

BOROUGH OF MANASQUAN  
AGENDA

**SPECIAL MEETING OF MAYOR AND COUNCIL, DECEMBER 30, 2014 AT 5:00 P.M., IN COUNCIL CHAMBERS OF BOROUGH HALL.**

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 30, 2013.

**ROLL CALL**

Request from Union Members to Exchange Holiday for January 2, 2015  
Requests (multiple) to Waive Moratorium to Open Street – Brielle Road Project

**CONSENT AGENDA**

374-2014 Authorizing Clerk to Sign Ellicott Network  
375-2014 Beach Appointment for December Sales  
376-2014 Appointing Steve Antonucci to Director Recreation/Community Center  
377-2014 Appoint Mark Hyer to Electrical Sub Code Official  
378-2014 Acknowledging COAH Mt. Laurel Obligation  
379-2014 Amusement Game License – Leggetts  
380-2014 Cancelling Bond Ordinances - Various  
381-2014 Amusement Game License – Beach House  
382-2014 Department Head Vacation Carry Over  
383-2014 Corrective Action Plan 2013  
384-2014 Return of Planning Board Escrow - Various  
385-2014 First Aid Certification for DMV for Special Service-Specific License Plates  
386-2014 Bond Anticipation Authorization  
387-2014 Transfer of Funds  
388-2014 Unused Budget Appropriations Cancellation  
389-2014 Payment of Bills

**ORDINANCES**

Second Reading and Final Adoption Ordinance 2170-14  
Amending Standing and Advisory Committees

Second Reading and Final Adoption Ordinance 2171-14  
Amending Taxi Ordinance

Second Reading and Final Adoption Ordinance 2172-14  
Water/Sewer Rate Increase

**APPROVAL OF MINUTES**

Work Session and Regular Meeting Minutes – December 18, 2014 (absent Bossone)

**CLOSED SESSION**

ITEM #1: PBA Grievance - Litigation  
ITEM #2: State of NJ vs. Dreyer - Litigation

**AUDIENCE PARTICIPATION**

**ADJOURNMENT**



**BOROUGH OF MANASQUAN  
RESOLUTION NO.  
375-2013**

**WHEREAS**, the Borough of Manasquan is desirous of appointing beach employees for the month of December during the sale of pre-season beach badges/parking passes; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 30th day of December, 2014 appoint the following beach season employees to work during the month of December 2014:

**Supervisors:**

- Tracy Sullivan, 149 Curtis Place, Manasquan \$15.00 hr.
- Eileen McFadden, 117 Marcellus Avenue, Manasquan \$15.00 hr
- Mike Hurden, 2559 Collier Road, Manasquan \$15.00 hr
- 

**Sales Clerk:**

- Heather Saake, 61 Colby Ave, Manasquan \$12.50 hr.
- Laurie Brandon, 37 Howe Street, Bayhead \$12.50 hr.
- Christella Fischer, 2503 Algonquin Trail, Manasquan \$12.50 hr.
- Amanda Matyas, 101 Fletcher Avenue, Manasquan \$12.50 hr.

**CERTIFICATION**

I, Barbara Ilaria, Municipal 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 December 30, 2013.

\_\_\_\_\_  
BARBARA ILARIA, RMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES	NO		



**BOROUGH OF MANASQUAN  
RESOLUTION  
377-2014**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey confirms the appointment of Mark Hyer 9 Emmons Avenue, Farmingdale, New Jersey to the Civil Service Title of Electrical Sub-Code Official. No salary change. The appointee has met all the necessary requirements and evaluations for the position.

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 meeting held on December 30, 2014.

\_\_\_\_\_  
BARBARA ILARIA  
Municipal Clerk

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
378-2014**

**RESOLUTION OF THE BOROUGH OF MANASQUAN,  
COUNTY OF MONMOUTH, DECLARING ITS INTENT TO  
FULLY COMPLY WITH ITS CURRENT AND FUTURE MOUNT  
LAUREL OBLIGATIONS AND TO SERVE AS THE  
"CATALYST FOR CHANGE" TO RENDER ANY MOUNT  
LAUREL LAWSUITS AS "UNNECESSARY LITIGATION"**

**WHEREAS**, in So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158, 279-80 (1983) ("Mount Laurel II"), the New Jersey Supreme Court ruled, subject to several other limitations, that in order for a plaintiff to be entitled to a builder's remedy, it must "succeed in litigation;" and

