

FEBRUARY 3, 2020

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on February 3, 2020 in Council Chambers of Borough Hall with Mayor Donovan presiding.

Mayor Edward 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 Jason Bryant, Jeffrey Lee, Gregg Olivera, Richard Read, and James Walsh

Absent: Council Member Michael Mangan

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

Audience Participation

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

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

Approval of Minutes

Re-Organization Meeting Minutes – January 6, 2020

Council Member Olivera advised that his name is spelled wrong under the Tourism Commission appointments.

Council Member Bryant made a motion to approve the minutes as amended, seconded by Council Member Walsh. Motion carried with Council Member Olivera abstaining.

Use of Borough Property

- **Chamber of Commerce 2020 Events**

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

- **Senior Berry Festival – Squan Plaza - August 2, 2020, 7- 3pm (rain 8/9/20)**

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

- **PBA Food Truck Festival – 4th Ave. Lot - May 9, 2020, 1-6pm (rain 5/16/20)**

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

- **Turkey Run – November 21, 2020 10am - 1:00pm**

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

CONSENT AGENDA

**RESOLUTION
42-2020**

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BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the retirement of Michael Tischio from the position of Police Officer with the Manasquan Police Department effective January 31, 2020 be and is hereby accepted.

**RESOLUTION
43-2020**

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, 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 areas harboring high populations of mosquitoes constituting either a nuisance, a hazard, 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
44-2020**

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

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

NAME: LOIS A STRYKER, TRUSTEE
C/O SIMPLICITY TITLE, LLC
70 GROVE ST
SOMMERVILLE, NJ 08876

AMOUNT OF REFUND DUE: \$2,180.39

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REASON FOR REFUND: REFUND DUPLICATE TAX PAYMENT
553 WHITING AVE
BLOCK 186.03 / LOT 6

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
45-2020**

WHEREAS, the year Two Thousand and Twenty Marks the 100th Anniversary for the ratification of the 19th Amendment of the United States of America; and

WHEREAS, women fought for the right to vote for more than a century and persevered in the face of resistance; and

WHEREAS, many New Jersey women advocated for the right to vote; and

WHEREAS, Monmouth County was the home to many suffragists both male and female, and suffrage rallies and events occurred within Monmouth County's borders; and

WHEREAS, February 9, 2020 will mark the centennial of the New Jersey ratification of the 19th Amendment; and

WHEREAS, August 26, 2020 will mark the nationwide centennial of the 19th Amendment officially becoming part of the United States Constitution, after the required number of states had ratified; and

WHEREAS, daughters, granddaughters, and great-granddaughters of the women who fought so hard to vote have been making their voices heard at the polls for nearly 100 years; and

WHEREAS, women are running for office and currently in elected office in large numbers in Monmouth County, follow in the footsteps of these great suffragists; and

WHEREAS, currently over 200,000 women are registered to vote in Monmouth County, New Jersey; and

WHEREAS, all government entities on the local, state and national level should commemorate and recognize this historic milestone and reaffirm its commitment to empowering and uplifting the voices of women.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Council of Manasquan, County of Monmouth, State of New Jersey, do hereby

- (1) Celebrate and recognize the 100th Anniversary of the passage and ratification of the 19th Amendment of the United States Constitution providing for women's suffrage; and
- (2) Honor the role of the ratification of the 19th Amendment in promoting the core values of our democracy as set forth in the Constitution of the United States; and
- (3) reaffirm our desire to continue strengthening democratic participation and to inspire future generations to cherish and preserve the historic precedent established by the 19th Amendment.

**RESOLUTION
46-2020**

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 services of T and M Associates, 40 Monmouth Park Highway, Suite 2, West Long Branch, N.J. 07764, for purpose of providing Licensed Site

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Remediation Professional Services for completion of the Remedial Action Report and Response Action Outcome for the Manasquan Water Treatment Plant. Scope of services are as follows:

- Item 1 LSRP Administration and Technical Support
- Item 2 Monitoring Well Abandonment
- Item 3 Remedial Investigation Report-Remedial Action Report and Supporting Documentation
- Item 4 Response Action Outcome

for a total amount not to exceed \$15,452.00 for the service outlined in a proposal dated January 9, 2020.

