

JULY 24, 2023

Regular Meeting of Mayor and Council was convened at 5:00 p.m. on July 24, 2023 with Mayor Edward Donovan presiding. This meeting was held in person at Borough Hall and via Zoom.

Mayor Donovan read the statement re: Open Public Meetings Act of 1975 and that adequate notice has been provided by transmitting the Resolution of adding this regular meeting date 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 stated that zoom meetings are a courtesy and if the zoom platform fails the meeting will continue in person.

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 Bruce Bresnahan, Brian Holly, Jeffrey Lee, Michael Mangan, and Lori Triggiano

Absent: Gregg Olivera

Also present was Borough Attorney Mark Kitrick and Borough Administrator Tom Flarity.

Council Member Triggiano made a motion to amend resolution 207-2023 reflecting the \$600 flat fee instead of hourly rate, seconded by Council Member Holly. Motion carried unanimously.

### **Audience Participation**

Council Member Bresnahan made a motion to open the meeting to the public on agenda items, seconded by Council Member Mangan. Motion carried unanimously.

Ann Linen, 1919 Sherwood Drive, Wall voiced her support of ordinance 2405-23 for the purchase of 86 Main Street to help alleviate the issues with the intersection at Broad, Main and South Streets.

Chris Irwin, 90 Ocean Avenue voiced his concern with people jumping off the Ocean Avenue Bridge into Watson's Creek and climbing out on his property and is looking for help to deter trespassing on their property.

Council Member Lee asked that Mr. Irwin provide his information so that they can reach out to him.

Larry Leykam, 19 Beams Terrace voiced his concerns regarding the Broad, Main and South Streets area.

Mayor Donovan stated that they are on record with the county with the issues at this intersection and is purchasing 86 Mian Street with the county.

Mark Apostolou, 15 Cherry Place voiced his support of 86 Main Street and just wanted to make sure that the borough is covered with regards to environmental issues on the property.

Mr. Kitrick advised that there will be a title search as well as an environmental search.

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

### **Appointment**

Mayor Donovan made the following appointment:

Tourism Commission – Sheila Vidreiro - Unexpired Term - 1/1/21 to 12/31/23

### **Presentation to Borough of Manasquan – Michael Nowak from MRC**

Michael Nowak from MRC and Game Time Playgrounds congratulated the borough and all parties involved in being awarded the National Demonstration Site Designation by PlayCor which is the parent company of Game Time. He stated that Curtis Park is now part of a National Register of truly inclusive playground throughout the nation. He went over what goes into an inclusive playground. He presented the Borough with a framed aerial photo of the new playground.

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**Approval of Minutes**

Regular Meeting Minutes – June 26, 2023

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

**Consent Agenda**

**RESOLUTION  
206-2023**

**WHEREAS**, Assembly Bill No. A-4789 supporting an increase in local government costs for employee health care and prescription benefits be offset by equivalent increase in municipal energy tax receipts property tax relief aid is being considered for adoption by the New Jersey State Assembly; and

**WHEREAS**, this bill provides that, in the event that a municipality, due to an annual rate increase, is required to increase the amount it expends from the prior year to provide health care and prescription benefits coverage to its officers and employees, the State will increase the amount of annual aid distributed to the municipality under the "Energy Tax Receipts Property Tax Relief Act," P.L. 1997, c. 167 (C.52:27D-438 et seq.) by the equivalent amount to offset the increase in the employee health care and prescription benefits coverage expenditures; and

**WHEREAS**, the provisions of the bill apply when the health care and prescription benefits are provided through self-insurance, the purchase of commercial insurance or reinsurance, an insurance fund or joint insurance fund, the "New Jersey State Health Benefits Program Act," P.L. 1961, c.49 (C.52:14-17.25 et seq.), or in any other manner or any combination thereof; and

**WHEREAS**, under the bill, the governing body of a municipality that is required to increase its expenditures to provide employee health care and prescription benefits coverage would submit the information concerning the amount of the annual increase to the Director of the Division of Local Government Services in the Department of Community Affairs in a manner and on such forms as determined by the director. Prior to submission, the information is required to be certified by a business administrator or the chief financial officer; and

**WHEREAS**, the bill also provides that the exclusion of certain health care costs from the property tax levy calculation would not apply to a municipality which receives an increase in energy tax receipts property tax relief aid pursuant to the bill;

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, hereby support Assembly Bill A-4789 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the members of the NJ State Assembly, the members of the NJ Senate, the Governor of the State of NJ, the NJ State League of Municipalities and all Monmouth County Municipalities.