**WHEREAS**, in Toll Bros. Inc. v. Tp. of W. Windsor, 173 N.J. 502, 507 (2002), the Supreme Court ruled that in order for a developer to succeed in litigation, it must not only prove that the municipality failed to create a realistic opportunity to satisfy its affordable housing obligation, but also must be the "catalyst for change;" and

**WHEREAS**, on September 26, 2013, the Supreme Court released In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) which completely invalidated the Round 3 regulations adopted in 2008 by the New Jersey Council on Affordable Housing ("COAH"); and

**WHEREAS**, on March 14, 2014, the Supreme Court issued an order directing COAH to propose new Round 3 regulations on or before May 1, 2014 and to adopt them by October 22, 2014; and

**WHEREAS**, the March 14, 2014 Order further provided that, if COAH failed to meet these deadlines, the Court would entertain a Motion in Aid of Litigant's Rights which could include an application for the right, on a case-by-case basis, to file a builder's remedy suit against a municipality under COAH's jurisdiction, such as the Borough; and

**WHEREAS**, on April 30, 2014, in accordance with the March 14, 2014 Order, COAH proposed Round 3 regulations and published them in the New Jersey Register on June 2, 2014; and

**WHEREAS**, pursuant to these proposed regulations, COAH assigned the Borough a fair share of 17 units, consisting of a 10-unit rehabilitation obligation, a zero-unit unmet prior round obligation, and a 7-unit prospective Round 3 obligation; and

**WHEREAS**, COAH accepted public comments on the proposed Round 3 regulations until August 1, 2014, and indeed received roughly 3,000 comments; and

**WHEREAS**, on October 20, 2014, the COAH board met to consider adopting the proposed regulations; and

**WHEREAS**, the COAH board reached a 3-3 deadlock and therefore did not adopt the proposed regulations; and

**WHEREAS**, COAH therefore failed to meet the Supreme Court's October 22, 2014 deadline; and

**WHEREAS**, COAH's failure to adopt the proposed regulations has left the Borough in a continuing state of limbo despite its continuing commitment to satisfying its obligations voluntarily and without the need for litigation; and

**WHEREAS**, on October 31, 2014, Fair Share Housing Center ("FSHC") filed a Motion In Aid of Litigant's Rights urging the Supreme Court, among other things, to direct trial judges -- instead of COAH -- to establish standards with which municipalities must comply; and

**WHEREAS**, FSHC's motion included an alternative fair share calculation for each municipality, further highlighting the uncertainty of the framework with which municipalities must ultimately comply; and

**WHEREAS**, pursuant to the alternative calculations furnished by FSHC, the Borough would have an obligation of 671 units consisting of an 31 unit rehabilitation obligation, a 149 unit prior round obligation and a 491 unit Round 3 obligation; and

**WHEREAS**, as a result of future regulations, litigation, and/or legislation, it is entirely possible that the Borough's obligation may indeed differ from those proposed by COAH or advocated by FSHC; and

**WHEREAS**, indeed, new laws may reduce the obligations of the Borough under COAH's prior round regulations; and

**WHEREAS**, in light of all this uncertainty, it is possible that the Borough may not be in compliance with its affordable housing obligations; and

**WHEREAS**, regardless of whatever its obligation is ultimately assigned, the Borough remains committed to comply voluntarily with its obligations; and

**WHEREAS**, the Borough brought itself under COAH's jurisdiction because all three branches of government preferred COAH's administrative process to resolve disputes over affordable housing matters rather than litigation (see N.J.S.A. 52:27D-303); and

**WHEREAS**, the Borough wishes to be in a position to complete its efforts to comply voluntarily once its obligations are defined; and

**WHEREAS**, accordingly, the Borough wishes to be in a position to seek immunity from a trial judge if the Court should rule that trial judges should perform COAH's functions so that the Borough can complete its efforts to comply voluntarily with whatever standards the trial judge may determine are appropriate; and

**WHEREAS**, the Borough herein intends to make its intentions inescapably clear to the public and all concerned.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Borough formally stipulates that, given all the uncertainty in the law, it is entirely possible that it may not be in compliance with its affordable housing obligations.
2. The Borough hereby reaffirms its commitment to satisfy its affordable housing obligations, however they may ultimately be defined, voluntarily and in the absence of any Mount Laurel lawsuits.
3. Once its affordable housing obligations are defined, the Borough directs its legal and planning professionals to take all reasonable and necessary action to enable it and its Planning Board to satisfy those obligations expeditiously.
4. The Borough clerk is hereby directed to place this Resolution on file in Borough Hall to put the public and all interested parties on notice of the formal commitments herein.

