

DECEMBER 21, 2020

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on December 21, 2020 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 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 Jay Bryant, Jeff Lee, Michael Mangan, Gregg Olivera, Richard Read, and James Walsh

Absent: None

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

Audience Participation

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

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

Presentation: Manasquan Board of Education Field House Proposal

Mr. Kitrick stated that Council Members Bryant and Read will not be attending the presentation and will return to the meeting after the presentation and audience participation has concluded.

Dr. Frank Kasyan, Superintendent of Schools went over their mission statement and introduced his staff that will be presenting the project.

Thomas Pelligrino, Chair of the Facilities Committee went over the need for the project and the proposed financial shared agreement. He stated that the town would not be taking on any financial responsibility to pay a bond as the school would be making the payments.

Rob Goodall, High School Principal reiterated some of the information that Mr. Pelligrino stated and advised that he is here to advocate for the shared agreement.

Dr. Peter Crawley, School Business Administrator presented the proposal to the council and the audience.

Council Member Read left the meeting at 9:02 pm.

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

Lia Trench, 444 E. Main Street; Pat Connolly, 65 Ocean Avenue; Chrissy Rice, 26 Fletcher Avenue voiced their concerns on the project and stated that they are not in favor of the proposal.

Pete Cahill, 142 N. Main Street; Matt Koenig, 57 Curtis Avenue; Andy Sisti, 2103 Princeton Court, Allenwood; Jay Price, 2 Allen Avenue voiced their opinion on the project and stated that they are in favor of the project.

Michael Brown, 123 McLean voiced his concerns on the project and stated that he is not in favor of the proposal.

David Hallman, 252 Cedar Avenue; Mike Dahrouge, 1723 Elm Street, W. Belmar; Kathy Salerno, 211 Broad Street; Adam Schreck, 58 N. Main Street; Joe Mele, 43 Old Squan Road, Tom Clayton, 309 Cedar Avenue; Michael Johansen, 141 Derby Drive, Freehold voiced their opinions on the project and stated that they are in favor of the project.

Robyn Mazzone, 32 Taylor Avenue voiced her concerns on the project and stated that she is not in favor of the proposal.

John Driscoll, 11 Muriel Place; PJ Gibbs representing the Gibb Family; Tom Antonucci, 7 Allen Avenue; Kevin Hyland, 69 Parker Avenue voiced their opinions on the project and stated that they are in favor of the project.

Marilyn Jacobson, 59 McLean Avenue inquired about the financing of the project and wanted to know if the town will be paying for any portion of the project.

Mayor Donovan stated that it would be a 25 year bond with the Board of Education paying capital and the interest on the bond.

Dr. Kasyan answered questions on the school bond and the 2% CAP and paying off the debt. He stated that the town would not have to pay anything as this bond would be totally on the school. He stated that in order for the school to bond out past 5 years it would need the towns help with the bond but not the payments.

Ms. Jacobson want to know if there would be an equal use of the facilities with the residents and the school.

Dr. Kasyan stated that the facility would be utilized by the school, recreation and then the citizens of the community which would be tiered in that order.

Zach Even-Esh, 24 McGreevey; Debbie Morris, 291 E. Main Street; Justin Barowski, 1631 H Street, Wall; Adam Leone, 96 Wyckoff Avenue; Wendy Kubu, 27 Trenton Avenue; Adam Campbell, 14 James Place; Michael O'Connor, 505 Jersey Avenue, Spring Lake voiced their opinion on the project and state that they are in favor of the project.

Trisha Brown, 123 McLean Avenue stated that she has a few questions for the council before moving forward. Sharing it with the community would be a question as to how much time and the school would have to fund someone to have the building open for the community and who will be funding it. What if something needs to be replaced at the school during the bond period, how it would affect the bond and payments.

Ethan Dzenis, 11 Morris Avenue; Jeff Osborn, 515 Passaic Avenue, Spring Lake; Mike Dropchinski, 636 Rankin Road, Brielle voiced their opinions on the project and stated that they are in favor of the project.

Chrissy Rice, 26 Fletcher Avenue went over her family history in Manasquan and advised that they have been here since 1911 and that she teaches in the elementary school. She voiced her concerns about the educational aspect of the students. She also voiced her concern as to how she became aware of the project through a co-worker when they were discussing no money in the budget for professional development, bringing in speakers and going on field trips. She agrees with having better facilities but not to this extent.

Bailey Price, 2 Allen Avenue voiced her opinion on the project and stated that she is in favor of it.

Laura Scranton, 48 Atlantic Avenue wanted to know why this has not been shared more publicly.

