

JUNE 16, 2014

Regular Meeting of Mayor and Council was convened at 8:11 p.m. on June 2, 2014 in Council Chambers of Borough Hall with Mayor George Dempsey presiding.

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.

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 and Borough Administrator/CFO Joseph DeIorio

PUBLIC HEARING

Monmouth County Community Development Block Grant Program (CDBG)

Mr. DeIorio stated that by the Monmouth County Community Development Block Grant Committee the Borough is required to have a public hearing.

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

Marilyn Jacobson, 59 McLean Avenue stated that it is encouraging to hear that only the amount of money will be spent that the Borough will receive.

Council Member Mangan stated that they will try to.

Council Member Mangan stated that for those members of the audience that were not here for the work session the project that is being discussed is upgrades to some of Mallard Park and some of the bulk head marina area of Perrine Avenue. He advised that this hearing is for the grant application process for the parks aspect of the project but there are other grants that the Borough is applying to for the project in total. He also stated that in the work session that hazard mitigation was also discussed to move the mitigation to the bulk head.

Council Member Donovan stated that this grant is the Monmouth County Community Development Block Grant and deals with handicap accessibility and recreation.

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

Council Member McCarthy made a motion to accept this project and grant application as submitted, seconded by Council Member Mangan. Motion carried by the following vote: "yes" Council Members Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy. "No" none.

APPOINTMENT: Tourism Member

Colleen King, 143 Lenape Trail
(unexpired term 01/01/14-12/31/2016)

Mayor Dempsey appointed Colleen King to the Tourism Commission for the unexpired term ending 12/31/16.

Mayor Dempsey asked that resolution 192-2014 be removed from the Consent Agenda.

CONSENT AGENDA

**RESOLUTION
193-2014**

JUNE 16, 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 are due to the following:

NAME: SS BULKHEADING, LLC
370 COOK ROAD
JACKSON, NJ 08527

AMOUNT OF REFUND DUE: \$500.00

REASON FOR REFUND: Dumpster Security-521 Perrine Blvd

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
194-2014**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Recreation Employees for the Summer Season of 2013; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th day of June, 2014 appoint the following Seasonal Recreation Employees to work during the Summer Season, 2014:

| Counselor: | Address | Hourly Rate |
|---------------------------------|--|------------------|
| Kim Craig | 48 Allen Avenue | \$5502.00-Salary |
| Chris Craig-Asst Director | 48 Allen Avenue | \$21.50 |
| Courtney Thibeault-Art Director | 636 Susan Lane, Brielle, NJ | \$11.00 |
| Megan Freeman-Sports Director | 49 Allen Avenue | \$12.00 |
| Gina Sommese | 168 Yellowbank Road, Toms River, NJ | \$10.50 |
| Jack Haley | 65 Curtis Avenue | \$9.50 |
| Ryan Nicolosi | 12 Wigwam Path | \$9.00 |
| Chloe Grady | 264 Euclid Avenue | \$9.00 |
| Claire Toole | 434 Euclid Avenue | \$9.00 |
| Casey Cleffi | 207 Euclid Avenue | \$9.00 |
| John Moriarty | 110 Manito Road | \$8.50 |
| Stephen Trischitta | 75 North McClellan Avenue | \$8.00 |
| Ally Waller | 290 East Virginia Avenue | \$8.00 |
| John Driscoll | 11 Muriel Place | \$8.00 |
| Beau Bradley | 47 Morris Avenue | \$8.00 |
| Daniel Mopsick | 52 Parker Avenue | \$8.00 |
| Doug Wells | 328 Pine Avenue | \$8.00 |
| Shannon Kirk | 919 Wall Road, Spring Lake Heights, NJ | \$8.00 |
| Karly Grogan | 4 Captains Court | \$8.00 |
| Abby Schwind | 50 Curtis Avenue | \$8.00 |
| Chris Driscoll | 11 Muriel Place | \$8.00 |
| Brinley Schmidt | 68 Morris Avenue | \$8.00 |
| Tommy Antonucci | 7 Allen Avenue | \$8.00 |
| Cassidy Turnbach | 7 Beams Terrace | \$8.00 |
| Madison Rydholm | 158 2 nd Avenue | \$8.00 |
| Greg Love | 293 Pine Avenue | \$8.00 |
| Jack Geiger | 57 Allen Avenue | \$8.00 |
| Trey Triggiano | 50 Central Avenue | \$8.00 |
| Annie Ragan | 228 Broad Street | \$8.00 |
| Julianna DeGenova | 54 Iroquois Road | \$8.00 |
| Gabriella Farneti | 4 Pearce Court | \$8.00 |
| | | |

