,000</u>
TOTAL	\$190,000
 Total amount of all special emergency resolutions	 \$4,659,222.84

WHEREAS, the emergency appropriation shall be provided for in the budgets of the next succeeding years beginning in 2013 by the inclusion of not less than \$931,844.57 (must be at least one fifth of the total amount) for the total of all special emergency resolutions..

WHEREAS, that any amounts received by the Federal Emergency Management Agency (FEMA), State of New Jersey and other sources may reduce the impact by said amount.

WHEREAS, in order to fund these special emergency appropriations the Borough wishes to restate the authorization of the issuance of the special emergency notes pursuant to N.J.S.A. 40A:4-55 and to make certain determinations and authorizations with respect thereto; now therefore,

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY in accordance with the provisions of N.J.S.A. 40A:4-55 (with not less than two thirds of the full membership thereof affirmatively concurring) as follows:

1. An emergency appropriation is hereby amended for the following additional amounts:

SOLID WASTE	<u>\$190,000</u>
TOTAL	\$190,000

Total amount of all special emergency resolutions \$ 4,659,222.84

2. The emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$931,844.57 (must be at least one fifth of the total amount) for the total of all special emergency resolutions.
3. That any amounts received by the Federal Emergency Management Agency (FEMA), State of New Jersey and other sources may reduce the impact by said amount.
4. That an "emergency note", not in excess of the amount authorized pursuant to law, be provided.
5. That such note shall be executed by Joseph DeIorio, Chief Financial Officer.
6. That said note shall be dated February 2013, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth or one-third of the total amount appropriated by this resolution in each year after the authorization.
7. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
8. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

Section 1. The Borough is authorized to issue the special emergency notes in the amount of \$4,659,222.84 pursuant to N.J.S.A. 40A:4-55 to fund the emergency appropriations described above.

Section 2. The following matters in connection with the notes are hereby determined.

(a) All notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer;

(c) The notes shall be in the form determined by the Chief Financial Officer and the Chief Financial Officer's signature upon the notes shall be conclusive as to such determination;

(d) Notes issued hereunder may be renewed from time to time, provided, however, that at least 1/5 of all such notes and renewals thereof shall mature and be paid in each year so that all notes and renewals shall have matured and shall have been paid not later than the last day of the fifth year following the date of the emergency resolution, and the provisions of the Local Budget Law governing tax anticipation notes shall apply to the special emergency notes.

Section 3. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution, and the Chief Financial Officer's signature upon the notes shall be conclusive as to such determination.

Section 4. The Chief Financial Officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as the Chief Financial Officer may determine at not less than par and to deliver them from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 5. The Chief Financial Officer, in connection with other professionals of the Borough acting under the Chief Financial Officer's direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Borough, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the Borough. The Chief Financial Officer is hereby authorized to execute such disclosure document on behalf of the Borough.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

Section 7. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The Borough does not intend to issue more than \$10,000,000 of tax-exempt obligations in calendar year 2012 that would count towards the limitation imposed by Section 265 of the Code and hereby designates the Notes as "bank-qualified" for purposes of Section 265 of the Code.

Section 8. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning December 31, 2012, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (1) Borough and overlapping indebtedness including a schedule of outstanding debt issued by the Borough; (2) the Borough's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with modified cash accounting as mandated by the State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law in effect from time to time;

(b) If any of the following material events occur regarding the Bonds, a timely notice not in excess of ten (10) business days after the occurrence of the event shall be sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;

- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) Notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

Section 9. If all or any part of the Rule is not or ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule is not or is no longer in effect required the provision of such information, shall not or shall no longer be required to be provided.

Section 10. The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 11. In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefore.

Section 12. The Chief Financial Officer is authorized and directed to report in writing to the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, the description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

Section 13. This resolution shall take effect immediately.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the February 9, 2013 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES	NO		

BOROUGH OF MANASQUAN

ORDINANCE NO. 2130-13

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 35 (ZONING) SECTION 35-3.1
(DEFINITIONS), SECTION 35-11 (SUPPLEMENTARY
LOT, HEIGHT AND YARD REQUIREMENTS) AND
SCHEDULE I TO AMEND ZONING REQUIREMENTS
FOR RESIDENTIAL PRINCIPAL BUILDINGS
LOCATED IN FLOOD HAZARD ZONES V AND A.**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code Section 35-3.1 refers to Definitions, Section 35-11 refers to Supplementary Lot, Height and Yard Requirements and Schedule I contains the Zoning Schedule of Bulk and Coverage Controls; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending certain zoning requirements to allow new and existing residential principal buildings in the designated flood zones to comply with the new flood elevations; and

WHEREAS, the Manasquan Borough Council has determined that it is in the best interests of the health, safety and welfare of the residents of the Borough to provide those residents with such relief; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Chapter 35, Section 35-11.3 entitled "Building Height Exceptions" of the Revised General Ordinances of the Borough of Manasquan is hereby amended to read as follows:

35-11.3 Building Height Exceptions

- a. The height limitations set forth on Schedule I of subsection 35-9.4 shall not apply to church spires or belfries or to receiving antennas not higher than ten (10) feet above the permitted height in the zone district.
- b. Maximum building height for all conforming residential principal buildings located on conforming lots in Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, shall be 38 feet.
- c. Maximum building height for all nonconforming residential principal buildings or conforming residential principal buildings on nonconforming lots or both, located in Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, shall be 33 feet.
- d. Maximum building height for all garage apartment buildings facing First Avenue in Flood Hazard V as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, shall be 32 feet.

