

FEBRUARY 22, 2010

A Work Session Meeting of the Manasquan Mayor and Council was held on February 22, 2010 at 7:00 p.m., in Council Chambers of Borough Hall.

Mayor Dempsey related that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 22, 2009.

ROLL CALL: Present: Council Members Bossone, Connolly, Donovan, Grasso, Lee, Lucas .

Also present was Borough Attorney James Kinneally and Borough Administrator John Trengrove.

Absent: None.

ITEM #1. Use of Borough Property Requests:

- Manasquan Recreation Commission Fools Run on March 27th, 2010

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

- Manasquan Hook & Ladder Co. Sept. 5th, 2010 Flea Market

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

- COA 4/24/10 & 10/23/10 Beach Clean Up

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

ITEM #2. Review of Resolutions and Ordinances for Consideration at the Regular Meeting.

Council Member Connolly questioned the increase in the beach fees and related that they are rather significant with the senior badge being increased by 50 percent, the seasonal and weekly badges by 17 percent, the junior by 17 percent, the daily by 12.5 percent and the daily weekday badge by 33 percent. She strongly recommended not increasing the beach fees this year because of the economic environment this year.

Council Member Bossone related that he is hesitant to increase the beach fees but more revenue is needed and to use more surplus, especially after not replacing \$100,000 last year, is a total loss. He related that to go year after year in this manner is not good for business. He related that there is no way to know whether or not we will have more storms and he noted that the beach is in rough condition and will require a lot more clean up which is costly. He related that this increase will bring Manasquan's prices in line with the surrounding beach town badge prices.

Council Member Grasso asked when the Borough realized that it should raise their prices to be in line with other municipalities and why this wasn't done when times were good.

Mayor Dempsey related that the Borough raises the badge prices about every three years and related that they haven't been raised in over three years.

Council Member Grasso asked why the badge prices were not raised three years ago when economic times were good. He related that we are reacting to something that we should have done three years ago knowing that the economy was better three years ago than it is today. He related that today the economy is in bad shape and we are asking for extra money.

Mayor Dempsey related that the badge prices were raised three years ago. He pointed out that the Borough's PERS and insurance costs, including workers compensation insurance have gone up and the Borough needs to generate more money. He related that the Borough cannot wipe out the surplus.

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Council Member Lee related that he supports raising the badge fees even though no one wants to raise fees. However, he related that these major storms have had an impact on the Borough and noted that the Borough did not get reimbursement from FEMA for the storm related costs. He related that the extra manpower for the beach clean-up related to the storm will be a major hurdle for the Borough. He also related that there are major issues at the inlet walkway that need to be resolved because it is a liability.

Council Member Lucas related that in hindsight the Borough perhaps should have raised the fees last year. He related that this is a taxing situation and that the Borough should take a long hard look at raising the badge fees but not raise them this year and perhaps raise them next year if the economy improves.

Council Member Bossone related that perhaps they weren't raised last year and look what happened. He related that the Borough could have another bad season and it is not a good practice not to raise them.

Council Member Lucas related that the Governing Body was in a better position to raise the badge fees last year and elected not to raise them. He related that they should not be raised this year.

Council Member Connolly suggested decreasing expenses instead of raising the badge fees.

Council Member Bossone related that if the expenses are decreased the services will also be decreased.

Council Member Connolly related that by increasing the badge fees it is placing a tremendous burden on the tax payers who want to use this beach.

Council Member Bossone related that specifically the lifeguard staffing would be impacted.

Council Member Connolly asked why it would impact the lifeguard staffing. She suggested closing off a beach.

Council Member Bossone related that would be a decrease in services and also revenue.

Council Member Connolly stated that she does not think so and that a 50 percent increase for the seniors is outrageous.

Council Member Bossone related that it may be a large jump percentage wise but that \$30.00 for a season badge is fair.

Council Member Connolly stated that she does not think so and that it is not fair to people in this economic environment. She related that she does not know where Joe lives but every time she opens the newspapers she reads that unemployment has not gone down and it is now 10.1 percent.

Council Member Bossone related that the seniors are not on unemployment.

Council Member Connolly related that the seniors did not get an increase in their social security this year but they got an increase in their medicare.

Council Member Bossone related that he feels that this is a good business decision and that \$30.00 is a fair price for 105 days at the beach.

ITEM #3. Review of Draft Fee Ordinance (#2063-10).

Manasquan Building/Code Department Supervisor Neil Hamilton was present for this discussion.

Council Member Grasso thanked the Governing Body for the additional two weeks to review this ordinance. He related that while reviewing this report 20 mistakes were found. He briefly described some of the errors.

