

JULY 18, 2011

A Regular Meeting of Mayor and Council was convened at 8:10 p.m. on July 18, 2011 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey 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 21, 2010.

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

ROLL CALL: Present: Council Members Connolly, Donovan, Grasso, Lee, Lucas, and McCarthy

Absent: None

Also present was Borough Attorney Mark Kitrick and Borough Administrator/CFO Joseph DeIorio

CONSENT AGENDA

**RESOLUTION
188-2011**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies are due to the following:

MANASQUAN JUNIOR GUARD:

NAME: Kelly Suer
409 Leslie Avenue
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$80.00

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed refunds with said warrant to be charged against the General Ledger.

**RESOLUTION
189-2011**

WHEREAS, Police Chief Daniel Scimeca and the Borough of Manasquan entered into an Employment Contract signed on September 13, 2010

WHEREAS, Section 1 of the agreement states that for the Calendar Year of Employment for 2010, 2011 and 2012, "The annual base salary to be paid to the Chief of Police is as follows: 7% above the base annual salary of the Captain of Police, now therefore,

BE IT RESOLVED that the Borough Council of the Borough of Manasquan County of Monmouth, State of New Jersey, has authorized that the base salary of the below listed employee shall be increased for the calendar years as follows:

EMPLOYEE:

JULY 18, 2011

Daniel Scimeca, Chief of Police

\$117,189 (2010)
\$119,533 (2011)

BE IT FURTHER RESOLVED that the Borough Clerk is authorized to notify the employees upon passage of this resolution

**RESOLUTION NO.
190-2011**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees for the Summer Season of 2011; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 20th day of June, 2011 appoint the following Seasonal Beach Employees to work during the Summer Season, 2011:

LIFEGUARD:	Address	Hourly Rate
Douglas Hunter	786 Jenny Court, Brick	\$12.00
EMT/LIFEGUARD		
Mathew Giachetti	5 Roe Lane, Howell	\$11.50
BADGE CHECKERS:		
Casey Huth	220 Broad Street, Manasquan	\$7.50
Kendra DeSomma	372 Euclid Ave, Manasquan	\$7.50
PARKING LOT/BEACH PATROL:		
Thomas Hall	2433 Sycamore St., Wall	\$8.50/\$9.00
John Lingenfelter	64 Manito Road, Manasquan	\$8.50/\$9.50

**RESOLUTION
191-2011**

Whereas, the Office of Emergency Management has recommended the replacement of the existing Omni Directional Speaker Array Siren along the beachfront at Ocean Avenue and Beachfront; and

Whereas, rather than continuing to repair the non-operable siren, the Office of Emergency Management has recommended the replacement of a siren compatible with Manasquan's existing siren systems; and

Whereas, the only system that is compatible with our existing notification system is the Federal Signal's Alert and Notification Siren System Model MOD6032; and

Whereas, the only source to purchase this system is through Baycomm Inc. 1016 Talon Lane, Wilmington Delaware, the sole representative for Federal Signal Corporation for this region; and

Whereas, the Borough of Manasquan has applied for grant funds through FEMA to offset these costs; and

Whereas, state statute NJSA 40A11-2(39) of the Local Contracts Law defines the purchase of "Proprietary" items and,

JULY 18, 2011

Whereas, state statute NJSA 40A11-13(d) of the Local Contracts Law defines the mechanism for a government unit to purchase a "Proprietary" item, and,

Whereas, the purchase and installation of the Omni Directional Speaker Array Siren Warning System falls under the criteria of a "Proprietary" purchase, now

Therefore be it resolved, that the Borough of Manasquan enter into a contract with Federal Signal Corporation Signal Division 2645 Federal Signal Drive, University Park IL. 60466 in the amount of \$22,664 and the installation from Baycomm Inc. 1016 Talon Lane, Wilmington Delaware in the amount of \$5,960; and

Be it further resolved, that the Chief Financial Officer has certified the availability of funds through Ordinance 2083-11.

