

MAY 3<sup>RD</sup>, 2010

A Regular Meeting of Mayor and Council was convened at 8:14 p.m., in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

The Mayor stated 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 were Municipal Administrator John Trengrove and Municipal Attorney James Kinneally.

#### APPOINTMENTS:

Council Member Lucas made a motion to appoint Deborah Mansfield to the position of Class II Special Officer at the salary of \$23.05 per hour, seconded by Council Member Donovan. Roll Call was taken and the motion was unanimously approved.

Council Member Bossone made a motion to approve Joanne Madden to the position of Consultant at \$50.00 per hour, seconded by Council Member Donovan. Roll Call was taken and the motion was unanimously approved.

Council Member Bossone made a motion to amend the NJ Transit 2010 Summer Services Program Resolution to increase the amount of reimbursement from \$3.50 to \$5.00 and to delaying its approval until they begin to participate in the maintenance of the N.J. Transit Manasquan Train Station property, seconded by Council Member Donovan. Motion carried unanimously.

#### CONSENT AGENDA

The Borough Attorney presented the following resolutions for approval.

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	242,594.10
WATER/SEWER FUND:	11,870.13
BEACH FUND. :	52,315.38
GENERAL CAPITAL FUND:	18,241.63
WATER/SEWER CAPITAL FUND:	16,584.54
BEACH IMPROVEMENT FUND:	

#### BOROUGH OF MANASQUAN RESOLUTION 44-2010

**WHEREAS**, the Borough of Manasquan has determined that certain personal property as described on the attached schedule is no longer needed for public purposes; and

**WHEREAS**, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Manasquan, County of Monmouth, State of New Jersey

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as follows:

1. The attached schedule of Borough property is hereby declared to be surplus, no longer needed for public purposes; and
2. The Clerk is hereby authorized and directed to advertise a public sale of said property to be held on Saturday, May 22, 2010 commencing at 11:00 a.m. prevailing time, said sale to be held at the Public Works Garage, Iroquois Road, Manasquan, New Jersey.
3. The Borough reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said sale shall be in the manner of a public auction in accordance with procedures to be announced and upon close of bidding, the highest bidder as designated by the Auctioneer shall submit the full bid price in cash.
5. The procedure for the purchase of a vehicle will be announced at the start of the auction.

**BOROUGH OF MANASQUAN  
RESOLUTION  
45-2010**

**WHEREAS**, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefor; and

**WHEREAS**, the borough council has determined that there is a need for professional services during the 2010 calendar year; and

**WHEREAS**, the borough council has determined to provide the need to acquire these professional services as a non-fair and open contract pursuant to the provisions of N. J. S. A. 19:44A-20.5; and

**WHEREAS**, the chief financial officer of the municipality has determined and certified in writing that the value of these professional services will exceed \$21,000; and

**WHEREAS**, the anticipated term of this contract is from May 3, 2010 to December 31, 2010; and

**WHEREAS**, the following professional service provider has submitted proposals indicating that they will provide their services for the agreed upon rate (s) that are contained in their proposals/contracts that are on file in the Clerk's Office.

Robin Stacey, Esq. – Alternate Borough Prosecutors

This appointment is made pursuant to N. J. S. 2B:12-1 et seq.

**WHEREAS**, a certification as to the availability of funds executed by the chief financial officer is attached to this resolution pursuant to the provisions of N. J. A. C. 5:30-5-4;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 3<sup>rd</sup> day of May, 2010 as follows:

1. The Business Disclosure Entity Certification of this professional and the Determination of Value Certification of the chief financial officer shall be filed in the office of the municipal clerk, and shall be available for public inspection.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with this professional to provide professional services to the municipality for the 2010 contract year at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.
4. A certified copy of this resolution shall be sent to the professionals included in this resolution.