**RESOLUTION
195-2014**

JUNE 16, 2014

BE IT RESOLVED by the Council of the Borough of Manasquan that:

WHEREAS, refunds for Tax Title Lien Redemptions for the following properties are due on the below described property in the amount designated as follows:

BLOCK: 21 LOT: 8.01 NAME: Ertle, Erik & Kathleen

PROPERTY LOCATION: 65 Central Ave

AMOUNT: \$4,144.66

REASON FOR REFUND: Redemption of TTL #12-00165

REFUND CHECK TO BE MADE PAYABLE TO:

**MTAG SERVICES
CUSTODIAN FOR ATCF II
NEW JERSEY, LLC
PO BOX 54292
NEW ORLEANS LA 70154-4292**

WHEREAS, the Tax Collector has certified that the current lien holder is entitled to the refund.

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

**RESOLUTION
196-2014**

BE IT RESOLVED, by the Council of the Borough of Manasquan that:

WHEREAS, refunds for Tax Title Lien Redemptions for the following properties are due on the below described property in the amount designated as follows:

BLOCK: 21 LOT: 8.01 NAME: Ertle, Erik & Kathleen

PROPERTY LOCATION: 65 Central Ave

AMOUNT: \$18,500.00

REASON FOR REFUND: Return of Premium Paid at Tax Sale Re: Redemption of TTL #12-00165

REFUND CHECK TO BE MADE PAYABLE TO:

**MTAG SERVICES
CUSTODIAN FOR ATCF II
NEW JERSEY, LLC
PO BOX
NEW ORLEANS LA 70154-4292**

WHEREAS, the Tax Collector has certified that the current lien holder is entitled to the refund.

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

**RESOLUTION
197-2014**

JUNE 16, 2014

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey confirms the appointment of Sean Price 48 Warren Avenue, Manasquan, New Jersey from provisional to permanent Laborer 1 as of June 17th, 2014. No salary change. The appointee has met all the necessary requirements and evaluations for the position.

**RESOLUTION
198-2014**

CHANGE ORDER NO.1

Be it resolved by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey upon recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Borough of Manasquan
Squan Life Saving Station #9 Building Improvements

ENGINEER: T&M Associates
11 Tindall Road
Middletown, NJ 07748

CONTRACTOR: Trinity Construction, Inc.

AGREEMENT MODIFICATION NO. 1

Price for credit item to delete all sleeve and add 4 items including repair toilet flush valve, replace sump pump check valve, repair basement window, and remove concrete sidewalk resulting in change order add of \$633.15 for Trinity Construction, Inc.

AMOUNT OF CHANGE THIS RESOLUTION: \$633.15

TOTAL AMOUNT OF CHANGE: +\$633.15

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

**RESOLUTION
199-2014**

WHEREAS, shore communities have had the ability to sell beach badges since the 1970's; and

WHEREAS, revenues from beach badge sales have been dedicated to the public health, safety and welfare of beach goers such as cleaning and maintaining beaches and public restrooms as well as lifeguards; and

WHEREAS, beach badge programs provide jobs for students, senior citizens as well as factory jobs to beach badge manufacturers; and

WHEREAS, beach badge fees are user fees created to offset the cost to the taxpayers and are enforced during beach-going hours only, all other times beaches are 100% free; and

WHEREAS, many municipalities welcomed and accepted legislation to allow for free or reduced beach badges for active members of the Armed Forces and Senior Citizens; and

WHEREAS, Federal beach re-nourishment is primarily a means of protection through dune stabilization to local homes and businesses from storm surges; and

WHEREAS, the proposed legislation does not consider the tax impact to shore communities if beach badge revenues are lost.

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NOW THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Manasquan strongly oppose any legislation that would remove a beach badge user fee and put the burden of beach public health, safety and welfare onto taxpayers of the municipalities.

