

BOROUGH OF MANASQUAN
AGENDA

REGULAR MEETING OF MAYOR AND COUNCIL, OCTOBER 15, 2012 AT 8:00 P.M., IN COUNCIL CHAMBERS OF BOROUGH HALL.

Mayor Dempsey's welcoming statement to the audience.

Moment of Silent Prayer and Salute to the Flag.

Mayor Dempsey's statement re: Open Public Meetings Act of 1975 and that Notice was given to the Coast Star and the Asbury Park Press on December 7, 2011.

ROLL CALL

CONSENT AGENDA

Resolution re:

- 293-12 Refund of Overpayment of COAH Fees – 56 Wyckoff Ave.
- 294-12 Refund of Overpayment of COAH Fees – 119 Stockton Lake Blvd.
- 295-12 Refund of Overpayment of COAH Fees – 65 Parker Ave.
- 296-12 Approving submittal of NJDOT 2013 Local Aid – Squan Plaza
- 297-12 T&M Professional Services for Construction Admin. – Squan Plaza
- 298-12 T&M Professional Services for Construction Admin. – Beach Headquarters
- 299-12 Approving Additional Services – T&M – Beach Headquarters
- 300-12 Payment of Bills

ORDINANCES

Second Reading and Final Hearing – 2124-12
Amending Glimmer Glass Drainage Project

Second Reading and Final Hearing - Ordinance 2125-12
Requiring Background Checks for Recreation Coaches

Second Reading and Final Hearing – Ordinance 2126-12
Construction & Reconstruction of Various Streets

APPROVAL OF MINUTES

Regular and Work Session Minutes – September 4, 2012
(Absent-Mangan)

COMITTEE REPORTS

AUDIENCE PARTICIPATION

ADJOURNMENT

**BOROUGH OF MANASQUAN
RESOLUTION
293-2012**

BE IT RESOLVED by the Council of the Borough of Manasquan,
County of Monmouth, New Jersey that: SEAN & DEBORAH EGAN

WHEREAS, a refund for OVERPAYMENT OF COAH FEES
is due on the below described property in the amount designated as follows:

BLOCK: 98 LOT: 13

NAME: Sean & Deborah Egan

PROPERTY LOCATION: 56 Wyckoff Ave

AMOUNT OF REFUND: \$212.50

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO: Sean & Deborah Egan

WHEREAS, the Tax Collector has certified that the property developer is
entitled to the refund.

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

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of
Monmouth, State of New Jersey, do hereby certify that the foregoing resolution
was duly adopted by the Borough Council at the October 15, 2012 meeting.

Barbara Ilaria, RMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
CONNOLLY						
DONOVAN						
JACOBSON						
MANGAN						
McCARTHY						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
294-2012**

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

WHEREAS, a refund for OVERPAYMENT OF COAH FEES
is due on the below described property in the amount designated as follows:

BLOCK: 105 LOT: 13

NAME: Brian Kimmins

PROPERTY LOCATION: 119 Stockton Lake Blvd

AMOUNT OF REFUND: \$251.50

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO: Brian Kimmins

WHEREAS, the Tax Collector has certified that the property developer is
entitled to the refund.

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

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of
Monmouth, State of New Jersey, do hereby certify that the foregoing resolution
was duly adopted by the Borough Council at the October 15, 2012 meeting.

Barbara Ilaria, RMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
CONNOLLY						
DONOVAN						
JACOBSON						
MANGAN						
McCARTHY						
ON CONSENT AGENDA YES NO						

**BOROUGH OF MANASQUAN
RESOLUTION
295-2012**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, New Jersey that: JOHN & JACQUELINE DONADEO

WHEREAS, a refund for OVERPAYMENT OF COAH FEES is due on the below described property in the amount designated as follows:

BLOCK: 63 LOT: 26
 NAME: John & Jacqueline Donadeo
 PROPERTY LOCATION: 65 Parker Ave
 AMOUNT OF REFUND: \$222.50

REASON FOR REFUND: Overpayment of COAH Fees.

