

FEBRUARY 16, 2016

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on February 16, 2016 in Council Chambers of Borough Hall with Mayor Donovan presiding.

Mayor Donovan read the statement re: Open Public Meetings Act of 1975 and that adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Coast Star, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by posting it on the official website of the borough.

Mayor Donovan 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 Lee, Walsh, McCarthy, Olivera, Read, and Mangan.

Absent: None

Council Member McCarthy arrived at 7:09 p.m.

Council Member Lee arrived at 7:49 p.m.

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

Council Member Olivera made a motion to add Resolution 62-2016 to the Consent Agenda, seconded by Council Member Read. Motion carried unanimously.

Audience Participation – Agenda Items

Council Member Mangan made a motion to open the meeting to audience participation, seconded by Council Member Olivera. Motion carried unanimously.

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

Approval of Meeting Minutes:

Mayor Donovan advised that the Regular Meeting Minutes of February 1, 2016 will be pulled from the agenda as they are not completed.

Regular Meeting Minutes – January 19, 2016

Special Meeting Minutes – January 27, 2016

Budget Meeting Minutes – January 27, 2016

Council Member Mangan made a motion to approve the minutes, seconded by Council Member Olivera. Motion carried unanimously with Council Member Read abstaining from the January 19, 2016 minutes.

Workshop Discussion

Item #1: Cross River Optics – Update

Rob Sukota, Chief Administrative Officer of Cross River Fiber located in Morristown, New Jersey. He gave the background of the company and the reason for their request for an agreement.

The Municipal Clerk requested a 5 minute recess in order to make sure the recording machine is working properly. A second tape was used for the balance of the meeting.

Mayor Donovan inquired as to where on the utility poles will the fiber optics be.

Mr. Sukota went over the typical space that the fiber optics would be using.

Mayor Donovan inquired as to the route that will be used.

Mr. Sukota stated that the proposed route would only be using a few of the Borough utility poles. The balance would be in Wall and Sea Girt near Camp Drive.

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There was discussion on the use of the poles, permission from the utility company, who can sign up for the service and how the hook up will be accomplished.

Mr. Kitrick stated that he has been working on the agreement and a resolution will be on the next agenda for council's consideration authorizing the finalizing and signing by the Mayor.

CONSENT AGENDA

**RESOLUTION
51-2016**

**RESOLUTION AUTHORIZING THE SUSTAINABLE JERSEY
GRANT APPLICATION FOR THE SQUAN PLAZA EV
CHARGING STATIONS PROJECT**

WHEREAS, the Borough of Manasquan, a sustainable community, seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Manasquan strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Manasquan is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Council of the Borough of Manasquan has determined that Manasquan should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Council of the Borough of Manasquan, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

**RESOLUTION
52-2016**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that Manasquan First Aid Squad, Inc. has submitted the attached members that qualify under Ordinance 2005-07 Section 7 for "Exemption from the Payment of Permit Fees" These members responded to 20% or more of the calls of the Unit or are Life Members of the Manasquan First Aid Squad.

**RESOLUTION
53-2015**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that Manasquan First Aid Squad, Inc. has submitted the attached members that qualify under Ordinance 2005-07 "Free Season Beach Badge and Parking Permit for Certain Members of the Manasquan First Aid Squad." These members responded to 20% or more of the calls of the Unit or are Life Members of the Manasquan First Aid Squad.

**RESOLUTION
54-2016**

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

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

NAME: Mrs. Gail Demange – (for Nancy Burroughs)
16407 E Westwind Court
Fountain Hills, AZ 85268

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #37-2014
80 Mohegan Road
BLOCK: 12 – LOT: 17 – Zone: R-2

AMOUNT OF REFUND DUE: \$562.50

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
55-2016**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitos within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulations (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Manasquan is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat, or both with the understanding that:

- a) The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
- b) Such operations will be performed in compliance with applicable Federal and State regulations, and
- c) The County will notify the Manasquan Police Department when aerial pesticides operations are planned prior to commencement of such operations.