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BOROUGH OF MANASQUAN  
RESOLUTION NO. 39-10

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A LICENSE AGREEMENT BETWEEN THE MUNICIPALITY AND INLET CORNER PROPERTY LLC FOR PROPERTY IDENTIFIED ON THE MUNICIPAL TAX MAP AS BLOCK 187, LOT 25.01

WHEREAS, the Borough of Manasquan ("Manasquan") and Inlet Corner Property LLC ("Property Owner") have agreed to enter a license agreement relating to property identified on the municipal tax map as Block 187, Lot 25.01 and designated in the license agreement as the "Site"; and

WHEREAS, the license agreement permits the Property Owner to locate a vending machine in an area 2.00 square feet in size that is located within the Borough of Manasquan right of way; and

WHEREAS, the license agreement is for one year, commencing April 5, 2010 and renewable at the sole discretion of the Borough of Manasquan; and

NOW, THEREFORE BE IT RESOLVED on the 3rd day of May, 2010, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The Mayor and Municipal Clerk are authorized and directed to execute the license agreement with Inlet Corner Property LLC for the period commencing May 3, 2010 through May 2, 2011. A copy of the license agreement is attached to this resolution.
2. A certified copy of this resolution shall be sent to:
- 3.

Inlet Corner Property LLC  
432 First Avenue  
Manasquan NJ 08736.

BOROUGH OF MANASQUAN  
RESOLUTION NO. 47-2010

**A RESOLUTION TO AFFIRM THE BOROUGH OF MANASQUAN'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

WHEREAS, it is the policy of the Borough of Manasquan to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Manasquan has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Borough of Manasquan that:

**Section 1:** No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

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**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Municipal Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Municipal Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Municipal Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Municipal Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Coast Star in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

Council Member Donovan made a motion to approve the Consent Agenda, seconded by Council Member Lucas. Roll Call was taken and the motion was unanimously approved.

#### ORDINANCES

The Borough Attorney read the title of ordinance #2069-10 for the second reading and final hearing.

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 14 BUILDING AND HOUSING, IN THE BOROUGH  
OF MANASQUAN

The Mayor asked if there were any questions or comments regarding ordinance #2069-10.

There being no questions or comments, Council Member Lucas made a motion to pass and publish ordinance #2069-10 according to law, seconded by Council Member Grasso. Roll Call was taken and the motion was carried unanimously.

The Borough Attorney read the title of ordinance #2070-10 for the second reading and final hearing.

CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-  
45.14)

The Mayor asked if there were any questions or comments regarding ordinance #2070-10.

Former Council Member John Tischio, Meadow Ave asked for an explanation of this ordinance.

Mr. Trengrove explained the ordinance.

Mr. Tischio related that he would like an explanation of all the ordinances.

There being no questions or comments, Council Member Lucas made a motion to pass and publish ordinance #2070-10 according to law, seconded by Council Member Lee. Roll Call was taken and the motion was carried unanimously.

#### APPROVAL OF MINUTES

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Council Member Donovan made a motion to approve the work session and regular meeting minutes of March 22, 2010, second by Council Member Bossone. Motion carried unanimously.

#### COMMITTEE REPORTS

Public Works Committee – Council Member Donovan related that the Manasquan Recreation Citizen's Committee had its first meeting and that a lot of good ideas were exchanged.

Beach Committee – Council Member Bossone announced the beach badge sale schedule. He related that the Borough has sold \$253,000 in badges/parking stickers compared to \$232,000 during the same time period last year. He related that the bulldozer was delivered this week and the DPW will proceed with moving sand in preparation of the summer beach season. He related that the Inlet Opening Repair Project is underway and the DPW is doing a great job there. He announced the beach bathroom schedule. He announced that no dogs are allowed on the beach from April through October. He related that the Manasquan Chamber will be pruning trees on Main Street this week which may interfere with parking there. He announced that the Central Jersey Blood Bank will be holding a blood drive at the Squan Tavern on May 10<sup>th</sup> from 9:00 a.m. to 10:00 a.m.

Public Property and Parks – Council Member Lee informed the audience of the Manasquan Shade Tree Arbor Day events that took place at the Manasquan Elementary School and Manasquan Public (Private) Library. He related that the Shade Tree will begin their annual tree elevation work beginning on Wednesday. He congratulated Bruce Bresnahan, who was present in the audience, for holding a great Little League Opening Day Parade and celebration of the new Little League Clubhouse. He related that the clubhouse was renovated by volunteer efforts, donations and at no cost to the taxpayers. He announced the Monmouth County Transportation Council's Seventh Annual Transportation Summit at Monmouth University at 6:30 p.m. tonight.

Public Safety and Recycling Committee – Council Member Lucas related that the mandatory police training that the police officers have attended recently. He thanked Patrolman Brian Gillespie for his dedicated years of service to the Borough and he wished he along with his family well. He related that no dogs are allowed on the beach. He reminded the Little League Parents not to speed on Ocean Ave.