5. The Borough hereby authorizes its Special Mount Laurel Council to use this resolution as it sees fit to maintain the current immunity from all exclusionary zoning suits.

6. This Resolution shall take effect immediately.

**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 meeting held on December 30, 2014.

\_\_\_\_\_  
 BARBARA ILARIA  
 Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
379-2014**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the application of Inshore Atlantic, Inc. t/a Leggetts Sand Bar, for an Amusement Game License to operate one amusement game at 211-213-215 & 217 First Avenue, Manasquan, New Jersey for the year 2014 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>
Inshore Atlantic, Inc.	215-217 First Avenue Manasquan, New Jersey 08736	Video Golf Game

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the December 30, 2014 meeting.

\_\_\_\_\_  
BARBARA ILARIA, RMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES		NO	

**BOROUGH OF MANASQUAN  
RESOLUTION  
380-2014**

**WHEREAS**, the Borough of Manasquan, in order to provide such public improvements must fund the various items through capital ordinances, and by the issuance of bonds and notes to finance the necessary funds; and

**WHEREAS**, the projects in the ordinance have been completed and the authorization provided for may not have been needed or spent in order to complete the purpose required in the original bond ordinance; and

**WHEREAS** the Administrator/Chief Financial Officer has recommended that the following be cancelled from said Ordinances:

Fund	Date	Ord. #	Description	Amount
Current	2/7/2005	1942	Purchase of Sea Watch	\$60,345.72
	4/18/2005	1949	Parker Avenue	\$220,341.63
	6/15/2005	1952	Salt Dome	\$5,709.54
	11/21/2005	1967	Refunding Bond	\$43,779.49
Water/Sewer	6/3/2002	1885	Sewer Replacement- Ocean Ave.	\$52,851.84
	7/23/2007	2009	Water & Sewer Lines- Virginia Ave.	\$13,568.26
	3/23/2009	2048	Sewer Lines-Atlantic Avenue	\$52,670.16
Beach	4/21/2003	1910	Comfort Station	\$23,671.89
	4/2/2007	#2001/2013	Comfort Station and Beach Rake	\$22,113.94

**WHEREAS**, NJ Law permits the cancellation of such original bond ordinance after completion and provides that any remaining moneys in such ordinance may be transferred to the respective Capital Funds if applicable;

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Manasquan, in the County of Monmouth, that the Ordinances stated above are hereby canceled and hereby instruct the Chief Financial Officer to cancel said amounts 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 December 30, 2014 meeting.

\_\_\_\_\_  
BARBARA ILARIA, RMC  
MUNICIPAL CLERK

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES		NO	

**BOROUGH OF MANASQUAN  
RESOLUTION  
381-2014**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the application of Manasquan Beach House for an Amusement Game License to operate two amusement games at 390 E. Main Street, Manasquan, New Jersey for the year 2015 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>
Manasquan Beach House	390 E. Main Street Manasquan, New Jersey 08736	Video Mega Touch/0002
Manasquan Beach House	390 E. Main Street Manasquan, New Jersey 08736	Video Golden Tee/0023
Manasquan Beach House	390 E. Main Street Manasquan, New Jersey 08736	Video Mega Truck/925N

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the December 30, 2014 meeting.

\_\_\_\_\_  
BARBARA ILARIA, RMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES	NO		

**BOROUGH OF MANASQUAN  
RESOLUTION  
382-2014**

**WHEREAS**, the Borough of Manasquan’s Personnel Policy #33 “Leave Policy” requires approval from the Mayor and Council for vacation carry over for Department Heads, and

**WHEREAS**, the Department Heads have the following 2014 vacation days and are requesting to carry them over to 2015 as permitted by policy and approval by the Mayor and Council:

	2014
Joseph DeIorio	15 Days
Barbara Ilaria	14 Days
Elliott Correia	28 Days
Thomas Nicastro	28 Days
Marie Higgins	5.5 Days
Frank DiRoma	5 Days

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan authorize the carry over of the unused 2014 vacation days to 2015 as per Borough Policy.