**RESOLUTION
192-2011**

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:	159,742.29
WATER/SEWER FUND:	10,444.34
BEACH FUND:	3304.75
GENERAL CAPITAL FUND:	1862.64
WATER/SEWER CAPITAL FUND:	11,430.28
BEACH IMPROVEMENT FUND:	

Council Member Connolly made a motion to accept the Consent Agenda, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas, and McCarthy, "no" none.

ORDINANCES

Council Member Lee recused himself from the discussion on this ordinance because he has a family member that lives with him that works for a taxi company on weekends in the summer.

The Borough Attorney read the title of ordinance 2087-11 for the second reading and final hearing.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7
(TRAFFIC) AND CREATING SECTION 7-7.11 ENTITLED RESTRICTION**

JULY 18, 2011

**FOR OMNIBUS OR LIMOUSINE PARKING IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Mayor Dempsey asked if council had any questions or comments regarding ordinance #2087-11.

Council Member Donovan stated that one thing that had come up was where a limousine is waiting for participants either in a wedding or a funeral outside of a church. He wanted to know if that would be considered under the ordinance waiting to pick up or discharge passengers.

Mr. Kitrick stated that would be his interpretation and that usually in those cases the driver does not leave the area of the vehicle and it is not parking the vehicle and leaving the surrounding area.

Council Member Connolly made a motion to open the hearing up to the public, seconded by Council Member McCarthy. Motion carried unanimously.

John Curtis, owner of building on Mount Lane stated that he purchased the building in 1979 and have owned it since then. He advised that it was constructed in the late 1800s so it has been there a long time, at least the original portion of it. He stated that additions were put on in the 1930s and 1940s and the final was put on by him in 1986. He advised that Ken Leopard has been his tenant for over 10 years and he has a going business in town and a good tenant for him for many years. He stated that the town has an obligation, not only to the people of the town but also the businesses and thinks this is a little extreme what is being proposed. He also pointed out that having the taxis the Borough is keeping the residence safe because the drunks are not on the road that there was years ago. He stated that this is performing a service that is good for the town. He agreed with the licensing of taxis and that is a good issue and there definitely should be licensing of all the cabs and cab drivers.

Ken Leopard, taxi owner and tenant stated that he has been a loyal tenant in the commercially zoned area at 11 Mount Lane for over a decade and that the only possible issue he has is with respect to having a commercially zoned area with an office and will he still be allowed to operate his business. He stated that he has an office, pays his taxes, pay water and sewer for over ten years. He also stated that he knows there is an issue with people parking outside residents and houses, he totally gets it. He also stated that it is a great idea that the Borough is curbing that but the only issue he has is will he still be able to operate his business going into the second decade outside his office. He thinks that with respect to the actual taxi ordinance being introduced that may also curb it because you are going to have taxi companies that need to have an office. He stated that he thinks the issue where people may not get along with residents is the fact that a lot of these companies in Manasquan don't have an office. He believes that of course they are going to randomly and strategically place their vehicles out on the streets. He stated that he understands but he is not trying to place blame on any other company but all he is referring to is businesses that have an office in town. He stated that he follows all the mandates of the state along with his commercially leased office and would like to continue to do that. He stated that he is also DOT regulated through the state. He stated that he spoke to Council Member Grasso on a number of occasions and he thinks that to take this to the next step further with respect to the DOT licensing if that is what we discuss down the road. He stated that he thinks that it is ultimately going to curb that with respect to taxis being parked overnight all over the place because they don't have an office. He believes that companies need to be licensed in the town of Manasquan and they need to have a commercially operated office. He believes this will alleviate all the companies that come into town, make all the money and park at various different places throughout Manasquan because they do not have an office.