**RESOLUTION  
207-2023**

**BE IT RESOLVED**, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Agreement Between The Borough of Manasquan and Mark White, Ph.D. at the contractual retainer of \$2,250.00 for EAP services and the fee-for-service charge of \$185.00 per hour for Supervisor-Imposed referrals and fee-for-service of \$650.00, plus \$75.00 in computer scoring fees for pre-employment evaluations, or pre-promotional evaluations and \$600.00 plus \$50.00 in computer

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scoring fees for Class III pre-employment and pre-promotional evaluations. for the term July 15, 2023, through July 14, 2024.

**RESOLUTION  
208-2023**

**RESOLUTION AWARDING A CONTRACT FOR SEA WATCH RECREATION BUILDING IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH STATE OF NEW JERSEY**

**WHEREAS**, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for the Sea Watch Recreation Building; and

**WHEREAS**, the bids submitted for this project were:

<b>Bidders</b>	<b>Base Bid Total</b>
Imperial Construction	\$3,588,000.00
Hall Construction Co., Inc.	\$3,973,000.00
Tekcon Construction Inc.	\$4,681,880.00

**WHEREAS**, three (3) bids were received for this project:

**WHEREAS**, Imperial Construction submitted a base bid in the amount of \$3,588,000.00; and

**WHEREAS**, the Borough Engineer has determined the bid by Imperial Construction complies with the bid specifications and includes all required documentation and has recommended the award of the bid; and

**WHEREAS**, the Borough Council has determined, for the reasons set forth below, that the bid of Imperial Construction Corp. is a responsive and responsible bid; and

**WHEREAS**, the Borough Council is desirous of awarding a contract to Imperial Construction for the total base bid of \$3,588,00.00 for the project.

**NOW, THEREFORE BE IT RESOLVED** on the 24<sup>th</sup> day of July 2023, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This Bid award is subject to the review and approval of the Bid documents by the Manasquan Borough Attorney.
2. Subject to the above condition, a contract in the total amount of \$3,588,000.00 is awarded to Imperial Construction for this project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Imperial Construction.
4. A certified copy of this resolution shall be sent to:

Imperial Construction  
505 North Broad Street  
Elizabeth, NJ 07208

**RESOLUTION  
209-2023**

**WHEREAS**, Keara Homan is currently an employee of the Borough of Manasquan and assigned to the Clerk's Office in the Civil Service Commission (CSC) title of Clerk II; and

**WHEREAS**, it has been determined that Ms. Homan's responsibilities have grown over time to a point that exceed the specifications of her current title; and



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AMOUNT OF CHANGE FOR THIS RESOLUTION: \$(4,690.25)  
 CHANGE ORDER NO. 1 AMOUNT APPROVED \$20,874.00  
 TOTAL ORIGINAL CONTRACT PRICE \$149,023.50  
 REVISED CONTRACT PRICE \$165,207.25

**RESOLUTION  
212-2023**

**RESOLUTION MEMORIALIZING THE EXTENSION OF THE GRACE PERIOD TO SEPTEMBER 5, 2023 FOR THE AUGUST 1, 2023 TAX QUARTER**

**WHEREAS**, State Statute provides that the Grace Period must be extended to allow for 25 days from the date of mailing of the tax bills for payments of the August 1, 2023 tax quarter to be made without interest: and

**WHEREAS**, the Tax Collector has set the last day to pay the August 1, 2023 tax quarter at September 5, 2023 being the next business day after the 25 calendar days from the date the tax bills will be mailed; and

**WHEREAS**, the extension only applies to the August 1, 2023 tax quarter. The normal Borough grace period will apply to all other tax quarters on the bill.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Manasquan, County of Monmouth, State of New Jersey, hereby authorizes that:

The Governing Body of the Borough of Manasquan memorializes the extension of the grace period to September 5, 2023 for the August 1, 2023 tax quarter and recognizes that the normal Borough grace period will apply to all other quarters on the tax bill.

**RESOLUTION  
213-2023**

**WHEREAS**, the Borough of Manasquan is desirous of appointing additional Beach Staff for the 2023 Season; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 24<sup>th</sup> day of July 2023 appoint the following Beach Staff to work during the 2023 Season:

Name	Town	Title	Rate of Pay (Hourly/Salary/ Seasonal)	Effective Date From and To	Hours (Part Time/ Seasonal)
<b>BEACH NON LIFEGUARD</b>					
Mackenzie Cavalieri	Wall	checker/booth	\$13 / \$14	7/15/23 - 9/30/23	Seasonal
Huey Richardson	Manasquan	checker/booth	\$13 / \$14	7/15/23 - 9/30/23	Seasonal
Jenn Pante	Brick	checker/booth	\$13 / \$14	7/15/23 - 9/30/23	Seasonal
<b>LIFEGUARD</b>					
James Bonavita	Brielle	lifeguard	\$14.70	7/15/23-9/30/23	Seasonal
Connor Grogan	Manasquan	lifeguard	\$18.20	7/15/23-9/30/23	Seasonal