REFUND CHECK TO BE MADE PAYABLE TO: John & Jacqueline Donadeo

WHEREAS, the Tax Collector has certified that the property developer is entitled to the refund.

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

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the October 15, 2012 meeting.

 Barbara Ilaria, RMC
 Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
CONNOLLY						
DONOVAN						
JACOBSON						
MANGAN						
McCARTHY						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
296-12**

**APPROVAL TO SUBMIT A GRANT APPLICATION
AND EXECUTE A GRANT CONTRACT WITH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE SQUAN PLAZA RECONSTRUCTION-PHASE
2 PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Borough of Manasquan Council formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Manasquan Borough-00352 to the New Jersey Department of Transportation on behalf of the Borough of Manasquan; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manasquan and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

CERTIFICATION

I, Barbara Ilaria, Borough Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on October 15, 2012.

BARBARA ILARIA, RMC
Municipal Clerk

My signature serves to acknowledge the above resolution and constitutes acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Joseph DeIorio, Administrator/CMFO

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
CONNOLLY						
DONOVAN						
JACOBSON						
MANGAN						
McCARTHY						
ON CONSENT AGENDA			YES		NO	

**BOROUGH OF MANASQUAN
RESOLUTION
297-2012**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan would like to retain the services of T&M Associates, 9 Grande Avenue Toms River, New Jersey 08753 for purposes of contract administration and construction observation for the completion of Squan Plaza Improvements as outlined in a proposal dated September 21, 2012 for an amount not to exceed fee of \$84,600.00 to be billed monthly utilizing the current rate schedule for the professional services.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the October 15, 2012 meeting.

Barbara Ilaria RMC
Municipal Clerk

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 20, 1975, I hereby state that there is annexed hereto a proper certificate of availability of funds executed by the Municipal treasurer.

MARK G. KITRICK, ESQ.
Borough Attorney

Mark G. Kitrick
635 Diquesne Blvd.
Brick, NJ 08723

CERTIFICATION

I am the chief municipal financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 15th day of October, 2012, I hereby certify to the Borough Council of the Borough of Manasquan as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contract, which is pending approval by the governing body:

T&M Associates – Squan Plaza Improvements

2. The funds certified herein as being available for the aforementioned contract have been certified by the undersigned as being available.

Account _____

Joseph DeIorio
Chief Municipal Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
CONNOLLY						
DONOVAN						
JACOBSON						
MANGAN						
McCARTHY						
ON CONSENT AGENDA			YES	NO		

**BOROUGH OF MANASQUAN
RESOLUTION
298-2012**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan would like to retain the services of T&M Associates, 9 Grande Avenue Toms River, New Jersey 08753 for purposes of contract administration and construction observation for the completion of Beach Headquarters Construction Project as outlined in a proposal dated September 20, 2012 for an amount not to exceed a fee of \$48,000.00 to be billed monthly upon actual progress, and in accordance with current contract and subject to the Borough's Construction Manager's role, the inspection effort and contract administration effort may be reduced.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the October 15, 2012 meeting.

Barbara Ilaria RMC
Municipal Clerk

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 20, 1975, I hereby state that there is annexed hereto a proper certificate of availability of funds executed by the Municipal treasurer.

MARK G. KITRICK, ESQ.
Borough Attorney

Mark G. Kitrick
635 Diquesne Blvd.
Brick, NJ 08723

CERTIFICATION

I am the chief municipal financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 15th day of October, 2012, I hereby certify to the Borough Council of the Borough of Manasquan as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contract, which is pending approval by the governing body:

T&M Associates -- Beach Headquarters Construction Project

2. The funds certified herein as being available for the aforementioned contract have been certified by the undersigned as being available.