**RESOLUTION
56-2016**

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

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

NAME: MR. JEFFREY AVERSA
150 Barnard Street
Highland Park, NJ 08904-3510

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #05-2014
464 E Main Street
BLOCK: 153 – LOT: 26 – Zone: R-3

AMOUNT OF REFUND DUE: \$564.15

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
57-2015**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the application for F.J.S. Foods, Inc. t/a Family Fun Center for an Amusement Game License to operate an arcade at 201-203 Beachfront in the Borough of Manasquan for the year 2016 is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Borough Clerk is instructed and authorized to process the license for same, that is,

NAME OF APPLICANT

F.J.S. Foods, Inc.
t/a Family Fun Center

ADDRESS OF LICENSED PREMISES

201-203 Beachfront
Manasquan, New Jersey 08736

TYPE OF GAME OR LICENSE

Video/Redemption

**RESOLUTION
58-2016**

BE IT RESOLVED, that the Provident Bank shall be the depository for the Animal Control Trust Fund Account, Assessment Trust Fund Account, Community Alliance Account, Current Account, Federal Special Law Enforcement Fund Account, General Capital Account, HUD Trust Account, Public Assistance Trust Fund Account #1, Public Assistance Trust Fund Account #2, Recreation Trust Fund Account, Safe Keeping Account (Police Department), Sewer Utility Capital Account, Sewer Utility Operating Account, Special Law Enforcement Fund Account, State Unemployment Insurance Account, Tax Collector Premium Account and Trust Others Account of the Borough of Manasquan and the custodian shall be Joseph DeIorio, Chief Financial Officer. All disbursements shall be made by checks signed by Joseph DeIorio, Chief Financial Officer (or Courtney Hogan, Assistant CFO), Edward Donovan, Mayor (or Council President) and Barbara Ilaria, Borough Clerk (or Nancy Acciavatti, Deputy Borough Clerk, in the absence of the Borough Clerk).

BE IT FURTHER RESOLVED that the Provident Bank shall be the depository for the Payroll Account and Payroll Agency Account of the Borough of Manasquan and the custodians shall be Joseph DeIorio, Chief Financial Officer or Courtney Hogan, Assistant CFO or Barbara Ilaria, Municipal Clerk. All

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disbursements shall be made by checks signed by Joseph DeLorio, Chief Financial Officer or Courtney Hogan, Assistant CFO or Barbara Ilaria, Municipal Clerk.

RESOLUTION

59-2016

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Laborers for the Department of Public Works for the purpose of snow plowing; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 16th day of February, 2016 appoint the following Department of Public Works employees to work from January 1, 2016 thru December 31, 2016:

- Matthew Byrne, 59 Central Avenue, at the hourly rate of \$15.00

RESOLUTION

60-2016

WHEREAS, it shall become necessary to expend for some of the purposes specified in the budget, an excess of the respective sums appropriated, and

WHEREAS, there is an excess in one or more appropriation reserve over and above the amount deemed necessary to fulfill the purposes of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-59 provides for the transfer of such amounts deemed in excess, to appropriations the amount of which are deemed to be insufficient to fulfill the purpose of such appropriations, and

WHEREAS, the transfers about to be authorized do not affect any appropriation reserves to which or from which transfers are prohibited under the statutes, and

NOW, THEREFORE BE IT RESOLVED that the following transfers between appropriation reserves to be authorized pursuant to N.J.S.A. 40A:4-59:

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that the following 2015 Appropriation Reserve transfer be authorized:

CURRENT FUND		
	TO: Prosecutor	\$500.00
	FROM: Police O/E	\$500.00

BE IT FURTHER RESOLVED, that a copy of this resolution be filed forthwith with the Chief Financial Officer.

RESOLUTION

62-2016

BE IT RESOLVED, that the Hon. Edward G. Donovan, Jr., Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Cost Agreement between The Borough of Manasquan and Verizon for transfer of various cables and terminals from old to new poles due to work related to the Stormwater Conveyance Bulkhead Project.

RESOLUTION

61-2016

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	92,974.01
Water/Sewer Fund	10,537.53
Beach Fund	656.86
Recreation Bldg Trust	8,915.97
Recreation Commission Trust	1,399.15
General Capital Fund	5,796.62
Water/Sewer Capital Fund	147,979.98
Beach Capital Fund	326.25

Council Member Olivera made a motion to approve the Consent Agenda, seconded by Council Member McCarthy. Motion carried by the following vote: "yes" Council Member Walsh, McCarthy, Olivera, Read and Mangan. "No" none.

