

JULY 19, 2010

A Work Session Meeting of the Manasquan Mayor and Council was held on July 19, 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 Connolly, Donovan, Grasso, Lee.

Absent: Council Member Bossone and Lucas.

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

APPOINTMENTS:

- 7:00 p.m. Donna McBarron, Esq. and Richard Cramer regarding Manasquan Borough COAH Update. (See Closed Session Item #2)
- 7:30 p.m. John Mercun, Esq., Manasquan Borough Labor Counsel (Closed Session Item #1)

The Borough Attorney presented a resolution authorizing the Governing Body to meet in closed session at 7:05 p.m.

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

**See Closed Session Item #2 following the reconvened work session meeting.**

The work session meeting was reconvened at 8:52 p.m.

Council Member Lee made a motion to amend the agenda to include a Block Party Request, seconded by Council Member Donovan. Motion carried unanimously.

Council Member Lee made a motion to approve the July 24<sup>th</sup>, 2010 Clark Street Block Party from 12 Noon to 9:00 p.m., seconded by Council Member Donovan. Motion carried unanimously.

APPOINTMENT:

- Borough Historian Mary Ware regarding a grant for the Squan Beach Life Saving Station.

Mary Ware presented a printed timeline for the Squan Beach Life Saving Station. She related that she is requesting permission to apply for a grant from the New Jersey Historic Trust which can be used for bricks or mortar. She related that she along with John Tischio are requesting permission to apply for the grant. She stated that a Letter of Intent is needed by July 22<sup>nd</sup>, 2010 and the grant application is due on September 16, 2010. She related that she along with the SBLSS Committee have been successful with obtaining grants in the past and that she does not see any reason not to pursue this grant. She related that they are in need of the matching portion of the grant which they are in the process of securing.

Mr. Trengrove asked for confirmation that the Borough will not have to provide the matching portion of the grant.

Mrs. Ware related that the Borough will not be providing the matching portion of the grant but that they will have to provide the Letter of Intent. She related that as the owner of the building the Borough will have to apply for the grant. She related if the funds are not available at the time of the application it can be withdrawn. She noted that they will have to provide documentation that the funding is available at the time of the application.

Council Member Donovan asked if this grant is going to put us under the same constraints that exist with the current Historical Trust Grant where the Borough has to hire a historical preservation architect.

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Mrs. Ware related that because it is a Borough owned building, prevailing wage will have to be paid and some type of supervisory person will have to be used. She related that if the Borough goes out on its own, prevailing wage will still have to be paid and the Borough will still have to go through Dan Sanders at N.J.D.E.P. because they work in concert with the Historic Preservation Office. She related that all the same steps will have to be followed no matter who does the work.

Council Member Donovan related that the Borough would not have to use people who are prequalified historic restoration builders who know that the Borough has a \$450,000 pot of money available to do the work.

Mrs. Ware asked why the Borough, in the past 10 years, has taken it upon themselves to find someone and go through the steps if it is that easy.

Mr. Trengrove related that the Borough did hire Chris Rice but the direction changed.

Mrs. Ware related that the direction changed because the plans never got there.

Mr. Trengrove related that is not true and that the Borough had permission from SHPO to move ahead early on before the Historical Trust got involved.

Mrs. Ware asked to see that document. She related that she asked for it 6 years ago.

Mr. Trengrove related that if it is in the file he will provide her a copy of it.

Mrs. Ware related that they do not have the letter in Trenton.

Council Member Connolly asked for clarification that Mrs. Ware as the Borough Historian is applying for the grant on behalf of the Borough and they will provide the matching portion of the grant.

Mrs. Ware applied affirmatively.

There was a great deal of discussion regarding the funds that have been expended on the project to date because the building was put on the Historical Register which drove the costs up.

Council Member Lee made a motion to authorize Borough Historian Mrs. Ware to submit a Letter of Intent for the grant with the stipulation that she will consult with the Borough Administrator and the Governing Body before proceeding with the application, seconded by Council Member Donovan. Motion carried unanimously.

- Amalia Trench, Squan Beach Lifesaving Station Committee.

Mrs. Trench asked for permission to apply for a \$3000.00 grant from the Monmouth County Historical Commission to help with the doors and windows. She noted that the matching portion of the grant will be provided by the Squan Beach Lifesaving Station Committee and that there are no deed restrictions attached to the grant. She noted that they have already pledged \$155,000 to the town for the building.

Council Member Connolly made a motion to authorize the Squan Beach Lifesaving Station Committee to apply for the above-mentioned grant, seconded by Council Member Lee. Roll Call was taken and the motion was unanimously approved.

ITEM #1. Appointment of a Director of Television Services.