BE IT FURTHER RESOLVED, that a copy of this legislation be sent to the Honorable Governor Chris Christie, Senators Sweeney and Doherty, Assemblyman Brian E. Rumpf, Assemblywomen Dianne C. Gove, Senator Christopher Connors, Senate Secretary, Clerk of the General Assembly and all Monmouth County Municipalities.

**RESOLUTION
200-2014**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of Randall Craig, from the position as a Class II Special Officer as of June 6, 2014 is hereby accepted.

**RESOLUTION
201-2014**

**APPROVING TAXI / AUTOCAB OWNERS LICENSES AND TAXI /
AUTOCAB OPERATORS LICENSES PURSUANT TO MANASQUAN
BOROUGH ORDINANCE 4-16**

WHEREAS, pursuant to Manasquan Borough Ordinance 4-16 entitled "An ordinance providing for the registration and regulation of taxis, autocabs and other vehicles engaged in the business of carrying passengers for hire, and the owners and drivers thereof and the business of operating taxis, fixing license fees and providing for penalties for the violation thereof"; and

WHEREAS, Section 5 of said ordinance allows for the issuance of these licenses by the Mayor and Council upon notification from the Borough Clerk of the satisfactory fulfillment of the licensing requirements; and

WHEREAS, the Borough Clerk has notified the Mayor and Council that the licensing requirements have been satisfactorily fulfilled by a number of applicants; and

WHEREAS, the Mayor and Council hereby approve the issuance of licenses for the following:

A. Owner & Operator:

- 1) James R. Fisher – Mad River/Mr. Taxi
- 2) Clemente Martinez – Seaway Taxi

B) Operators:

- 1) Joseph Battista Jr. – New Ocean Transportation
- 2) Paul Salgado - TJSM
- 3) Robert Fielder – Sandy's New Manasquan
- 4) Todd C. Werth – Leon's Transportation
- 5) Gerald J. Brown – Squan Taxi

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th day of June, 2014, as follows:

1. The Borough Clerk has notified the Mayor and Council that all licensing requirements have been satisfactorily fulfilled pursuant to Section 5 of Borough Ordinance 4-16.

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**RESOLUTION
202-2014**

WHEREAS, the Borough of Manasquan has previously adopted Personnel Policies and Procedures to ensure that employees and prospective employees are treated in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, The Borough of Manasquan is desirous of amending its personnel policy to include Communication Media Policy and Domestic Violence Leave as required by the Municipal Joint Insurance Fund, and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th day of June 2014 does hereby amend the Borough's Personnel Policy to include the following:

1. Communication Media Policy: *

The Borough of Manasquan Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes, but not limited to, all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, "Data" includes, but not limited to, "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide-area networks."

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media.** By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

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All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install *or Modify* ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

The Borough encourages employees to share information with co-workers and with those outside the Borough for the purpose of gathering information, generating new ideas and learning from the work of others to the extent such sharing is permitted by the Borough. Social media provide inexpensive, informal and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Employees may engage in social media activity during work time through the use of the Borough Communication Media, provided that it is directly related to their work authorized by the administrator or department head and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personal information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Administrator. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Administrator of the Borough. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough.

Because (authorized) postings placed on the Internet through use of the Borough's Communication Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the

risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Borough or the Borough's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.

2. Domestic Violence Leave:* (if local unit type has 25 or more employees)

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative;
- or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, and proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the Borough will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Borough shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

3. A copy of this Resolution shall be sent to each current employee of the Borough of Manasquan and shall be provided to all future municipal employees

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**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY
NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL
CLERK TO EXECUTE EMPLOYMENT CONTRACT WITH THE
PUBLIC WORKS SUPERINTENDENT**

WHEREAS, the Borough council is desirous if establishing the salary, terms and conditions of employment of Thomas Nicaastro in the position of Public Works Superintendent for the term January 1, 2013 through December 31, 2016.