John LaSpina, owner of Johnny Babes, 39 Union Lane, asked about the 20 minute parking and stated that he happens to have 2 vehicle, both licensed, but there is no license in Manasquan which he believes there should be. He stated that with the 20 minutes and he goes and eats over at Squan Tavern and he wants to park his vehicle there and do a little shopping in town on his off time. He stated that his vehicle is not on the road 24 hours a day, he is just going to eat and the vehicle is parked there. He wanted to know if he had to go out every 20 minutes to move his vehicle to another location. He stated that the time limit is not feasible. He also advised that right now the town is giving out letters to anybody that comes in that the Borough does not have a taxi ordinance and they can take that letter and go to motor vehicle and they wind up getting a taxi license from motor vehicle. He stated that there is no check on them, none of the drivers are checked criminal or anything else. He stated that anyone who is operating in this town should have on the side of their car their name and where they are from. He stated that there are too many taxis and there are limos that come into town and put a taxi on top and go around picking up. He advised that they are not even allowed to do that with limo plates. He stated that you have the regular people that have been in this town and services the town and we are going to suffer for the ones that are coming in here and just parking

JULY 18, 2011

all over the place. He stated that people have advertisement on their vehicles and what happens if, Mayor, you turn around and you work for one of the company's, you take your vehicle home and park it on your property, right in your drive overnight because you are going to work in the morning. He stated "you are breaking the law.

Mayor Dempsey stated that you would not be breaking the law.

Mr. LaSpina stated that no you are not breaking the law but yet that person that's complaining that you are parking that vehicle and they have to walk out of his house and look at your beer on the side of the van.

Mr. Kitrick stated that you would not be prohibited from parking the vehicles on your own property and it also does not prohibit the vehicles being parked in commercial parking lots.

Mr. LaSpina asked how about on commercial areas where the commercial street is.

Mr. Kitrick stated that it would control that but it would not control commercial parking lots.

Mr. LaSpina asked if it would control commercial parking lots.

Mr. DeIorio to clarify the issued stated that if you are parked on Main Street you could not park there longer than 20 minutes, but if you park behind Squan Tavern that is ok and if you park in your driveway that is ok. He stated that if someone has a parking lot within their business, if they work out an arrangement with ACME that's ok, there are no restrictions there.

Mr. LaSpina asked no restrictions whatsoever.

Mr. DeIorio answered right.

Mr. LaSpina stated that so a company can bring all their cabs here and park it Manasquan at the train station on the left side of main street and Acme but that's ok.

Mayor Dempsey stated that is not Borough property. He advised that parking from the railroad crossing north and south that is not the Borough of Manasquan property, it is the Department of Transportation property. He stated that if you park there they may tell you that you can not park there but the Borough does not have jurisdiction over that.

Mr. LaSpina stated that his argument is that how can you turn around and say that you can park there but you can't park there if a person lives there. He asked if you live in the apartments on Mount Lane he can't park in the street if there are no parking spaces for him to park and there is no designated parking spaces right there. He can park in the street and go in to sleep or eat, where is he going to park his vehicle.

Kathy Trubenbach, Euclid Avenue stated that she thinks that the cabs are down on Mount Lane and on parked in the street. She stated that it is an office but they do not have a lot and it is an eyesore and was in the Asbury Park Press yesterday. She stated that there about 20 cabs there. She stated that Johnny Babe's taxis are on Curtis Avenue and they are at the end of her street, they are not in a lot or in anyone's yard or anything. She stated that for example the ones over by ACME are in the back and seem to be in an area. She advised that in Spring Lake Heights, Coast City Cabs are parked in someone's yard in the back on their own property. She stated that she would think that a business would have an area to park the vehicles. She stated that as far as the licensing goes she has seen people that have driven cabs that don't even have driver's licenses that are drug addicts, and intoxicated.

Council Member Lucas made a motion to close the public hearing, seconded by Council Member McCarthy. The motion carried unanimously.

Mr. DeIorio stated that there were two residents that could not be at the meeting and they contacted him via phone and e-mail and he advised that Ms. Joanne Van Stolk 440 Cedar Avenue indicated her support of the taxi parking ordinance and June Cunningham 448 Cedar is in favor of this ordinance.

