

BOROUGH OF MANASQUAN
AGENDA

**REGULAR MEETING OF MAYOR AND COUNCIL, APRIL 20 2015 AT 8.00 P.M.,
IN COUNCIL CHAMBERS OF BOROUGH HALL.**

Mayor Dempsey's welcoming statement to the audience.

Moment of Silent Prayer and Salute to the Flag.

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 on December 18, 2014 and January 5, 2015

ROLL CALL

**PROCLAMATION: Arbor Day
Manasquan Girls Basketball Team State Champions**

CONSENT AGENDA

Resolution re:

- 93-2015 Appoint Seasonal Violations Clerk - Russnak
- 99-2015 Refund Boat Slip Fee – Sonnett
- 100-2015 Refund COAH – Kritch
- 101-2015 Amending and Adopting Personnel Policies and Procedures
- 102-2015 Return Street Opening Surety – Various
- 103-2015 Refund Planning Board Escrow – Abraham
- 104-2015 Authorizing Third Avenue Over Night Parking
- 105-2015 Authorizing Clerk to Advertise Seasonal Part-Time Code Enforcer
- 106-2015 Change Order #1 – Brielle Road Improvements – Maser Consulting
- 107-2015 Authorizing Mayor to Sign Aerial Mosquito Control Contract
- 108-2015 Return Street Opening Surety – Various
- 109-2015 Refund Use of Beach Deposit –
- 110-2015 Appoint COAH Planner – Beahm
- 111-2015 Authorizing Bike Auction
- 112-2015 Authorizing Mayor to Sign Life Saving Preservation Comm. Agreements
- 113-2015 Change Order # Water Treatment Plant Soil Remediation
- 114-2015 Refund of 2014 Tax Appeals – Various
- 115-2015 Appoint New Special Officers Class 1
- 116-2015 Payment of Bills

ORDINANCES

Second Reading and Final Hearing – Ordinance 2174-15
Amending Driveway Parking and Curb Cuts

Second Reading and Final Hearing – Ordinance 2178-15
Salary Range – Beach Department

First Reading and Introduction – Ordinance 2179-15
Cell Tower Restrictions

First Reading and Introduction – Ordinance 2180-15
Amending Borough Fees and Creating Fee Schedule

APPROVAL OF MINUTES

COMITTEE REPORTS

AUDIENCE PARTICIPATION

ADJOURNMENT

**BOROUGH OF MANASQUAN
RESOLUTION
93-2015**

**RESOLUTION OF THE BOROUGH COUNCIL
OF THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, NEW JERSEY,
APPOINTING LAUREN RUSSNAK AS PART-
TIME TEMPORARY VIOLATIONS CLERK**

WHEREAS, the Borough of Manasquan is desirous of appointing a Seasonal Part-Time Violations Clerk for the Summer Season of 2015; and

NOW, THEREFORE BE IT RESOLVED on the 20th day of April, 2015, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Lauren Russnak is appointed Seasonal Part Time Violations Clerk.
2. Salary rate shall be \$15.00 per hour.
3. The effective date of this appointment is May 18, 2015.
4. A certified copy of this resolution shall be sent to:

Lauren Russnak
1054 Audubon Drive
Toms River, NJ 08753

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 their regular meeting held on April 20, 2015.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
99-2015**

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

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

BOAT SLIP REFUND:

TO: Josh Sonnett
22 Deerhill Drive
Ho Ho Kus, NJ 07423

AMOUNT OF REFUND DUE: \$669.00

REASON: Boat Lessee paid for their Boat Slips by the deadline and then downsized to a smaller boat slip at a lower cost.

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 with said warrant to be charged against the General Ledger.

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
100-2015**

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

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

NAME: GLENN KRITCH
2431 SYCAMORE AVE
MANASQUAN, NJ 08736

REASON FOR REFUND: COAH REFUND
142 MORRIS AVE

AMOUNT \$ 699.00

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

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
101-2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
NEW JERSEY, ADOPTING PERSONNEL POLICIES AND
PROCEDURES.**

WHEREAS, it is the policy of Borough of Manasquan to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964 as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the American with Disabilities Act, the Family and Medical Leave Act, the New Jersey Family Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Worker's Compensation Act, the Federal Consolidated Omnibus Reconciliation Act (COBRA), The Uniformed Services Employment and Reemployment Rights Act (and the Open Public Meeting Act: and

WHEREAS, the Borough Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED, on this 20th day of April, 2015, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follow:

1. The Personnel Policies and Procedures Manual is adopted and is on filed at the Municipal Clerk's office.
2. These personnel policies and procedures shall apply to Manasquan officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. This manual is intended to provide guidelines covering public service by Manasquan employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of Borough Council.