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The Municipal Clerk related that she is not clear which version is Council Member Grasso referring to. She asked that the Governing Body use the document that was last distributed to them by her this evening.

He stated for the record that he and his committee spent 10 hours reviewing this that it is the second time in less than 2 week that revisions were handed to the Governing Body at 4:00 on the day of the Council meeting. He related that this is wrong and more time is needed. He related that this document is loaded with mistakes and to go over there and do these mistakes and now go over it again – is wrong.

The Municipal Clerk reiterated that she is not sure what document Council Member Grasso is referring to.

Council Member Grasso related that he thought the Clerk would say that.

The Governing Body and Mr. Hamilton reviewed the final draft of ordinance #2063-10.

Council Member Grasso related that he has a problem taxing and increasing fees on the Manasquan people. (Section 4: Section 15-1.2 – Building & Housing Inspection/Application Fees) He related that if the fee is increased by \$20.00 in the year 2010 the total number will be \$21,000.00 or \$20,670.00. He related that last year's revenues were \$52,000.00. He related that with the spending of \$97,000.00, they still come up short for that department. He related that even if it is increased in 2011 to \$40.00 - to \$93,000.00, they will still come up short. He related that they are not going to generate enough revenue to support this department. He asked why is the Borough being reactive rather than proactive when other municipalities have already raised their prices on their rental fees. He related that things are tough and rental properties are down – the real estate people will tell you that. He related that to increase these prices and put the burden on the taxpayers is justified and maybe the Borough should look for different revenue sources, for example a taxi fee to get rid of the gypsy taxis, asking the seasonal bars to participate in supporting the specials during the summer months, including the tourism fee or putting the parking department in the general budget. He related that there are other ways of getting money into this town without hurting the taxpayers and hitting them in their pocketbooks. He related that , grant it the Borough has to raise these and he is against it but even if they are raised, enough money to support this department will not be raised. He related that either the Borough raise it for the taxpayers or look at ways to cut spending.

Mayor Dempsey suggested doing both.

Council Member Grasso related that as executives, the Governing Body is the financial executives for this town and have to look for outside revenues rather than get it from the people who live here. He related that just looking at these numbers he can't support it. He related that other towns have done it and they are ahead of the curve but we are not. He related that if the Governing Body didn't do this in good times then why we are doing it in bad times.

Council Member Lucas related that he does not see a problem with increasing the surcharge which will alleviate some of the problems that are occurring in the Code Department. He related that it may not be fully funded but it will generate some income from people that come from the outside and use our facilities and infrastructure, which is what some of the rentals do. He related it will help ease the additional expenses that the department is incurring.

Council Member Grasso reiterated many of his previous comments. He stated that the Borough can't wait until the last minute then put the burden on the taxpayer.

Council Member Lee related that it is a double edged sword of trying to keep taxes down. He related that he recognizes the Council Members valid points and that they are valid to raising the beach fees because we are competing and trying to draw people down to Manasquan and give them a good product to enjoy. He related that he can't disagree with anything that was said.

Council Member Grasso thanked the Governing Body for the additional two weeks to review this ordinance.

Council Member Grasso commented on Section 15-1.2(b) – Rental C/O Inspection Fees and related that if the economy is better in 2011 then this discussion should be opened up. He related that right now he is not in favor of any increase on the taxpayers that have rental properties.

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Council Member Lucas pointed out that to have a multi-year fee increase ordinance saves on the cost to process an ordinance.

Council Member Connolly related that the percentage of the fee increases does not equal what the amount that the landlords are charging for rent. She related that this is burdensome in these economic times.

Council Member Lee asked if this draft ordinance has been endorsed by the committee.

Council Members Lucas, Connolly and Grasso replied that they have not endorsed it.

Council Member Connolly related that she is very very disturbed that she was given some information with erroneous information on it - it should have been double checked and triple checked before it is turned over to us, the council members. She related that the information that they received is disgraceful. She related that there were over 25 errors on this and then tonight we just received the new version. She related that if you were in private industry you would have been fired. She related that she would have never handed in something like this to her boss. She related that she is just disturbed that she had to spend all that time reviewing a document that was full of errors. She related that she doesn't know what the Mayor can do but that she thinks that at the very least the responsible department should be chastised.

Council Member Grasso related that the committee needs to do more research on the Tourism Fee (Section 15-1.2(e)). He read the Statute 40-54C-1/Tourism Commission Creation. He pointed out that the statute stipulates that 50 percent of revenues generated to the Borough must be spent on advertising to attract tourism to Manasquan.