WHEREAS, employment agreement with the above is on file in the Office of the Municipal Clerk;
and

WHEREAS, the Borough Council is desirous of authorizing the execution of the employment contract listed above;

NOW, THEREFORE BE IT RESOLVED, on this 16th day of June, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Mayor and Municipal Clerk are authorized and directed to sign the employment contract with the Public Works Superintendent.
2. A certified copy of this Resolution shall be sent to

Thomas Nicaastro, Public Works Superintendent
Borough of Manasquan
201 East Main Street
Manasquan, NJ 08736

**RESOLUTION
204-2014**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY
NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL
CLERK TO EXECUTE EMPLOYMENT CONTRACT WITH THE
BOROUGH MUNICIPAL CLERK**

WHEREAS, the Borough council is desirous if establishing the salary, terms and conditions of employment of Barbara Ilaria in the position of Municipal Clerk for the term November 1, 2013 through October 31, 2016.

WHEREAS, employment agreement with the above is on file in the Office of the Municipal Clerk;
and

WHEREAS, the Borough Council is desirous of authorizing the execution of the employment contract listed above;

NOW, THEREFORE BE IT RESOLVED, on this 16th day of June, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Mayor is authorized and directed to sign the employment contract with the Municipal Clerk.
2. A certified copy of this Resolution shall be sent to

Barbara Ilaria, RMC
Borough of Manasquan
201 East Main Street

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Manasquan, NJ 08736

**RESOLUTION
205-2014**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY
NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL
CLERK TO EXECUTE EMPLOYMENT CONTRACT WITH THE
THE CHIEF OF POLICE**

WHEREAS, the Borough council is desirous if establishing the salary, terms and conditions of employment of Elliott Correia in the position of Chief of Police for the term January 1, 2013 through December 31, 2016.

WHEREAS, employment agreement with the above is on file in the Office of the Municipal Clerk; and

WHEREAS, the Borough Council is desirous of authorizing the execution of the employment contract listed above;

NOW, THEREFORE BE IT RESOLVED, on this 16th day of June, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Mayor and Municipal Clerk are authorized and directed to sign the employment contract with the Chief of Police.
2. A certified copy of this Resolution shall be sent to

Elliott Correia, Chief of Police
Borough of Manasquan
201 East Main Street
Manasquan, NJ 08736

**RESOLUTION
206-2014**

**ESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY
NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL
CLERK TO EXECUTE EMPLOYMENT CONTRACT WITH THE
BEACH MANAGER**

WHEREAS, the Borough council is desirous if establishing the salary, terms and conditions of employment of Walter Wall in the position of Beach Manager for the term October 1, 2013 through September 30, 2016.

WHEREAS, employment agreement with the above is on file in the Office of the Municipal Clerk; and

WHEREAS, the Borough Council is desirous of authorizing the execution of the employment contract listed above;

NOW, THEREFORE BE IT RESOLVED, on this 16th day of June, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Mayor and Municipal Clerk are authorized and directed to sign the employment contract with the Beach Manager.

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2. A certified copy of this Resolution shall be sent to

Walter Wall, Beach Manager
Borough of Manasquan
201 East Main Street
Manasquan, NJ 08736

**RESOLUTION
207-2014**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY
NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL
CLERK TO EXECUTE EMPLOYMENT CONTRACT WITH THE
MUNICIPAL TAX COLLECTOR**

WHEREAS, the Borough council is desirous if establishing the salary, terms and conditions of employment of Valerie Bills in the position of Municipal Tax Collector for the term November 1, 2013 through October 31, 2016.

WHEREAS, employment agreement with the above is on file in the Office of the Municipal Clerk; and

WHEREAS, the Borough Council is desirous of authorizing the execution of the employment contract listed above;

NOW, THEREFORE BE IT RESOLVED, on this 16th day of June, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Mayor is authorized and directed to sign the employment contract with the Municipal Tax Collector.
2. A certified copy of this Resolution shall be sent to

Valerie Bills, Tax Collector
Borough of Manasquan
201 East Main Street
Manasquan, NJ 08736

**RESOLUTION
208-2014**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY
NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL
CLERK TO EXECUTE EMPLOYMENT CONTRACT WITH THE
COURT ADMINISTRATOR**

WHEREAS, the Borough council is desirous if establishing the salary, terms and conditions of employment of Marie Higgins in the position of Court Administrator for the term January 1, 2013 through December 31, 2016.

