

FEBRUARY 4, 2013

Regular Meeting of Mayor and Council was convened at 8:07 p.m. on February 4, 2013 in Council Chambers of Borough Hall with Mayor George 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 4, 2012.

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 Bossone, Sinneck, Donovan, Mangan, Olivera and McCarthy

Absent: None

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

**APPOINTMENT:**

Mayor Dempsey made the following appointment:

Jane Donovan – Tourism Commission  
Unexpired Term – 01/01/2012 – 12/31/2014

**CONSENT AGENDA**

**RESOLUTION  
39-2013**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, that the application of Coastal Restaurant Group, LLC, d/b/a Edgar's Pub, for an Amusement Game License to operate an Amusement Game at 153 Sea Girt Avenue, Manasquan, New Jersey for the year 2013 is hereby approved and accepted.

**BE IT FURTHER RESOLVED**, that the Borough Clerk is instructed and authorized to issue a license, that is,

<u>NAME OF APPLICANT</u>	<u>ADDRESS OF PREMISE TO BE LICENSED</u>	<u>TYPE OF GAME AND LICENSE</u>
Edgar's Pub	153 Sea Girt Avenue Manasquan, NJ 08736	Big Buck Hunter

**RESOLUTION  
40-2013**

**CDBG BLOCK GRANT RESOLUTION  
AUTHORIZING THE MAYOR TO SIGN  
A CERTIFICATION PROHIBITING THE  
USE OF FEDERAL FUNDS FOR LOBBYING**

**WHEREAS**, a certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2013; and

**WHEREAS**, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

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**WHEREAS**, it is required that the Borough of Manasquan execute a project agreement with Monmouth County to undertake a project known as ADA Handicap Access to Borough Hall; and

**WHEREAS**, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Manasquan sign additional certifications in order to receive these funds; and

**WHEREAS**, the Borough of Manasquan has adopted a policy in compliance with the New Jersey Attorney Generals Use of Force Policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

**WHEREAS**, a copy of that policy is attached to and made part of this resolution; and

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Manasquan has met the conditions of receiving a FY 2013 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds lobbying or by disclosing that funds have been used for lobbying.

**BE IT FURTHER RESOLVED**, that the mayor of the Borough of Manasquan is hereby authorized to sign the attached certifications which will become part of the FY 2013 Project Agreement.

**RESOLUTION**

**41-2013**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that Manasquan Hook and Ladder Company #1 has submitted the attached members that qualify under Ordinance 2005- 07 ‘Free Season Beach Badge and Parking Permit for Certain Members of the Volunteer Fire Companies’. These Members responded to 20% or more of the calls of the Unit or are Life Members of Manasquan Hook and Ladder Company No. 1.

**RESOLUTION**

**42-2013**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that Manasquan Hook & Ladder, Company No.1 has submitted the attached members that qualify under Ordinance 2005-07 Section 7 for ‘Exemption from the Payment of Permit Fees’ these Members responded to 20% or more of the calls of the Unit or are Life Members of the Manasquan Hook & Ladder Company #1.

**RESOLUTION**

**43-2013**

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

**WHEREAS**, a refund of monies is due to the following:

NAME: LAWRENCE G. READ  
113 CURTIS PLACE  
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$445.50

REASON FOR REFUND: DEVELOPER’S ESCROW FEES –  
BLK 1.05 LOT 4

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**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  
44-2013**

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

**WHEREAS**, a refund of monies is due to the following:

NAME: GINA PHARO  
364 PERRINE BLVD  
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$200.00

REASON FOR REFUND: PLANNING BOARD APP#02-2013  
BLK 168 LOT 1

**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  
45-2013**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING  
THE MAYOR AND CLERK TO EXECUTE A PROJECT  
AGREEMENT WITH MONMOUTH COUNTY  
FOR PERFORMANCE AND DELIVERY OF FY 2013  
COMMUNITY DEVELOPMENT PROJECTS**

**WHEREAS**, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the County of Monmouth expects to receive an allocation for FY2013 from the United States Department of Housing and Urban Development; and

**WHEREAS**, the County of Monmouth has submitted its annual Plan for FY2013 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as "Borough of Manasquan" with a grant allocation of \$54,426.00; and

**WHEREAS**, the Borough of Manasquan hereby met all the requirements for the release of funds to begin incurring costs for this project: and

**WHEREAS**, the Borough of Manasquan has filed with the Monmouth County Community Development Program as acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Municipal Clerk of the Borough of Manasquan are authorized to execute with the County of Monmouth the "Borough of Manasquan" Project Agreement.

