

NOVEMBER 13, 2023

Regular Meeting of Mayor and Council was convened at 7:01 p.m. on November 13, 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 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, Gregg Olivera, and Lori Triggiano

Absent: None

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

Audience Participation

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

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

Approval of Minutes

Regular Meeting Minutes – October 16, 2023

Special Meeting Minutes – October 30, 2023

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

Consent Agenda

RESOLUTION 288-2023

BE IT RESOLVED that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, and Borough Clerk Barbara Ilaria be and are hereby authorized to sign the Animal Control Contract with the Associated Humane Societies, Inc for the term commencing January 1, 2024 through December 31, 2024.

RESOLUTION 289-2023

RESOLUTION AUTHORIZING CONTRACTS THROUGH A COOPERATIVE PURCHASING SYSTEM FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-11

WHEREAS, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-11 and N.J.A.C. 5:34-7.12 may by resolution and without advertising for bids, purchase any goods or services under a Cooperative Purchasing Program for any contracts entered into on behalf of the members of the Cooperative Purchasing System; and

WHEREAS, the Borough of Manasquan has the need on a timely basis to purchase goods or services utilizing cooperative purchasing contracts for the purpose of the acquisition of equipment for the Borough of Manasquan Department of Public Works; and

WHEREAS, the Borough of Manasquan intends to enter into a contract with:

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Timmerman Equipment Company, located at 3554 US-22, PO Box 71, Whitehouse, NJ 08888, for an ODB Trailer Mounted Self-Contained Vacuum Debris Collector, Bid # 031121-ODB through the Sourcewell Co-op, and through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current co-op contracts;

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractor by approved New Jersey State Approved CO-OP, Sourcewell Co-Op #031121-ODB, pursuant to all conditions of the individual cooperative contract, with Timmerman Equipment Company in the amount of \$137,566.73.

BE IT FURTHER RESOLVED, that the governing body of the Borough of Manasquan pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

**RESOLUTION
290-2023**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Michaela Read as Recreation Program Coordinator from the Borough of Manasquan Recreation Commission effective October 26, 2023.

**RESOLUTION
291-2023**

**AUTHORIZING MAYOR TO SIGN THE DEED RESTRICTION
FOR THE 33 UNION AVENUE AFFORDABLE HOUSING RENTAL
UNITS**

BE IT RESOLVED that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Affordable Housing Deed Restriction for the 33 Union Avenue, Affordable Housing Rental Units..

**RESOLUTION
292-2023**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
REVIEWING AND APPROVING THE BOROUGH OF
MANASQUAN BOARD OF FIRE COMMISSIONERS OF FIRE
DISTRICT No. 1 FIRE COMMISSIONER SALARY FOR 2024**

WHEREAS, via attached Resolution No. 2023, Borough of Manasquan Fire District No. 1 authorized and approved the 2024 annual compensation for the Board of Fire Commissioners: and

WHEREAS, N.J.S.A. 40A:14-88 requires the salaries of members of Board of Commissioners of Fire Districts to be reviewed and approved annually by the governing body; and

WHEREAS, the Mayor and Borough Council of the Borough of Manasquan have reviewed Board of Fire District No. 1 Resolution 2023 and the proposed annual compensations for each of the Board Commissioners as \$2000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, hereby approve the 2024 annual compensation of the Board of Fire Commissioners of the Borough of Manasquan Fire District No. 1.

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**RESOLUTION
293-2023**

**RESOLUTION OF THE BOROUGH OF MANASQUAN,
RATIFYING THE EMERGENCY REPAIRS OF THE WATER
MAIN LOCATED AT 90 OCEAN AVE**

WHEREAS, an emergency existed due to a broken water main at 90 Ocean Ave; and

WHEREAS, pursuant to N.J.S.A.40A:11-6 a contract may be negotiated or awarded for a contracting unit without public advertising or solicitation of quotes therefor, when an emergency affecting the public and/or employee health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, immediate action was required for the repair of the water main on Ocean Ave; and

WHEREAS, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-6 permits the authorization of an emergency purchase without prior consent by the governing body; and

NOW THEREFORE BE IT RESOLVED, the Borough of Manasquan, in compliance with all Local Public Contract Laws, emergency purchase provisions, does hereby ratify and approve the payment in the amount of \$7,390.00 to D'Erasmus Utility, for the emergency repair of the water main on Ocean Ave in the Borough of Manasquan.

**RESOLUTION
295-2023**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Thomas Matthews from the position of SLEO II from the Manasquan Police Department effective October 13, 2023.