4. To the maximum extent permitted by law, employment practices for Manasquan shall operate under the legal doctrine known as “employment at will.”
5. The Municipal Administrator and all managerial/supervisory personnel as responsible for these employment practices. The Municipal Clerk and the Municipal Attorney shall assist the Municipal Administrator in the implementation of the policies and procedures in this manual.

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 their regular meeting held April 20, 2015.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
102-2015**

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

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

NAME: DOROTHY JENSEN
201 ATLANTIC AVE
MANASQUAN, NJ 08736
SO#14/13-398 FIRST AVE- FINAL RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: GEE LLC
PO BOX 447
BRIELLE, NJ 08730
SO# 78/13-201-202 BEACHFRONT-FINAL RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: T.F.M. BUILDERS, LLC
2390 RIVERSIDE TERRACE
WALL, NJ 08736
SO#79/13-14 MINNESINK AVE-FINAL RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: NANCY BRUBAKER
44 TOTTEN DR
BRIDGEWATER, NJ 08807-2368
SO#97/13-291 FIRST AVE-FINAL RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: FREDERIC DAVIES
20 DARIEN DR
WEST LONG BRANCH, NJ 07764-1217
SO#115/13-20 NORTH POTTER AVE-FINAL RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: RICHARD & ELLEN DEBEL
15 EUGENE CIRCLE
LINCOLN PARK, NJ 07035-1502
SO#131/13-361 FIRST AVE-FIRST RETURN

AMOUNT OF REFUND DUE: \$500.00

REASON FOR REFUND: STREET OPENING SECURITY DEPOSIT 2013

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

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
103-2015**

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

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

NAME: MR. & MRS. RYAN ABRAHAMSEN
100 W 26TH STREET
NEW YORK, NY 10001-6840

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #11-2011
288 FIRST AVE – 289 BEACHFRONT
BLOCK: 181 – LOT: 6

AMOUNT OF REFUND DUE: \$45.75

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

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
104-2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, TO TEMPORARILY
RESCIND THE PROHIBITION AGAINST PARKING AT
MUNICIPAL PARKING LOT ON THIRD AVENUE**

WHEREAS, pursuant to the Revised General Ordinances of the Manasquan Borough Code Section 12-11.1(k), parking is prohibited in the municipal parking lots at Second, Third, Fourth and Pompano Avenues between the hours of 2:00 a.m. to 6:00 a.m. from October 1 through April 30. No person shall park any motor vehicle in the municipal parking lot at Third Avenue between the hours of 3:00 a.m. to 8:00 a.m. from May 1 to September 30; and

WHEREAS, the Borough of Manasquan is desirous of temporarily removing the prohibition against the parking of motor vehicles in the municipal parking lot at Third Avenue between the hours of 3:00 a.m. to 8:00 a.m. from May 1 to September 30; and

NOW, THEREFORE BE IT RESOLVED, on this 20th day of April 2015 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that the Council hereby recognizes the:

1. The Borough Council does hereby temporarily rescind the prohibition against the parking of motor vehicles at the municipal parking lot at Third Avenue between the hours of 3:00 a.m. to 8:00 a.m. from May 1 to September 30.

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
105-2015**

**RESOLUTION OF THE BOROUGH COUNCIL
OF THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, NEW JERSEY,
AUTHORIZING ADVERTISEMENT FOR
SEASONAL PART-TIME CODE
ENFORCEMENT OFFICER**

WHEREAS, the Borough of Manasquan ("Manasquan") is in need of a Seasonal Part-Time Code Enforcement Officer in the Code Department; and

NOW, THEREFORE BE IT RESOLVED on the 20th day of April, 2015, by the Borough Council of the Borough of Manasquan, hereby authorize the Clerk to advertise for a Seasonal Part-Time Code Enforcement Officer.

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 their regular meeting held on April 20, 2015.

BARBARA ILARIA, RMC
Municipal Clerk

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

RESOLUTION

106-2015

CHANGE ORDER NO.1

Be it resolved by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey upon recommendation of the Borough Municipal Clerk and Administrator that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Brielle Road Flood Improvements

COMPANY: Maser Consulting
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701

AGREEMENT MODIFICATION NO. 1

Additional \$26,340.00 needed for additional design and additional time for the resident engineer during construction phase.

AMOUNT OF CHANGE THIS RESOLUTION: \$26,340.00

TOTAL AMOUNT OF CHANGE: +\$26,340.00

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

Dated: Certified: _____
Joseph DeIorio, CMFO

Dated: Approved: _____
George R. Dempsey, Jr.

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 their regular meeting held on April 20, 2015.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
107-2015**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitos within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulations (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, THE Borough of Manasquan is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat, or both with the understanding that:

- a) The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
- b) Such operations will be performed in compliance with applicable Federal and State regulations, and
- c) The County will notify the Manasquan Police Department when aerial pesticides operations are planned prior to commencement of such operations.