Account _____

Joseph DeIorio
Chief Municipal Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
CONNOLLY						
DONOVAN						
JACOBSON						
MANGAN						
McCARTHY						
ON CONSENT AGENDA			YES	NO		

**BOROUGH OF MANASQUAN
RESOLUTION
299-2012**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan would like to retain the services of T&M Associates, 9 Grande Avenue Toms River, New Jersey 08753 for purposes of additional services which were performed outside of the scope of original proposal for the Beach Headquarters Construction Project as outlined in a proposal dated September 20, 2012 for an amount of \$6,034.75.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the October 15, 2012 meeting.

Barbara Ilaria RMC
Municipal Clerk

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 20, 1975, I hereby state that there is annexed hereto a proper certificate of availability of funds executed by the Municipal treasurer.

MARK G. KITRICK, ESQ.
Borough Attorney

Mark G. Kitrick
635 Diquesne Blvd.
Brick, NJ 08723

CERTIFICATION

I am the chief municipal financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 15th day of October, 2012, I hereby certify to the Borough Council of the Borough of Manasquan as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contract, which is pending approval by the governing body:

T&M Associates – Beach Headquarters Construction Project

2. The funds certified herein as being available for the aforementioned contract have been certified by the undersigned as being available.

Account _____

Joseph DeIorio
Chief Municipal Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
CONNOLLY						
DONOVAN						
JACOBSON						
MANGAN						
McCARTHY						
ON CONSENT AGENDA YES NO						

**RESOLUTION
300-2012**

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	\$	255,219.04
Water/Sewer Fund	\$	2,610.56
Beach Fund	\$	4,423.12
General Capital Fund	\$	158,032.48
Water/Sewer Capital Fund	\$	40,885.15
Beach Capital Fund	\$	1,184.25

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of Manasquan, N.J., do hereby certify that the foregoing resolution was duly adopted by the Council at their regular meeting on October 15, 2012.

BARBARA ILARIA, RMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
CONNOLLY						
DONOVAN						
JACOBSON						
MANGAN						
McCARTHY						
ON CONSENT AGENDA			YES		NO	

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2124-12**

BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$130,000 FOR A SEWER LINE REPLACEMENT AND RELATED APPURTENANCES IN THE GLIMMER GLASS SECTION OF THE MUNICIPALITY, AND AUTHORIZING THE ISSUANCE OF \$123,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION BY THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW
JERSEY** (not less than two-thirds of all the members thereof concurring), AS
FOLLOWS:

Section 1. The improvement relating to the repair and/or replacement of sewer lines in the Glimmer Glass described in Section 3(a) of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Manasquan, New Jersey, by Ordinance No. 2097-11 of the Borough adopted on October 17, 2011 and entitled "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 BOROUGH FOR FINANCING SUCH APPROPRIATION BY THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY." (the "Prior Ordinance"). By the Prior Ordinance there has been appropriated to payment of the cost of said improvement the sum of \$125,000. The cost of said improvement is now estimated as \$255,000, and it is necessary for the Borough to raise an additional sum of \$130,000 to meet the remainder of the \$255,000 estimated cost of said improvement not provided for by the appropriation therefore made by the Prior Ordinance.

Section 2. For the financing of said improvement or purpose stated in Section 3 of this Bond Ordinance, and in addition to the sum of \$125,000 heretofore appropriated therefore by the Prior Ordinance, there is hereby appropriated the further sum of \$130,000, including the sum of \$6,500 as the down payment for said improvement or purpose required by law and now available therefore by virtue of a

provision in a budget or budgets of the Borough previously adopted for payment or capital improvement purposes. Said additional appropriation of \$130,000 to the extent not provided for by application hereunder of said down payment, shall be financed and met from the proceeds of negotiable bonds of the Borough which are hereby authorized to be issued in the principal amount of \$123,500 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$123,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the repair and/or replacement of sewer lines in the Glimmer Glass section of the municipality having a useful life and durability as defined in N.J.S.A. 40A:2-22 of the Local Bond Law together with related appurtenances and improvements, including design, construction and contract administration costs.

