

AUGUST 2, 2010

A Work Session Meeting of the Manasquan Mayor and Council was held on August 2nd, 2010 at 7:47 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 .

Absent: None.

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

ITEM #1. Letter from Patock Construction Co. requesting to work from 7:00 a.m. to 3:00 p.m. at the Water Treatment Plant Project site.

There was a great deal of discussion regarding this request.

Council Member Connolly made a motion to allow Patock to begin work at 7:00 a.m. with the stipulation that equipment may not be started until 7:30 a.m. and that the approval will be withdrawn if there are any complaints from the Borough residents, seconded by Council Member Donovan. Motion carried unanimously with the exception of Council Member Lee who voted against the motion.

ITEM #2. Waiver of Ordinance #12-9.6/Beachfront Access Restriction.

Council Member Donovan pointed out that the requested dates have passed.

This item was removed from the agenda.

ITEM #3. Sea Watch Restaurant Renewal Update – Council Member Lee.

Council Member Lee related that the Sea Watch Restaurant contract expires October 31, 2010 and that the Municipal Clerk would like to begin the bid preparation process. He informed the members of the Governing Body to forward any thoughts or ideas regarding the bid specifications to him as soon as possible.

Mr. Trengrove pointed out that the current agreement was a one year agreement with the option to renew for two years.

ITEM #4. Cedar Ave Boat Slip #5 – Conditions of Leasing.

Mayor Dempsey related that the boat slip is part Borough property and part private property owned by the lessee. He related that since they own a portion of the slip he does not object to them using the slip for two boats.

Council Member Connolly agreed with Mayor Dempsey.

Council Member Lee suggested memorializing the change to the lease agreement in writing.

Mr. Trengrove noted that the agreement should stipulate that the slip cannot be sublet and that both boats must be owned by the lessee.

Mr. Kinneally related that the size of the boat should be limited and that it should be a year to year agreement.

Council Member Lee made a motion to approve the request with the above stipulations, seconded by Council Member Lucas. Motion carried unanimously.

The Borough Attorney was authorized to prepare the amended lease agreement.

ITEM #5. Use of Borough Property Requests:

- Fletcher Avenue Block Party

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Council Member Lee made a motion to approve the request with the stipulation that the event end at 9:00 p.m., seconded by Council Member Donovan. Motion carried unanimously.

- Curtis Place Block Party

Council Member Lee made a motion to approve the request with the stipulation that the event end at 9:00 p.m., seconded by Council Member Bossone. Motion carried unanimously.

- Lubeck Wedding - Beachfront Property

Council Member Connolly related that they are just using a small piece of Borough property and that she doesn't see any problem with the request.

The Municipal Clerk pointed out that the Police Department will not be providing off-duty police officers for security for the event and that they will have to get private security.

Council Member Connolly asked why they will need off-duty police officers.

The Municipal Clerk related that they indicated that they would be needed to keep people from leaving the party with alcohol. She related that they will have to keep people from drinking on Borough property and noted that it has never been allowed by the Borough. She related that they have indicated that the alcohol will be served on the deck area but that will not stop people from walking around.

Council Member Connolly related that she does not have a problem with them using the Borough property.

Mayor Dempsey asked how the North End beach wedding was handled.

The Municipal Clerk related that they moved the tent onto their property because they did not want to deal with the alcohol issue.

There was a great deal of discussion regarding this matter.

Mr. Kinneally related that this is a policy decision that the Governing Body has to make. He related that if the Governing Body believes that the serving and consumption of alcohol on Borough property is a liability issue they should require that a certificate of insurance and that hold harmless agreement be filed.

The Municipal Clerk related that anyone who uses Borough property has to provide a Certificate of Insurance.

Council Member Connolly related that people put plants on Borough property and the Borough doesn't do anything about it. She related that it is wedding and that you probably can't even see in the tent.

Council Member Lucas pointed out that it is after the summer season.

Mayor Dempsey related that the Governing Body should be consistent with these types of requests.