WHEREAS, employment agreement with the above is on file in the office of the Borough Clerk; and

WHEREAS, the Borough Council is desirous of authorizing the execution of the employment contract listed above;

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NOW, THEREFORE BE IT RESOLVED, on this 16th day of June, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Mayor and Municipal Clerk are authorized and directed to sign the employment contract with the Court Administrator.
2. A certified copy of this Resolution shall be sent to

Marie Higgins, Court Administrator
Borough of Manasquan
201 East Main Street
Manasquan, NJ 08736

**RESOLUTION
209-2014**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY
NEW JERSEY, AUTHORIZING THE MAYOR AND MUNICIPAL
CLERK TO EXECUTE EMPLOYMENT CONTRACT WITH THE
BOROUGH ADMINISTRATOR - CHIEF FINANCIAL OFFICER**

WHEREAS, the Borough council is desirous if establishing the salary, terms and conditions of employment of Joseph DeIorio in the position of Borough Administrator - Chief Financial Officer for the term January 1, 2013 through December 31, 2016.

WHEREAS, employment agreement with the above is on file in the office of the Borough Clerk;
and

WHEREAS, the Borough Council is desirous of authorizing the execution of the employment contract listed above;

NOW, THEREFORE BE IT RESOLVED, on this 16th day of June, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, as follows:

1. The Mayor and Municipal Clerk are authorized and directed to sign the employment contract with the Borough Administrator/CFO.
2. A certified copy of this Resolution shall be sent to

Joseph DeIorio, Borough Administrator/CFO
Borough of Manasquan
201 East Main Street
Manasquan, NJ 08736

**RESOLUTION
210-2014**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees for the Summer Season of 2014; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th day of June, 2014 appoint the following Seasonal Beach Employees to work during the Summer Season, 2014:

| Junior Guard Instructors: | Address | Hourly Rate |
|---------------------------|---------------------------------|-------------|
| Michael Cummins | 3703 Eastledge Drive, Austin TX | \$9.00 |
| Trevor Hinds | 449 Holly Avenue, Bay Head | \$9.00 |
| Kathryn Petrone | 406 Linden Lane, Brielle | \$9.00 |

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Stephen Zara

723 McLean Avenue, Manasquan \$9.00

**RESOLUTION
211-2014**

WHEREAS, the through Executive Order 104 (October 27,2012), the State of New Jersey declared a State of Emergency as a result of the impact of Superstorm Sandy and the aftermath; and

WHEREAS, the Borough of Manasquan had also declared a local State of Emergency; and,

WHEREAS, the existing dune structure on the Manasquan Beaches were destroyed from the storm; and,

WHEREAS, on April 11, 2014 an Amendment to FEMA Project Worksheet 430502 (Wooden Cedar Split Rail Fencing along the beachfront) was written to include a replacement dune design along the beach in the amount of \$1,554,604.40; and

WHEREAS, Manasquan beaches were recently restored and funded by the US Army Corps of Engineers through a beach replenishment project and this beach replenishment activity has resulted in a higher berm elevation (approximately 4 feet higher than the design berm elevation) adjacent to the boardwalk; and

WHEREAS, the current berm elevation for a distance of approximately 30 feet east of the beach walkway is slightly higher than elevation +13 feet, which will provide additional protection to the Borough's beach walkway and adjacent residential properties.

WHEREAS, discussions are being initiated by the State of New Jersey Department of Environmental Protection with the US Army Corps of Engineers to consider inclusion of "Storm Damage Reduction" elements, such as dune construction, in the upcoming federally authorized and funded shore protection project; and

WHEREAS, residential areas adjacent to the Borough's bulkheads, such as the areas adjacent to the glimmer glass area were significantly damaged by storm surge and flooding during Superstorm Sandy causing considerable concern over protection of property and life from future storms; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough Council of the Borough of Manasquan, that after carefully weighing all options, to request FEMA to approve an alternate project in lieu of the dune replacement project to fund a bulkhead improvement project along 4th Avenue and Perrine Boulevard.