The Glimmer Glass section is defined as the area of the municipality bounded on the: north by Main Street; south by Glimmer Glass Harbor; east by Watson's Creek; and west by the New Jersey Transit Corporation railroad.

(b) The local improvement hereby authorized and purpose of the financing of which said obligations are to be issued is the repair and/or replacement of sewer lines in the Glimmer Glass section with related appurtenances and improvements.

(c) The estimated maximum amount of bonds or notes to be issued for said purpose is \$242,250 inclusive of the \$118,750 principal amount of bonds or notes of the Borough heretofore authorized for said purpose pursuant to the Prior Ordinance.

(c) The estimated cost of said improvement is \$255,000 inclusive of the \$125,000 heretofore appropriated for said improvement or purpose by the Prior Ordinance.

Section 4. The following additional matters are hereby determined and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may

lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said purpose described in Section 3 within the limitations of the said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance is forty (40) years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Municipal Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$123,500, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$51,000 for items of expense listed in and permitted under section 40A:2-20 of said law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. Pursuant to the provisions of section 40A:2-28 of said Local Bond Law, the Borough Treasurer is hereby authorized to sell from time to time at private sale any bond anticipation notes (including renewals thereof) herein authorized and to determine the form and details thereof: provided, that each bond anticipation note shall be sold and issued in accordance with the provisions of said Law. After each sale of said bond anticipation notes, the Borough Treasurer shall report in writing to the Borough Council at the next meeting thereof as to the principal amounts, interest rates and maturities of the bond anticipation notes sold, the price obtained and the name of the purchaser thereof.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and interest on the said obligations authorized by the bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The Water and Sewer Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services are on file with the Borough Clerk and is available for public inspection.

Section 9. In the event any Federal, State or County grants are received by the Borough to fund this project, said funds shall be used to reduce the authorized indebtedness provided herein.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Bond Ordinance No. 2124-12 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, and the State of New Jersey, on the 1st day of October, 2012, and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 on the 15th day of October, 2012. At such time and place, or at any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.



BARBARA ILARIA, RMC
Municipal Clerk

MARK G. KITRICK
Municipal Attorney
P.O. Box 547
Brick, NJ 08723

STATEMENT

This bond ordinance published herewith has been finally adopted on October 15th, 2012, and the twenty day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of said statement.

BARBARA ILARIA, RMC
Municipal Clerk

Passed on First Reading and Introduction: October 1, 2012
Approved on Second Reading and Final Hearing: October 15, 2012

GEORGE R. DEMPSEY JR. MAYOR

BOROUGH OF MANASQUAN

ORDINANCE NO. 2125-12

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 10 (PARKS AND RECREATION AREA)
AND CREATING SECTION 10-4 (CRIMINAL
HISTORY BACKGROUND CHECKS FOR
VOLUNTEER COACHES) OF THE BOROUGH OF
MANASQUAN CODE IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, STATE
OF NEW JERSEY**

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending the Borough Code to require criminal history background checks for all volunteer coaches in the Borough; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Section 10-4 shall be entitled "CRIMINAL HISTORY BACKGROUND CHECKS FOR VOLUNTEER COACHES":

Section 2: Section 10-4.1, "Definitions" shall read as follows:

As used in this chapter, the following terms shall have the meanings indicated:

Cosponsored program shall mean any program, including but not limited to nonprofit youth serving organizations as defined below, which receives benefits, either directly or indirectly, including but not limited to the provision of funding and/or the provision of fields, facilities and/or equipment (and including the maintenance of same), from the Borough of Manasquan.

Criminal history record background check shall mean a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police.