Council Member Connolly made a motion to pass and publish ordinance 2086-11 according to law, seconded by Council Member Grasso. The motion carried by the following vote; "yes, Council Member Connolly, Donovan, Grasso, Lucas and McCarthy, "no" none. Council Member abstained from voting.

JULY 18, 2011

The Borough Attorney read the title of ordinance 2088-11 for first reading and introduction.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2
(ADMINISTRATION) SECTION 2-33.1 ENTITLED DUTIES OF THE SHADE
TREE COMMISSION AND SECTION 2-36.2 ENTITLED MEMBERSHIP IN
THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY**

Mayor Dempsey asked Council if they had any questions or comments.

There being none, Council Member Lee made a motion to introduce ordinance 2088-11, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas and McCarthy, "no" none.

The Borough Attorney read the title of ordinance 2089-11 for first reading and introduction.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5
(ANIMAL CONTROL) SECTION 5-3 AND CREATING SUBSECTION 5-
3.2 (VIOLATIONS AND PENALTIES) OF THE BOROUGH OF
MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY
OF MONMOUTH, STATE OF NEW JERSEY**

Mayor Dempsey asked Council if they had any questions or comments.

There being none, Council Member McCarthy made a motion to introduce ordinance 2089-11, seconded by Council Member Grasso. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas and McCarthy, "no" none

The Borough Attorney read the title of ordinance 2090-11 for first reading and introduction.

**ORDINANCE FURTHER AMENDING AND SUPPLEMENTING CHAPTER 22
(WATER AND SEWER UTILITY) AND CREATING SECTION 22-4 ENTITLED
GREASE DISCHARGE ABATEMENT IN THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Mayor Dempsey asked Council if they had any questions or comments.

There being none, Council Member Lucas made a motion to introduce ordinance 2088-11, seconded by Council Member Donovan. Motion carried by the following vote: "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas and McCarthy, "no" none

APPROVAL OF MINUTES

Work Session Minutes – March 7, 2011

Council Member Lucas made a motion to approve the minutes, seconded by Council Member. Motion carried with Council Member Connolly abstaining.

COMMITTEE REPORTS

Law & Code Committee – Council Member Grasso stated that he has nothing to report at this time. He did state that he is in full support of the taxi companies for what they do in our town and they do excellent work and I agree with them that the Borough should pursue this ordinance as far the licensing fees. He stated that they ask for it, they want it and it is the right thing to do.

Administration and Finance Committee – Council Member Connolly reported that the committee signed all the bills which are on the desk in the front for the public to exam which amount to \$186,784.30. She also reported that she wanted to share some information about the tax rate. She stated that last week at the meeting it was announced the approved tax rate by the county \$1.624. She advised that recently information was received from the Governor and he provided additional aid to the schools and encouraged the Boards of Education to pass that aid onto the taxpayers. She advised that she is very happy to report that today the board of education met and that aid was passed on with the first approval of \$.84 and now

JULY 18, 2011

that today the board of education met and that aid was passed on with the first approval of \$.84 and now down to \$.8266 per \$100 of assessment. She reported that the Borough is waiting for the official report from the Board of Education and that will affect the total tax rate. Also, the tax bills were not sent out because of additional aid and there will be a grace period and that grace period starts 25 days after the date of mailing of the bills. She stated that it might be the end of August that the taxes will be due. She thanked the Governor for this additional aid which has helped and the Board of Education for following his recommendation.

Public Safety & Recycling Committee – Council Member Lucas read the police activity report from 7/11/11 to 7/17/11. He stated that the summer season is in full swing and these are the violations that were committed and processed by the Police Department. He stated that from this report you can see that the police are doing their job in an effort to maintain the quality of life, not only for the residents of this community but for the people that visit the borough.

