

BOROUGH OF MANASQUAN
AGENDA

**REGULAR MEETING OF MAYOR AND COUNCIL, MAY 4, 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

Recognizing Municipal Clerk's Week

CONSENT AGENDA

Resolution re:

- 62-2015 Authorizing Signing of Open Space Grant Award – Mallard Park
- 118-2015 Tax Appeal Refund - Topley
- 119-2015 Appoint Seasonal Laborers – Summer DPW
- 120-2015 Authorizing Mayor to Sign – City Connections Agreement
- 121-2015 Creating COAH Committee
- 122-2015 Authorizing Settlement - Rivera vs. Borough of Manasquan
- 123-2015 Accept Resignation of Edgar Hyer – Board of Appeals, Shade Tree
- 124-2015 Authorizing Representation – Mount Laurel Legal Issues
- 125-2015 Authorize Submission of 2015 Recreational Trails Program Grant
- 126-2015 Payment of Bills

ORDINANCES

Second Reading and Final Hearing – Ordinance 2180-15
Amending Borough Fees and Creating Fee Schedule

First Reading and Introduction – Ordinance 2181-15
Amending Police Regulations and Alcoholic Beverage Control Penalties and Fines

APPROVAL OF MINUTES

Budget Meeting Minutes – January 31, 2015

COMITTEE REPORTS

AUDIENCE PARTICIPATION

ADJOURNMENT

**BOROUGH OF MANASQUAN
RESOLUTION
62-2015**

BE IT RESOLVED, that the Hon. George R. Dempsey, Jr., Mayor of the Borough of Manasquan, be hereby authorized to sign Municipal Open Space Grant Program Agreement for Mallard Park Improvements with the Monmouth County Park System.

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 May 4, 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
118-2015**

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: 186.02 / LOT: 15 NAME: Kathleen Topley

PROPERTY LOCATION: 560 Riverside Dr.

AMOUNT: \$114.37

REASON FOR REFUND: 2014 Tax Appeal

REFUND CHECK TO BE MADE PAYABLE TO:

**Kathleen Topley
3 Woolsey Ct #3
Pennington, NJ 08534-1425**

WHEREAS, the Tax Collector has certified that the current homeowner 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 May 4, 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
119-2015**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Laborers for the Department of Public Works; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 5th day of May, 2015 appoint the following Department of Public Works employees to Seasonal Laborers including Mad Vac Operators:

- Ryan McCrone, 78 Curtis Avenue., at the hourly rate of \$10.00
- Frank Servidio, 100 Ocean Avenue at the hourly rate of \$10.50
- Ryan Shinn, 60 Central Avenue at the hourly rate of \$10.50
- Tanner Muir, 10 Allen Avenue at an hourly rate of \$8.00

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 May 4, 2015.

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
120-2015**

BE IT RESOLVED that the Hon. George Dempsey, Jr., Mayor of the Borough of Manasquan, be and is hereby authorized to sign the following 2015 Agreement:

Web Page Development Agreement

City Connections, LLC
5 Ebbtide Court
Barnegat, NJ 08005

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 May 4, 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
122 - 2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, AUTHORIZING THE
PAYMENT OF \$5,900 FOR SETTLEMENT IN THE
MATTER CAPTIONED, RICHARD RIVERA V.
BOROUGH OF MANASQUAN, ET AL.**

WHEREAS, one Richard Rivera instituted litigation against the Borough of Manasquan in the Superior Court of New Jersey, Law Division, in the matter captioned Richard Rivera v. Borough of Manasquan, et al., Docket No. MON-L-421-15; and

WHEREAS, in order to amicably resolve this matter, the complainant has agreed to accept from the Borough of Manasquan a lump sum payment of \$5,900 for the release of any and all claims and rights the complainant may have against the Borough of Manasquan and its officials and employees with respect to the above captioned matter; and