Section 2: Schedule I, attached to and made part of Chapter 35 of the Revised General Ordinances of the Borough of Manasquan is hereby amended to add to section (f) paragraphs 5, 6 and 7 which shall provide as follows:

5. Maximum building height for all conforming residential principal buildings located on conforming lots in Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, shall be 38 feet.

6. Maximum building height for all nonconforming residential principal buildings or conforming residential principal buildings on nonconforming lots or both, located in Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, shall be 33 feet.
7. Maximum building height for all garage apartment buildings facing First Avenue in Flood Hazard V as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, shall be 32 feet.

Section 3: Chapter 35, Section 35:11-8 entitled "Additional Lot, Height and Yard Requirements" of the Revised General Ordinances of the Borough of Manasquan is hereby amended to add the following language to the end of paragraphs "c" and "e": "except as set forth in paragraph 'k' below", and to create new paragraphs "k" and "l" which shall read as follows:

- k. For existing residential principal buildings located in Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, steps and/or stairs required to be extended as a result of the building being raised shall be permitted to extend into any required front, rear or sideyard setback, but not into the public right-of-way. For new residential construction located in Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, any steps and/or stairs must comply with all setback requirements.
- l. Notwithstanding the provisions of paragraphs "a" and "f" above, residential principal buildings located in Flood Hazard Zones V and A as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012, may construct first floor decks in the rear and front yards at a height no greater than the first floor elevation of the structure, but not to exceed a height of six (6) feet from the finished grade.

Section 4: Chapter 35, Section 35-3.1 entitled "Definitions" of the Revised General Ordinances of the Borough of Manasquan is hereby amended to add the following definitions:

DECK – An above grade, unroofed structure without walls that is attached to a residential dwelling unit, eight (8") inches or more above grade.

DORMER – A projection from a sloping roof that contains a window which shall exceed ten (10) feet in length measured along the fascia and is set back a minimum of two (2) feet from the exterior vertical building wall beneath the dormer.

STAIRWELL DORMER – A dormer which encloses the stairwell and is not required to be set back a minimum of two (2) feet from the exterior vertical building wall beneath the dormer.

LANDING – A level part of a staircase at the end of a flight of stairs.

Section 5: Chapter 35, Section 35-3.1 entitled "Definitions" of the Revised General Ordinances of the Borough of Manasquan is hereby amended to add the following language to the end of the definition of "story, half":

“, except for stairwell dormers located on residential principal buildings located in Flood Hazard Zone V as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012.”

Section 6: Schedule I, attached to and made part of Chapter 35 of the Revised General Ordinances of the Borough of Manasquan is hereby amended to add the following language to the end of paragraph (f)(3):

“, except for stairwell dormers located on residential principal buildings located in Flood Hazard Zone V as reflected on the most current FEMA Flood Insurance Rate Map (FIRM) as released on December 15, 2012.”

Section 7: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2130-13 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 26th day of January 2013, and read for the first time. The said Ordinance is going to be considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 10:00 a.m. on the 9th day of February, 2013. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

BARBARA ILARIA, RMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
635 Duquesne Boulevard
Brick, NJ 08723

Passed on First Reading and Introduction January 26, 2013
Approved on Second Reading and Final Hearing: February 9, 2013

George R. Dempsey, Jr.
Mayor

BOROUGH OF MANASQUAN

PLANNING BOARD

RESOLUTION NO. 06-2013

RE: REPORT AND RECOMMENDATION OF PLANNING BOARD WITH REGARD TO ADOPTION OF ORDINANCE NO. 2130-13

WHEREAS, a request has been received from the Mayor and Council of the Borough of Manasquan that the Planning Board review and make a recommendation with regard to the adoption of the following Ordinance:

Ordinance No. 2130-13 establishes maximum building heights for new and existing residential buildings and garage apartment buildings in certain designated flood zones in recognition of new FEMA flood elevations; and

WHEREAS, the Board carefully considered the above Ordinance at the Board's regular business meeting held on February 5, 2013; and

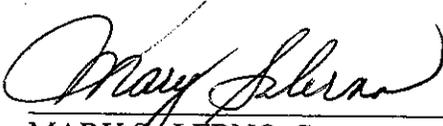
WHEREAS, the Municipal Land Use Law requires that any modification or amendment of a Borough's Zoning Ordinance be referred to the Planning Board for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Manasquan Planning Board that the Board recommends unanimously for approval by the Borough Council the adoption of Ordinance No. 2130-13; and

BE IT FURTHER RESOLVED, that a true copy of this Resolution be forwarded to the Secretary of the Borough Council and to the Borough Attorney upon certification by the Borough of Manasquan Planning Board Secretary;

CERTIFICATION

I hereby certify that I, the undersigned, am the secretary of the Planning Board of the Borough of Manasquan, and I hereby certify that the foregoing Resolution is a true copy of the resolution that was unanimously adopted by the Planning Board at the Board's meeting held on February 5, 2013.



MARY SALERNO, Secretary
Borough of Manasquan Planning Board