**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 December 30, 2014 meeting.

\_\_\_\_\_  
BARBARA ILARIA, RMC  
Municipal Clerk

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
383-2014**

**WHEREAS**, the Local Finance Board of the State of New Jersey has promulgated a regulation requiring that a Corrective Action Plan be prepared as part of the annual audit process; and

**WHEREAS**, Local Finance Notice 92-15 required that this plan be prepared by the Chief Financial Officer and approved by the Governing Body.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan, County of Monmouth and State of New Jersey that they hereby approve the Corrective Action Plan for the year 2013, a requirement of the annual audit, prepared by the Chief Financial Officer and which is attached hereto and made part of this resolution.

**CERTIFICATION**

I, Barbara Ilaria, Municipal Clerk of the 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 their meeting held on December 30, 2014.

\_\_\_\_\_  
BARBARA ILARIA, RMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES	NO		

**BOROUGH OF MANASQUAN  
CORRECTIVE ACTION PLAN  
FOR 2013 AUDIT**

- Finding #1                    Intefunds existed at year end.
- Analysis:                    Interfunds exist as a means of reducing bank accounts. Interfunds exist between our three major funds (Current, Beach and Water & Sewer) and their respective Capital Funds.
- Corrective Action:        None
- 
- Finding # 2                    The bank accounts were not being reconciled monthly on a timely basis.
- Analysis:                    During the 2013, accounts were reconciled but not monthly.
- Corrective Action:        In December of 2013, Borough employed a part time employee to reconcile accounts in a time fashion for the current and future years; however in 2014, this individual left the employ of the borough. In 2014, the Borough finance department reassigned duties and hired a full time individual in December of 2014 to bring the department to full compliment.
- 
- Finding #3                    The over expenditure of Budget Appropriation Reserves be avoided in the future by transfer of funds where possible.
- Analysis:                    Billings from the Borough of Brielle for the share service program for the purchase and use of gas is considerably late especially due to Super Storm Sandy. Billing for 2012 caused an over expenditure in the appropriation reserves for 2012.
- Corrective Action:        The Borough of Brielle is considering a new system for dispensing of gasoline which would expedite the billing process. Additionally, in the aftermath of the storm, gasoline appropriations is expected to return to normal levels.
- 
- Finding # 4                    Monthly dog reports not filled out correctly
- Analysis:                    The same problem existed in prior years as a result of the software program, Muniaccess. The Borough has made several attempts to permit the software provider to remedy the problem.
- Corrective Action:        In 2014 the Borough retained the services and new software of Sunrise Systems to be implemented in January 2015. As a result, we anticipate the problem to be resolved.

**BOROUGH OF MANASQUAN  
RESOLUTION  
384-2014**

**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: MR. & MRS. ERIC REID  
5 GARRYFORD DRIVE  
MIDDLETOWN, NJ 07748

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND  
APPLICATION #11-2010  
36, 38 FIRST AVE – 39 BEACHFRONT  
BLOCK: 165 – LOTS: 10.04, 11.01

AMOUNT OF REFUND DUE: \$472.00

NAME: DR. & MRS. PETER HALAS  
410 BELL PLACE  
SEA GIRT, NJ 08750

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND  
APPLICATION #14-2006  
75 – 77 BEACHFRONT – MINOR SUB  
BLOCK: 165 – LOT: 30, 31.03

AMOUNT OF REFUND DUE: \$286.67

NAME: ATLANTIC MODULAR BUILDERS  
52 TAYLOR AVENUE  
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND  
APPLICATION #32-2013  
279 FIRST AVENUE  
BLOCK: 182.01 – LOT: 9

AMOUNT OF REFUND DUE: \$598.50

NAME: MR. VINCENT J. PIETRUCHA  
20 PERSHING AVENUE  
MANASQUAN, NJ 08736-3214

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND  
APPLICATION #27-2014  
20 PERSHING AVENUE  
BLOCK: 153 – LOT: 14

AMOUNT OF REFUND DUE: \$512.50

NAME: MR. & MRS. JOSEPH RUFOLO  
 2 RIDDLE WAY  
 MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND

APPLICATION #24-2013  
 2 RIDDLE WAY  
 BLOCK: 169.05 – LOT: 58.01

AMOUNT OF REFUND DUE: \$950.00

NAME: MR. RICHARD D. STANZIONE  
 ATTORNEY AT LAW  
 HIERING, DUPIGNAC & STANZIONE, P.C.  
 64 WASHINGTON STREET  
 TOMS RIVER, NJ 08753

