

FEBRUARY 9, 2013

A Special Meeting of the Manasquan Mayor and Council was held on February 9, 2013 at 10:04 a.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 February 7, 2013.

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

Absent: None

**PROCLAMATION: Congenital Heart Defect Awareness Week**

**WHEREAS**, the health and well-being of our children is a paramount importance; and

**WHEREAS**, each year in the United States, approximately 40,000 babies are born with a congenital heart defect, forcing more than one million families in America to face hardships and challenges of raising children who suffer from conditions caused by cardiovascular defects; and

**WHEREAS**, congenital heart defects are the number one cause of infant related deaths and they are the leading cause of worldwide birth related deaths; and

**WHEREAS**, some congenital heart defects are not diagnosed until months or years after birth, and, in many cases, these undiagnosed defects cause sudden cardiac death in young athletes; and

**WHEREAS**, the establishment of Congenital Heart Defect Awareness Week will provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Congenital Heart Defects; and

**WHEREAS**, increased awareness and knowledge of CHD will help both individuals and families who are currently affected, as well as those who will be affected in the future; and

**WHEREAS**, the Borough of Manasquan would like to commend the efforts of a young admired resident Jack Long, who has tirelessly dedicated himself to raising money for Congenital Heart Defect Research as the Mayo Clinic through selling Live LONG Beat STRONG bracelets; and

**WHEREAS**, Congenital Heart Defects Awareness Week I provides a meaningful opportunity to honor families who have lost loved ones to CHD, to recognize dedicated Health Professionals and advocates such as Jack Long and to also celebrate life; and

**NOW, THEREFORE, BE IT RESOLVED**, that I, George R. Dempsey, Jr., Mayor of the Borough of Manasquan, do hereby proclaim that February 7 to 14th, 2013, as

**CONGENITAL HEART DEFECT AWARENESS WEEK**

in the Borough of Manasquan, as Mayor of Manasquan, I also call upon all citizens in Manasquan to participate in this observance; and

**BE IT FURTHER RESOLVED**, Let true and official copies of the Proclamation be spread upon the minutes of the Borough Council meeting held on the 9<sup>th</sup> day of February, 2013.

**DISCUSSION:**

Dumpster Permits on Borough Streets – Storm Related

Mayor Dempsey stated that right after the storm the Borough permitted dumpsters on

the west and south side of the streets. He stated that he believes that with the upcoming construction there is going to be quite a few dumpsters in the streets and that council should come up with a plan to regulate the dumpsters to alleviate any access problems for emergency vehicles on any given street. He stated that he believes that they should be kept on the west and south side of the streets where permissible but in some cases this can not be done so it would have to be looked at. He also suggested limiting the time a dumpster can be placed in the road.

There was discussion on what the policy is now and what the new policy should be. Mayor Dempsey suggested that the Law and Code and Public Works committees get together and come up with a recommendation for the next meeting.

Water Treatment Plant – Update

Mr. DeLorio reported that there is a resolution on the agenda extending the contract with Black Veatch which is for additional work that the Borough would like them to do. He stated that some of the issues are contractual in nature and that he would like them to be discussed in closed session.

Council Member Donovan made a motion to pull resolution 52-2013 off the consent agenda, seconded by Council Member Bossonne. Motion carried unanimously.

Council Member McCarthy made a motion to add WTP – Black and Veatch – contractual to the closed session item on the agenda, seconded by Council Member Donovan. Motion carried unanimously.

**CONSENT AGENDA:**

**RESOLUTION  
50-2013**

**RESOLUTION AWARDDING A CONTRACT FOR  
BEACHFRONT SAND SCREENING IN THE 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 Beachfront Sand Screening; and

**WHEREAS**, the three lowest bids for this project were:

James R. Lentile, Inc.	\$237,500.00
Grinnell Recycling	\$321,000.00
CAP Services, Inc.	\$332,000.00

**WHEREAS**, James R. Lentile, Inc. submitted a monetary bid in the amount of \$237,500.00; and

**WHEREAS**, the Borough Engineer has determined the bid by James R. Lentile, Inc. complies with the bid specifications and includes all required documentation and has recommended the award of the bid; and

**WHEREAS**, the Borough Council has determined, for the reasons set forth below, that the bid of James R. Lentile, Inc. is a responsive and responsible bid; and

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**WHEREAS**, the Borough Council is desirous of awarding a contract to James R. Lentile, Inc. for the bid in the amount of \$237,500.00 for the project;