Council Member Bossone related that they should be told that they cannot serve alcohol under the tent on Borough property. He related that if the Manasquan Police Department enforces the alcohol on Borough property laws it would disrupt the wedding celebration.

Council Member Connolly stated to just tell them that they can't have alcohol on Borough property.

The Municipal Clerk related that the police will enforce the ban of drinking on Borough property and related that if there are planters on Borough property the Code Department should look into it.

Mr. Trengrove checked the tax map and related that 33 feet from the boardwalk west is Borough property.

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COMMITTEE REPORTS

Law and Code Committee – Council Member Grasso gave the Law and Code Department Monthly Status Report. He related that they are 53 percent behind in revenues.

Mayor Dempsey asked how many calls of service were there.

Council Member Grasso related that they do not generate revenues when they go out and they do not keep track of them. He related that his concern, and the town's concern, is what we are bringing in. He related that it looks like we are not going to hit budget in 2010.

Mayor Dempsey related that they never have.

Council Member Grasso suggested that a meeting be held with himself, the Mayor, the CFO and Department Supervisor to discuss any recommendations in the event that this department continues to have a shortfall for the rest of the year. He related that there may be some suggestions to avoid not making budget.

Mayor Dempsey related that they have not made their budget for the past 3 years because they are a service department.

Council Member Grasso asked the Mayor if he owned his own service business. He asked the Mayor if he keeps his employees if he doesn't make money.

Mayor Dempsey related that he has no employees.

Council Member Grasso stated for the record that he happened to go by the boat slip, or the Code Official Pat Callahan went by, and related that bubble covers have still not been put on and that it is immediate and has to be done immediately. He related that the covers are on the private sector and it has to be done to avoid any safety problems as far as electrocution. He related that it is very important.

Council Member Lee related that they are on order.

Mayor Dempsey asked if the motor is covered up.

Council Member Lee related that it is not a motor and that it is a water meter.

Council Member Grasso related that it is still open.

Council Member Grasso related that he has received numerous complaints from beachfront condo residents that people are sleeping on the beach and that nothing has been done as far as they have requested. He related that he personally went to the beach at 4:30 a.m. on Sunday two weeks ago and there were 12 people sleeping there with alcohol.

Mayor Dempsey asked Council Member Grasso if he informed Council Member Lucas so he could bring it to the attention of the Police Department.

Council Member Grasso related that he is telling him now. He related that this has been brought to the attention of the Police Department and nothing has been done.

Council Member Grasso related that he is still getting complaints from Ocean Avenue residents regarding speeding by passenger cars and taxis. He related that residents yell at motorists to slow down and get verbal abuse and obscene gestures and stated that he doesn't think that we want that in our town. He related that 95 percent of the speeders have been out-of-town taxis which he personally tracked since he lives on Ocean Avenue. He related that we are constantly being told that there is concern about getting the people out of the bars as soon as possible – but at what cost do we want to move these people out: getting a child killed or a bicyclist or dog walker killed. He related that this has to be addressed which is why we want this ordinance passed. He related that he spoke to Borough Attorney Kinneally who is still working on it and will probably have a report by the next meeting. He related that he still has not heard back about getting two extra handicapped parking spaces at the west end of the Inlet and the people want to know when the old baseball shack will be torn down. He related that there are a lot of problems at First Ave and Ocean Avenue as far as the 15 minute parking area. He related

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that many people have asked if it can be made to be a drop off area for the beach goers. He related that right now people are dropping people off in front of the Elks Beach Bathroom area and that there is a \$250.00 fine for that.

Administration and Finance Committee – Council Member Connolly related that this committee has approved bills totaling \$187,338.66. She related that the tax bills went out late and that the third quarter payment has been extended to August 3rd.

Public Safety and Recycling Committee – Council Member Lucas read the Manasquan Police Department Enforcement Activity Report. He related that the Police Department is doing an excellent job.

Mayor Dempsey asked if Council Member Lucas if he will follow up on the sleeping on the beach complaint.

