

MARCH 20, 2023

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on March 20, 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 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 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, Michael Mangan, Gregg Olivera, and Lori Triggiano

Absent: Council Member Jeffrey Lee

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

Council Member Olivera made a motion to table ordinance 2392-23 on the agenda tonight, seconded by Council Member Mangan. Motion carried unanimously.

Audience Participation

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

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

Business and Rental Unit Insurance Registration – Discussion

Mr. Flarity advised that the state has passed a statute which requires all businesses and rental units to provide to the town their insurance coverage for a specific amount and will need to register with the municipality annually proving that they maintain the required insurance coverage. He advised that the municipality may pass an ordinance that allows for the collection of reasonable fees and the municipality may establish a fine of not less than \$500 or more than \$5,000 for non-compliance. He stated that he is looking to get an ordinance ready for the next meeting for the fees and fines.

Council Member Mangan inquired about how AirBNB and VRBO would be handled.

Mr. Flarity stated that he believes that they would be subject to this requirement as well.

Consent Agenda

RESOLUTION 85-2023

WHEREAS, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefor; and

WHEREAS, the Borough has been awarded a Federal/New Jersey Department of Transportation “Streetscapes Project” grant to reimburse the Borough for the cost of construction to improve the public area in the vicinity of the intersection of Rt. 71 and Main St.; and

WHEREAS the Borough Council has determined that there is a need for expert professional legal service to assist the Borough in negotiating the right of way and right of entry agreements necessary to execute the construction for the NJDOT “Streetscapes Project”; and

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WHEREAS the Borough Council has approved acquiring this necessary professional legal service through the non-fair and open contracting process pursuant to the provisions of N. J. S. A. 19:44A-20.5; and

WHEREAS, the Borough's Chief Financial Officer has determined and certified in writing that the value of these professional services will not exceed \$44,000; and

WHEREAS the effective date of this contract is retroactive to January 1, 2023 and shall terminate upon the completion of the right of way and right of entry negotiations but no later than December 31, 2023; and

WHEREAS, the following expert professional legal service provider regarding related to the New Jersey Department of Transportation "Streetscape Project" has submitted a contract which has been reviewed for completeness and approval by the Borough Attorney indicating that the necessary services will be provided for the agreed upon rates that are contained in the contract which is on file in the Clerk's Office.

Allen Weiss, Esq.
2105 W. County Line Road
Jackson, New Jersey

This appointment is made pursuant to N. J. S. 2B:12-1 et seq.

WHEREAS, a certification as to the availability of funds executed by the chief financial officer is attached to this resolution pursuant to the provisions of N. J. A. C. 5:30-5-4;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 20th day of March 2023 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the Municipal Clerk and shall be available for public inspection.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with this professional to provide professional service to the municipality for the period of 1-year effective January 1, 2023, at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.
4. A certified copy of this resolution shall be sent to the professional included in this resolution.

**RESOLUTION
86-2023**

A RESOLUTION OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING THE 2023 MAIN STREET DINING AND RETAIL INITIATIVE IN THE BOROUGH OF MANASQUAN

WHEREAS, the Borough of Manasquan has hosted a Main Street Dining and Retail Initiative in recent years and has found these to be beneficial to local businesses and popular with residents; and

WHEREAS, the Borough governing body would like to continue this tradition during the summer of 2023.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

1. A Borough Main Street Dining and Retail Initiative is hereby approved for the Summer of

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2023.