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND

APPLICATION #15-2014  
 NY SMSA LIMITED PARTNERSHIP  
 d/b/a VERIZON WIRELESS  
 BLOCK: 88 – LOT: 39.01

AMOUNT OF REFUND DUE: \$637.97

**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.

**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 December 30, 2014 meeting.

\_\_\_\_\_  
 BARBARA ILARIA, RMC  
 Municipal Clerk

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
385-2014**

**WHEREAS**, the State of New Jersey Motor Vehicle Commission is requiring all passenger vehicles be registered with Special Service-Specific license plates; and

**WHEREAS**, the Manasquan First Aid Squad is required to have these Special-Specific license plates; and

**WHEREAS**, THE Manasquan First Aid Squad has provided a written document stating that they are certified per the rules and regulations of the State of New Jersey.

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Manasquan certifies that the squad provides Basic Life Support Services to the Municipality and its' ambulance and equipment are qualified to perform emergency medical services in the Borough of Manasquan.

**CERTIFICATION**

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the December 30, 2014 meeting.

\_\_\_\_\_  
BARBARA ILARIA, RMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BOSSONE						
SINNECK						
DONOVAN						
MANGAN						
OLIVERA						
McCARTHY						
ON CONSENT AGENDA			YES	NO		

**BOROUGH OF MANASQUAN  
RESOLUTION  
386-2014**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, that the Mayor, Chief Financial Officer and Municipal Clerk be authorized to sign a Bond Anticipation Note in the amount of \$4,346,371.55 with a maturity date of December 30, 2015.

**CERTIFICATION**

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the December 30, 2014 meeting.

\_\_\_\_\_  
BARBARA ILARIA, RMC  
Municipal Clerk

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

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF MONMOUTH

BOROUGH OF MANASQUAN

BOND ANTICIPATION NOTE

NO. 14-1

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The BOROUGH OF MANASQUAN, in the County of Monmouth, a municipal corporation of the State of New Jersey, for value received promises to pay itself the sum of Four Million Three Hundred Forty-Six Thousand and Three Hundred Seventy-One Dollars and Fifty-Five Cents, (\$4,346,371.55) interest free, at the maturity date of December 30, 2015 covering the following items:

<u>Ordinance #</u>	<u>Amount</u>	<u>Description</u>
1880	14,278.55	Office Equipment
1966	163,925.00	Glimmer Glass Drainage Improvement
1988	33,925.00	Purchase Dump Truck/Lawnmower
2000	152,678.00	Bulkhead and Playground Equipment
2010	62,427.00	Public Works Equipment
2028	108,571.00	Technology Purchases
2029	108,571.00	Sidewalk & Repairs
2030	169,641.00	Roadway Paving
2046	201,784.00	Public Works & Police Equipment
2082	175,071.00	Purchase of Dump Trucks
2096	300,000.00	Glimmer Glass Drainage & Roadway Improvements
2052	156,250.00	Improvements to Public Property
2065	285,000.00	Bulkhead Repair - Third Avenue
2126	204,250.00	Roadway Paving
2105	1,010,000.00	Squan Plaza Improvements
2128	300,000.00	Various Capital Improvements
2167	900,000.00	Brielle Road Reconstruction
	<u>\$4,346,371.55</u>	

This note is issued pursuant to the Local Bond Law of the State of New Jersey and by virtue of bond ordinances of said Borough of Manasquan and in all respects approved and published as required by law, and a resolution of its governing body adopted, and in all respects duly approved, and this note is issued in anticipation of the issuance of bonds.

The full faith and credit of the Borough of Manasquan is hereby pledged to the punctual payment of the principal on this Note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution of or laws of the State of New Jersey to exist, to have happened, or to have been performed precedent to or in the issuance of the Note, together with all other indebtedness of the Borough of Manasquan is within every debt and other limit prescribed by said Constitution of or laws of the State of New Jersey.

IN WITNESS THEREOF, THE BOROUGH OF MANASQUAN has caused this note to be signed in its name by its Mayor and by its Chief Financial Officer, and its corporate seal to be attested by its Clerk, and this Note to be dated December 30, 2014.