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**RESOLUTION  
46-2013**

**RESOLUTION APPOINTING A QUALIFIED PURCHASING AGENT**

**WHEREAS**, N.J.A.C. 5:34-5et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

**WHEREAS**, Joseph Delorio, possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance N.J.S.A. 40A: 11-2 (41); and

**BE IT FURTHER RESOLVED**, that the governing body hereby appoints Joseph Delorio as the Qualified Purchasing Agent to exercise the duties of purchasing agent pursuant to N.J.S.A. 40A: 11-2 (30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and.

**BE IT FURTHER RESOLVED**, that in accordance N.J.A.C. 5:34-5.2 the local unit Municipal Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Joseph Delorio's certification to the Director of the Division of Local Government Services.

**RESOLUTION  
47-2013**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that Kevin Thompson be appointed as a representative to the South Monmouth Regional Sewerage Authority (SMRSA) for the five-year unexpired term effective February 1, 2010 to January 31, 2015.

**RESOLUTION  
48-2013**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to advertise Bid Notice for beach sand rake and authorizing Joseph Delorio, Chief Financial Officer and Purchasing Agent or his designee to prepare specifications for the beach sand rake as a result of damage caused by Super Storm Sandy.

**RESOLUTION  
49-2013**

**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.

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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.
3. Related bills associated with Super Storm Sandy included in this bill list are approved subject to the award of an Emergency Note previously authorized through 2012 resolutions 364-2012, 355-2012, 354-2012 and 341-2012.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund & school taxes)	9,647,843.55 (Includes county
Water/Sewer Fund	409,097.64
Beach Fund	26,153.01
General Capital Fund	5,365.17
Water/Sewer Capital Fund	107,294.66
Beach Capital Fund	737,260.32

Council Member Donovan made a motion to approve the Consent Agenda, seconded by Council Member Bossonne. Motion carried by the following vote "yes" Council Member Bossonne, Sinneck, Donovan, Mangan, Olivera, and McCarthy, "no" none.

**ORDINANCES**

The Borough Attorney read the title of ordinance 2131-13 for introduction.

**ORDINANCE AMENDING CHAPTER 4 (GENERAL LICENSING) SECTION 4-16 (TAXICABS, AUTOCABS) OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Council Member Sinneck made a motion to introduce ordinance 2131-13, seconded by Council Member Bossonne. Motion carried by the following vote: "yes" Council Member Bossonne, Sinneck, Donovan, Mangan, Olivera, and McCarthy, "no" none.

**APPROVAL OF MINUTES**

- Work Session and Regular Minutes October 1, 2012
- Work Session and Regular Minutes October 15, 2012

Council Member Bossonne made a motion to approve the minutes, seconded by Council Member McCarthy. Motion carried with Council Members Sinneck and Olivera abstaining.

- Special Meeting Minutes November 8, 2012

Council Member Mangan made a motion to approve the minutes, seconded by Council Member McCarthy. Motion carried with the Mayor's vote. Council Members Bossonne, Sinneck, and Olivera abstained.

- Work Session and Regular Minutes November 19, 2012

Council Member Bossonne made a motion to approve the minutes, seconded by Council Member Donovan. Motion carried with the Mayor's vote. Council Members Sinneck, Olivera, and McCarthy abstained.

**COMMITTEE REPORTS**

Beach Committee -- Council Member Bossonne reported that concrete is schedule to be poured for the Beach Headquarters building this week. He stated that the council approved tonight a resolution to go out to bid for the Beach Rake and T&M Associates is working on the bid packages for the bathroom buildings and

both gazebos. He stated the sand sifting and emergency walkway bid openings are scheduled for Wednesday with a possible awarding of these two contracts on Saturday. He reported that there was misinformation about sand on residents' property that after a certain date it had to be removed or risk getting a fine. He stated that this is not the case. He reported that last Thursday any potential contractors were to meet the engineers at the beach to get a visual inspection of the amount of sand and to bid accordingly to what they saw on the beach. He stated that the committee decided to let the homeowners know that if they still had sand on their property and if they would like it included in the sand sifting project that it needs to be put on the beach where designated. He stated that the fine pertained to dumping the soiled sand on the beach after the project had started. He stated that once the project starts the Borough can not allow sand filled with debris to be placed back on the beach. He reported that the time to place sand on the beach is before the sand sifting starts and has been extended to February 10. He stated that he is recommending that the sand be piled in the street with the DPW to move the sand from the street.

There was discussion on the placement of sand after the contractor has started sifting the sand.

Council Member Bossone stated that the pre-season beach sales will take place April 1 through the 6, 2013 for badges and parking passes from 10 to 2 at the Recreation Annex Building on Atlantic Avenue.

