

October 3, 2011

A Regular Meeting of Mayor and Council was convened at 8:18 p.m. on October 3, 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

243-2011

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Laborers for the Department of Public Works for the purpose of snow plowing; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 3rd day of September, 2011 appoint the following Department of Public Works employees to work from January 1, 2012 thru December 31, 2012 :

- Drew Coder 119 Church Street, Manasquan at the rate of \$15.00.
- Ryan Dullea 115 Main Street, Manasquan at the rate \$15.00
- Brett Nielson 83 Manito Road, Manasquan at the rate \$15.00
- Frank Servidio 100 Ocean Avenue, Manasquan at the rate \$15.00
- Jerry Hall 30 Marcellus Avenue, Manasquan at the rate \$15.00

RESOLUTION

244-2011

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
RELEASING A PERFORMANCE BOND POSTED BY INLET CORNER
PROPERTIES, LLC**

WHEREAS, Inlet Corner Properties Inc. posted a performance guarantee in the amount of \$11,484.00 with the Borough of Manasquan as a guarantee for site work for a project located at 432 First Avenue, known as Carlson's Corner also known as Block 187, Lot 25.01 in the Borough of Manasquan; and

WHEREAS, all conditions of the Engineering report dated 3/9/2009 referencing the Performance and Cash Bond requirements have been met and remain in a satisfactory condition; and

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WHEREAS, the governing body of the Borough of Manasquan is desirous of releasing the performance bond in the amount of \$11,484.00 in accordance with the Municipal Land Use Law.

NOW, THEREFORE BE IT RESOLVED on the 3rd day of October, 2011, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The performance bond in the amount of \$11,484.00 posted by Inlet Corner Properties Inc. be released
2. A certified copy of this resolution shall be sent to:

Inlet Corner Properties, LLC
16 Pocahontas Avenue
Oceanport, NJ 07757

**RESOLUTION
245-2011**

**RESOLUTION REJECTING ALL BIDS FOR BLAKEY AVENUE
ROADWAY IMPROVEMENTS, BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH STATE OF NEW JERSEY**

WHEREAS, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for the Blakey Avenue Roadway Improvements; and

WHEREAS, two bids were received in response to the advertised public bid:

<u>Bidder</u>	<u>Proposal A</u>	<u>Proposal B</u>	<u>Total</u>
Lucas Construction	\$374,570.00	\$16,230.00	\$390,800.00
Black Rock Enterprises	\$386,148.98	\$29,638.00	\$415,786.98
Engineer's Estimate	\$317,907.00	\$15,244.00	\$333,145.00

WHEREAS, the bid specifications advertised by the Borough of Manasquan stated: "The Borough of Manasquan reserves the right to reject any and all bids..." and

WHEREAS, the Borough Council has determined that it is not in the best interests of the Borough to proceed with the project "Blakey Avenue Roadway Improvements" at the present time; and

WHEREAS, the Borough Council is desirous of rejecting all bids for the project "Blakey Avenue Roadway Improvements".

NOW, THEREFORE BE IT RESOLVED on the 3rd day of October, 2011, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. The Borough Council rejects all bids for the project "Blakey Avenue Roadway Improvements".
2. No contract for the project "Blakey Avenue Roadway Improvements" unless and until new Bid Specifications are advertised. No contract shall be executed on behalf of the Borough of Manasquan for the project "Blakely Avenue Roadway Improvements".

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**RESOLUTION
246-2011**

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

WHEREAS, a return of a Security Deposit is due to the below described Organization for a Beach Event that occurred April 30, 2011:

NAME: Manasquan Elementary School PTO
P.O. Box 196
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$400.00

REASON: Event was held on Manasquan Beach April 30, 2011. Refund Approval given by Beach Department Head.

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 event with said warrant to be charged against the Misc. Trust II Account.