Nonprofit youth serving organizations ("youth organization") shall mean a corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes or other law of this State, but excluding public and nonpublic schools, and which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

Review committee shall mean a committee consisting of the Borough Administrator, the Borough Attorney and the Chief of Police. The Committee shall be charged with the review of all appeals of any volunteer coach whose criminal history background check reveals a disqualifying criminal conviction.

Sponsored program shall mean recreation programs run directly by the Borough of Manasquan, including oversight, control and/or fiscal contribution.

State Bureau of Identification shall mean the entity located within the New Jersey State Police responsible for retrieving criminal background information on individuals as requested by state, local or private entities.

Volunteer coach shall mean any person involved with coaching or supervising participants in a sports-related nonprofit youth serving organization, whether the title is coach, manager or another title consistent with these terms.

Volunteer Review Operation ("VRO") shall mean the unit located within the State Bureau of Identification that is responsible for administering criminal background checks for volunteer coaches as specified in this chapter.

Section 3: Section 10-4.2 shall be entitled "Requests for volunteer criminal history record background checks; costs" and shall read as follows:

A. The Borough of Manasquan requires that all volunteer coaches of nonprofit youth serving organizations ("youth organization") involved in sponsored or cosponsored programs request through the youth organization that the State Bureau of Identification and the Federal Bureau of Investigation ("FBI") conduct a criminal history record background check on each prospective and current volunteer coach of youth organizations in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO. No person will be permitted to act as a volunteer coach until the results of the background checks have been received and reviewed by the Manasquan Borough Board of Recreation Commissioners through coordination with the youth organization.

B. The youth organization shall have a criminal history record background check conducted only upon receipt of the name, address, fingerprints and written consent from the prospective or current volunteer coach.

C. Any prospective or current volunteer coach of a youth organization who refuses to consent to this procedure shall not be permitted to participate in any sponsored or cosponsored programs involving youth organizations.

D. The Borough shall bear the costs associated with conducting criminal history record background checks for prospective or current volunteer coaches for Borough sponsored programs. The youth organizations shall bear the costs for conducting checks for prospective or current volunteer coaches participating in cosponsored programs in accordance with the regulations established by the VRO.

E. The Chairperson of the Board of Recreation Commissioners may set forth policies and procedures which shall not be inconsistent with this chapter.

F. The VRO shall advise the youth organization of the eligibility of the prospective or current volunteer coach under the law. The youth organization shall immediately provide this information to the Manasquan Borough Board of Recreation Commissioners. Any information received by the youth organization and Board of Recreation Commissioners shall be confidential.

G. Criminal history background checks will be performed for individuals under the age of 18 in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO.

H. Failure to comply with the provisions of this chapter may result in the Borough of Manasquan withholding funding for the program, youth organization or league, and/or prohibiting the use of the Borough facility

Section 4: Section 10-4.3 shall be entitled "Conditions under which a person is disqualified from service" and shall read as follows:

A person may be disqualified from serving as a volunteer coach of a youth organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

A. In New Jersey, any crime or disorderly persons offense:

- 1) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq.;
- 2) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq.;
- 3) Involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes;
- 4) Involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.A. 2C:35-10.

B. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly person's offenses described in subsection a. of this section.

C. Nothing herein shall be construed to authorize an excluded sex offender, as defined in section 1 of P.L.2009, c.139 (C.2C:7-22), to serve as a volunteer in a youth serving organization or any other entity from which the excluded sex offender is otherwise statutorily disqualified.

Section 5: Section 10-4.4 shall be entitled "Submission and exchange of background information pertaining to volunteer coaches" and shall read as follows:

Prospective or current volunteer coaches of youth organizations for cosponsored programs shall submit their names, addresses, fingerprints, written consent, and any other necessary information to the youth organization for the criminal history record background check to be performed. The youth organization shall coordinate the background check and refer the information to the State Bureau of Investigation for the background check. The youth organization shall be responsible for obtaining the above information for all prospective and current volunteer coaches. Thereafter, the youth organization shall coordinate criminal background checks every 3 years after the date of the initial check. Notwithstanding any provision herein to the contrary, the Borough may also contract with a youth serving recreation organization which may conduct the criminal history background checks in accordance with the provisions of this article.