Law and Code Committee – Council Member Sinneck reported that the building department issued 189 permits in January which 157 were Sandy related. He reported that \$10,899 was collected for the non Sandy related permits. He reported on the workload in the department and that action is being taken to improve the processing procedure. He reported that there were 9 certificates of inspections issued and there were 23 zoning permits issued.

Public Works Committee – Council Member Donovan reported that the DPW is working to get the town cleaned up and they are in the process of cleaning out the storm drains and they are working on 133 storm related leaks. He reported that in the last few days there have been 55 properties that have had broken pipes. He reported that all but 4 have been shut off and those homeowners have been notified by mail that the Borough will have a contractor come in and shut the water services off in the event the homeowners can not do it themselves. He reported that the Water Treatment Plant is continuing to be worked on with a scheduled meeting with the bond company for Patock Construction.

Administration and Finance Committee – Council Member Mangan stated that Joe DeIorio has been working on getting the Borough as much money from FEMA and insurance as possible. He went over some of the budget issues that the borough will face in light of Super Storm Sandy and how revenues will be affected. He reported that the Borough has already applied for \$4,053,851 in FEMA reimbursements and in addition to that the Borough has received anticipated revenues of \$381,405 from the insurance company for losses related to the Borough's structures. He stated that this Saturday will be a discussion on the revenue side of the budget and that the CMFO and Auditor have been working on trying to get the books closed for 2012 in order to move forward with the 2013 budget.

Public Property & Parks Committee – Council Member Olivera thanked the Mayor for his service on the Tourism Commission and to allow him to stay on the commission with the Mayor's resignation. He reported that the committee has been talking about the damaged buildings and they are going to look at the Life Saving Station and Bulkheads for repair. He stated that the Sea Lavender Club has reported that the gardens in our town have been severely damaged and he reached out to them and they are going to provide him with an estimate of what was damaged and it will also be submitted to FEMA.

Public Safety & Recycling – Council Member McCarthy reported that the Planning Board meeting is tomorrow to go over the ordinance concerning the changes to height and zoning restrictions that were discussed at the last council meeting. He stated that he is hoping to introduce the ordinance for second reading at Saturday's public meeting at 10 a.m. He reported that the public safety & recycling committee will be meeting this week and that certain members of the police department met with representatives of the Board of Ed to discuss school safety. He reported that he attended the State Chamber of Commerce Dinner in Washington DC and the Manasquan Fire Department was recognized for their service by the full congressional delegation from New Jersey including all the members of the House as well as the two Senators and Governor Christie. He stated that Lt. Price from the Manasquan Fire Department was there to accept the award.

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#### AUDIENCE PARTICIPATION

Council Member Donovan made a motion to open meeting to the public, seconded by Council Member Sinneck. Motion carried unanimously.

Emmit Walling, 351 E. Virginia Avenue wanted to know the process with the follow up to the storm and he wanted clarification of an A zone to a wave action A Zone.

Mayor Dempsey stated that he is also in the A Zone wave action and he explained what the A Zone wave action is. He stated that he believes that almost all of the A Zone is in a moderate wave action.

Mr. Walling want to know what the process will be discuss this issue so the residents will be aware of what the change is all about.

Mr. Delorio stated that there was a forum two weeks ago with FEMA representatives available to ask questions and he stated that he is encouraging everyone to get on the Borough's e-mail list to stay up to date with any changes or meetings that would be helpful to homeowners.

Danielle Lucas, 60 S. McClellan Avenue stated that she read that other municipalities are fighting the current flood maps. She voiced her concerns about having to raise her family's house and the process it took to get back to their home. She stated "by the Council voting and approving this they are sealing people's fate in their area." She wanted to know how the council will be advocating for their neighborhood because she does not know how people are going to pay their bills.

Mayor Dempsey stated that the Borough has not approved the new flood levels and they will not be approved until July. He stated that the State has approved them for severely damaged houses but the Borough still has to be approved for the rest of the houses in Manasquan and that will not be done until mid July when the final maps come from FEMA. He stated that he is meeting with an attorney from Toms River who is very active in this and he is going to talk with him and come back with some suggestions. He stated that once everything is together he will go from Brick Town, Toms River all the way up to Asbury Park to try and get an alliance going.

Mr. Delorio stated that the Advisory Base Flood Elevation Maps are not regulatory which means that they have not gone through the normal procedure of adoption by the Federal Government. He stated that in July/August is when the Borough anticipates that FEMA will release the actual numbers which could be the same, could be a little less; it is unknown at this time and that is when the regulatory process starts. At this point public documents can be submitted, hearing process, process of additional review and all of this takes about 1 ½ to 2 years.