**RESOLUTION
247-2011**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, Monmouth County, New Jersey that the contract for the **Rehabilitation of the Squan Beach Life Saving Station** was constructed by **Precision Builders 941 East Main Street, Suite 202, Bridgewater, NJ 08807**, in accordance with the Plans and Specifications and any approved Change Orders, as directed by the architectural firm of Connolly & Hickey of Cranford, New Jersey 07016. Said construction is hereby accepted and Precision payment #11 in the amount of Twenty Five Thousand, Two Hundred Eighty Two Dollars and Fifty Three Cents (\$25,282.53) is hereby considered final payment; and

WHEREAS, the Contractor having supplied a Maintenance Bond (Number 088137MB) in the amount of Eight Hundred Thirty Five Thousand Six Hundred Sixty Seven and 00/100 dollars (\$835,667.00) for a period of one (1) year from February 2, 2011; and

WHEREAS, the said architectural services are hereby accepted and final payment to **Connolly and Hickey of Cranford, New Jersey 07016** in the amount of One Thousand Four Hundred and Seventy Dollars (\$1,470.00) is hereby approved; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

Precision Builders

October 3, 2011

941 East Main Street
Suite 202
Bridgewater, NJ 08807

Connolly and Hickey
P. O. Box 1726
Cranford, NJ 07016

**RESOLUTION
242-2011**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN
APPROVED STATE CONTRACT VENDORS FOR CONTRACTING
UNITS PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Borough of Manasquan, the use of a new AVAYA IP Office phone system; and

WHEREAS, the Borough of Manasquan has the need on a timely basis to purchase Avaya IP Office Phone System; and

Whereas, the State Cooperative purchase Contract A42285 offers such a system,

Whereas, the Purchasing Agent has certified that the purchase price of the materials, supplies and equipment offered by Hunter Technologies is at least 10% less than the State contract price; and

Whereas, the Borough of Manasquan intends to enter into contracts with: Hunter Technologies, located at 38 Corbett Way, Eatontown, NJ 07724 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts; and

Now, Therefore, Be It Resolved, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractor, pursuant to all conditions, in the amount of \$41,544.47; and

Be It Further Resolved, that the governing body of the Borough of Manasquan pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the Ordinance (number) account (insert account number) at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be it Further Resolved, that this resolution and certification and supporting documents be submitted to the Director of the Division of Local Government Services within five (5) working days of the award of this contract pursuant to N.J.A.C 5:34-9.6.

Be It Further Resolved, that the duration of the contract between the Borough of Manasquan and the referenced vendor shall be from (insert contract period) January 1, 2011 to December 31, 2011.

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**RESOLUTION
250-2011**

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 Municipal 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 Appropriations	92,949.64
Water/Sewer Fund Appropriations	227,006.75
Beach Utility Fund Appropriations	15,096.68
Current Improvements Authorizations	6,549.40
Water/Sewer Improvement Auth	47,114.66

Resolution 249-2011 Capital Improvement was approved with the Consent Agend.

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

ORDINANCES

The Borough Attorney read the title of ordinance 2096-11 for first reading and introduction.

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF STORMWATER MANAGEMENT AND DRAINAGE IMPROVEMENTS AND THE CONSTRUCTION AND/OR RECONSTRUCTION OF THE ROADWAY, CONCRETE CURBS, SIDEWALKS AND DRIVEWAY APRONS AND RELATED APPURTENANCES IN THE GLIMMER GLASS SECTION OF THE MUNICIPALITY, AND APPROPRIATING \$425,000, THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$403,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION AND TO DETERMINE THAT SPECIAL ASSESSMENTS BE LEVIED FOR THE CONSTRUCTION OF THE CONCRETE CURBS, SIDEWALKS AND DRIVEWAY APRONS TO PAY FOR THE COST OF SUCH IMPROVEMENTS IN AND BY THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2096-11.

There being none, Council Member Donovan made a motion introduce ordinance 2096-11, 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 2097-11 for first reading and introduction.