BOROUGH OF MANASQUAN

\_\_\_\_\_  
George R. Dempsey - Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ilaria - Clerk

\_\_\_\_\_  
Joe DeIorio - Chief Financial Officer

**BOROUGH OF MANASQUAN  
ORDINANCE NO. 2170-14**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2  
(ADMINISTRATION) SECTION 2-5.20 ENTITLED STANDING  
COMMITTEES DESIGNATED AND SECTION 2-5.23 ENTITLED  
ADVISORY COMMITTEE IN THE BOROUGH OF MANASQUAN, COUNTY  
OF MONMOUTH, STATE OF NEW JERSEY**

**BE IT ORDAINED**, by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

**SECTION 1:** Chapter 2 entitled Administration of the Revised General Ordinances of the Borough of Manasquan and Section 2-5.20 entitled standing committees is amended and shall read as follows:

**2-5.20 Standing Committees Designated**

The following standing committees of the Council, consisting of three (3) council members each shall be appointed at the annual meeting:

- a. Administration and Finance;
- b. Beach;
- c. Building, Planning and Zoning;
- d. Public Safety;
- e. Public Works;
- f. Recreation and Environment

**SECTION 2:** Chapter 2 entitled Administration of the Revised General Ordinances of the Borough of Manasquan, and Sections 2-5.26 Administration and Finance Committee, Section 2-5.27 Public Safety and Recycling Committee, Section 2-5.28 Public Works Committee, 2-5.29 Public Property and Parks Committee, 2-5.30 Beach Committee, 2-5.31 Personnel Committee and 2-5.32 Law & Code Committee is amended and shall read as follows:

**2-5.26 Administration and Finance Committee**

The Administration and Finance Committee shall have primary responsibility for the following described activities and matters:

- a. The examination and review of all vouchers prior to their submission to the Council for authority to pay the same.
- b. The Borough's financial dealings.
- c. Budget preparation and budget management.
- d. Introduction for first reading of all ordinances, resolutions and motions requiring Council action and not specifically attributable to another committee.
- e. All departments not covered by other committees.

**2-5.27 Beach Committee**

The Beach Committee shall have primary responsibility for the following described activities and matters:

- a. Administration of personnel policies as they relate to beach employees.
- b. Management and maintenance of beach properties including parking lots.
- c. Recommendation for hiring, and supervision of Beach Department Head.
- d. Planning for the maintenance and upkeep of the beach.
- e. Chairperson of Committee or his designee shall be the liaison to the Tourism Commission.
- f. Chairperson of Committee or his designee shall be the liaison to the Chamber of Commerce.

- g. Items related to the promotion of commerce.
- h. Items related to the promotion of tourism.

#### **2-5.28 Building, Planning and Zoning Committee**

The Building, Planning and Zoning Committee shall have primary responsibility for the following described activities and matters:

- a. Code Enforcement Department.
- b. Supervision of Zoning Office.
- c. Supervision of Construction Office.
- d. Enforcement of the Borough Code, other than Police.
- e. Chairperson of Committee or his designee shall be the liaison to the Construction Board of Appeals.

#### **2-5.29 Public Safety Committee**

The Public Safety Committee shall have primary responsibility for the following described activities and matters:

- a. Municipal Court.
- b. Police Department.
- c. Fire and First Aid functions.
- d. Drug Awareness and Prevention.
- e. Chairperson of Committee or his designee shall be the liaison to the Fire District.
- f. Chairperson of Committee or his designee shall be the liaison to the First Aid.
- g. Chairperson of Committee or his designee shall be the liaison to the Office of Emergency Management.
- h. Chairperson of Committee or his designee shall be the liaison to the Shore Community Alliance.

#### **2-5.30 Public Works Committee**

The Public Works and Property Committee shall have primary responsibility for the following described activities and matters:

- a. Management and maintenance of all public property other than properties owned or managed by the Beach Utility.
- b. Inventory of public property and recommend improvements to same.
- c. Long range planning for construction.
- d. Recycling.
- e. Sanitation and the Recycling Contracts.
- f. Street lighting (including Christmas Lighting donations).
- g. Street Department.
- h. Water & Sewer Department.
- i. Chairperson of Committee or his designee shall be the liaison to the Sea Lavender Garden Club.