Beach Committee – Council Member Lee thanked the audience for coming and stated that some of the audience was excited to hear the presentation from Chris Rice. He thanked his committee Council Member Donovan and Council Member Grasso and Joe DeLorio and Wally Wall. He stated that a lot of effort has gone into putting a quality project together. He stated that some of the audience may have seen some of the comments from some of the beachgoers up and down the Jersey Shore with regard to the bathroom facilities don't meet the standards and the needs. He stated that main beach, Brielle road beach the facilities are lacking. He advised that a lot of work was put into this project and that he wanted to commend the committee for choosing Chris Rice and the students that contributed to the project. He stated that he wants to beautify Manasquan and make it a functional building. He stated that from a budgetary standard the committee did not account for the cost that would be associated to put a 3d presentation together. He stated that he might have to come back to the committee and ask for something like that because one thing that the borough wants to be is transparent and put it out there. He stated that hopefully as he meets with the committee we can come back and be able to host a web presentation if the committee endorses that and council follows through. He thanked everyone for all their time and efforts. He reported that there was another banner week for the beach. He advised that the beach is tracking above last year's revenues by about \$50,000. He reported that there is still an issue with the water and the fountains and the showers because they are tired and improvements need to be made in that area.

Mayor Dempsey stated that he has been doing some work over at Sea Girt Beach last week and have been working with their maintenance guy. He stated that they have the 4x4 with the shower and the head and he was informed that their shower heads are disappearing and their valves they have a lot of problems with.

Public Property and Parks Committee – Council Member McCarthy reported that the Tourism Commission has a lot happening, last Thursday was the pizza eating contest which was a great success with a large turnout of young participants. He thanked the Squan Tavern and the Bossone family for sponsoring that event. He reported that last Saturday was the Canoe/Kayak Race and it was a beautiful weekend and there was a good turnout. He thanked Harry Neill and the lifeguards for assisting as well as the members of the Manasquan First Aid who fortunately were not needed but were there just in case. He also thanked all the members that participated in the event that was sponsored by Manasquan Savings Bank and particularly thanked Penny Hamilton who was a long time Borough employee and he stated that Penny is the glue that keeps a lot of the Tourism events together. He reported that Thursday at 7:30 there will be a concert on Main Beach with Willie Lynch Band playing and that event is sponsored by the Manasquan Tourism Commission. He reported that there will not be a concert next week due to the Fireman's Fair starting next Tuesday, July 26 and goes to Saturday, July 30 and the event runs from 6 p.m. to 11 p.m. at Mallard Park. He advised that like many people over the weekend he did watch the World Cup and we are fortunate here in Manasquan that one of our own residents was not only a member of the team but she was the captain, Christy Rampone. He stated that he spoke to parents that are involved with the girls soccer program as well as some of the youngsters involved and they spoke extremely highly of Christy as a professional it is nice to hear that she volunteers her time for clinics. He stated that it is nice to see a positive role model for the young girls in the area. He stated that at some time when she is back the Borough should do a proclamation or recognition that she truly deserves.

Public Works Committee – Council Member Donovan reported that the Department of Public Works efforts in blocking the storm water from going into the sanitary sewer system appear to be working pretty well. He advised that Mr. Nicastro reported that the flow has been reduced by 1.5% and that is despite the fact that there was a very wet spring. He advised that apparently that effort is paying off and that is going to result in a reduction the sewer rates and the sewer charges from the South Monmouth Regional Sewerage Authority.

JULY 18, 2011

AUDIENCE PARTICIPATION

Council Member Connolly made a motion to open the meeting up to the public, seconded by Council Member Lee. Motion carried unanimously.

Jim Brown, 19 Euclid Avenue thanked the Mayor and Council for acting so quickly on behalf of the residence of Euclid Avenue and dealing with the ordinance and creating the ordinance for taxi parking.

Mark Provost, 15 Wyckoff Avenue read a statement to the Council which proposed that each active volunteer who dedicates 15 hours or more of community service to the town get 1 free season beach badge in exchange for their hard work and dedication.

Council Member Connolly made a motion to close the public session, seconded by Council Member Lee. Motion carried unanimously.

Council Member Donovan made a motion to close the regular meeting at 8:47 p.m., seconded by Council Member Lee. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 12-19-2011