**RESOLUTION
296-2023**

WHEREAS, the Borough of Manasquan is desirous of appointing Post Season Beach Staff for the effective dates listed below; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 13th day of November 2023 appoint the following Beach Staff to work during the below listed effective dates:

Name	Town	Title	Rate of Pay (Hourly/Salary /Seasonal)	Effective Date	Hours (Part Time/ Seasonal)
Beach Patrol					
Mike Hurden	Manasquan	Supervisor	\$22.50	10/1/2023- 12/31/2023	Seasonal
Parking Lot					
Barry Sullivan	Manasquan	Parking Lot Attendant	\$14.50	10/8/2023- 10/8/2023	Seasonal
Lifeguard					
Aiden Price	Manasquan	Lifeguard	\$18.20	9/9//2023- 9/18/2023	Seasonal

**RESOLUTION
297-2023**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an

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annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R. S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations," and,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Manasquan, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION
298-2023**

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 2022, a requirement of the annual audit, prepared by the Chief Financial Officer and which is attached hereto and made part of this resolution.

**CORRECTIVE ACTION PLAN
2022 AUDIT**

Finding 2022-1 Interfunds existed at year end.

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Corrective Action: That Interfund Accounts Receivables and Payables be eliminated by the transfer of cash.

**RESOLUTION
299-2023**

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: PATRICIA L HOEY
63 CENTRAL AVENUE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$1,000.00

REASON FOR REFUND: Dumpster Security-63 Central Ave

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
300-2023**

CHANGE ORDER NO. 1 & FINAL

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

TITLE OF JOB: North Main Street Parking Lot Improvements

CONTRACTOR: Shore Top Construction Corporation

ENGINEER: Colliers Engineering & Design
331 Newman Springs Road
Red Bank, NJ 07701

Change Order No. 1 & Final

AMOUNT OF CHANGE FOR THIS RESOLUTION: (-\$67,746.90)

TOTAL AMOUNT OF CHANGE: (-\$67,746.90)

TOTAL ORIGINAL CONTRACT PRICE \$529,053.00

REVISED CONTRACT PRICE \$461,306.10

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

**RESOLUTION
301-2023**

WHEREAS, the Mayor and Council have determined that the professional service providers that serve the Borough should be selected and appointed through a fair and open competitive process; and

WHEREAS the means by which this fair and open competitive process shall be accomplished is through the issuance of formal Requests for Proposals from each professional.

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THEREFORE, the Municipal Clerk is hereby authorized to advertise Requests for Proposals for the following professional service provider:

Licensed Site Remediation Professional

**RESOLUTION
302-2023**

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan, that Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to advertise a Bid Notice for Pearce Court Water Main Repair/Replacement Project.

**RESOLUTION
303-2023**

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	\$3,119,977.05
Water/Sewer Fund	\$47,738.01
Beach Fund	\$160,400.21
Grants	\$3,701.39
Recreation Trust	\$25,810.80
Misc Trust	\$5,621.03
Animal Control Trust	\$305.00
General Capital	\$570,152.24
E. Virginia Pump Station	\$452,250.20
Beach Capital	\$353,472.09

*includes 10-30-23 POB

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, Olivera, and Triggiano. "No" none.

RESOLUTION

**RESOLUTION
294-2023**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, that regular meetings of the Borough Council are to be held on the dates listed below and will begin at 7:00 p.m. (unless otherwise stated)

BE IT FURTHER RESOLVED that the regular meetings will be conducted in Council Chambers, Borough Hall, 201 East Main Street, Manasquan, New Jersey and will not be conducted on a legal holiday observed by the Borough of Manasquan.

SCHEDULE OF MEETINGS FOR THE YEAR 2024

Reorganization Meeting will be held on Tuesday, January 2, 2024 at 7:00 p.m.

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Regular Meetings - 7:00 p.m.

January 16th (Tuesday)
February 5th and 20th (Tuesday)
March 4th and 18th
April 1st and 15th
May 6th and 20th
June 3rd and 17th
July 1st and 15th
August 5th and 19th
September 3rd (Tuesday) and 16th
October 7th and 21st
November 12th
December 2nd and 16th
December 27th 5:00 p.m. (Friday)

Budget Meetings - 9:00 a.m.

March 16th & 23rd

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

ORDINANCES – Second Reading

The borough attorney read the title of ordinance 2412-23 for second reading and adoption.

BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE #2405-23, FINALLY ADOPTED JULY 24, 2023, OF THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

Council Member Mangan made a motion to pass and publish ordinance 2412-23 according to law, seconded by Council Member Lee. Motion carried by the following vote: “yes” Council Members Bresnahan, Holly, Lee, Mangan, Olivera, and Triggiano.

Committee Reports

Beach Committee – Council Member Bresnahan reported on the upcoming beach sales.

Public Works & Construction Committee – Council Member Holly reported on the ongoing projects that public works is doing.

Public Safety Committee – Council Member Lee reported updated the council on the police activities for the month.

Recreation Committee – Council Member Mangan advised that he did not have a report at this time.

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Administration and Finance Committee - Council Member Olivera updated the council on budget dates in 2024.

Code & Land Use Committee – Council Member Triggiano advised that she did not have a report at this time.

Audience Participation

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

There being no comment Council Member Triggiano made a motion to close the public portion, seconded by Council Member Mangan. 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 Mangan made a motion to close the regular meeting at 8:20 p.m., seconded by Council Member Lee. Motion carried unanimously.

DATE APPROVED 12/29/23