Dr. Kasyan went over how this has been brought to the public at 2 separate meetings.

Steve Antonucci, 11 Allen Avenue voiced his opinion on the project and stated that he is in favor of the project.

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

Council Member Bryant re-joined the meeting.

Approval of Minutes

Regular Meeting Minutes – November 2, 2020

Regular Meeting Minutes – November 16, 2020

Council Member Lee made a motion to approve the minutes, seconded by Council Member Mangan. Motion carried unanimously with Council Member Olivera abstaining from the November 16 meeting minutes.

DECEMBER 21, 2020

Use of Borough Property

E73-20 Mind-Winter Run – February 13, 2021 – 11 am start (storm date 2/20//21)

Council Member Walsh made a motion to approve this request, seconded by Council Member Mangan. Motion carried unanimously.

2021 Standing Committee – Discussion

Council Member Mangan stated that this has been discussed individually with each council member and they have worked out the committee members for 2021.

CONSENT AGENDA

**RESOLUTION
283-2020**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that the Borough of Manasquan authorize John Quigley to fill in for the Plumbing Sub Code Inspector on an “as needed” basis at a rate of \$50.00 per hour retroactive from January 1, 2020.

**RESOLUTION
284-2020**

WHEREAS, Glen Brown was appointed as Part-Time Electrical Sub Code Official on January 2, 2020; and

WHEREAS, the Code/Construction Supervisor has recommended that Glen Brown also be appointed “As Needed” Electrical Sub Code, Fire Inspector and Fire Sub Code Official.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 21st day of December, appoint Glen Brown as an “As Needed” Fire Inspector and Fire Sub Code Official at an hourly rate of \$50.00 per hour. Retroactive from January 2, 2020.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to:

Glen Brown, 811 Woodwild Drive, Point Pleasant

**RESOLUTION
285-2020**

WHEREAS, Glen Purves was appointed as Part-Time Plumbing Sub Code Official on October 1, 2015; and

WHEREAS, Glen Purves was also appointed as an “As Needed” Plumbing Sub Code Official for additional hours at a rate of \$35 an hour; and

WHEREAS, the Code/Construction Supervisor has recommended that the “As Needed” rate be increased to \$50 an hour.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 21st day of December, 2020 increase the “As Needed” Plumbing Sub Code Official hourly rate to \$50.00 per hour. Retroactive from January 1, 2020.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to:

Glen Purves
9 Homestead Road
Freehold, NJ 07728

RESOLUTION

DECEMBER 21, 2020

286-2020

BE IT RESOLVED that the Professional Service contracts will be awarded on a Non-Fair and Open Basis in the Borough of Manasquan, County of Monmouth for 2021.

RESOLUTION

287-2020

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a

WHEREAS, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Manasquan has the need on a timely basis to purchase goods or services utilizing State contracts for the purpose of the acquisition of playground equipment for Skokos Park; and

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

Ben Schaffer Recreation, located at P.O. Box 844, Lake Hopatcong, New Jersey 07849, Bid # ESCNJ 20/21-22 and Whirl Construction, located at 194 Main Street, Port Monmouth, New Jersey 07758, Bid #ESCNJ 20/21-02, and through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current state contracts;

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractors by approved New Jersey State Approved CO-OP #65MCESCCPS pursuant to all conditions of the individual state contracts, with Ben Schaffer Recreation in the amount of \$48,177.24 and Whirl Construction in the amount of \$47,941.00; and

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; and

RESOLUTION

288-2020

RESOLUTION AWARDING A CONTRACT FOR THE CLEANING SERVICES FOR THE BOROUGH OF MANASQUAN MUNICIPAL BUILDING

WHEREAS, proposals were requested and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for Cleaning Services for Borough Hall in the Borough of Manasquan; and

WHEREAS, Two (2) proposals for this project were submitted, and

WHEREAS, the two (2) received proposals were:

	<u>Annual Total</u>	<u>Call Outs</u>	<u>Windows</u>
United Cleaning	\$14,940.00	\$50.00	\$750.00
Fays Cleaning	\$14,760.00	\$25.00	\$460.00

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WHEREAS, Fays Cleaning submitted a proposal in the amount of \$14,760.00 for the Borough Hall Cleaning; and

WHEREAS, the Qualified Purchasing Agent has determined the proposal with Fays Cleaning and United Cleaning comply with the specifications and includes all required documentation and has recommended the award of the contract; and

WHEREAS, the Borough Council is desirous of awarding a contract to Fays Cleaning for the bid proposal in the amount of \$14,760.00 for the Borough Hall cleaning.