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Quinn Juska	Manasquan	lifeguard	\$14.70	7/15/23-9/30/23	Seasonal
Luke Ramire	Manasquan	lifeguard	\$14.70	7/15/23-9/30/23	Seasonal
Andrew Heinrichs	Brielle	lifeguard	\$18.20	7/15/23-9/30/23	Seasonal
Jack Falkowski	Manasquan	lifeguard	\$14.70	7/15/23-9/30/23	Seasonal
Patrick Federici	Brielle	lifeguard	\$14.70	7/15/23-9/30/23	Seasonal

**RESOLUTION  
214-2023**

**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	\$210,603.78
Water/Sewer Fund	\$65,722.24
Beach Fund	\$25,846.36
Grants	\$1,020.97
Recreation Trust	\$12,260.12
Misc Trust	\$17,807.46
Animal Control Trust	\$3.60
General Capital	\$350,647.02
E. Virginia Pump Station	\$2,668.75
Beach Capital	\$896.46

Council Member Holly made a motion to approve the consent agenda, seconded by Council Member Triggiano. Motion carried by the following vote: “yes” Council Members Bresnahan, Holly, Lee, Mangan, and Triggiano. “No” none.

**ORDINANCES – Second Reading**

The borough attorney read the title of ordinance 2405-23 for second reading and final adoption.

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL ESTATE FOR MUNICIPAL PURPOSES IN AND BY THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$700,000 THEREFOR, INCLUDING A CONTRIBUTION IN AN AMOUNT OF ONE HALF THE PROJECT COST EXPECTED TO BE RECEIVED FROM THE COUNTY OF MONMOUTH, AND AUTHORIZING THE ISSUANCE OF \$666,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

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

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Council Member Holly made a motion to pass and publish ordinance 2405-23 according to law, seconded by Council Member Bresnahan. Motion carried by the following vote: “yes” Council Members Bresnahan, Holly, Lee, Mangan, and Triggiano. “No” none.

### **ORDINANCES – First Reading**

The borough attorney read the title of ordinance 2408-23 for first reading and introduction.

#### **ORDINANCE TO AMEND CHAPTER 7 (TRAFFIC) SECTION 7-31.1b (REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON MUNICIPAL PROPERTY AND BOARD OF EDUCATION PROPERTY) AND AMENDING SECTION 7-25.3 (HANDICAPPED PARKING IN MUNICIPAL PARKING LOTS AND BOARD OF EDUCATION PROPERTY) IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Council Member Holly made a motion to introduce ordinance 2408-23, seconded by Council Member Bresnahan. Motion carried by the following vote: “yes” Council Members Bresnahan, Holly, Lee, Mangan, and Triggiano. “No” none.

### **Committee Reports**

Beach Committee – Council Member Bresnahan reported on the beach activities and went over when the lifeguards are required to allow people back in the water after thunder and lightning. He stated that they are looking into the tents/canopies/umbrellas for use on the beach.

Public Works and Construction Committee - Council Member Holly reported on the DCI building being removed and the parking lot being completed before school starts. He reported on the seniors building and the parking for their building.

Public Safety Committee – Council Member Lee reported on the police department activities for the month of June. He reported on Coffee with Cops community outreach as well as the National Night Out scheduled for August 1.

Recreation Committee – Council Member Mangan reported on Big Sea Day which is scheduled for August 5 with rain date of August 6. He advised that he is working with the police and elected officials of neighboring towns to work together on rules and regulations on e-bikes.

Code & Land Use Committee – Council Member Triggiano advised that she does not have a report tonight but advised that the Fireman’s Fair starts tomorrow and there will be a lot of bikes and reminded everyone that lights should be used.

Council Member Mangan stated that the cell tower that has been put up near the fair is just for the fair and is temporary.

### **Audience Participation**

Council Member Bresnahan made a motion to open the public portion, seconded by Council Member Lee. Motion carried unanimously.

Elise Stillo, 39 Main Street voiced her concerns about the intersection of Broad, Main, and South Streets.

Council Member Holly stated that he spear headed the barricades in the area for bikes. He discussed the time restraints and the purchase of the property which will be shared with the county. He stated it will probably take at least a year for this project to be completed.

Carol Wilkins Kirkman, 22 Willow Way voiced her concerns about the same intersection. She also voiced her concerns on the NJNG project and is concerned about a tree that is dying and she believes it is from NJNG digging in the area.

Joe Stillo, 39 Main Street voiced his concern about the same intersection. He also voiced his concern regarding e-bikes and believes it is not the bikes that are the problem but the riders.

There was discussion on the different types of e-bikes.

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Larry Leykam, 19 Beams Terrace voiced his concern about the e-bikes and is concerned about the operators of the e-bikes.

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

Council Member Bresnahan made a motion to close the regular meeting at 5:52 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectfully submitted,



Barbara Ilaria  
Municipal Clerk

DATE APPROVED 8/14/2023