BOND ORDINANCE PROVIDING FOR A SEWER LINE REPLACEMENT AND RELATED APPURTENANCES IN THE GLIMMER GLASS SECTION OF THE MUNICIPALITY, AND APPROPRIATING \$125,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$118,750 BONDS OR NOTES OF THE

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**BOROUGH FOR FINANCING SUCH APPROPRIATION BY THE BOROUGH OF
MANASQUAN, MONMOUTH COUNTY, NEW JERSEY**

Mayor Dempsey asked if there were any questions or comments regarding ordinance 2097-11.

There being none, Council Member Donovan made a motion to introduce ordinance 2097-11, seconded by Council Member Lee. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas, and McCarthy, "no" none.

COMMITTEE REPORTS

Law & Code Committee – Council Member Grasso reported the code and construction revenues for the month of September of \$19,316 which is a 4% increase over last year. He reported that the hurricane had some affect on this because there had to be clean up before going to the next stage. He reported that the tally board is looking strong for the month of October and believes that code will be doing well for the month. He reported that the year to date totals in revenues for 2011 is \$24,407 in the negative, however the next 3 months should make up the difference. He advised that there are 364 permits ahead of last year. He reported that the court monies paid for September were \$60,301 which is a 46% decrease. He reported that year to date court revenues are \$340,928 which is 9% behind last year. He advised that the committee is recommending that the part time violations clerk be reduced to seasonal violations clerk position. He advised that this position would be from May 15 to October 15.

Council Member Grasso made a motion that the violations clerk position be reduced to a seasonal violations clerk position, seconded by Council Member McCarthy. Motion carried by the following vote, "yes", Council Member Connolly, Donovan, Grasso, Lee, Lucas and McCarthy, "no" none.

Council Member Grasso reported that the taxi permit ordinance is 99.9% compliant with the regulations of the State. He reported that there is money still in a bond that he would like \$6,000 to available to Lee Weisert so it can be used for the TV equipment that he needs for council meetings to be on TV.

Mr. DeIorio informed the council that he reached out to Verizon to see if they would purchase a scala system for the Borough and they declined. He advised that he reached out to Cablevision and he is waiting for a reply.

There was discussion on where the money might come from.

Council Member McCarthy stated that he is not opposed to the concept but was not sure that \$6,000 would be enough because there are issues with the microphones and the recording.

Council Member Connolly stated that the piece of equipment is similar to a timer so Lee Weisert can set up a whole program schedule because right now he has to be in the studio to put the various programs on.

Council Member McCarthy stated that this would give Mr. Weisert the ability to program shows remotely. He wanted to know if \$6,000 is going to be enough to provide cameras and to provide a recording system.

Mr. DeIorio stated for clarification that the scala system that Mr. Weisert is looking for is a piece of equipment that would allow for offsite scheduling of video tapes or dvds. He advised that Mr. Weisert could be at home and through the internet would be able to program the tapes and the actual piece of equipment would be at the school. He advised that it is a scheduling piece of equipment not a recording piece of equipment.

There was discussion on the recording of a previous meeting and the problems with the recording.

There was discussion on what the scala system would allow Mr. Weisert to do and what was presented to the council.

Council Member Grasso made a motion to put aside \$6,000 from the technology bond to be available for Lee Weisert for equipment, seconded by Council Member Connolly. Motion failed by the following vote, "yes" Council Member Connolly and Grasso, "no" Council Member Donovan, Lee, Lucas and McCarthy.

Council Member Grasso continued with his report by reporting on the payroll system that the Borough has. He asked Mr. DeIorio to report on what was discussed as far as the need for a new payroll system.

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Mr. DeIorio advised that the current payroll software program was changed a year ago and that the Borough is looking into other programs that might be more advanced than the current one. He stated that Courtney Hogan has been doing the payroll and is now a certifying officer for the Borough's PERS and PFRS.