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
108-2015**

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

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

NAME: GEE LLC
PO BOX 447
BRIELLE, NJ 08730
SO#25/14- 201 BEACHFRONT-FINAL RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: JEFFREY ROMAN
256 FOREST AVE
GLEN RIDGE, NJ 07028
SO#100/14- 11 FIRST AVE- FIRST RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: JEFFREY YEAGER
344 FIRST AVE
MANASQUAN, NJ 08736
SO# 124/14- 344 FIRST AVE- FIRST RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: CASTLECRAFT
4 HOMESTEAD DRIVE
COLTS NECK, NJ 07722-1672
SO# 323 BEACHFRONT- FIRST RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: ALVIN & MARION WEIRMAN
328 EUCLID AVE
MANASQUAN, NJ 08736
SO#159/14-328 EUCLIS AVE- FIRST RETURN

AMOUNT OF REFUND DUE: \$500.00

NAME: MARMO AND SONS
GENERAL CONTRACTING, LLC
12 CREEK LANE
MULLICA HILL, NJ 08062
SO# 162/14- 136 MORRIS AVE-FIRST RETURN

AMOUNT OF REFUND DUE: \$500.00

REASON FOR REFUND: STREET OPENING SECURITY DEPOSIT 2014

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

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
109-2015**

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

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

NAME: CANDACE GIFFORD
2135 WEST COUNTY LINE ROAD APT. 18B
JACKSON, NJ 08527

AMOUNT OF REFUND DUE: \$100.00

REASON FOR REFUND: Beach Use Application Refund-Beach Wedding

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

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
111-20152**

WHEREAS, the Borough of Manasquan is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Mayor and Council are desirous of selling said bicycles in an "as is" condition without express or implied warranties.

WHEREAS, the Borough of Manasquan Police Department has determined that said bicycles/ items have come into the possession of the Manasquan Police Department by finding or being recovered from theft or robbery, and which have remained in possession of the Police Department for six (6) months or more and the owner or owners are unknown and cannot be found or refuse to receive same under the surplus items including but not limited to, various bicycles pursuant to the authority of N.J.S.A. 40A: 14-157as listed on Schedule B attached to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Manasquan's Governing Body that the Borough of Manasquan is hereby authorized to conduct a public auction to sell the items listed on Schedule B as follows:

- (1) The Public Auction shall take place on Saturday, May 16, 2015 at 11:00 a.m. in the Public Works Borough Garage, Iroquois Road, Manasquan, New Jersey. **RAIN OR SHINE;**
- (2) No warranties shall be attached, implied and/or expressed to the items auctioned on this date. All items will be sold in "AS IS CONDITION." All sales will be final.
- (3) Successful bidders shall be required to pay the total bid price in cash at the time of sale and immediately remove the property from the Borough's Garage.
- (4) That a Representative of the Borough of Manasquan Public Works Department be authorized to sell at auction bicycles in the possession of the Manasquan Police in accordance with the Notice of Public Sale attached hereto which is to be published in The Coast Star.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**THE BOROUGH OF MANASQUAN
PUBLIC AUCTION**

Notice is given that a public auction will be held by the Borough of Manasquan, Saturday, May 16, 2015 at 11:00 a.m. with a preview at 10:30 a.m. pursuant to the authority of N.J.S.A. 40A: 14-157 in the Public Works Borough Garage, Iroquois Road, Manasquan, New Jersey. **RAIN OR SHINE**

Said bicycles/ items have come into the possession of the Manasquan Police Department by finding or being recovered from theft or robbery, and which have remained in possession of the Police Department for six (6) months or more and the owner or owners are unknown and cannot be found or refuse to receive same.

The sale shall be made by public auction by a representative of the Department of Public Works Department of Manasquan. No warranties shall be attached, implied and/or expressed to the items auctioned on this date. All items will be sold in "AS IS CONDITION." All sales will be final.

Successful bidders shall be required to pay the total bid price in cash at the time of sale and immediately remove the property from the Borough's Garage. For inquiries, please call 732-223-0544, ext. 235.

The items to be auctioned include the following:

Miscellaneous Bicycles

**BOROUGH OF MANASQUAN
RESOLUTION
112-2015**

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan that the Municipal Clerk and the Mayor of the Borough of Manasquan, be and are hereby authorized to sign the following 2015 Agreements with the Squan Beach Life Saving Preservation Committee:

AGREEMENT TO RESTORE & MAINTAIN THE SQUAN BEACH LIFE SAVING STATION

and

LIFE SAVING STATION USE AGREEMENT

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 April 20, 2015 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

authorizingclerksign

**RESOLUTION
113-2015**

CHANGE ORDER NO. 3

Be it resolved by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Manasquan Water Treatment Plant- Underground Storage Tank Remediation

ENGINEER: T&M Associates, 11 Tindall Road, Middletown, NJ 07748

CHANGE ORDER NO. 3. Conduct Quarterly Ground Water Monitoring and Sampling to move the project towards closure.