**RESOLUTION
212-2014**

WHEREAS, Deb and Jason Wayne, owners of 124 Morris Avenue, Manasquan submitted a Building Permit for the replacement of their home; and

WHEREAS, the building permit was priced based on a new home; and

WHEREAS, the amount of the permit charged and paid was \$3,861; and

WHEREAS, the amount should have been priced in the amount of \$469.00 for having a new modular home based on the cost of the site built work; and

WHEREAS, the Construction Code official has verified and determined that the property owner was overcharged; and

NOW THEREFORE, BE IT RESOLVED that based on the review and recommendation of the Borough Construction Code Official that the borough issue a refund as follows:

Owner Name/Address: Wayne, Deb

JUNE 16, 2014

807 Sixth Avenue
Spring Lake, NJ 07762

Block/Lot: 73/97
Refund Amount \$3,392.00

BE IT FURTHER 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
214-2014**

**RESOLUTION OF THE BOROUGH COUNCIL
OF THE BOROUGH OF MANASQUAN, COUNTY
OF MONMOUTH, NEW JERSEY, AUTHORIZING ADVERTISEMENT FOR ENTRY
LEVEL FULL TIME FINANCE DEPARTMENT EMPLOYEE**

WHEREAS, the Borough of Manasquan ("Manasquan") is in need of a Entry Level Full Time Finance Department Employee; and

NOW, THEREFORE BE IT RESOLVED on the 16th day of June 2014, by the Borough Council of the Borough of Manasquan, hereby authorize the Clerk to advertise for an Entry Level Full Time Finance Department Employee.

**RESOLUTION
213-2014**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

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

| | |
|-----------------------------|----------------------------|
| Current Fund | 2,699,387.58 |
| | (\$2,602,067.70 BOE Taxes) |
| Water/Sewer Fund | 17,267.56 |
| Beach Fund | 23,606.42 |
| Recreation Bldg Trust | 9,317.01 |
| Recreation Commission Trust | 978.00 |
| General Capital Fund | 3,953.09 |
| Water/Sewer Capital Fund | 1,552.50 |
| Beach Capital Fund | 29,367.93 |

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Council Member Donovan 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.

**RESOLUTION
192-2014**

**EXTENDING SURFING AREAS
DURING THE
2014 BEACH SEASON**

WHEREAS, Borough of Manasquan Code Chapter 12 Section 4.23 entitled Fishermen and Surfers Restricted; Hours Established restricts the use of the beach areas by fishermen and surfers, and

WHEREAS, 12-4.23 states the beach area between the north jetty of the Manasquan Inlet and the first storm jetty to the north of the Inlet jetty also known as the Perch Avenue Jetty located at the Whiting II Beach may be used by surfers at any time; and

WHEREAS, the surfing community has requested additional beach area for surfing as a result of the increase in surfers causing overcrowding and therefore the need to provide additional safety and protection.

NOW THEREFORE BE IT RESLOVED, the Mayor and Council of the Borough of Manasquan hereby temporary amends this provision of code under the following conditions:

- 1) Approximately 100 additional yards of beach area north from the Perch Avenue Jetty will be allowed for surfing during May 15 to September 15.
- 2) This resolution is a temporary moratorium of the provisions of 12-4.23 regarding the use of surfing area between May 15 and September 15 only. All other provision remains in effect.
- 3) This resolution sunsets after September 15, 2014. Considerations for future season must be renewed by resolution or amended by ordinance.
- 4) This resolution takes effect immediately upon adoption by the Governing Body.

Council Member Sinneck made a motion to open discussion of this resolution to the public, seconded by Council Member Bossone. Motion carried unanimously.

John Kelly, 427 Beachfront-426 First Avenue went over when he bought his house and what the surfing area was like back then. He voiced his concerns and opposition with extending the surfing beach. He asked that the council defer any decision on this resolution until an impact study can be made as to the amount of people it will affect or just not pass it at all. He thanked the police and the first aid squad for what happened on Memorial Day at his home.

John Loetscher, 423 Beachfront-422 First Avenue stated that he concurs completely with what Mr. Kelly stated. He went over his opinion of the tax ramifications as it relates to renting beach front homes. He voiced his concerns and opposition with extending the surfing beach.

Mary Loetscher, 423 Beachfront-422 First Avenue went over her history in Manasquan and she voiced her concerns and opposition with extending the surfing beach.

Joan Smith, 419 Beachfront-418 First Avenue voiced her concerns and opposition with extending the surfing beach and concurs with prior residents' comments.

Mayor Dempsey stated that the resolution is only for this year until September 15, 2014.

TR Devaney, Brielle resident stated that he surfed here his whole life and his 3 boys now surf. He voiced his opinion on extending the surfing beach and that he is in favor of it.