Mary Ryan, 113 Beachfront voiced her concerns about what has happened to the area from the storm and thanked everyone for extending time for sand removal. She suggested a committee be formed for each project going on to inform residents that it would affect and that the MBIA would help hand out the information to the beach area.

Lou Cocozza, 45 N. Potter stated that more effort should be put into getting more money from FEMA. He wanted to know when the contractors will be completing work that Patock did not finish.

Mark Kirtrick stated that the Borough is working with the Bond Company to move forward.

There was discussion on the process with the Bond Company and the work that needs to be done.

Michelle Lucas, 60 S. McClellan Avenue asked if the Borough is being proactive with the waterway cleaning since the water level is higher.

Mr. Delorio advised that the DEP is participating with FEMA to dredge and remove debris through various waterways. He reported that the first step, under the control of the DOT, will go through the States Navigable Waterways and identify and remove debris. He stated that the DEP will fund any removable of debris including sand that may have gone into our waterways. He stated that this was announced today and it will start at the end of this month and continue through June.

Mike Shelton, Lake Avenue inquired about stand by generators and the ordinance be re-drafted and looked at because it is inadequate and wanted to know if any work is being done on that.

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Council Member McCarthy stated that the first part of the ordinance that was looked at was the height of primary structures and that there is other issues that need to be dealt with including the generators.

Mr. Shelton stated that there is a water problem and some of the council is aware because he sent them pictures of his brown, ice tea looking water and it is not just in Willow Way. He stated that it is all over town, in restaurants down town, and in the school and it is every where. He wanted to know if this is going to be resolved and what should be done in the interim, the solution seems to be calling the town, and someone comes to the neighborhood, opens all the fire hydrants and runs the water all over the street for a couple days. He stated that he thought that in September or October that the Borough brought Black and Veatch in and they made recommendations to the town and he wanted to know if any of the recommendations have been followed.

Council Member Donovan stated that the Borough has authorized Black and Veatch to move forward with some of the recommendations that they made.

Mr. Delorio stated that the Borough took the recommendation as to directional flushing and the work that has been done over the past 30 days is from their recommendations.

There was discussion on the recommendations of Black and Veatch and the process that was followed.

Mr. Shelton wanted to know what the town is going to do and wanted to know if the plumbers are going to go to all the houses or the school. He stated that it is a water quality issue and he wants to know where this is on the priority list.

Council Member Donovan stated that it is high on his priority list but there are some constraints right now. He advised that the Borough is working with Black and Veatch and T&M Associates to expedite the process and there are recommendations from Black and Veatch that the Borough intends to implement.

Mr. Delorio stated that there is a scope of services from Black and Veatch so they can specifically identify what they are going to do for the five or so items that are recommended. He stated that he is waiting to get the scope of services from them to pass a resolution to allow them to do the work.

There was discussion on the extension of the Black and Veatch contract.

Mr. Shelton stated that he is not sure that any of his questions have been answered and he can not drink his water. He stated that it is not just the Willow Way area because "if you have dinner in town and they bring a pitcher of ice water to the table and they go wow we can't serve you that." He stated that it is brown and wanted to know if any of the council has brown water in their homes.

There were two council members that have discolored water.

Mr. Kitrick stated that he wants to make sure that everything was addressed. He stated that these are two separate tracks in that the borough has the contractor issue with the bond company which is separate from the issue which was asked about with Black and Veatch.

Council Member Donovan stated that the Borough will be moving forward with the Black and Veatch recommendations no matter what happens with the bond company.

Mr. Shelton stated that "this isn't just a problem in peoples homes we have the same water quality problem in our school."

Mr. Delorio stated that there was one complaint a month ago that was addressed at the schools and if there have been any additional ones he has not received them.

Mr. Shelton stated that "they are just not using the water." He stated that there needs to be a course of action that is proactive.

Mr. Delorio wanted to make it very public that he has only received one complaint from the schools the children are safe and the water is fine. He stated that if there are additional complaints tomorrow the school will get a call from him asking if there is a complaint about their water. If there is he will send the appropriate people from DPW to test it like it has been done in the past and it was found to be safe to drink.

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Mayor Dempsey stated that something needs to be done now that it has gone on long enough.

John Rogers, James Place suggested including the houses along First Avenue and the Beachfront in the contractor for sand sifting.

Mayor Dempsey stated that they are private residents.

Mr. Rogers stated that the town should tell whoever is going to bid that this is included, the street as well as the houses.

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

Council Member Sinneck made a motion to close the regular meeting at 9:13 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,



Barbara J. Haria  
Municipal Clerk

DATE APPROVED 4-8-13