JULY 25, 2013

A Special Meeting of the Manasquan Mayor and Council was held on July 25, 2013 at 4:00 p.m., in Council Chambers of Borough Hall with Mayor George Dempsey presiding.

Mayor Dempsey related that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press and posted on the website on July 23, 2013.

ROLL CALL: Present: Council Members Bossone, Donovan, Mangan, and Olivera

Absent: Council Member Sinneck

Council Member McCarthy arrived at 4:07 p.m.

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

RESOLUTION:

RESOLUTION
239-2013

WHEREAS, the Borough of Manasquan is desirous of appointing a Temporary Part-time Clerical Employee in the Municipal Clerk's Office and;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 25th day of July, 2013 appoint the following to Temporary Part-time Clerical Employee at the rate of $8.00 per hour for 25 hours a week.

- Anna Bennett, 11 Skimmer Lane, Port Monmouth

RESOLUTION
240-2013

RESOLUTION EXTENDING PROFESSIONAL SERVICES CONTRACT FOR P.W. MOSS & ASSOCIATES TO SERVE AS CONSTRUCTION MANAGER FOR THE MANASQUAN BEACH HEADQUARTERS

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

WHEREAS, the Borough of Manasquan did publicly advertise for proposals for the construction manager position and such proposals were required to be submitted by 2:00 pm, September 21, 2012; and

WHEREAS, the Borough Council had determined that there was a need for professional services for a construction manager for the Manasquan Beach Headquarters; and

WHEREAS, the Borough Council determined the need to acquire these professional services in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, it was anticipated the term of the contract would commence on or about October 15, 2012 and would conclude April 15, 2013; and

WHEREAS, the Beach Committee evaluated the proposals and recommended P.W. Moss for construction manager services; and

WHEREAS, P.W. Moss executed a contract for professional services which was approved by the Borough of Manasquan;

That award was made pursuant to N.J.S.A. 40A:11-5(1)(a)(i).

WHERAS, the Borough of Manasquan has determined that the need for the professional services provided by P.W. Moss as construction manager for the Beach Headquarters will be required through September 30, 2013;

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 25th day of July, 2103 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the municipal clerk, and shall be available for public inspection.

2. The Mayor and Municipal Clerk are hereby authorized and directed to amend the executed contract with these professionals to provide professional services to the municipality at the agreed upon rate that is contained in the proposal on file in the Clerk's Office.

3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.

4. A certified copy of this resolution shall be sent to the professionals included in this resolution.

Council Member Bossone made a motion to approve the resolutions, seconded by Council Member Donovan. Motion carried by the following vote; "yes" Council Member Bossone, Donovan, Mangan, and Olivera, "no" none.

AUDIENCE PARTICIPATION

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

Robert Dolittle, 62 Rogers Avenue inquired about what services have been extended through resolution 240-2013.

Mayor Dempsey stated that the contract for PW Moss construction manager has been extended. He advised that this person has been hired by the town to oversee the project and the attorney could not comment on certain aspects as there might be a legal action in the future.

Mr. Kitrick stated that PW Moss is the construction manager retained by the Borough of Manasquan under a professional services contract and PW Moss is not the general contractor of the beach building. He stated that TQM is the general contractor who was awarded the contract under the bid provisions.

There was discussion on the penalties that are accruing for the beach building not being completed on time and the concern of safety issues with the trailers being at the corner of E. Main and First Avenue.

Mr. Kitrick stated that there is a contract for the work to be completed by May 24 and the contractor has been put on notice that he has violated that contract and there is a penalty clause within the body of the contract. He advised that he has every expectation that the penalty will be enforced.

Mr. DeIorio stated "without the protections provided by PW Moss we put the borough in serious jeopardy and it is his recommendation that the contract be extended."

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

Council Member Olivera made a motion to suspend the special meeting, seconded by Council Member McCarthy. Motion carried unanimously.

Mayor Dempsey stated that the council will be going into closed session and there will be no action tonight on the items discussed in closed session.

The closed session portion of the minutes begins on the next page. The signature and approval date are located on the last page following the closed session meeting minutes.

Council Member Donovan made a motion to close the special meeting at 7:23 p.m. seconded by Council Member Bossone. Motion carried unanimously.