#### **2-5.31 Recreation and Environment Committee**

The Recreation and Environment Committee shall have primary responsibility for the following described activities and matters:

- a. Determine appropriate use policies for public property to be used for recreation.
- b. Promote and enhance recreation within the Borough.
- c. Promote both public and private environmental planning.
- d. Provide long range planning for recreational programming and facilities.
- e. Provide recommendations to Council with regards to Open Space and Environmental issues.
- f. Review and make recommendations as to Energy Policy.

- g. Management and maintenance of all municipal docking facilities.
- h. Chairperson of Committee or his designee shall be the liaison to the Environment Commission.
- i. Chairperson of Committee or his designee shall be the liaison to the Open Space Committee.
- j. Chairperson of Committee or his designee shall be the liaison to the Recreation Commission.
- k. Chairperson of Committee or his designee shall be the liaison to the Shade Tree Commission.

### **2-5-32 Liaisons Not Assigned to Committees**

Council shall appoint liaisons to the following:

- Library
- Board of Education
- Cable TV Advisory Committee

**SECTION 3:** Chapter 2 entitled Administration of the Revised General Ordinances of the Borough of Manasquan, and Section 2-5.23 Advisory Committee is amended and shall read as follows:

### **2-5.23 Advisory Committees**

Advisory Committees may be appointed by the Council for purposes other than those included in the duties of the Standing Committees and shall include, but not limited to, the following:

- a. Personnel.
- b. Shared Services.

A Chairman and Vice Chairman shall be named by the Council for the selected Advisory Committee(s) and a third member shall be the Chairman of the affected Standing Committee as determined by Council.

### **NOTICE**

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2170-14 was introduced at a meeting of the Mayor and Borough Council of Manasquan on the 15th day of December 2014 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 30<sup>th</sup> day of December 2014. At such time and place, or at any such 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.



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BARBARA ILARIA, RMC  
Municipal Clerk

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

## STATEMENT

This ordinance published herewith has been finally adopted on December 30, 2014 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided by law, has begun to run from the date of the first publication of said statement.

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BARBARA ILARIA, RMC  
Municipal Clerk

Passed on First Reading and Introduction: December 15, 2014  
Approved on Second Reading and Final Reading: December 30, 2014

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GEORGE R. DEMPSEY, JR.  
Mayor

**BOROUGH OF MANASQUAN**

**ORDINANCE NO. 2171-14**

**ORDINANCE AMENDING ORDINANCE NO. 2131-13 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**

**WHEREAS**, pursuant to the Revised General Ordinance of the Borough of Manasquan Code Section 4-16 refers to the regulations regarding the licensing and operation of taxicabs/autocabs in the Borough of Manasquan; and

**WHEREAS**, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending Section 4-16.

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**Section 1:** Section 4-16.4(a)(1) shall be amended to read as follows:

Applications for taxi/autocab owner's and driver's licenses shall be filed with the Borough Clerk at any time prior to February 1<sup>st</sup> of the year the license is to become effective. No taxi/autocab shall be operated in the Borough until both the taxi/autocab and driver are licensed in accordance with this section each year.

**Section 2:** Section 4-16.4(4)e shall be amended to include the following additional language:

The applicant shall be required to consent to and submit to a state and federal criminal history check, either by fingerprinting or live scan through Morphotrack, Inc. (a private company under contract with the State of New Jersey) or whoever the vendor under contract is at the time, at the Borough's sole discretion, or provide a CDL Passenger Endorsement, which shall be forwarded to the Borough at the cost and expense of the applicant.

**Section 3:** Section 4-16.4(a) (3)(c) shall be amended to include the following language:

For any applicant seeking to renew a taxi/autocab owner's and/or driver's license who does not maintain a valid CDL Passenger Endorsement, the Morphotrack criminal history check shall be performed once every three consecutive years. For the two consecutive years following each Morphotrack check, the applicant shall submit to a Criminal History Record Information for a Noncriminal Justice Purpose SBI 212B check to be performed through the Borough Police Department at the applicant's expense.

**Section 4:** Section 4-16.6(a)(b) shall be amended to read as follows:

(a) The annual fee for each taxi/autocab owner's license hereafter issued, or any renewal thereof, shall be three hundred fifty (\$350.00) dollars. The license is not transferable and is granted for up to five (5) vehicles. If such vehicle is sold or conveyed during the license year, the owner may apply to the Borough for a substitute for the remainder of the license period. The \$350.00 fee will include licensing of not more than five (5) vehicles. For each additional vehicle, there shall be a fee of one hundred (\$100.00) dollars per vehicle.