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that the borough authorizes T & M Associates to proceed with the above proposal to provide Licensed Site Remediation Professional Services for completion of the Remedial Action Report and Response Action Outcome for the Water Treatment Plant.

**RESOLUTION
47-2020**

WHEREAS, at the January 6, 2020 Reorganization Meeting of the Borough Council of the Borough of Manasquan, Resolution 9-2020 was approved authorizing a stipend of \$100.00 per meeting for the Planning Board Secretary for the 2020 Calendar year; and

WHEREAS, it has been determined that in the absence of the Planning Board Secretary an alternate is necessary; and

BE IT RESOLVED, that an alternate will be assigned by the Administrator on an as needed basis in the absence of the Planning Board Secretary and shall be paid \$100.00 per meeting retroactive to January 1, 2020.

BE IT FURTHER RESOLVED that the Borough Clerk is authorized to notify the assigned alternate upon passage of this resolution.

**RESOLUTION
48-2020**

**RESOLUTION OF THE BOROUGH OF MANASQUAN,
RATIFYING THE EMERGENCY REPAIRS OF THE CULVERT
LOCATED ON MOUNT LANE**

WHEREAS, an emergency existed due to a clogged culvert located on Mount Lane; 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 culvert on Mount Lane; 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 not to exceed \$17,500.00 to Allied Construction Group, Inc. for the emergency repair of the culvert on Mount Lane in the Borough of Manasquan.

RESOLUTION

49-2020

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:

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	\$191,182.93
Capital Fund	\$3,883.87
Water/Sewer Fund	\$154,657.78
Water/Sewer Utility Fund	
Beach Utility Fund	\$14,118.92
Beach Capital Fund	
Recreation Building Trust	\$8,764.83
Recreation Trust	\$26,527.81
Open Space	\$20,553.77
Reserve for Unemployment	\$304.12
Tourism Trust	\$1,125.00

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

Ordinances – Second Reading

The Borough Attorney read the title of ordinance 2307-20 for second reading and final hearing.

ORDINANCE AMENDING CHAPTER 16 (FEES) SECTION 16-1 FEE SCHEDULE ESTABLISHED (CHAPTER 12 BEACHES AND BEACHFRONT) SECTION 12-2, SECTION 12-10 AND SECTION 12-11 OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

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

Dick Meincke, 36 N. McClellan Avenue inquired about the wording of the ordinance and suggested changing the wording to be clear as to the fee charged to be on the beach in section h and i.

Mr. Kitrick explained the purpose of section h and i which is specific to badges being sold on the beach front and not at a gate or over the counter. He stated that this ordinance is accurate for notification purposes.

Mr. Meincke voiced his concern on how people will interpret the beach fees for Manasquan.

Carol Budisak, 76 First Avenue inquired about Sea Watch parking and how will the borough proceed with the lottery to make spaces available to New Jersey residents as required by Green Acres.

Municipal Clerk, Barbara Ilaria explained the current lottery process for the Sea Watch parking spaces.

Ms. Budisak stated that she has been in correspondence with New Jersey and she has been advised that the lottery should be open to everyone not just people who had them last year.

There was discussion on the Sea Watch parking spaces and Green Acres regulations.

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Mayor Donovan stated that the Borough will check with Green Acres and make sure that it is done the right way.

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

Council Member Olivera made a motion to pass and publish ordinance 2307-20 according to law, seconded by Council Member Walsh. Motion carried by the following vote: "yes" Council Members Bryant, Lee, Olivera, Read, and Walsh. "No" none.

Mr. Kitrick stated that ordinance 2308-20 and 2309-20 will need to be carried in order to comply with the notice requirements.