**NOW, THEREFORE BE IT RESOLVED** on the 9<sup>th</sup> day of February, 2013,

by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This Bid award is subject to the review and approval of the Bid Documents by both the Manasquan Borough attorney.
2. Subject to the above condition, a contract in the amount of \$237,500.00 is awarded to James R. Lentile for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with James R. Lentile, Inc..
4. A certified copy of this resolution shall be sent to:

James R. Lentile, Inc.  
28 Vanderburg Rd.  
Marlboro, NJ 07741

**RESOLUTION  
51-2013**

**RESOLUTION AWARDING A CONTRACT FOR  
BEACHFRONT EMERGENCY ACCESS WAY  
RECONSTRUCTION IN THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH STATE OF  
NEW JERSEY**

**WHEREAS**, quotes were requested and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for Beachfront Emergency Access Way Reconstruction: and

**WHEREAS**, the three lowest bids for this project were:

**Manzo Maroba, Inc.**

<u>Base Bid</u>	<u>Add. Alt. No.1</u>	<u>Add. Alt. No.2</u>	<u>Add. Alt. No.3</u>
\$491,735.00	\$39,725.00	\$67,080.00	\$25,800.00

**James R. Lentile, Inc.**

<u>Base Bid</u>	<u>Add. Alt. No.1</u>	<u>Add. Alt. No.2</u>	<u>Add. Alt. No.3</u>
\$499,064.00	\$50,500.00	\$67,080.00	\$41,280.00

**All Surface Asphalt Paving**

<u>Base Bid</u>	<u>Add. Alt. No.1</u>	<u>Add. Alt. No.2</u>	<u>Add. Alt. No.3</u>
\$505,027	\$40,500.00	\$77,400.00	\$46,440.00

**WHEREAS**, Manzo Maroba, Inc submitted a monetary base bid in the amount of \$491,735.00; and

**WHEREAS**, the bid by Manzo Maroba, Inc complies with the quote specifications and includes all required documentation; and

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WHEREAS, the Borough Council is desirous of awarding a contract to Manzo Maroba, Inc. amount of \$491,735.00 for the project;

**NOW, THEREFORE BE IT RESOLVED** on the 9<sup>th</sup> day of February 2013,

by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This award is subject to the review and approval of the Manasquan Borough attorney
2. Subject to the above conditions, a contract in the amount of \$491,735.00 is awarded to Manzo Maroba, Inc.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Manzo Maroba Inc.
4. A certified copy of this resolution shall be sent to:

Manzo Maroba Inc.  
208 Hwy 34, Suite 21  
Matawan, NJ 07747

**RESOLUTION  
53-2013**

**RESOLUTION OPPOSING SENATE BILL  
2511 AMENDMENTS TO OPEN PUBLIC  
MEETINGS ACT**

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the governing body of the Borough of Manasquan agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

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**WHEREAS**, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

**WHEREAS**, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

**WHEREAS**, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

**WHEREAS**, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

**WHEREAS**, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

**WHEREAS**, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

**WHEREAS**, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

**WHEREAS**, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Borough of Manasquan** for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

**BE IT FURTHER RESOLVED** that the governing body of the Borough of Manasquan hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that

apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Sheila Oliver, Assemblyman Gordon Johnson, the legislators of the Borough of Manasquan State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

**RESOLUTION  
54-2013**

**RESOLUTION OF THE BOROUGH COUNCIL OF  
THE BOROUGH OF MANASQUAN, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY  
AUTHORIZING AN ADDITIONAL SPECIAL  
EMERGENCY APPROPRIATION AND  
AUTHORIZING THE ISSUANCE OF SPECIAL  
EMERGENCY NOTES IN THE AMOUNT OF  
\$4,659,222.84 PURSUANT TO N.J.S.A. 40A:4-55**

**WHEREAS**, the Borough of Manasquan, in the County of Monmouth, New Jersey (the "Borough") adopted resolution 328-12 authorizing a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 on November 19, 2012 appropriating \$900,977.40 to cover extraordinary expenses related to the Superstorm Sandy State of Emergency and indicated its intent to issue special emergency notes to fund such emergency costs; and

**WHEREAS**, the Borough adopted resolution 340-2012 authorizing a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 on December 3, 2012 appropriating an additional \$2,223,745.44 to cover additional extraordinary expenses related to the Superstorm Sandy State of Emergency for total appropriations of \$3,124,722.44 and authorized the issuance of special emergency notes to fund such appropriations pursuant to N.J.S.A. 4-55; and