**Section 5:** Section 4-16.5(a) shall be amended to read as follows:

(a) Upon notification by the Borough Clerk of satisfactory fulfillment of the foregoing requirements, the Borough Clerk shall either grant or deny the license application, unless the Mayor or council returns or holds over the application for further investigation.

**Section 6: 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. 2171-14 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 15th day of December 2014, 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 30th day of December 30, 2014. 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  
P.O. Box 547  
Brick, NJ 08723

## STATEMENT

This ordinance published herewith has been finally adopted on December 30, 2014 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided by law, has begun to run from the date of the first publication of said statement.

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BARBARA ILARIA, RMC  
Municipal Clerk

Passed on First Reading and Introduction:  
Approved on Second Reading and Final Reading:

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GEORGE R. DEMPSEY, JR.  
Mayor

**BOROUGH OF MANASQUAN  
ORDINANCE NO. 2172-14**

**ORDINANCE AMENDING SECTIONS 22-2 (BASE  
WATER AND SEWER SERVICE RATE) AND 22-3  
(WATER AND SEWER USAGE CHARGE) OF  
CHAPTER 22, WATER AND SEWER UTILITY OF THE  
REVISED GENERAL ORDINANCES IN ORDER TO  
INCREASE WATER AND SEWER RATES AND USAGE  
CHARGES IN THE BOROUGH OF MANASQUAN,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**BE IT ORDAINED**, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

**SECTION 1:** Section 22-2 (Base Water and Sewer Service Rate) of Chapter 22 (Water and Sewer Utility) of the Revised General Ordinances of the Borough of Manasquan is amended as follows:

a. The base water and sewer rate for each residential and nonresidential user shall be \$536.00 per year. This charge represents the standby to serve or fixed charges incurred in the operation of the municipal water and sewer system. The fees shall be paid in equal quarterly installments of \$134.00 .

A user shall be defined as follows:

1. Residential User:

- (a) Each single-family residential dwelling.
- (b) Multi-family residential dwellings.

Number Of Units	Amount of Base Water and Sewer Service Rates
1 to 10	Full service rate for each unit
11-20	50% service rate for each unit
21-30	25% service rate for each unit
31 or over	10% service rate for each unit

2. Nonresidential User:

- (a) Each nonresidential unit in sole occupancy of a structure.
- (b) Each nonresidential unit in a multi-unit structure.
- (c) Each nonresidential unit being serviced by a common water service line.
- (d) Each hotel or motel.

b. The following service rate shall be charged to residential and nonresidential users who are not connected to both the municipal water and sewer systems:

1. The base water service rate for each residential and nonresidential user shall be \$268.00 per year. The fee shall be payable in equal quarterly installments of \$67.00.

2. The base sewer service rate for each residential and nonresidential user shall be \$268.00 per year. The fee shall be payable in equal quarterly installments of \$67.00.

**SECTION 2:** Section 22-3 (Water and Sewer Usage Charge) of Chapter 22 (Water and Sewer Utility) of the Revised General Ordinances of the Borough of Manasquan is amended as follows:

- a. The charge for water and sewer usage shall be \$4.02 per 1,000 gallons or part thereof.
- b. The charge for water usage only shall be \$2.01 per 1,000 gallons or part thereof.
- c. The charge for sewer usage only shall be \$2.01 per 1,000 gallons or part thereof.
- d. Water and sewer usage shall be measured by the number of gallons of water use shown on the water meter.
- e. Any user found to be receiving water service that is not being metered shall be charged at the rate of \$2.00 per day.

**SECTION 3:** All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such consistency.

**SECTION 4:** If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 5:** This ordinance shall become effective January, 1, 2015 following its final passage and publication according to law.

## NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2172-14 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 15<sup>th</sup> day of December, 2014, 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 30<sup>th</sup> day of December, 2014. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested 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.



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BARBARA ILARIA  
Municipal Clerk

## STATEMENT

This ordinance published herewith has been finally adopted on December 30, 2014 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 by law, has begun to run from the date of the first publication of said statement.

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BARBARA ILARIA  
Municipal Clerk

Passed on first reading and Introduction: December 15, 2014  
Approved on Second Reading and Final Hearing: December 30, 2014

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**GEORGE R. DEMPSEY JR., MAYOR**