ORDINANCES

The Borough Attorney read the title of ordinance 2202-16 for second reading and final hearing.

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 35 (ZONING) OF THE MUNICIPAL CODE TO ESTABLISH AN INCLUSIONARY ZONING ORDINANCE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH

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

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

Council Member Mangan made a motion to pass and publish ordinance 2202-16 according to law, seconded by Council Member Olivera. Motion carried by the following vote: "yes" Council Member Walsh, McCarthy, Olivera, Read, and Mangan. "No" none.

The Borough Attorney read the title of ordinance 2203-16 for second reading and final hearing.

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 35 (ZONING) OF THE MUNICIPAL CODE TO ESTABLISH AN ACCESSORY APARTMENT PROGRAM IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH

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

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

Council Member Mangan made a motion to pass and publish ordinance 2203-16 according to law, seconded by Council Member Walsh. Motion carried by the following vote: "yes" Council Member Walsh, McCarthy, Olivera, Read, and Mangan. "No" none.

COMMITTEE REPORTS

Administration and Finance Committee – Council Member Mangan reported on the upcoming budget dates and what budget will be discussed and that the final capital budget will be taking place on March 12, 2016. He advised that a new fee ordinance was put into place last year and he advised council to review the ordinance and see if there are fees that need to be reviewed. He reported that the committee is looking at the actual office set up in the finance department and that the administrator will be putting together some recommendations to proceed.

Special Services Committee – Council Member Read advised that the committee met on Friday to go over the scope of the committee and is looking forward to attending the meetings of the various committees. He advised that he met with the school superintendent and they are looking to develop a strong communication network with the council and he met with the Director of Recreation who brought him up to date on the wide variety of programs they offer.

Public Safety Committee – Council Member Olivera commended Chief Bauer for his job on the budget and the cooperation with the finance committee and that the committee will be meeting shortly.

Beach Committee – Council Member McCarthy reported that this Saturday will be the beach budget presentation and the committee will be meeting prior to that date to review the beach budget. He congratulated everyone that was involved with the ALS Plunge committee and that the plunge is near and dear to Manasquan as the former Chief Dan Scimeca passed away from ALS as well as Tim O'Neil, the brother of Jim O'Neil who is a long time bar/restaurant owner in town. He advised that the plunge has raised over \$2 million over the past 10 years. He also thanked the beach department, first aid, water rescue team, police department and everyone that helped make the event run smoothly. He went over the improvements at the schools particularly the high school and the funding of the projects. He went over the current formula for the sending/receiving districts which does not allow sending districts to pay any costs for capital improvements beyond the interest on the loans. He went over seeking redress through the judicial branch of government and having the sending districts pay their fair share of the capital improvements. He proposed authorizing the borough attorney to report back in 2 weeks or a little longer, if needed, concerning Manasquan's ability to seek relief through the judicial process to have the sending districts pay their fair share of the improvements that have been proposed for the High School.

Council Member Mangan agreed with Council Member McCarthy and he is looking forward to the borough attorney's recommendation on how the borough can proceed to provide the taxpayers equity.

Mayor Donovan stated that he believes that the borough should still continue to meet with the legislature to see if there is any legislative relief.

There was discussion on the sending/receiving district and the payment of improvement projects and sharing the costs of the project.

Building, Planning & Zoning – Council Member Walsh reported that he met with Frank DiRoma and it was reported that the zoning/permits for new construction have slowed down and believes it is attributed to the weather but the office is busy with all the other permits and applications coming in. He advised that the department should have a recommendation of hire for the seasonal part time position shortly. He reported that the realtor's meeting will be coming up soon.

AUDIENCE PARTICIPATION

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

Mary Ryan, 113 Beachfront voiced her concerns on the excess cables that are left hanging on the utility poles. She inquired about extending the path of the current request of fiber optics.

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Council Member Mangan stated that he believes on the limited request that the approval would be limited to what is in the agreement.

Mayor Donovan stated this is probably for more businesses than it would be residential.

Council Member McCarthy stated that the code department could probably look into the excess wires that are left by the cable company on the poles.

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

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

Council Member McCarthy made a motion to close the regular meeting at 8:56 p.m., seconded by Council Member Mangan. Motion carried unanimously.