Administration and Finance Committee – Council Member Connolly announced the Payment of Bills amount that was previously read by the Borough Attorney. She related that the Administration and Finance Committee met with the Board of Education to discuss the defeated school budget and will be meeting with them on May 5<sup>th</sup>, 2010. She noted that the Governing Body has until May 18<sup>th</sup> to make a recommendation regarding the budget. She related that 18 property tax appeals were filed and that 5 appeals are in tax court. She announced the water/sewer meter reading process and related that the payment is due on May 21<sup>st</sup>, 2010.

Council Member Bossone asked for an explanation of the steps that the Governing Body will take regarding the defeated school budget.

Council Member Donovan related that a package for the Governing Body to consider will be ready for the meeting of the Governing Body on May 17<sup>th</sup>, 2010.

Council Member Connolly related that it will be emailed in advance of the meeting for the Governing Body to review.

Law and Code Committee – Council Member Grasso read the Code Enforcement/Building Department Status Report. He related that some people would like two additional handicapped parking spaces at the end of the Inlet. He also related that someone requested two taxi stand parking spaces at the N.J. Transit Property.

Mayor Dempsey related those issues should be handled by the Police Department.

Mr. Trengrove related that the request for the taxi stand parking spaces should be handled by N.J. Transit since it is their property.

Council Member Grasso related that he will meet with whoever he has to.

Mayor Dempsey related that those items should be turned over to Council Member Lucas, chairman of the Public Safety Committee.

Council Member Grasso recommended that Borough ordinances be put on display in Council Chambers and on the Borough website for the residents to see. He related that the fine for walking dogs on the beach should be included on the beach signs.

#### AUDIENCE PARTICIPATION

Lou Coccozza, 45 North Potter Ave expressed his dissatisfaction with the Opt-Out benefit that the Borough employees receive and that he doesn't get the rationalization that was given for it by Mayor Dempsey and Council Member Lucas.

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He related that if an employee does not choose to get benefits that should be the end of it and they should not be paid \$12,500.00 for opting out. He related that the Borough employees are receiving a gold-plated Cadillac plan for medical coverage and he doesn't know what the rationale is for giving it to them. He related that it costs the town \$25,000.00 per employee for the family plan. He related that with that in mind, he knows that the Governing Body can go out and find a very good plan for \$15,000.00 or \$17,000.00 a year which would save the Borough about \$500,000.00. He related that he is aware that employees will have to pay 1.5 percent of the insurance costs. He also complained about giving the employees the 2/4/6/8 Flex Plan. He asked why the Borough did this because the IRS provides a medical FSA savings account to everyone in the Country. He related that this is a potential of \$700,000.00 savings to the Borough. He related that the taxpayers of Manasquan need a break.

Dick Meincke, 36 North McClellan Ave related that he agrees with Mr. Coccozza's comments. He related that you people are trying to make an extra effort to go against what the State really planned. He related that he thinks that the Governing Body is going against the State who is reducing the State employee's benefits. He asked why Joanne Madden is coming back to work. He asked how many hours she is going to work and how much has been budget for her. He said that the Borough claimed that it saved money when Ms. Madden retired but is now bringing her back as a consultant.

Mr. Trengrove related that she is doing work in the Finance office to help with the general ledger during the busy summer season. He related that she will work when needed and approximately \$7,000.00 to \$8,000.00 is in the budget to pay her.

Nancy Tischio, 17 Meadow Ave asked if the fences along the beach will be fixed before the summer season. She related that it prevents people from running on the dunes.

Mayor Dempsey related that they will be fixed but that he is not sure if it will be done before the season begins.

Mary Kotsopoulos, 30 Ocean Ave related that the two reports about the speeding on Ocean Ave did not report the speeds there which is what she is concerned about. She asked that the Police Department conduct a survey on speeding there in May.

Gail Kave, along with her children Emily and Alex Kave, 32 Clark Street related that they are present in the audience because they are studying government in school.

Council Member Bossone made a motion to adjourn the regular meeting at 8:49 p.m., seconded by Council Member Lucas. Motion carried unanimously.

Respectfully submitted,



Colleen Scimeca  
Municipal Clerk

DATE APPROVED 6/2/10