Ordinance 2308-20 for second reading and final hearing.

ORDINANCE AMENDING APPENDIX B (BOARD OF HEALTH), SECTION BH:4 (RETAIL FOOD ESTABLISHMENTS) SUBSECTION BH:4-6 (LICENSE FEES) AND SECTION BH:5 (MISCELLANEOUS FEES) SUBSECTION BH:5-1 (BIRTH, MARRIAGE, CIVIL UNION, DOMESTIC PARTNERSHIP OR DEATH CERTIFICATE) IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY

Council Member Bryant made a motion to carry this ordinance to the February 18, 2020 meeting, seconded by Council Member Lee. Motion carried unanimously.

Ordinance 2309-20 for second reading and final hearing.

ORDINANCE TO AMEND SECTION 7-11 (STOP INTERSECTIONS) OF CHAPTER 7 (TRAFFIC) OF THE BOROUGH OF MANASQUAN TO ESTABLISH STOP INTERSECTIONS AT VARIOUS LOCATIONS IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY.

Council Member Bryant made a motion to carry this ordinance to the February 18, 2020 meeting, seconded by Council Member Lee. Motion carried unanimously.

Committee Reports

Public Works Committee – Council Member Walsh welcomed Council Member Olivera back. He advised that this is a new committee for him and that they will be meeting twice a month because there is a lot on the docket. He reported on the water main break on Mount Lane and the full extent of the damage should be known shortly.

Mayor Donovan stated that this was a forced main which is owned and operated by South Monmouth Regional Sewerage Authority (SMRSA) that broke and their line went underneath the Borough's stormwater conveyance conduit that runs from behind St. Denis and across Mount Lane and into the stream that runs into the Glimmer Glass. SMRSA is taking care of all of their issues and will fix the portion of the Borough's pipe that broke as a result of their repairs. He advised that there are some engineering issues with the borough's pipe which are being investigated.

Administration Committee – Council Member Read reported that boat slip renewals have been sent out and need to be returned by March 2, after which there will be a lottery for any slips not renewed. He stated that lottery applications are due by March 5 with the lottery being held for residents on March 10 and March 12 for non-residents. He advised that the lottery application will be posted on the website starting February 10.

Finance Department – Council Member Olivera reported that budget season is coming up with meetings starting on Saturdays at 9 am with meetings scheduled for February 22, March 7, March 14, and March 21. He stated that the ratification of the 19th Amendment for Women's right to vote in New Jersey is Sunday and suggested celebrating that by wearing a yellow rose.

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Public Safety Committee – Council Member Lee acknowledged the retirement of Officer Tischio and thanked him for his service. He stated that the Chief is moving forward with his replacement and future sergeant promotion. He reported on the police activities for January which have been higher compared to the past. He advised that OEM Coordinator Chris Tucker will be bringing forward a shared service with Monmouth County for a DCA grant for the Borough's community rating system (CRS) which is the management software that provides residents with a reduction in flood insurance rates.

Code & Zoning Committee – Council Member Bryant reported on the code/construction/zoning activity for the month of January. He provided information on the ratification of the 19th Amendment in New Jersey.

Audience Participation

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

Bob Eirich, 76 N. Main Street inquired about noise complaint against the school and advised that the municipal judge would not hear the complaint. He is asking the borough attorney to look into this to see if the school district is exempt from local noise ordinances.

Mayor Donovan stated that this will be looked into.

Dick Meincke, 36 N. McClellan Avenue inquired about the status of the parking meters.

Council Member Lee stated that it is still in the investigation stage and it would be for the municipal lots. He advised that there would be pay stations not meters for every space.

Council Member Olivera made a motion to close the public portion, seconded by Council Member Read. 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 Read made a motion to close the regular meeting at 7:37 p.m., seconded by Council Member Olivera. Motion carried unanimously.

DATE APPROVED 2/18/2020