Mayor Dempsey related that the following fees are charged: Bradley Beach - \$75.00, Belmar - \$75.00 and \$50.00 - Lake Como.

Council Member Connolly related that the fees would go into a dedicated trust fund which is explicit on how it is spent. She reiterated the specifics of the statute and related that the purpose of it is to bring tourism into the municipality. She related that the Borough cannot use this money as they please. She related that it is not as simple as it looks and related that they need more time to research this matter.

The Borough Attorney related that this fee is not set up pursuant to a Tourism Development Commission but that it is a fee that is assessed by the municipality. He related that there is no proposal to set up a Tourism Commission under that statute in 2063-10.

Council Member Connolly asked how the fee can be collected, perhaps under the contract law. She asked where does the Governing Body get the authority to collect this fee.

The Borough Attorney related that the Governing Body is authorized to assess fees against license holders within the Borough as Belmar, Lake Como and Point Pleasant do.

Council Member Bossone related that it is his understanding that the fees that are generated will go towards tourism in the Borough.

The Borough Attorney related that the ordinance is not set up that way but it can be.

Council Member Lucas related that the fees should be used towards tourism.

Council Member Connolly related that she thinks that the Borough will be challenged on this. She related that the Borough is already increasing the rental fee that is being increase by 58 percent and it is irresponsible. She related that it is not fair and shouldn't be put in until it is investigated further. She related that the money just can't be used for anything.

Council Member Lee asked if the committee uniformly support this draft ordinance.

The committee indicated that they did not agree on the draft ordinance.

Council Member Grasso related that this is the third revision since February 8th. He asked if you want to keep track of all the additions and deletions and stated that it is not the way it is done. He related that you have to the Ts crossed and the Is dotted then present it to the Governing Body for review. He related that you cannot give us a document at 4:00 p.m. in the afternoon. He related that this is not the way you run a business or a town for our people. He related that the Governing Body is executives

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and are responsible for the financial well-being of the residents and this is not the way to do it. He related that the Sea Girt Council passed a resolution for the Parker House, a seasonal bar, to contribute \$67,000.00 to the town. He was told that it was voluntary but it is not.

Mayor Dempsey related that it is voluntary and the Parker House can say no.

Council Member Grasso related that Manasquan should pass a similar resolution .

Council Member Bossone related that the bar owners are also having a tough time in this economy and asked if now Council Member Grasso wants to hit them with a \$67,000.00 contribution.

Council Member Grasso related that he did not say the bars and that he said seasonal bars. He related that there is a difference between a seasonal bar and a bar.

Council Member Grasso reiterated it would apply to the seasonal bars.

The Municipal Clerk related that there are no seasonal bars in Manasquan but noted that the Osprey chooses to close in the Winter months. She noted that this discussion does not pertain to the ordinance that is being discussed.

Council Member Grasso related that if this type of resolution were passed it would be a great gesture to the taxpayers that they are not going to be paying for 4 specials to sit around and watch the Osprey.

There was some discussion regarding Section 5: Encumbrance on Borough Property.

Council Member Lucas made a motion to modify the draft ordinance #2063-10 to read that the minimum encumbrance fee will be \$100.00, seconded by Council Member Grasso. Roll Call was taken and the motion was carried unanimously.

Council Member Lucas made a motion to eliminate the 12 percent annual fee assessed on a monthly basis, seconded by Council Member Connolly. Roll Call was taken and the motion was unanimously approved.

The Mayor asked if there were any comments or questions on any of the ordinances or resolutions that are scheduled for consideration at the regular meeting.

Council Member Connolly related that she has a problem with approving ordinance #2066-10/Beach Equipment. She related that she is concerned with the purchase of the playground equipment because in 2003 the Borough purchased playground equipment for \$30,000.00 and it was removed after 6 years because it rusted out. She related that it should not have rusted out and that it is a maintenance problem. She related that she has a problem with all of the stuff being bought for the beach for this year. She related that the Borough should hold off on the purchases and wait and see what will happen at the beach this year.

Council Member Grasso related that he agrees with Council Member Connolly and that he doesn't support the purchase of new showers for \$32,000.00. He related that the Borough of Sea Girt uses 4 x 4 posts with plastic piping and a \$2.00 water fixture on top. He related that it is a lot to pay for showers when the Borough can do it for dirt-cheap. He related that the Borough has to look at ways to do things in a less expensive manner and will not hurt us in the long run.