NOW, THEREFORE BE IT RESOLVED on the 21st day of December, 2020, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Fay Cleaning.
2. A certified copy of this resolution shall be sent to:

Fays Cleaning
1212 Minnehaha Trail
Manasquan, NJ 08736

**RESOLUTION
289-2020**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY,
AMENDING THE PERSONNEL POLICIES AND PROCEDURES
MANUAL AND THE PERSONNEL POLICY AND PROCEDURES
MODEL MANAGERIAL/SUPERVISORY PROCEDURES MANUAL.**

WHEREAS, the Borough of Manasquan maintains a Personnel Policies and Procedures Manual (hereinafter "Personnel Manual") and Personnel Policy and Procedures Model Managerial/Supervisory Manual (hereinafter "Supervisory Manual"); and

WHEREAS, the Borough Council has determined that there is now a need to amend the Personnel Manual and the Supervisory Manual because certain sections contained in each are in conflict with existing Civil Service Commission and/or contractual guidelines;

NOW THEREFORE BE IT RESOLVED, on this 21st day of December 2020, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

The following sections of the Personnel Manual shall no longer apply to sworn members of the Manasquan Police Department:

1. The Employee Complaint Policy;
2. The Employee Discipline Policy; and
3. The Employee Termination Policy.

Further, the following sections of the Supervisory Manual shall no longer apply to sworn members of the Manasquan Police Department:

1. The Employee Complaint Investigation Procedure; and
2. The Disciplinary Action Procedure;

**RESOLUTION
290-2020**

DECEMBER 21, 2020

RESOLUTION REQUESTING MONMOUTH COUNTY TO SUPPLEMENT NJ DOT FUNDING TO REPAIR AND REPAVE THE ENTIRE LENGTH OF FIRST AVENUE WITHIN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS First Avenue is a major thoroughfare for beach-related vehicular, bicycle and pedestrian traffic for both Manasquan residents and visitors; and

WHEREAS First Avenue suffered major corrosive damage as a result of Superstorm Sandy in 2012 as did all beachfront roadways; and

WHEREAS Superstorm Sandy's devastation resulted in the need for nearly every resident along the beachfront and on First Avenue to raise, renovate or rebuild their residences to bring them into compliance with new flood requirements; and

WHEREAS the rebuilding of the beachfront and First Avenue homes resulted in relentless and unprecedented construction vehicle traffic, adding further deterioration to First Ave.; and

WHEREAS much of the rebuilding required new underground utility service connections to the residences, causing countless road openings, which only further served to undermine the pavement and cause the roadway to be severely fractured; and

WHEREAS Monmouth County has come to the aid of many of its towns by restoring and repaving similar roadways that suffered similar damage, deterioration and disruption from Superstorm Sandy; and

WHEREAS the Borough of Manasquan has obtained a rough cost estimate from the Borough Engineer to repave the entire length of First Avenue in the amount of \$1,828,695; and

WHEREAS the County has the resources required to fund such a large scale project in one or two phases, whereas the town would have to extend this project over a longer period of time and to the detriment of other projects in the Borough.

WHEREAS the New Jersey Department of Transportation has agreed that First Avenue is in need of improvement as described herein and as evidence of that conclusion approved, on November 16, 2020, a New Jersey Department of Transportation Municipal Aid grant for Phase 1 of First Avenue improvements in the amount of \$305,000.

NOW, THEREFORE BE IT RESOLVED that the Borough of Manasquan formally requests that Monmouth County share in the remaining cost of repairing and repaving First Avenue in its entirety from North to South.

**RESOLUTION
292-2020**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the Professional Engineering services of Mott MacDonald, 3 Paragon Way, Freehold, New Jersey 07728, to provide for the MS4 Storm Sewer Utility Geographic Information System (GIS).

- Task 1 MS4 Outfall Survey & GIS Development \$12,000.00

For a rate not to exceed \$12,000.00 for the services outlined in the proposal dated September 9, 2020.

**RESOLUTION
293-2020**

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:

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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	\$231,023.67
Capital Fund	\$278,270.80
Water/Sewer Fund	\$16,501.62
Water/Sewer Utility Fund	
Beach Utility Fund	\$6,960.66
Beach Capital Fund	\$7,510.00
Recreation Building Trust	\$10,337.92
Recreation Trust	\$904.99
Reserve for Unemployment	\$136.99
Tourism	\$2,890.00
Miscellaneous Trust II	\$800.00
Animal Control	\$7.80

Also presented by the Borough Attorney was a bond Anticipation Note Resolution 291-2020.