Council Member Bossone stated that the chief lifeguard still has the ability to make a decision to allow bathers in if the water is flat.

Mr. Devaney stated that historically the chief lifeguard has been great about letting the surfers get out there when the waves were bigger when bathers are not in the water.

Mayor Dempsey stated that Manasquan has the smallest amount of surfing area percentagewise.

JUNE 16, 2014

Carl Danish, 96 South Street voiced his opinion on the MBIA and the resolution and that he is in favor of expanding the surfing beach.

Rich Mullenbrook, Pt. Borough resident voiced his opinion and stated that he is in favor of expanding the beach and he believes that it will only be open when the waves are larger and swimmers will be kept off the beach and then it could return to a family swimming beach.

Bob Duerr, Brielle resident stated that he is in favor of expanding the surfing beach. He believes the resolution allows the chief lifeguard the authority to make the decision to change the area for surfers to move down towards Whiting.

Michael Parziale, Riverside Café, 425 First Avenue stated that his house is at 305 Beachfront and he has multiple rentals in the area. He voiced his concerns and opinion and that he is not sure which way he would like to lean until there is more information on the impact to the area. He stated that an impact study should be done.

Cliff Brennan, 64 Rogers Avenue voiced his opinion and concerns and stated that he is in favor of expanding the surfing beach area.

Donald Cresitello, 361 Beachfront voiced his opinion and concerns and believes that it should not be made an "as needed" surfing beach, but it should be expanded permanently to accommodate the number of surfers that frequent Manasquan.

Council Member Bossone commented on making the area temporary or only surfing when it is big. He stated that the resolution calls for it to be a surfing beach, however it has not been made clear with the chief lifeguard that under his discretion, if it is totally flat then he is to allow bathers in the water. He stated that the extension of the surfing beach is 100 yards north of the stone jetty.

Jay Terzis, 409 Beachfront read a written letter that was sent to the board opposing the resolution and to consider all options before making a final decision and that parking should be looked at. He voiced his concerns and opinion on expanding the surfing beach.

Council Member Bossone stated that this resolution expires on September 15, 2014 and that council will decide what will be happening for next year either by resolution or ordinance.

Curran Fallon, 306 Brielle Avenue advised that he is in favor of extending the surfing beach and voiced his concerns and opinion and safety issues that should be looked into.

Mary Ryan, 113 Beachfront voiced her concerns and opinion in opposition of extending the surfing area.

Sal Librizzi, 276 E. Virginia Avenue voiced his concerns and opinion in favor of extending the surfing area and safety issues.

Sean Shumway, Sea Girt resident has family at 419 Beachfront and he voiced his concerns and opinion and he stated that there should be a study on the safety issue of the surfers.

Judy Richardson, 415 First Avenue voiced her concerns and opinion on both sides and thanked Mayor and Council for giving this request a lot of consideration and the resolution should be passed and tried for this one summer.

John Kelly, 427 Beachfront clarified the time he has spent in Manasquan and stated that the surfers today have from 6 to 9 a.m. every day of the week without stop and 5:30 to dark every day. He stated that they have the beach for an extended period of time and beach goers want to be there with the sun and water. He suggested making the north end area surfing beach. He stated that he is disappointed that there was a meeting of the surfers and not considering the families, the thousands of people, on station 2 station 3 that are going to be impacted. He also stated that this is being rushed because families weren't informed, it was not well publicized and he believes that it is inappropriate not to include families and get the impact of people that have been sitting there for 50 years. He asked that this resolution not be passed and table it and do some studies.

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There was discussion between Council Member Bossone and Mr. Kelly on the legal side of having lifeguards and why the families were not involved in these conversations and how long this issue has been talked about.

Council Member Olivera stated this subject has been brought up publicly at 3 council meetings and it has been at least a month and a half that this subject has been covered.

Mr. Kitrick stated that this is the fourth public meeting that this subject is being discussed.

Discussion continued on the families being involved in the decision, swimmers being moved north, and having additional space for surfers on the North End.

Carl Danish, 96 South Street stated that 100 yards is the size of a football field and parking has always been an issue.

John Loetscher, 423 Beachfront stated that the committee had a side bar without having representation from both sides and due process was not given to the people that are opposed to this resolution. He stated that he believes that the town is opening themselves up to legal ramifications.