Council Member Grasso continued with his report and thanked DPW Supervisor Mr. Nicastro and Mr. DeIorio for taking his suggestion of getting something going with regard to the snow removal ordinance.

Administration and Finance Committee – Council Member Connolly reported that a credit system has been installed to help people pay their property taxes and it is being used by the taxpayers. She advised that the second part of that system is that individuals can now look up tax information through the internet. She advised that bills were paid tonight totaling \$388,717 and the bills are on the table in the front. She stated that at the last meeting Council Member Lee discussed the Eastmond Pavilion and gave dates which she should be aware of the information being given out regarding the Eastmond Pavilion. She stated that she checked on all of the dates and two of those dates she was absent. She stated that March 7 was an important date because a resolution was passed to proceed with the building and she was not present at that meeting. She thanked Council Member Lee for giving her those dates and making her aware that she did not have the knowledge. She advised that she will be attending a shared service program to be presented by the County this week.

Public Safety & Recycling – Council Member Lucas stated that he has nothing further to report at this time.

Beach Committee – Council Member Lee apologized to Council Member Connolly that she seemed to fail to forget Resolution 72-2011 that was introduced, seconded and affirmed by her that had appointed Chris Rice for the Eastmond Pavilion on March 21, 2011 meeting. He stated that the whole intent was to state that it was discussed through the whole process. He stated that it is a dis-service to the residents to present half facts and half truths.

Public Property and Parks Committee – Council Member McCarthy thanked Mr. DeIorio, DPW Superintendent Tom Nicastro and Code Enforcement Officer Patrick Callahan for getting the tree stumps removed in the Borough which were a result of Hurricane Irene. He stated that he spoke with an Eagle Scout in town who is interested in doing some plantings in one of the parks and at some point he may be coming to the council to give a more detailed update. He stated that he is now using the Ipad that was discussed at a previous meeting to try to get the Borough to go paperless on a trial basis.

Public Works Committee – Council Member Donovan congratulated John Keynton of the DPW on completing the Certified Recycling Professional courses and will be receiving his license shortly and will be taking over totally as the Borough's Recycling Coordinator. He reported that the leaf truck will be picking up leaves east of the tracks this week and it alternates east and west each week. He suggested that residents check the website for the dates. He advised that the geese control fencing has been installed at Mac's Pond again to try and eliminate the goose problem. He advised that the DPW will be removing the showers and fountains from the beach starting today. He also advised that the Water Treatment Plant is on schedule.

AUDIENCE PARTICIPATION

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

David Schneck, 302 C Street, Belmar stated that he is the libertarian party candidate for assembly this year and advised the reason for him running. He spoke about Fair School Funding Formula and who has sponsored it and the Abbott District and the money they receive from taxes. He continued about the amount of money that Manasquan should receive as compared to the Abbott District. He advised that there is a resolution to call on the State to come up with a better school funding formula. He stated that there has been 24 local governments that have passed this resolution and respectfully urged the council to take a look at this and help get the ball rolling on this. He handed out a copy of a resolution that Belmar passed.

Jack Drew, 111 Third Avenue talked about engineering and the beach building and associated costs.

Robert Crow, 1272 A Argil Circle, Lakewood addressed the Borough Attorney with regard to the parking regulations and an issue with a particular Special Officer.

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Mr. Kitrick stated that if this is a current municipal court matter then this is not the place to come for legal advice on a matter that is pending before the municipal court.

Mr. Crow wanted to know if the Council knew how many people would leave one spot and come back later and park in another at the Inlet.

Mr. Kitrick stated that there is no response necessary for this question. He advised that this is an argument that would need to be made in court regarding this matter and not in front of Mayor and Council.

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

Council Member McCarthy made a motion to close the regular meeting at 8:53 p.m., seconded by Council Member Lucas. Motion carried unanimously.

Respectfully submitted,

B. Ilaria
Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 2-21-12