**WHEREAS**, the Borough adopted resolution 364-2012 authorizing a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 on December 3, 2012 appropriating an additional \$1,800,000.00 to cover additional extraordinary expenses related to the Superstorm Sandy State of Emergency for total appropriations of \$4,469,222.84 and authorized the issuance of special emergency notes to fund such appropriations pursuant to N.J.S.A. 4-55; and

**WHEREAS**, additional 2012 costs associated to the Superstorm Sandy State of Emergency for the following amounts:

SOLID WASTE	<u>\$190,000</u>
TOTAL	\$190,000
Total amount of all special emergency resolutions	\$ 4,659,222.84

**WHEREAS**, the emergency appropriation shall be provided for in the budgets of the next succeeding years beginning in 2013 by the inclusion of not less than \$931,844.57 (must be at least one fifth of the total amount) for the total of all special emergency resolutions or as otherwise permitted.

**WHEREAS**, that any amounts received by the Federal Emergency Management Agency (FEMA), State of New Jersey and other sources may reduce the impact by said amount.

**WHEREAS**, in order to fund these special emergency appropriations the Borough wishes to restate the authorization of the issuance of the special emergency notes pursuant to N.J.S.A. 40A:4-55 and to make certain determinations and authorizations with respect thereto; now therefore,

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**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY** in accordance with the provisions of N.J.S.A. 40A:4-55 (with not less than two thirds of the full membership thereof affirmatively concurring) as follows:

1. The prior resolutions are hereby amended to provide for an additional emergency appropriation as follows:

SOLID WASTE	<u>\$190,000</u>
TOTAL	\$190,000

Total amount of all special emergency resolutions                   \$ 4,659,222.84

2. The emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$931,844.57 (must be at least one fifth of the total amount) for the total of all special emergency resolutions or as otherwise permitted.
3. That any amounts received by the Federal Emergency Management Agency (FEMA), State of New Jersey and other sources may reduce the impact by said amount.
4. That an "emergency note", not in excess of the amount authorized pursuant to law, be provided.
5. That such note shall be executed by Joseph Delorio, Chief Financial Officer.
6. That said note shall be dated as determined by the Chief Financial Officer and may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth or one-third of the total amount appropriated by this resolution in each year after the authorization.
7. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
8. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.
9. The Borough is authorized to issue the special emergency notes in the amount of \$4,659,222.84 pursuant to N.J.S.A. 40A:4-55 to fund the emergency appropriations described above.

The following matters in connection with the notes are hereby determined.

- (a) All notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date;

- (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer;

- (c) The notes shall be in the form determined by the Chief Financial Officer and the Chief Financial Officer's signature upon the notes shall be conclusive as to such determination;

- (d) Notes issued hereunder may be renewed from time to time, provided, however, that at least 1/5 of all such notes and renewals thereof shall mature and be paid in each year so that all notes and renewals shall have matured and shall have been paid not later than the last day of the fifth year following the date of the emergency resolution, and the provisions of the Local Budget Law governing tax anticipation notes shall apply to the special emergency notes.

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13. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution, and the Chief Financial Officer's signature upon the notes shall be conclusive as to such determination.

14. The Chief Financial Officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as the Chief Financial Officer may determine at not less than par and to deliver them from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

15. The Chief Financial Officer, in connection with other professionals of the Borough acting under the Chief Financial Officer's direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Borough, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the Borough. The Chief Financial Officer is hereby authorized to execute such disclosure document on behalf of the Borough.

16. Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

17. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The Borough does not intend to issue more than \$10,000,000 of tax-exempt obligations in calendar year 2013 that would count towards the limitation imposed by Section 265 of the Code and hereby designates the Notes as "bank-qualified" for purposes of Section 265 of the Code.

18. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning December 31, 2012, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (1) Borough and overlapping indebtedness including a schedule of outstanding debt issued by the Borough; (2) the Borough's most current adopted budget; (3) property valuation information; and (4) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with modified cash accounting as mandated by the State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law in effect from time to time;

(b) If any of the following material events occur regarding the Bonds, a timely notice not in excess of ten (10) business days after the occurrence of the event shall be sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial

- (5) difficulties;  
Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) Notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

19. If all or any part of the Rule is not or ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule is not or is no longer in effect required the provision of such information, shall not or shall no longer be required to be provided.

20. The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

21. In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefore.

22. The Chief Financial Officer is authorized and directed to report in writing to the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, the

description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

23. This resolution shall take effect immediately.

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

#### **ORDINANCES**

The Borough Attorney stated that minor alterations were made to the ordinance which was introduced on January 26, 2013. He stated that one of those alterations was to decks which read rear and side yards which is in section 3 paragraph L of the proposed ordinance it now reads in the rear and front yards. He stated that there were some definitions added such as the definition of a deck, dormer, stairwell dormer, and landing. He stated that definitions need to be looked at to update the explanations of these definitions.