Section 6: Section 10-4.5 shall be entitled "Continuing obligation" and shall read as follows:

Notwithstanding prior compliance with the within chapter, no individual shall be permitted to continue as a volunteer coach of youth organizations in any capacity unless the latest criminal history background check on file with the Borough of

Manasquan Board of Recreation Commissioners was performed within the prior 3 year period.

Section 7: Section 10-4.6 shall be entitled "Limitations on access and use of criminal history record information" and shall read as follows:

- A. Access to criminal history record information for noncriminal justice purposes, including licensing and employment, is restricted to the youth organization, members of the Review Committee and the Board of Recreation Commissioners, as authorized by federal or state statute, rule or regulations, executive order, administrative code, local ordinance or resolution regarding obtaining and disseminating of criminal history record information obtained under this chapter.
- B. The youth organization, Review Committee and Board of Recreation Commissioners shall limit its use of criminal history record information solely to the authorized person for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

Section 8: Section 10-4.7 shall be entitled "Determination by Review Committee, concerning volunteer coaches; appeal" and shall read as follows:

- A. The VRO shall make a recommendation based on the provisions of N.J.S.A. 15A:3A-1 et seq. as to whether the prospective or current volunteer coach is being recommended. The VRO will provide the youth organization with a letter of recommendation or nonrecommendation for each individual for whom the VRO completed a background check. The youth organization will immediately provide the letter to the Board of Recreation Commissioners.
- B. The Board of Recreation Commissioners shall promptly notify a prospective or current volunteer coach who receives a letter of nonrecommendation from the VRO via certified and regular mail. Individuals who receive a letter of nonrecommendation from the VRO will not be permitted to participate as a volunteer coach. Such individuals may obtain a copy of their criminal history record by contacting the VRO in writing. The individuals shall then have 30 days from the receipt of notification from the Board of Recreation Commissioners to petition the Review Committee in writing for a review and to cite reasons substantiating the review.
- C. Within 10 days of the filing of a written notice of appeal, the Review Committee shall send a written notice to the applicant via certified and regular mail providing a hearing date no later than 30 days from the filing of the notice of appeal. The Review Committee's letter shall inform the individual that he or she has the right to be represented by counsel and that he or she may call witnesses and present documentation on his or her behalf.
- D. The hearing before the Review Committee shall be closed to the general public. It shall be attended only by the members of the Review Committee, the appealing individual, his or her attorney if so retained, and any witnesses called by the appealing individual, which witnesses shall be present only for the period of their own testimony.

E. Individuals may be permitted to serve as a volunteer coach if they establish that the background check produced inaccurate information, or alternatively, if they affirmatively demonstrate rehabilitation to the Review Committee by clear and convincing evidence. In determining whether a person has affirmatively demonstrated clear and convincing evidence of rehabilitation, the Review Committee may consider the following factors in conjunction with the provisions of N.J.S.A. 15A:3A-1 et seq.:

- 1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
- 2) The nature and seriousness of the offense;
- 3) The circumstance under which the offense occurred;
- 4) The date of the offense;
- 5) The age of the person when the offense was committed;
- 6) Whether the offense was an isolated or repeated incident;
- 7) Any social conditions which may have contributed to the offense;
- 8) Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision; and
- 9) Any other evidence the Review Committee deems relevant in determining rehabilitation.

F. In all instances, the final determination of whether an individual will be permitted to serve as a volunteer coach will lie in the sole discretion of the Review Committee.

G. The Review Committee shall promptly advise the prospective or current volunteer coach whether he or she is qualified to serve as a volunteer coach. The Review Committee shall also notify the youth organization affected by the decision via regular mail.