WHEREAS, the complainant has been provided a proposed Release ("the Release") which details the amount of the settlement and acknowledges a release of any and all claims and rights the complainant may have against the Borough of Manasquan and its official and employees;

WHEREAS, the settlement shall be conditioned upon the execution of the Release which shall be incorporated herein; and

WHEREAS, the Chief Finance Officer has certified that there are funds available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough is hereby authorized to resolve the matter Richard Rivera v. Borough of Manasquan, Docket No. MON-L-421-15, filed by complainant, Richard Rivera, against the Borough of Manasquan for the sum of \$5,900; and

BE IT FURTHER RESOLVED that settlement of this matter shall be conditioned upon the execution of the Release which the Borough finds acceptable; and

BE IT FURTHER RESOLVED that executed copies of this Resolution shall be on file and shall be available for the public inspection in the office of the Borough Clerk upon final execution of same.

This Resolution shall take effect immediately upon adoption according to law

4. The Mount Laurel Subcommittee shall meet periodically to discuss the current status of the law and to take such steps as may assist the Borough in meeting its objective of creating affordable housing.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was adopted by the Borough Council at the May 4, 2015 meeting.

 BARBARA I LARIA, RMC
 Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
122 - 2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, AUTHORIZING THE
PAYMENT OF \$5,900 FOR SETTLEMENT IN THE
MATTER CAPTIONED, RICHARD RIVERA V.
BOROUGH OF MANASQUAN, ET AL.**

WHEREAS, one Richard Rivera instituted litigation against the Borough of Manasquan in the Superior Court of New Jersey, Law Division, in the matter captioned Richard Rivera v. Borough of Manasquan, et al., Docket No. MON-L-421-15; and

WHEREAS, in order to amicably resolve this matter, the complainant has agreed to accept from the Borough of Manasquan a lump sum payment of \$5,900 for the release of any and all claims and rights the complainant may have against the Borough of Manasquan and its officials and employees with respect to the above captioned matter; and

WHEREAS, the complainant has been provided a proposed Release (“the Release”) which details the amount of the settlement and acknowledges a release of any and all claims and rights the complainant may have against the Borough of Manasquan and its official and employees;

WHEREAS, the settlement shall be conditioned upon the execution of the Release which shall be incorporated herein; and

WHEREAS, the Chief Finance Officer has certified that there are funds available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough is hereby authorized to resolve the matter Richard Rivera v. Borough of Manasquan, Docket No. MON-L-421-15, filed by complainant, Richard Rivera, against the Borough of Manasquan for the sum of \$5,900; and

BE IT FURTHER RESOLVED that settlement of this matter shall be conditioned upon the execution of the Release which the Borough finds acceptable; and

BE IT FURTHER RESOLVED that executed copies of this Resolution shall be on file and shall be available for the public inspection in the office of the Borough Clerk upon final execution of same.

This Resolution shall take effect immediately upon adoption according to law

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 May 4, 2015 meeting.

 BARBARA ILARIA, RMC
 Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
123-2015**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of Edgar A. Hyer from the position of Citizen Representative of the Manasquan Board of Appeals and as a Member of the Manasquan Shade Tree Commission effective May 15, 2015 be and is hereby accepted.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was adopted by the Borough Council at the May 4, 2015 meeting.

BARBARA I LARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
124-2015**

WHEREAS, municipalities in the State of New Jersey are facing issues concerning recent Council on Affordable Housing and related Mount Laurel issues; and

WHEREAS, it is to the borough's legal and financial benefit to join with other municipalities with similar legal concerns; and

WHEREAS, there have been recent court cases involving communities such as Eatontown, that would benefit the Borough's interest to be a participant, and

NOW THEREFORE BE IT RESOLVED that the Borough of Manasquan authorizes Borough of Manasquan Affordable Housing Attorney, Jeff Surenian to represent the Borough of Manasquan in these manners an apportion legal costs amount the participating municipalities.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was adopted by the Borough Council at the May 4, 2015 meeting.