The Borough Attorney read the title of ordinance 2130-13 for second reading and final adoption.

#### **Ordinance Amending and Supplementing Chapter 35-3.1 (Definitions) section 35-11 (Supplementing Lot, Height, and Yard Requirements) and Schedule 1 to Amend Zoning Requirements for Residential Structures Located in Flood Hazard Zones V and A**

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

Thomas Crestiello, 361 Beachfront stated that after reading the ordinance and meeting with the zoning officer he believes that there is a misunderstanding as to the interpretation of the ordinance. He stated that he believed that if he had an existing structure on a non-confirming lot on the beachfront that he could go back on the same foot print up to the 38' height. He stated that he is seeking clarification of what he can do with his house.

Mr. Kitrick stated as a general principal if the homeowner stays within the foot print he should not need variance approval but if you go outside that there will need to be variance approval. He stated that the zoning officer will have to look at each case individually.

There was discussion on the height of the beachfront houses for conforming and non-conforming.

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

Council Member McCarthy made a motion to pass and publish ordinance 2130-13 accordingly to law, seconded by Council Member Sinneck. Motion carried by the following vote; "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy; "no" none.

Council Member Sinneck made a motion to suspend the meeting at 10:36 a.m. to go into closed session, seconded by Council Member McCarthy. Motion carried unanimously.

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 re-open the meeting, seconded by Council Member Olivera. Motion carried unanimously.

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The Borough Attorney reported that the following resolution was discussed in closed session and it is now up for a vote by the council.

**RESOLUTION  
52-2013**

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

**WHEREAS**, the borough council has determined that there is a need for professional services to review and analyze water treatment for the borough during the 2012-2013 calendar year; and

**WHEREAS**, the anticipated term of these contracts are one year (June 1, 2012 to May 31, 2013) as needed; and

**WHEREAS**, the Borough of Manasquan approved Resolution 217-2012 awarding a professional services agreement to Black and Veatch Engineers for the services of a Corrosion Expert Engineer for Water Treatment Facility and

**WHEREAS**, the Borough of Manasquan awarding an extension of a professional services agreement to Black and Veatch Engineers for Chemical Feed Engineering Services and Water Treatment Plant Onsite Support and

**WHEREAS**, as a result of these prior services, the Borough of Manasquan is desirous of initiating modifications to the Water Treatment Facility, and

**WHEREAS**, the following professional services providers have or will submit contracts to be reviewed for completeness and approval by the borough attorney indicating that they will provide their services for the agreed upon rate (s) that are contained in their contracts that are on file in the Clerk's Office.

Black and Veatch Engineers – Extension of Scope of Services, Implementation of Water Treatment Facility Modifications and Onsite Support

These appointments are made pursuant to N. J. S. 2B:12-1 et seq.

**WHEREAS**, the scope of services include but are not limited to:

- Performing a site visit to implement the necessary modifications of the Water Treatment Facility.
- Assistance with the purchase and installation a new analyzer to support pH feedback control to the lime feed system and additional programming of the control system
- Providing support for a feedback control for the calcium hypochlorite (chlorine) feed system including additional programming.
- Assistance with the addition of a calcium hypochlorite (chlorine) feed point prior to the point of entry of the distribution system.
- Services for the addition of a backup feed system for the pH adjustment system.
- Improving SCADA programming functionality.
- Providing the necessary specifications and guidance for the acquisition of necessary materials and labor set forth above.
- Completing necessary applications and/or permitting to the New Jersey Department of Environmental Protection Agency as requested.
- Providing the necessary reporting to the Borough.

**WHEREAS**, the amount of these professional services will not exceed \$155,000; and

**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;

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**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 9<sup>th</sup> day of February, 2013 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 execute a contract with these professionals to provide professional services to the municipality at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A certified copy of this resolution shall be sent to the professionals included in this resolution.

Council Member Donovan made a motion to approve resolution 52-2013, seconded by Council Member Bossone. Motion carried by the following vote; "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy; "no" none.

#### **AUDIENCE PARTICIPATION**

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

There being none Council Member Mangan made a motion to close the public portion, seconded by Council Member Bossone. Motion carried unanimously.

Council Member Mangan made a motion to close the meeting at 11:14 a.m., seconded by Council Member Sinneck. Motion carried unanimously.