Council Member Bossone related that these purchases are fully funded by the beach utility. He related that the playground equipment that was purchased 7 years ago was removed for safety reasons and that it will be a decrease in services if it is not replaced. He related that they are looking to replace it with one or two smaller units for the children. He related that Sea Girt only has 4 showers that are in line with the roadways which are monitored by the police department. He related that Manasquan's beach showers are hidden and are constantly vandalized.

The Municipal Clerk asked that the Governing Body give her and Neil Hamilton direction on what will occur with ordinance #2063-10. She asked if the Governing Body intends to schedule it for introduction at the next regular meeting .

Mayor Dempsey related that it should be introduced tonight.

Council Member Connolly, Lee and Grasso objected to its introduction this evening.

Council Member Grasso related that he will not sign off on it until it is reviewed one more time.

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Bossone's statement that unemployment doesn't affect the senior citizens. She related that her 82 year old Mother-in-law and several Aunts and Uncles are looking for employment, therefore, are privy to unemployment.

Dick Meincke, 36 North McClellan Ave suggested that the Borough cut the expenses in the Beach Department. He asked if the additional fees generated from the Certificate of Occupancy inspections go into the general fund. He related that if more money were generated by these fees, the taxes would be decreased for most of the people in the town. Therefore, he stated that he does not object to the fee increase. He suggested shifting more of the town expenses to the beach budget. He related that the badge prices may go up slightly but that the taxes could go down .

Mayor Dempsey related that the fees go into the current fund. He related that the municipality does charge expenses to the beach budget. He informed Mr. Meincke what is charged against the beach budget.

Ed Hyer, Second Avenue related that he is against putting the Manasquan Community Center in Stockton Lake Park because it is in a flood plain.

Steve Dardanella, Beachfront related that raising the senior citizen beach badges is just an easy way out. He related that if you guys are looking for money you need to look hard and you need to live at the beach and watch where the money is going. He related that the money is going to 4 specials sitting on the corner or standing on the corner in front of Leggett's and the Osprey every weekend of the summer. He related that he appreciates the generosity of the local bars that give the town fireworks and volley ball, which is good for the community, but it is also good for their bars. He said to let the Borough pay for the fireworks and the bars pay for the specials. He said to let the bars pay for the car that the borough is looking to buy. He related that the bars cannot buy this town with fireworks. He related that he pays over \$16,000 a year in taxes and he sees the roof of a locker from his house. He complained that junior guard's personal surfboards are stored inside the locker. He related that he found the volley ball nets inside the shed on Main Beach. He asked that they get thrown on top of Leggett's and get them the hell out of our beach. He related that now the town is looking to spend more money on lockers. He related that the Borough doesn't have the beach or the money for lockers. He related that he observed a commercial vehicle dropping off cardboard at the recycling center and that it must be allowed under his mercantile license.

Council Member Bossone related that the Borough does not have a mercantile license and that Manasquan businesses can drop off cardboard at the Manasquan Recycling Center.

Mr. Dardanella asked why the town doesn't want mercantile license money. He asked why the Borough vacuums Main Street for the businesses when it snows.

Mayor Dempsey related that because of the angle parking on Main Street there isn't sufficient lanes of traffic and that the Main Street area is done because of safety reasons.

Mr. Dardanella complained that he has a moat in front of his house and asked why the Borough doesn't plow again by his house. He related that there is a lot of things that can be done to raise money and the answer is not to raise it for senior citizens. He asked why the municipality is punishing these people. He asked why the town doesn't raise the group rental fines.

Mayor Dempsey related that they are trying to avoid plowing in the residents driveways again.

Ron Jacobson, 59 McLean Ave noticed that during the discussion of ordinance #2063-10 there seems to be confusion between the term taxes and fees for services. He asked that the Governing Body think about what is a tax and what is a fee for a select group of people.

Lia Trench, 444 East Main street encouraged the municipality do publicity on the ebulletin feature of the Borough's website.

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The Clerk related that it would still be subject to OPRA.

Mayor Dempsey asked why the people can't enter the information themselves.

Council Member Connolly related that it would be easier for the people to have the Clerk and Finance Office do it. She related that there is talk about transparency and if someone comes to pay their bill they can sign up for it.

There was some discussion about how to get this information to the public.

Council Member Connolly related that it would just be making it easier for people.

The Municipal Clerk related that the Borough has let everyone know about the ebulletin feature and the website address is printed on all the Borough forms. She related that her office does not have the staffing to enter that information into the computer when people can sit at their home computer and enter it. She related that the document with their information would then be subject to OPRA and would be given to anyone requesting it. She also noted that the Borough would also have to maintain the documents on file for the time period specified by DARM and the Clerk's office would have to write for approval to destroy the documents. She reiterated that anyone who wants to receive the bulletins sign up directly from their home computer via the Borough's homepage.