BARBARA I LARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
126-2015**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	2,260,131.85 (Includes 1,534,816.61 County Taxes)
Water/Sewer Fund	138,901.99
Beach Fund	85,578.83
Recreation Bldg Trust	192.09
Recreation Commission Trust	1,101.88
General Capital Fund	21,567.45
Water/Sewer Capital Fund	3,872.25
Beach Capital Fund	

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 Council at their regular meeting on May 4, 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 2180-15**

**AN ORDINANCE ESTABLISHING CHAPTER,
16, FEES, FOR THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF
MANASQUAN, MONMOUTH COUNTY, NEW
JERSEY**

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan, County of Monmouth is desirous of amending and supplementing certain fees in the Revised General Ordinances of the Borough of Manasquan; and

WHEREAS, the Manasquan Borough Council has determined that it is in the best interest of the Borough to adopt a new Chapter 16, Fees, with respect to licenses, permits and activities regulated under the provisions of various chapters of the Revised General Ordinances

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

Section 1: Chapter 16, entitled Fees, of the Revised General Ordinances of the Borough of Manasquan as referenced in the Fee Schedule (Chapter 16, Fees) attached hereto, is hereby established.

The fee schedule is hereby established with respect to licenses, permits and activities required or regulated under the provisions of various chapters of the Revised General Ordinances of the Borough of Manasquan. Applications for and the issuance of such licenses and permits shall be subject to the provisions of the specific chapter of the Revised General Ordinances which is indicated for each type of license or permit. The business, activity or operation for which the license or permit is required shall be subject to all regulations set forth in the chapter to which reference is made.

Section 2: References to fees within the various chapters of the Revised General Ordinances that are included with, established by, or revised by this ordinance shall be revised in the appropriate chapters to refer to the fee as established in Chapter 16, Fees.

Section 3: 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. 2180-15 was introduced at a meeting of the Mayor and Council of the Borough 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 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
241 Brick Boulevard
Brick, NJ 08723

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

GEORGE R. DEMPSEY, JR.
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE 2181-15**

**AN ORDINANCE AMENDING
CERTAIN FINES AND PENALTIES
IN THE REVISED GENERAL
ORDINANCES OF THE BOROUGH
OF MANASQUAN, MONMOUTH
COUNTY, NEW JERSEY**

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan, County of Monmouth is desirous of amending and supplementing certain fines and penalties in the Revised General Ordinances of the Borough of Manasquan; and

WHEREAS, the Manasquan Borough Council has determined that it is in the best interest of the Borough to amend the following fines and penalties.

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

Section 1: The penalties in the sections and subsections of the Revised General Ordinances of the Borough of Manasquan below are hereby amended.

CHAPTER 3 POLICE REGULATIONS		
3-2 CONSUMPTION OF ALCOHOLIC BEVERAGES IN PRIVATE AND PUBLIC PLACES.	3-2.1 Consumption in Certain Places.	\$450 fine
3-19 DISORDERLY CONDUCT.	3-19.6 Nudity, Indecent Exposure and Urinating in Public Prohibited.	\$450 fine
3-28.3 NUISANCE PROHIBITIONS ENUMERATED	3-28.3 Nuisances. Violation of any provision of subsection 3-28.3	\$450 fine

Chapter 6 ALCOHOLIC BEVERAGE CONTROL		
6-8 PERSONS UNDER THE LEGAL AGE.	6-8.8 Violations and Penalties. a. The penalty is amended to comply with N.J.S.A. 33:1-81 with a minimum penalty of five hundred (\$500.00) dollars.	\$500 minimum fine

Section 2: 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. 2181-15 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 4th day of May 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 18th day of May 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.

Barbara Ilaria, RMC
Municipal Clerk

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

Passed on First Reading and Introduction: May 4, 2015
Approved on Second Reading and Final Hearing: May 18, 2015

GEORGE R. DEMPSEY, JR.
Mayor