Mr. Kitrick stated that he rejects Mr. Letcher's legal analysis.

Mr. Letcher asked why.

Mr. Kitrick stated that it was a public meeting and there was no side bar.

Mayor Dempsey stated that this is not court but a public meeting and it is run by different rules.

Donald Cresitello, 361 Beachfront reiterated what he said earlier and that both parties seem to be arguing is that Manasquan is a family beach and as times have changed many of the families have become surfing families.

TR Devaney, 403 Brielle Avenue stated that the surfing is crowded and they do contribute to the local economy. He went over how he views the surfers and why the area needs to be extended.

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

Council Member Bossone made a motion to approve the resolution, seconded by Council Member Olivera. Motion carried by the following vote: "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy. "No" none.

ORDINANCES

The Borough Attorney read the title of ordinance 2158-14 for second reading and final adoption.

FIXING SALARIES AND COMPENSATION OF THE EMPLOYEES OF THE BOROUGH OF MANASQUAN

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

There being no comment Council Member Donovan made a motion to close the hearing, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Bossone made a motion to pass and publish ordinance 2158-14 according 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.

The Borough Attorney read the title of ordinance 2159-14 for second reading and final adoption.

JUNE 16, 2014

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 29, SECTION 29-3 (DEFINITIONS) AND CHAPTER 29-12 (PROVISIONS FOR FLOOD HAZARD REDUCTION) OF THE FLOOD DAMAGE PREVENTION ORDINANCE FOR THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

There being no comment Council Member Donovan made a motion to close the hearing, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Sinneck made a motion to pass and publish ordinance 2159-14 according to law, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Member Bossone, Sinneck, Donovan, Mangan, Olivera, and McCarthy. "No" none.

APPROVAL OF MINUTES

May 5, 2014 Work Session and Regular Meeting

Council Member Donovan made a motion to approve the minutes, seconded by Council Member Mangan. Motion carried unanimously.

May 19, 2014 Work Session and Regular Meeting

Council Member McCarthy made a motion to approve the minutes, seconded by Council Member Sinneck. Motion carried with Council Member Bossone abstaining.

COMMITTEE REPORTS

Public Safety & Recycling – Council Member McCarthy reported that the summons issued by the police department are up compared to last year. He also reported that all the full time officers have been equipped with and trained with Narcan which is the anti-heroin antidote as well as several of the special officers. He stated that a couple of the council members attended the flag day celebration at the Manasquan Elks and one of the former fire chiefs Pete Mayer who is an active member of the US Army was issued a flag that flew over the capital for his service.

Public Property & Parks Committee – Council Member Olivera stated that most of his report was covered in the meeting with the grant program for Mallard Park and the bulk head. He stated that they also discussed the signs at their meeting. He reported that there are 2 little pieces at the Life Saving Station left to get the building back to operating order which involves the fire panel and the committee is moving ahead to meet with the Squan Beach Life Saving Station Preservation Committee to move forward with a new contract for the use of the building.

Administration and Finance Committee – Council Member Mangan reported for Tourism and welcomed the new member and thanked Doug Pavluc for years of service to the commission.

Public Works Committee – Council Member Donovan reported that the DPW has installed new historic monument signs at the Lifesaving Station, they are working with the Beach Department to replace broken sidewalk at Sea Watch parking lot and they are in the process of installing the welcome to Manasquan signs, and a broken water valve on Brielle Road is being repaired this week.

Law and Code Committee – Council Member Sinneck reported that year to date 377 permits have been issued through the code/construction/building departments.

Beach Committee – Council Member Bossone reported that the beach is fully operational and ready to open full time on Friday and lifeguards will be on duty and badges are needed. He reported that the weekend revenues were a little over \$50,000 which makes revenues up from last year approximately 36%. He stated that starting Friday when the beach opens 100 yards to the north of Perch Avenue jetty, commonly known as the southern end of Whiting 2, will become surfing only and will be clearly marked and defined both in and out of the water.

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AUDIENCE PARTICIPATION

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

There being no comment Council Member Donovan made a motion to close the public portion, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Mangan made a motion to close the regular meeting at 9:35 p.m. seconded by Council Member Bossone. Motion carried unanimously.

Respectfully submitted,

B. Ilaria

Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 7-22-14