Council Member Lucas related that he mentioned it to the Police Chief who indicated that he had an officer there and that no one was observed on the beach when the officers were present. He related that he mentioned it twice and the Police Chief is aware of it.

Council Member Lee asked if there were any pictures to share so the Council would have detail to look at.

Council Member Grasso related that it was mentioned about two weeks ago by Council Member Bossone that we can't take pictures of underage minors. He related that most of the people that I saw on the beach that day (mentioned above) were minors.

Council Member Bossone asked Council Member Grasso if he called the police department.

Council Member Grasso related that it isn't his job to call the police.

Council Member Lucas related that it is his job to call the police since you are a Councilman.

Council Member Bossone questioned Council Member Grasso again and stated that he saw minors drinking on the beach and didn't call the police.

Council Member Grasso stated to Council Member Bossone, I'll tell you Council Member Bossone this shift starts at 7:00 p.m. for the police and I asked that question. He related that no one would be down there at 4:30 in the morning – from what he was told.

Council Member Bossone asked Council Member Grasso if there are no police working at 4:30 a.m.

Council Member Grasso related that is what he was told.

Public Property and Parks Committee – Council Member Lee related that regarding the reports at the boat docks, the DPW has been very responsive and will continue to be. He related that it is our job to protect Manasquan if something is out of whack. He related that Council Member Grasso reported that one could get electrocuted at the uncovered outlet at the dock area but that they are ground fault receptacles. He related that the basketball court in Curtis Park has been repaired. He related that they are researching the geese problem through out town. He related that he is recommending resuming the harassment technique of using the pyrotechnics to scare the geese away while a full scale approach is being researched.

There were no objections from the members of the Governing Body.

Beach Committee – Council Member Bossone related that the Beach revenue is \$1,432,000 and that it was \$1,239,000 during the same time period last year.

Public Works Committee – Council Member Donovan related that the Public Works Department has been doing work on the dock area to try to prevent the sink holes from expanding. He related that the shed at Borough Hall has been power washed and painted. He gave an update on the Water Treatment Plant Project and related that Patock Construction has been working full steam ahead. He related that a temporary fence was installed to secure the work area to keep people from getting injured. He related that there were complaints about the

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location of the fence and that part of the area inside the fence was work area where test holes and mark outs had to be done. He related that part of the work has been completed and the fence has been moved back so that there is adequate room for people to walk outside the work area. He related that the fence was not placed there at the request of the DPW Superintendent in retaliation of the neighbors there. He related that the fence was placed there for safety reasons. He related that the County will clean out the silt trap in Mac's Pond on Wednesday at no cost to the Borough. He related that the spoils will remain on the side of Mac's Pond to dry out then the DPW will remove them. He related that the new garbage and recycling cans have been installed at the Inlet. He related that the Manasquan Seniors Group had their first Berry Festival on Sunday and it was a successful day.

Mayor Dempsey pointed out that the placement of the temporary fence at the Water Treatment Plant was recommended by Patock Construction Company and their insurance company to limit their liability.

Council Member Donovan related that the fence was placed there to provide security for the worksite and safety for the employees. He related that the insurance company gave them certain parameters and that they have their own parameters based on where the machinery will be moved around.

Council Member Connolly asked if the residents were contacted about this.

Council Member Donovan and Mr. Trengrove related that there were meetings and a letter was sent to the residents. He related that Patock will or already has sent a letter to the residents.

Mayor Dempsey related that the residents have communicated by putting bags of dog waste on the fence.

AUDIENCE PARTICIPATION

There were no questions or comments from the audience.

Council Member Lee made a motion to adjourn the meeting to the regular meeting at 8:32 p.m., seconded by Council Member Donovan. Motion carried unanimously.

The work session was reconvened at 8:57 p.m.

CLOSED SESSION

The Borough Attorney presented a resolution authorizing the Governing Body to meet in closed session at 8:57 p.m.

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

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