H. When the Board of Recreation Commissioners receives a letter of recommendation or nonrecommendation from the VRO, the letter shall be kept on file with the Board of Recreation Commissioners for not less than three years from the date it was issued and consistent with Chapter 15:3-17 et seq. of the New Jersey Administrative Code.

I. No person or entity shall be held liable in any civil or criminal action brought by any party based on any written notification on file with the Board of Recreations Commissioners pursuant to the provisions of this chapter.

Section 9: Section 10-4.8 shall be entitled "Compliance; penalties" and shall read as follows:

Failure to comply with the provisions of this chapter may result in the Borough of Manasquan withholding funding for the program, youth organization or league, and/or prohibiting the use of the Borough facility.

Section 10: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2125-12 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 1st day of October 2012, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 p.m. on the 15th day of October, 2012. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

BARBARA ILARIA, RMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
635 Duquesne Boulevard
Brick, NJ 08723

Passed on First Reading and Introduction: October 1, 2012
Approved on Second Reading and Final Hearing: October 15, 2012

George R. Dempsey, Jr.
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2126-12**

**BOND ORDINANCE PROVIDING FOR THE
CONSTRUCTION AND/OR RECONSTRUCTION OF 3,000
LINEAR FEET OF VARIOUS MUNICIPAL STREETS IN
THE BOROUGH OF MANASQUAN, IN THE COUNTY OF
MONMOUTH, NEW JERSEY, APPROPRIATING \$215,000
THEREFORE, AND AUTHORIZING THE ISSUANCE OF
\$204,250 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW
JERSEY** (not less than two-thirds of all the members thereof concurring), AS
FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Manasquan, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$215,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$10,750 as the down payment for said improvement or purpose required by law and now available therefore by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$215,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$204,250 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$237,350 are hereby authorized to be issued pursuant to and within the limitations prescribed by said law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the construction and/or reconstruction of 3,000 linear feet of various municipal streets with pavement having a useful life and durability equal to or not less than a Class B roadway as defined in

N.J.S.A. 40A:2-22 of the Local Bond together with related appurtenances and improvements, including design, construction and contract administration costs.

(b) The estimated maximum amount of bonds or notes to be issued for said purchase is \$204,250.

(c) The estimated cost of said purchases is \$215,000.

Section 4. The following additional matters are hereby determined and stated:

(a) The general improvement described in Section 3(a) of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and not part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the purposes described in Section 3(a) with the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance is ten (10) years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$204,250, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under section 40A:2-20 of said Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. Pursuant to the provisions of section 40A:2-28 of said Local Bond Law, the Borough Treasurer is hereby authorized to sell from time to time at private sale any bond anticipation notes (including renewals thereof) herein authorized and to determine the form and details thereof: provided, that each bond anticipation note

shall be sold and issued in accordance with the provisions of said Law. After each sale of said bond anticipation notes, the Borough Treasurer shall report in writing to the Borough Council at the next meeting thereof as to the principal amounts, interest rates and maturities of the bond anticipation notes sold, the price obtained and the name of the purchaser thereof.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by the bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services are on file with the Borough Clerk and is available for public inspection.

Section 8. In the event any Federal, State or County grants are received by the Borough to fund this project, said funds shall be used to reduce the authorized indebtedness provided herein.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Bond Ordinance No. 2126-12 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, and the State of New Jersey, on the 1st day of October, 2012, and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 8:00 on the 15th day of October, 2012. At such time and place, or at any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

BARBARA ILARIA, RMC
Municipal Clerk

MARK G. KITRICK
Municipal Attorney
P.O. Box 547
Brick, NJ 08723

STATEMENT

This bond ordinance published herewith has been finally adopted on October 15th, 2012, and the twenty day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of said statement.

BARBARA ILARIA, RMC
Municipal Clerk

Passed on First Reading and Introduction: October 1, 2012
Approved on Second Reading and Final Hearing: October 15, 2012

GEORGE R. DEMPSEY JR. MAYOR