AMOUNT OF CHANGE THIS RESOLUTION: \$8,000

TOTAL AMOUNT OF CHANGE: +46,600

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

Dated: April 20, 2015

Certified: _____
Joseph DeLorio, CMFO

Dated: April 20, 2015

Approved: _____
George R. Dempsey, Jr.

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 their regular meeting held on April 20, 2015.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
114-2015**

BE IT RESOLVED by the Council of the Borough of Manasquan that:

WHEREAS, refunds for 2014 Tax Appeals for the following properties are due on the below described property in the amount designated as follows:

BLOCK: 128 / LOT: 24.02 NAME: Clifford & Laura Height

PROPERTY LOCATION: 319 E Virginia Ave

AMOUNT: \$1788.94

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

Clifford & Laura Height
319 E Virginia Ave
Manasquan, NJ 08736

BLOCK: 122 / LOT: 25 NAME: Joanne & Arthur Krozser

PROPERTY LOCATION: 321 Cedar Ave

AMOUNT: \$1372.43

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

Joanne & Arthur Krozser
321 Cedar Ave
Manasquan, NJ 08736

BLOCK: 148 / LOT: 5 NAME: Robert & Donna Laird

PROPERTY LOCATION: 400 Euclid Ave

AMOUNT: \$1242.70

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

Robert & Donna Laird
400 Euclid Ave
Manasquan, NJ 08736

BLOCK: 142 / LOT: 30.01 NAME: Jacqueline Klosek

PROPERTY LOCATION: 433 Euclid Ave

AMOUNT: \$1379.26

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

Jacqueline Klosek
433 Euclid Ave
Manasquan, NJ 08736

BLOCK: 164 / LOT: 6.01 NAME: James & Mary McKearney

PROPERTY LOCATION: 21 First Ave

AMOUNT: \$3711.02

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

James & Mary McKearney
21 First Ave
Manasquan, NJ 08736

BLOCK: 140 / LOT: 30.01 NAME: John & Mary McCann

PROPERTY LOCATION: 387 Cedar Ave

AMOUNT: \$3711.02

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

John & Mary McCann
46 Edgewood Dr
West Orange, NJ 07052-3136

BLOCK: 177 / LOT: 30 NAME: Patrick Kane

PROPERTY LOCATION: 188 Third Ave

AMOUNT: \$924.60

REASON FOR REFUND: 2013 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

Patrick Kane c/o Budd Lerner
150 John F Kennedy Pkwy
Short Hills, NJ 07078-2703

BLOCK: 125 / LOT: 11.01 NAME: Paul & Cheryl Eichmann

PROPERTY LOCATION: 61 S McClellan Ave

AMOUNT: \$1607.99

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

Paul & Cheryl Eichmann
61 S McClellan Ave
Manasquan, NJ 08736

BLOCK: 132 / LOT: 13 NAME: John & Catherine Mulligan

PROPERTY LOCATION: 401 E Virginia Ave

AMOUNT: \$1053.22

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

John & Catherine Mulligan
 401 E Virginia Ave
 Manasquan, NJ 08736

BLOCK: 130 / LOT: 7 NAME: Robert & Teresa Sedgwick
 PROPERTY LOCATION: 344 Perrine Blvd
 AMOUNT: \$2582.69
 REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

Robert & Teresa Sedgwick
 344 Perrine Blvd
 Manasquan, NJ 08736

BLOCK: 126 / LOT: 11.01 NAME: Brian & Deborah Rutkowski
 PROPERTY LOCATION: 364 E Virginia Ave
 AMOUNT: \$1258.06
 REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

Brian & Deborah Rutkowski
 364 E Virginia Ave
 Manasquan, NJ 08736

WHEREAS, the Tax Collector has certified that the current lien holder is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Borough 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.

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 their regular meeting held on April 20, 2015.

 BARBARA ILARIA, RMC
 Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
115-2015**

WHEREAS, due to resignations the Borough of Manasquan is desirous of appointing Special Law Enforcement Officers Class I for the year 2015 and

WHEREAS, the Police Chief has submitted the following individuals for appointment as Special Law Enforcement Officers Class I for the Borough of Manasquan effective April 20, 2015 at the current contractual rate of \$13.62 per hour;

Michael T. Jones, Bayville

Joseph DeAngelo III, Bricktown

Spencer T. Arnold, Manasquan

Matthew A. Marquis, Bricktown

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 their regular meeting held on April 20, 2015.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2174-15**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 13 PROPERTY MAINTENANCE
SUBSECTION 13-1.3(m); CHAPTER 20 STREETS
AND SIDEWALKS SUBSECTION 20-4.1; CHAPTER
35 ZONING SUBSECTION 35-7.7 OF THE BOROUGH
OF MANASQUAN CODE IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, STATE
OF NEW JERSEY.**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code Chapter 13 Subsection 13-1.3(m), Chapter 20 Subsection 20-4.1 and Chapter 35 Subsection 35-7.7 refers to the composition and outlining of driveway areas; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending Chapter 13 Subsection 13-1.3(m), Chapter 20 Subsection 20-4.1 and Chapter 35 Subsection 35-7.7 to clarify what is permissible for the composition of a driveway and the requirements for outlining a driveway; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: The first paragraph of Subsection 13-1.3(m) PM-304.16 Driveway Areas shall be amended to read:

All driveway areas shall be: (a) composed of brick, concrete, pavement and stone cover and (b) outlined by perimeter markings of landscape ties, bricks or similar materials or planting of a height not less than twelve (12) inches.