Council Member Connolly related that the Manasquan Cable Advisory oversees the operation of the municipal access channel which is located at the Manasquan High School. She related that Lee Weisert, member of the Manasquan Cable Advisory Committee, runs the station - channel 77. She related that there is an organization that Lee Weisert would like to join but he has to have an official title, like the Director of Television Services. She related the Cable Advisory doesn't have the authority to appoint him. She related that they also are recommending that this is done so that Mr. Weisert can get together with other Directors of Television Services in other Boroughs.

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Mayor Dempsey asked what his duties will be and he noted it will have to be authorized by ordinance.

Council Member Connolly related that he will be running the television station and training people for the different programs on the television. She related that people will be trained to run the cameras to film activities like the Borough parades.

Mayor Dempsey asked if the Borough will incur liability for the individuals who are filming the events in town.

The Borough Attorney related that the Borough has an ordinance on the Cable Advisory Committee and it does not address a Director's position. He related that he is concerned that the ordinance doesn't address the parameters of the position. He related that what he is hearing is that they want the Director to run the television station.

Council Member Connolly related that is what he is already doing.

The Borough Attorney related that the Borough ordinance does not recognize that. He asked if something improper happened on the cable access channel where would the chain of command be.

Council Member Connolly replied the Cable Advisory Committee.

The Borough Attorney related that the ordinance only stated that they oversee the channel.

Mayor Dempsey related that the ordinance doesn't call for that title.

The Borough Attorney related that if the Director is going to direct the operation of the television station the ordinance has to address it. He related that if the school is going to turn the access channel over to the town then it will have to be addressed legally.

Mr. Trengrove related that he believes the Borough voted to move the operation of the station to the school. He related that the resolution should be reviewed.

There was continued discussion regarding this matter.

Mr. Kinneally related that if the operation of the television station was turned over to the school then they should make the appointment.

ITEM #2. Letter from Michael Amoroso regarding an encroachment on Borough Property.

Mr. Amoroso explained that 5 years ago they installed an elevated platform over a ground level platform without obtaining permission from the Borough and he noted that they both encroach onto Borough property. He asked for guidance on what can be done.

Mayor Dempsey related that an encroachment fee will have to be paid for the ground level platform or the raised platform. He related that the elevated platform is in violation of the zoning and the matter will have to be brought before the Planning Board.

The Borough Attorney related that they will need Planning Board approval for violating front yard set back and approval from the Borough to allow the platform to remain in Borough property subject to a licensing fee or the Borough can demand the encroachment be removed. He related that they may have to resolve if State DEP permits are required.

Mayor Dempsey related that the Planning Board should give their recommendation.

Mr. Amoroso asked if he can leave the ground level platform.

Mr. Kinneally related that he has to discuss that with the zoning officer.

Mr. Amoroso related that the zoning officer would not make the decision and told him to ask the Governing Body .

Mayor Dempsey related that the municipality will allow a normal width walkway from the house to the blacktop with no encroachment fee. He related that anything other than that has to

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go to the Planning Board.

Mr. Trengrove related that the Governing Body's policy is that when changes are made at the Planning Board level the existing encroachment would be addressed.

Mr. Amoroso related that the deck has been there for five years.

Mayor Dempsey asked who approved it. He related that if it was done by the Planning Board it would be in the resolution.

Mr. Amoroso related that it was not in the resolution.

Mr. Amoroso was instructed to discuss the ground level platform with the zoning officer.

Mayor Dempsey related that he plans to discuss this matter further with the construction and zoning officials. He related that he would like to know how it was missed when the inspection was done .

Mr. Amoroso related that he extended the Borough's retaining wall to help the dune from eroding. He related that if CAFRA has a problem with it he will remove it.

ITEM #3. Cedar Ave Boat Slip #5 – Conditions of Leasing.

Mr. Dean Carman explained the unique arrangement of this slip where his family owns half of the slip and the Borough owns the other half which he rents from them. He related that he is requesting permission to put an additional 13 foot Boston Whaler in the slip along with his 22 foot boat. He noted that the slip is large and that he has done it in past years. He asked for some relief from the lease that only allows one boat in the slip. He provided a copy of the registration and insurance for the boat to the Clerk's office. He related that he believes he can put the boats side by side.

The Municipal Clerk related that it has never been requested nor allowed by the Borough in the past.

The Governing Body agreed to turn this matter over to the Public Property and Parks Committee and that Mr. Carmen is allowed to keep the second boat there until this matter is decided.

#### AUDIENCE PARTICIPATION

There being no comments, Council Member Grasso made a motion to adjourn the work session meeting at 9:39 p.m., seconded by Council Member Connolly. Motion carried unanimously.

The **closed** session meeting minutes, clerks signature and approval date are on the next page.