2. The Main Street Dining and Retail Initiative shall include the use of Main Street between Broad Street and Rt. 71 as a staging area and pedestrian-safe thoroughfare.
3. The Borough Main Street Dining and Retail Initiative shall take place from 6pm till 10pm on the following Thursdays during the summer of 2023: June 22, July 6, July 13, August 3, August 10 and August 24.
4. The Chamber will be sponsoring four (4) additional days from 6pm till 10pm on the following Thursdays during the summer of 2023: June 29, July 20, August 17 and August 31.
5. Businesses that wish to participate in this Initiative must complete and submit to the Office of the Municipal Clerk a "Manasquan Use of Borough Property" application (to include a schematic depicting the proposed dining or retail areas, seating areas, proposed placement of barriers sectioning off dedicated eating areas, the means of pedestrian ingress and egress, and location of aisles).
6. At no time may a fire lane be blocked and eating and drinking establishments must comply with all ABC regulations pertaining to outdoor alcohol consumption, including regulations related to "to go" drinks.
7. Review and approval of Initiative participant applications shall be executed by the Office of the Municipal Clerk.
8. The Manasquan Borough Chief of Police will take necessary action to ensure the safety of the business owners and the public in the pedestrian zone.

RESOLUTION

87-2023

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

RESOLUTION

88-2023

WHEREAS, on December 19, 2022 the Mayor and Governing Body approved resolution 300-2022; and

WHEREAS, the Mayor and Governing Body are desirous of revising the 2023 salary for Erik Ertle.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, has authorized that the non-pensionable base salary of the below listed employee for the calendar Year 2023, effective retroactively to January 1, 2023 is as follows:

Position	2023 Salary
Erik Ertle, Superintendent of Recreation* (Borough Title - Recreation Director)	\$65,000.00

*Indicates a non-pensionable salary

WHEREAS, the schedule above reflects the annual salary for of the employee listed; and

NOW THEREFORE BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the above listed employees Revised Retention Statement for the calendar year of 2023, which copies are on file in the Municipal Clerk's Office.

RESOLUTION

89-2023

BE IT RESOLVED that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Squan Beach Life Saving Station Use Agreement with the Squan Beach Life Saving Preservation Committee.

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**RESOLUTION
90-2023**

WHEREAS, the Mayor and Council passed resolution 60-2023 on February 21, 2023 appointing Deborah O'Connor as Crossing Guard; and

WHEREAS, the Mayor and Council are desirous of rescinding the appointment of Deborah O'Connor as a crossing guard for the Borough of Manasquan.

NOW BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the appointment of Deborah O'Connor to the title of Crossing Guard be rescinded.

**RESOLUTION
91-2023**

WHEREAS, N.J.S.A. 40A:11-5 (1) (a) (1) permits the governing body to award a professional services contract without publicly advertising for bids and bidding therefor; and

WHEREAS, the Borough has been awarded a Federal/New Jersey Department of Transportation "Streetscapes Project" grant to reimburse the Borough for the cost of construction to improve the public area in the vicinity of the intersection of Rt. 71 and Main St.; and

WHEREAS, NJDOT funding has now been made available to reimburse the Borough for the cost of a firm required to be hired to provide construction administration and inspection services (CA/CI) associated with the Streetscapes Project; and

WHEREAS, the Borough Council has determined that there is a need to retain the services of an expert consultant to ensure that, in the course of hiring the CA/CI firm, the Borough complies with the intricate "Brooks Act" bidding, selection and hiring process required by NJDOT which will ensure that the funding reimbursement opportunity is not put at risk; and

WHEREAS the Borough Council has approved acquiring this necessary professional expert consultant service through the non-fair and open contracting process pursuant to the provisions of N. J. S. A. 19:44A-20.5; and

WHEREAS, the Borough's Chief Financial Officer has determined and certified in writing that the value of these professional services will not exceed \$44,000; and

WHEREAS the term of this appointment is effective March 21, 2023, and is scheduled to terminate upon the successful hiring and submission of the first pay application associated with the construction of the Streetscapes Project; and

WHEREAS, the following professional service provider to aid the Borough in CA/CI bidding, selection and hiring has submitted a contract, which has been reviewed for completeness and approval by the Borough Attorney, indicating that the necessary services will be provided for the agreed upon rates that are contained in the contract which is on file in the Clerk's Office.

Greenman Pedersen, Inc.
Gregory P. Johnson, P.E., Executive Vice President
100 Corporate Drive, Suite 301
Lebanon, NJ 08833

This appointment is made pursuant to N. J. S. 2B:12-1 et seq.