No motor vehicle shall be parked or placed on property within any residential zone unless it is parked or placed upon a driveway area as defined above.

Section 2: Chapter 20 Streets and Sidewalks, Subsection 20-4.1 shall be amended to read:

- a. A driveway exclusive of curb return radii shall not exceed twelve (12) feet in width at the curb line; provided however, if a property contains a two-car garage facing a street, the driveway exclusive of curb return radii shall not exceed twenty (20) feet in width at the curb line.

Notwithstanding the above provision, an existing driveway exclusive of curb return radii may be replaced or reconstructed for its existing width; provided however, no repaired or reconstructed driveway exclusive of curb return radii shall exceed twenty (20) feet in width at the curb line.

- b. A curb return radius from a driveway at its entrance to a public street shall be a minimum of five (5) feet.
- c. The width of a driveway exclusive of curb return radii shall not exceed twenty (20) feet.
- d. A maximum of one (1) curb cut is permitted for each building lot.
- e. The outer edge of the driveway must be setback at least one (1) foot from the side property line.

Section 3: Chapter 35 Zoning, Subsection 35-7.7 shall be amended to read:

- a. A driveway exclusive of curb return radii shall not exceed twelve (12) feet in width at the curb line; provided however, if a property contains a two-car garage facing a street, the driveway exclusive of curb return radii shall not exceed twenty (20) feet in width at the curb line.

Notwithstanding the above provision, an existing driveway exclusive of curb return radii may be replaced or reconstructed for its existing width; provided however, no repaired or reconstructed driveway exclusive of curb return radii shall exceed twenty (20) feet in width at the curb line.

- b. A curb return radius from a driveway at its entrance to a public street shall be a minimum of five (5) feet.
- c. The width of a driveway exclusive of curb return radii shall not exceed twenty (20) feet.
- d. A maximum of one (1) curb cut is permitted for each building lot.
- e. The outer edge of the driveway must be setback at least one (1) foot from the side property line.

Section 4: 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 provisions 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. 2174-15 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 16th day of March 2015, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 p.m. on the 20th day of April 2015. 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.

B. Ilaria

Barbara Ilaria, RMC
Municipal Clerk

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

Passed on First Reading and Introduction: March 16, 2015
Approved on Second Reading and Final Hearing: April 6, 2015

GEORGE R. DEMPSEY, JR.
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE 2178-15**

**FIXING SALARIES AND COMPENSATION
OF THE BEACH DEPARTMENT EMPLOYEES
OF THE BOROUGH OF MANASQUAN**

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

SECTION 1. The compensation or wages to be paid to beach department employees shall be as follows:

<u>TITLE OF OFFICER OR EMPLOYEE</u>	<u>ANNUAL SALARY RANGE</u>
<u>BEACH ADMINISTRATION AND STAFF</u>	
Beach Manager	\$26,000 to \$30,000
Chief Lifeguard	\$13,000 to \$16,000
Lifeguard Captain	\$8,000 to \$10,000
<u>HOURLY SEASONAL EMPLOYEES</u>	
Lifeguard	\$10.00 to \$14.00/hour
Lifeguard – Lieutenant	13.00 to 15.00/hour
Parking Attendants	\$9.00 to \$12.00/hour
EMT Staff	\$11.00 to \$14.00/hour
Beach Crew	\$7.50 to \$11.00/hour
Beach Crew - Forman	\$8.00 to \$12.00/hour
Beach Crew Supervisor	\$15.00 to \$21.00/hour
Rake Operator	\$9.00 to 14.50/hour
Badge Checkers	\$7.50 to \$12.50/hour
Office Staff	\$7.50 to \$14.00/hour
Office Staff Supervisor	\$7.50 to \$18.00/hour
Beach Patrol	\$8.00 to 12.50/hour
Beach Patrol Supervisor	\$8.50 to \$18.00/hour

SECTION 2. All ordinances, or part of ordinances, which are inconsistent herewith are repealed but only to the extent of such inconsistency.