Council Members Lee and Bossone suggested providing them with a reminder and a take home form.

Council Member Connolly related that she is trying to make it as convenient as possible to someone who comes in and doesn't have a lot of time.

The Municipal Clerk related that there have been discussions regarding this topic with the administrator so perhaps it can be turned back over to him for his comments.

Council Member Connolly related that she just wants to make it as easy as possible for people so that they don't have to sit at their computers and do it.

The Municipal Clerk related that it is not practical for the Borough's office staff to handle this.

Council Member Grasso reiterated Council Member Connolly's comments. He related that some people don't have the time to do this.

Council Member Connolly related that it is called good customer service where you make it very easy for the customer to sign up.

Mayor Dempsey asked if Council Member Connolly's committee will have a recommendation regarding the CFO position for the next meeting of the Governing Body.

Council Member Connolly related that she would have recommendation but not at the next meeting. She related that she is very busy with other municipal work but that her committee will have a recommendation as soon as they can get together.

Mayor Dempsey pointed out that time is running out.

Law and Code Committee – Council Member Grasso related the he has submerged himself into the Borough's code book and there is a lot of opportunity for generating revenue and reviewing for other things to help the town.

AUDIENCE PARTICIPATION

Michele Battista, Stockton Lake Boulevard asked that the Governing Body reconsider raising the senior citizen badge prices. She related that they have not received a cost of living increase in their social security payments and noted that she disagrees with Council Member

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There was continued discussion regarding this matter.

Council Members Donovan and Bossone also objected to its introduction this evening.

The Municipal Clerk confirmed that it will be scheduled for introduction at the March 8th, 2010 regular meeting of the Governing Body.

There were no objections from the Governing Body.

COMMITTEE REPORTS

Public Works Committee – Council Member Donovan reminded the audience that the Manasquan Recreation Commission's Annual Fool's Fun Run will take place on March 27th, 2010 in Mallard Park. He also related that they are holding a fundraiser at Leggett's Sand Bar on February 27th, 2010 with the proceeds going to the Manasquan Community Center Project. He related that the Manasquan Recreation Commission would like permission to form a Citizen's Advisory Committee to research the next step to getting the Community Center Project to move forward. He related that the committee will be comprised of citizens, interested parties, M.B.I.A. members, Senior Group members, members of the Governing Body and stakeholders.

There was some discussion regarding this matter.

Council Member Donovan made a motion for the Manasquan Recreation Commission to present a recommendation to the Governing Body for the formation of a Manasquan Recreation Community Center Advisory Committee, seconded by Council Member Bossone. Roll Call was taken and the motion was unanimously approved.

Beach Committee – Council Member Bossone announced the beach badges and parking passes sale schedule.

Public Property and Parks Committee – Council Member Lee related that a committee meeting will be held on Thursday to discuss the T & M Associates Energy Audit. He related that the audit will look for improvements to the Borough's buildings to make them run more efficient and to save money. He related that the newly renovated Manasquan-Brielle Little League Building adds so much to Stockton Lake Park. He related that the committee will be looking to submit the park for a County award. He related that the committee will be reviewing the Manasquan Borough Hall painting contract. He thanked the Shade Tree Commission for the preventative work that they do through their preventative and maintenance program. He related that it was evident during the last major snow storm where very little tree damage occurred and there was no damage to the power lines caused by Borough trees.

Public Safety and Recycling Committee – Council Member Lucas had no report.

Administration and Finance Committee – Council Member Connolly related that the committee met and approved bills in the amount of \$67,655.11. She encouraged people to sign up for the Manasquan Website where there is a lot of very important information that goes out automatically to people who are signed up. She related that she is proposing that the Borough have a sign-up sheet at the Finance and Clerk's Offices for people to sign up for the website. She related that she thinks the Borough would get more people to sign up this way.

Mayor Dempsey asked who would implement it.

Council Member Connolly related that the Borough implements it now.

The Municipal Clerk related that if that were to take place a document containing the information would be created and would then be subject to OPRA.

Council Member Connolly stated that she could get the information then send it to the Clerk to enter.

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The Municipal Clerk related that this feature has been in all of the Borough's newsletters and that the staff verbally informs people of it on a regular basis.

Council Member Donovan made a motion to adjourn the regular meeting at 8:20 p.m., seconded by Council Member Bossone. Motion carried unanimously.

Respectfully submitted,



Colleen Scimeca
Municipal Clerk

DATE APPROVED 3-8-10