WHEREAS, a certification as to the availability of funds executed by the Chief Financial Officer is attached to this resolution pursuant to the provisions of N. J. A. C. 5:30-5-4;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 20th day of March 2023 as follows:

1. The Business Disclosure Entity Certification of these professionals and the Determination of Value Certification of the chief financial officer shall be filed in the office of the Municipal Clerk and shall be available for public inspection.

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3. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with this professional to provide professional service to the municipality effective March 21, 2023, at the agreed upon rate that is contained in the contract/proposal on file in the Clerk's Office.
3. A notice stating the nature, duration, service and the amount of this contract shall be published in the Coast Star and this resolution shall be maintained on file and available for the public inspection in the office of the municipal clerk.
4. A certified copy of this resolution shall be sent to the professional included in this resolution.

**RESOLUTION
92-2023**

BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign a proposal for the 2022 Tier A Annual Stormwater Report dated March 6, 2023 not to exceed \$1,750 with Colliers Engineering for the Borough of Manasquan.

**RESOLUTION
93-2023**

WHEREAS, the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey created a Manasquan Citizen Advisory Committee (MCAC) on June 5, 2017 by resolution to promote and facilitate a culture of non-political citizen involvement in government and to provide non-binding strategic advice and specific feedback to the Manasquan Governing Body on issues facing the Borough; and

WHEREAS, members of the MCAC shall meet the following requirements:

1. A registered voter in the Borough of Manasquan.
2. Full-time resident of the Borough for a minimum period of one (1) year.
3. Members shall be appointed to three (3) year terms as their seats become vacant.
4. No member shall serve more than one full term consecutively but may serve after an absence of no less than one (1) year.
5. The Governing body shall appoint members to serve terms at the reorganization meeting or any regularly scheduled meeting of the Governing Body; and

WHEREAS, appointment of members to the MCAC shall be as follows:

1. Any member of the Governing Body may nominate an individual.
2. A second nomination shall be required for the nomination.
3. Appointment of members of the MCAC shall be made by a majority vote of the Governing Body at the annual reorganization or any regularly scheduled public meeting; and

WHEREAS, the administration of the MCAC shall be as follows:

1. The Governing Body shall appoint members of the Borough Council to serve as Chairperson and Vice Chairperson of the MCAC until the next reorganization meeting of the Borough.
2. The Chairman shall be responsible for setting the agenda and shall preside over the meetings of the MCAC. The Vice Chairman shall assume these duties in the absence of the Chairman.
3. The MCAC shall include a maximum of 19 members (not including the Chairperson and Vice Chairperson).
4. The Governing Body shall designate the members of the MCAC at the annual reorganization meeting of the Borough or any regularly scheduled public meeting; and

WHEREAS, the budget of the MCAC will be as follows:

1. There shall be no budget for the MCAC

WHEREAS, the meeting agendas for the MCAC shall be conveyed as follows:

1. The agenda for the meetings shall be prepared by the Chairperson or Vice Chairperson or their designee at least one day prior to the regularly scheduled MCAC meetings.

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NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Manasquan do hereby update and continue the Manasquan Citizen Advisory Committee (MCAC) as set forth above.

**RESOLUTION
94-2023**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
APPOINTING MEMBERS OF CITIZEN ADVISORY COMMITTEE**

WHEREAS, on March 20, 2023 the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey adopted resolution 93-2023 Revising the Requirements for the Citizen Advisory Committee; and

WHEREAS, the Governing Body is desirous of appointing additional members of the Citizen Advisory Committee per resolution 93-2023; and

WHEREAS, the Governing body is desirous of appointing a Chairperson and Vice Chairperson

NOW, THEREFORE BE IT RESOLVED on the 20th day of March 2023, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey make the following appoint to the Citizen Advisory Committee:

Chairperson – Michael Mangan

Vice Chairperson -Brian Holly

Member – 3 Year Term – Deborah McKeon

Member – 3 Year Term – Nancy Jordan

Member – 3 Year Term – MaryBeth Loughlin

Member – 3 Year Term – Joanne Ryder

Member – 3 Year Term – Frank Calabrese

Member – 3 Year Term – Brian Mallin

Member – 3 Year Term – Carol Wilkins

Member - Unexpired Term (12/31/23) – Nicole Loughrey

**RESOLUTION
95-2023**

WHEREAS, the Mayor and Council passed resolution 307-2022 on December 19, 2022 appointing Special Law Enforcement Officers II (SLEO II) for 2023; and

WHEREAS, the Mayor and Council are desirous of rescinding the appointment of Callan Moody and Edward Brett as SLEO II for the Borough of Manasquan.

NOW BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the appointment of Callan Moody and Edward Brett as SLEO II be rescinded.

**RESOLUTION
96-2023**

WHEREAS, On May 2, 2020, Colliers Engineering & Design was authorized to provide Professional Services for the Final Design and Bid Services for the Sea Watch Recreational Area Improvements Project for the amount not to exceed \$194,500; and

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WHEREAS, subsequent to the adoption of said resolution, public meetings were conducted addressing all phases of the project on the dates of December 2, 2021, August 3, 2022, and February 23, 2023; and

WHEREAS, Colliers Engineering and Design advised the Borough Council regarding the above mentioned public meetings and provided updates to the Borough Council and the public regarding the proposed project throughout the process including the dates of February 7, 2022, March 7, 2022, April 4, 2022, May 2, 2022, July 11, 2022, September 6, 2022, October 3, 2022, November 14, 2022, December 5, 2022, January 17, 2023, February 6, 2023 and March 6, 2023; and

WHEREAS, the Borough Council reaffirms its approval of the Sea Watch Recreational Area Improvement Project as presented at the aforementioned public meetings, and as presented to the Borough Council on March 6, 2023; and

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 the Bid Notice for the proposed building and site improvements as described in the plan and specifications in the Sea Watch Recreational Building Project.

**RESOLUTION
97-2023**

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	\$148,770.16
Water/Sewer Fund	\$355,008.87
Beach Fund	\$4,901.79
Grants	\$2,340.97
General Capital	\$14,744.65
Recreation Trust	\$9,677.01
Misc Trust	\$15,561.78
Beach Capital	\$34,153.69
Animal Control	\$29.40
Water/Sewer Capital	\$2,155.00

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

Committee Reports

Code and Land Use Committee – Council Member Triggiano reported that the town wide garage sale is scheduled for May 20 and 21.

Administration/Finance Committee – Council Member Olivera thanked everyone that worked on the budgets and attended the meetings.

Recreation Committee – Council Member Mangan reported that the MCAC members were appointed tonight and is looking forward to the beautification sub-committee getting up and running. He also reported

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that he had a very productive meeting with Manasquan Seniors about the status of the 27 Osborn and the DCI building.

Public Works and Construction Committee - Council Member Holly reported on leaf pickup, moving of beach sand and the placement of the fence.

Beach Committee – Council Member Bresnahan reported on the progress of the parking lot on Pompano, Inlet building, and Brielle Road bathrooms. He reported on the beach sales to date.

Audience Participation

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

Carol Wilkins-Cookman, 22 Willow Way inquired about when the beach parking passes will be going on sale for the spring.

Council Member Bresnahan stated that the dates are located on the borough website.

Mr. Flarity stated that the dates will be April 14 and 15 from 9 am to 3 pm at main beach building while supplies last.

Barbara McCredie, 15 Ridge Avenue inquired about the parking issues in her area.

Mayor Donovan stated that it is still a work in progress and the ordinance that was on the agenda was premature and he believes there will be more discussion before it comes back onto the meeting for approval.

Ms. McCredie wanted to know if the residents will be notified of any changes.

Mayor Donovan stated that they will be notified.

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

Council Member Triggiano made a motion to close the regular meeting at 7:16 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectfully Submitted,



Barbara Ilaria
Municipal Clerk

DATE APPROVED 4-3-2023