SECTION 3. This ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2178-15 was introduced at a meeting of the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, on April 6, 2015 and was then read for the first time. The said Ordinance will be further considered for final passage by the Borough Council at Borough Hall at 8:00 p.m. on April 20, 2015. At such time or place, or at any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

B. Ilaria

BARBARA ILARIA, RMC.
Municipal Clerk

Passed on First Reading and Introduction: April 6, 2015

Approved on Second Reading and Final Hearing: April 20, 2015

GEORGE R. DEMPSEY, JR., MAYOR

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2179-15**

**ORDINANCE SUPPLEMENTING CHAPTER 35
(ZONING) AND CREATING SECTION 35-38
ENTITLED TELECOMMUNICATIONS TOWERS
AND ANTENNAS AND SECTION 35-38.1
ENTITLED PURPOSE AND SECTION 35-38.2
ENTITLED NONAPPLICABILITY TO AMATEUR
RADIO STATIONS AND TO RECEIVE-ONLY
ANTENNAS AND SECTION 35-38.3 ENTITLED
TELECOMMUNICATIONS TOWERS AND
ANTENNAS ON BOROUGH PROPERTY AND
SECTION 35-38.4 ENTITLED
TELECOMMUNICATIONS TOWERS AND
ANTENNAS ON NON-BOROUGH PROPERTY IN
THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY**

BE IT ORDAINED, by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

SECTION 1: Chapter 35 entitled Zoning of the Revised General Ordinances of the Borough of Manasquan is amended by creating Sections: 35-38 entitled Telecommunications Towers and Antennas, 35-38.1 entitled Purpose, 35-38.2 entitled Nonapplicability to Amateur Radio Stations and to Receive-Only Antennas, 35-38.3 entitled Telecommunications Towers and Antennas on Borough Property, and 35-38.4 entitled Telecommunications Towers and Antennas on Non-Borough Property and shall read as follows:

35-38 Telecommunications Towers and Antennas

35-38.1 Purpose:

- a. The purpose of these regulations for the siting of telecommunications towers and antennas is to:
 - i. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - ii. Encourage the location of towers in appropriate locations;
 - iii. Minimize the total number of towers throughout the Borough;
 - iv. Strongly encourage the joint use of approved tower facilities as a primary option rather than construction of new or additional single-use towers;
 - v. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impacts on the community is minimal;
 - vi. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

- vii. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- viii. Consider the public health and safety of communication towers; and
- ix. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Borough of Manasquan shall give due consideration to the Borough Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

35-38.2 Nonapplicability to Amateur Radio Stations and to Receive-Only Antennas:

The provisions of this article shall not govern any antenna that is owned and operated by a federally licensed amateur radio station operator or is used exclusively as a receive-only antenna in accordance with Federal Communications Commission (FCC) regulations.

35-38.3 Telecommunications Towers and Antennas on Borough Property:

Telecommunications towers and antennas that are located on property owned, leased or otherwise controlled by the Borough of Manasquan and that are approved by the Mayor and Borough Council shall be deemed to be a permitted use as a municipal facility in any zone district and will not require site plan approval.

35-38.4 Telecommunications Towers and Antennas on Non-Borough Property:

- a. Telecommunications towers and antennas may be allowed as a conditional use within the B-3 General Business Zone East of Parker Avenue in Blocks 52, 53, 54, 55 and 56 and in a northerly direction from Stockton Lake Boulevard to Sea Girt Avenue (see attached tax map) on property that is not owned, leased, or otherwise controlled by the Borough of Manasquan, subject to the minimum standards of the zone district and the standards, regulations and requirements set forth in this article. Site plan approval shall be required prior to the installation of telecommunications towers and antennas on non-Borough property.
- b. Telecommunications towers and antennas shall only be permitted on non-Borough property where the municipal approving authority has determined the following:
 - i. There is substantial evidence that there is a significant telecommunications gap in the Borough that the proposed facility will correct.
 - ii. There is no Borough-owned property available and no telecommunications towers or antennas on Borough-owned property available where a proposed facility could locate or collocate that would correct the telecommunications gap.
 - iii. There are no non-Borough wireless telecommunications towers and antennas or transmission facilities available on which the proposed facility could locate or collocate that would correct the telecommunications gap.

- iv. There is no residential use, school use, or health-care use on the lot on which the proposed facility is to be located and that the existing use and structure does not preclude the installation of a tower and antenna on the same lot.
 - v. The application for the proposed facility is the joint application of two or more telecommunications carriers, licensed to provide service within the area, and that the application provides for the collocation of two or more carriers at the site.
 - vi. The dimensions of the entire lot on which the facility is located are used for the purpose of determining whether the installation of a tower and antenna complies with zone district development regulations, including but not limited to setback, lot coverage, and other such requirements. The dimensions of the entire lot shall control, even though the tower and antennas may be located on a leased parcel within such lot.
 - vii. A plan is submitted for the periodic testing of the facility to ensure ongoing compliance with applicable federal and/or state standards, the plan is subject to the review and approval of the Planning Board.
- c. Each applicant for a tower and antenna shall provide to the Planning Board, as part of its application, an inventory of its existing towers, antennas, or sites approved for towers and antennas, that are either within the jurisdiction of the Borough or within two miles of the border thereof, including specific information about the location, height, and design of each tower. The Borough may share such information with other applicants applying for approvals under this article or other organizations seeking to locate towers or antennas within the jurisdiction of the Borough; provided, however, that the Borough is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- d. Telecommunications towers and antennas shall meet the following aesthetic requirements:
- i. Towers shall either maintain a finish or be painted a color approved by the Planning Board, so as to reduce visual obtrusiveness, subject to any applicable standards of the FAA.
 - ii. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - iv. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
 - v. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six