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

Ordinances – Second Reading

The Borough Attorney read the title of ordinance 2328-20 for second reading and final hearing.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16 (FEES) SECTION 16-1.1 (FEE SCHEDULE ESTABLISHED: CHAPTER 31 PLANNING BOARD) AND AMENDING AND SUPPLEMENTING CHAPTER 31 (PLANNING BOARD) SECTION 31-19 (FEES) OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

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

Council Member Walsh made a motion to pass and publish ordinance 2328-20 according to law, seconded by Council Member Mangan: "yes" Council Members Bryant, Lee, Mangan, Olivera, and Walsh. "No" none.

The Borough Attorney read the title of ordinance 2329-20 for second reading and final hearing.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 (ADMINISTRATION) SECTION 2-5.20 STANDING COMMITTEES DESIGNATED AND SECTIONS 2-5.26 ADMINISTRATION COMMITTEE, SECTION 2-5.27 FINANCE COMMITTEE, SECTION 2-5.28 RECREATION COMMITTEE, 2-5.29 CODE COMMITTEE, 2-5.30 PUBLIC SAFETY COMMITTEE, AND 2-5.31 PUBLIC WORKS COMMITTEE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

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

Council Member Mangan made a motion to pass and publish ordinance 2329-20 according to law, seconded by Council Member Bryant: "yes" Council Members Bryant, Lee, Mangan, Olivera, and Walsh. "No" none.

The Borough Attorney read the title of ordinance 2330-20 for second reading and final hearing.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11 (DOCKS AND BULKHEADS) SECTION 11-1.2 (TERM OF LEASE), SECTION 11-1.3 (RENTAL FEES) AND AMENDING CHAPTER 16 (FEES) OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

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

Council Member Lee made a motion to pass and publish ordinance 2330-20 according to law, seconded by Council Member Mangan: "yes" Council Members Bryant, Lee, Mangan, Olivera, and Walsh. "No" none.

The Borough Attorney read the title of ordinance 2331-20 for second reading and final hearing.

ORDINANCE AMENDING SECTION 22-2 (BASE WATER AND SEWER SERVICE RATE) AND SECTION 22-3 (WATER AND SEWER USAGE CHARGES) OF CHAPTER 22, WATER AND SEWER UTILITY OF THE REVISED GENERAL ORDINANCES IN ORDER TO INCREASE WATER AND SEWER RATES BY RESOLUTION IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

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

Council Member Bryant made a motion to pass and publish ordinance 2331-20 according to law, seconded by Council Member Olivera: "yes" Council Members Bryant, Lee, Mangan, Olivera, and Walsh. "No" none.

Committee Reports

Code & Zoning Committee - Council Member Bryant thanked the staff for all they do for the community and asked that everyone get out to support the restaurants in the area. He wished everyone a Merry Christmas and Happy Holiday and a Healthy New Year.

Finance Committee – Council Member Olivera thanked the entire staff for an incredible year and making it successful. He wished everyone a Happy Holiday and most importantly a safe and healthy one.

Public Works Committee – Council Member Walsh reported on the Mount Lane project and wished everyone a Merry Christmas.

Beach & Recreation Committee – Council Member Mangan wished everyone a Merry Christmas and a Happy and Healthy New Year. He thanked everyone that came out tonight for the school presentation and thanked the school for making the presentation. He stated that tonight was a great start to open the conversation with the school and the borough. He thanked the entire staff that worked very hard during COVID to keep business going.

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Public Safety Committee – Council Member Lee thanked all of the public safety group for their work over the year and he thanked all of the staff. He reported on the sad news that Gus Herrmann a former council member passed away. He wished everyone a Merry Christmas and Happy New Year and he is looking forward to working with the governing body and the staff in the New Year.

Mayor Donovan thanked the council and all the staff for a great job over the year and is hoping 2021 will be a better year.

Audience Participation

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

John McPartland, 22 Lakewood Road voiced his concerns about season beach parking passes and the process that is used.

Mayor Donovan went over the regulations that are required for beach parking pass process.

Council Member Mangan stated that the state requires equal access by all residents in the state. He stated that the Borough will be looking into better ways to handle the sale of the parking passes.

Mr. Kitrick went over the law regarding equal access to the beach and stated that parking is part of the beach access.

Michelle Welsh – 145 Beachfront stated that she is requesting that a flower bed that she installed in front of her house be able to remain there. She stated that this flower box is encroaching on borough property but she would like permission for it to stay there. She stated that it is encroaching about 16” to 17” onto borough property.

Mayor Donovan stated that the Borough will take a look at it and get back to her.

Council Member Lee 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 10:26 p.m., seconded by Council Member Bryant. Motion carried unanimously.

DATE APPROVED

1/19/2021