months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- vi. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - vii. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Borough irrespective of municipal and county jurisdictional boundaries.
 - viii. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Borough have been obtained and shall file a copy of all required franchises with the Borough.
 - ix. No signs shall be allowed on an antenna or tower.
 - x. Buildings and support equipment associated with antennas or towers shall comply with the requirements as set forth herein.
 - xi. The tower, including antennas, shall be a maximum height of 150 feet above the ground level at the base of the tower and usage criteria. The applicant shall submit structural design calculations certified by a licensed New Jersey professional engineer that the tower can structurally accommodate the number of shared users proposed by the applicant.
- e. Applicants for approval for a telecommunications tower shall submit, in addition to any information required for applications for site plan review, the following:
- i. A location plan drawn to scale and clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances, set forth herein, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, and parking.
 - ii. A survey and legal description of the parent tract and leased parcel (if applicable).
 - iii. The setback distance between the proposed tower and the nearest residential unit, and residentially zoned properties.
 - iv. The separation distance from other towers described in the inventory of existing sites submitted shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

- v. A landscape plan showing specific landscape materials.
 - vi. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
 - vii. A description of compliance with all of the sections herein and all applicable federal, state or local laws.
 - viii. A statement by the applicant as to the number of users construction of the tower will accommodate for collocation.
 - ix. Identification of the entities providing the back haul network for the tower(s) described in the application and other telecommunication service sites owned or operated by the applicant in the Borough.
 - x. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.
 - xi. A description of the feasible location(s) of future towers or antennas within the Borough based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- f. Pursuant to this chapter, the Planning Board shall, in addition to any standards for consideration of site plans, consider the following factors in the conditional use application:
- i. Availability of suitable existing towers other structures or alternative technologies not requiring the use of towers or structures, as discussed herein.
 - ii. Height of the proposed tower.
 - iii. Proximity of the tower to residential structures and residential district boundaries.
 - iv. Nature of uses on adjacent and nearby properties.
 - v. Surrounding topography.
 - vi. Surrounding tree coverage and foliage.
 - vii. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - viii. Proposed ingress and egress to the site.
- g. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the municipal agency related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- i. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

- ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - v. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs not exceeding new tower development are presumed to be reasonable.
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - vii. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- h. The following minimum setback requirements shall apply to all telecommunications towers for which site plan approval is required:
- i. Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line, but in no event shall the tower be located in the minimum required yard area or buffer area of the zone district.
 - ii. Guys and accessory buildings and structures must satisfy the minimum zoning district setback and buffer requirements.
 - iii. Separation from off-site uses/designated areas:
 - a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Subsection h(iii)(b) below, except as otherwise provided.
 - b) Towers shall maintain a separation distance of 100 feet or 100% of the tower height; whichever is greater, from residential dwelling units.
 - iv. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers or other proposed towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown below in the Table of Required Separation Distances Between Towers:

i. Table of Required Separation Distances Between Towers

	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

- j. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticleimbing device; provided, however, that the municipal agency may waive such requirements, as it deems appropriate.
- k. The following requirements shall govern the landscaping surrounding towers for which site plan approval is required; provided, however, that the municipal agency may waive such requirements if the goals of this chapter would be better served thereby:
 - i. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.
 - ii. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
 - iii. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- k. In approving the tower, the Planning Board may impose conditions, including the use of an alternative tower structure, to the extent the municipal agency concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties or the neighborhood in which it is located.
- l. Buildings or other equipment storage structures shall comply with the following:
 - i. Antennas mounted on buildings or existing elevated structures shall not extend more than 30 feet above the highest point of the building's roof or above the highest point of the structure. The equipment cabinet or structure used in association with antennas shall comply with the following.
 - ii. The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for

buildings and structures that are less than 65 feet in height, the related unmanned equipment structure, if over 200 square feet of gross floor area or 10 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

- iii. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
- iv. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- m. Antennas shall not be located on tower utility poles or light poles within a Borough street or right-of-way unless such facilities are approved by the Borough Council. Antennas proposed on towers, utility poles, or light poles within a street or right-of-way not owned by the Borough shall require approval as a conditional use. The related unmanned equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height, requirements of the zoning district in which located, and shall be screened from view of all residential properties.
- n. Any tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Borough of Manasquan notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower, then this provision shall not become effective until all users cease using the tower.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2179-15 was introduced at a meeting of the Mayor and Borough Council of Manasquan on the 20th day of April 2015, and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 p.m. on the 4th day of May 2015. At such time and place, or at any such time or place to which said meeting may be adjourned, all persons interested 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, ESQ.
Municipal Attorney
P.O. Box 547
Brick, NJ 08723

STATEMENT

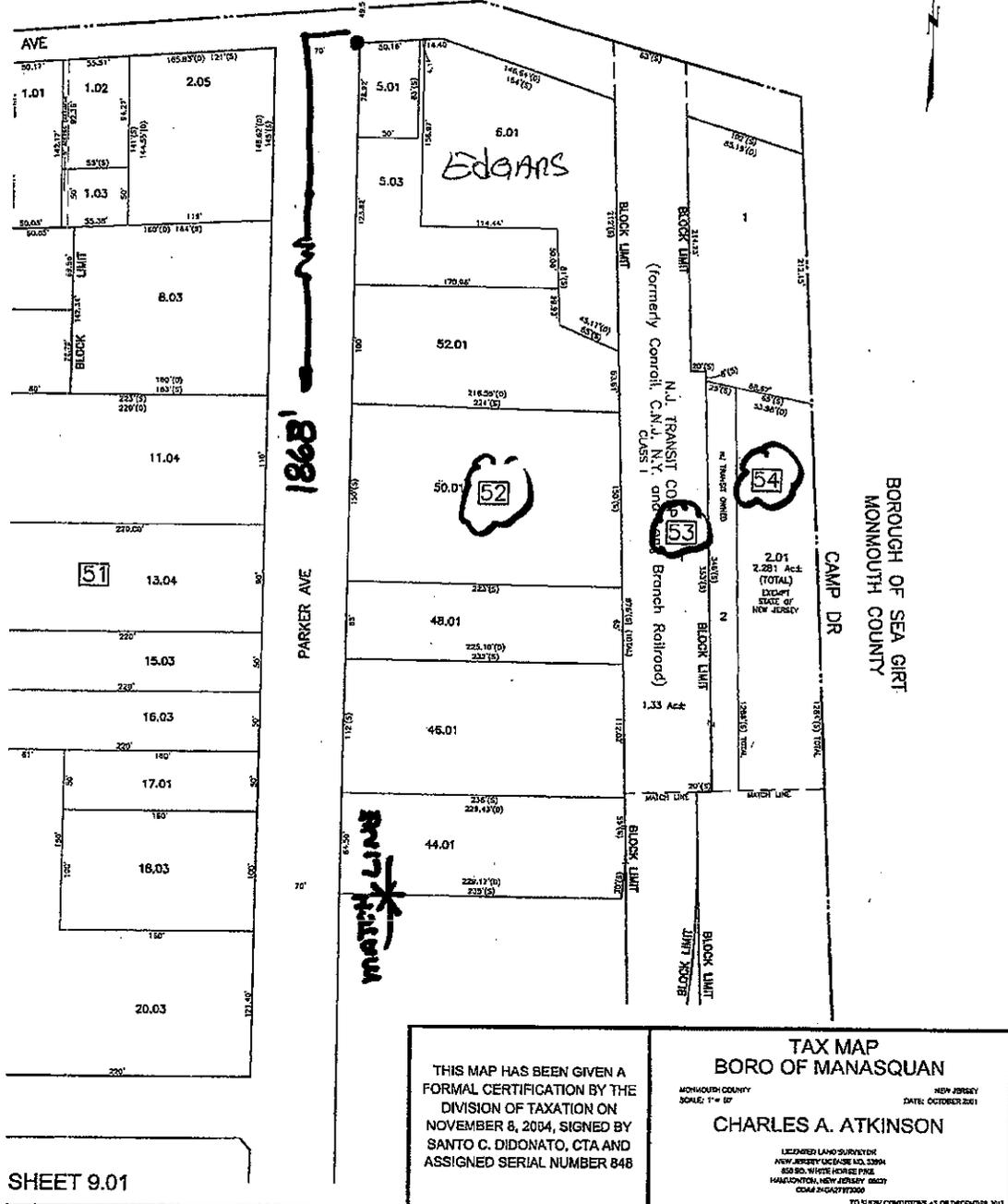
This ordinance published herewith has been finally adopted on May 4, 2015 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided by law, has begun to run from the date of the first publication of said statement.

BARBARA ILARIA, RMC
Municipal Clerk

Passed on First Reading and Introduction: April 20, 2015
Approved on Second Reading and Final Reading: May 4, 2015

GEORGE R. DEMPSEY, JR.
Mayor

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SHEET 9.01