

FEBRUARY 16, 2021

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on February 16, 2021 with Mayor Edward Donovan presiding. This meeting was held via Zoom due to the weather.

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.

Council Member Read made a motion to change the wording on 47-2021 to read that the council has accepted the resignation from Brett Nielson and that the ordinance number be corrected to reflect 2333-21 and amended to read Amending Chapter 2 Administration, Superintendent of Recreation, seconded by Council Member Lee. Motion carried unanimously.

Council Member Bryant made a motion to amend the wording on the agenda for resolution 51-2021 from Changer Order #3 to Changer Order #2, seconded by Council Member Lee. Motion carried unanimously.

Audience Participation

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

Mary Ryan, 113 Beachfront inquired about Brett Nielson and his resignation. She wanted to know when Mr. Nielson would be leaving.

Council Member Read stated that Mr. Nielson has already left the employment of the Borough.

Ms. Ryan thanked Mr. Nielson for all he did at the beach. She voiced her concerns about the staff that has left the beach. She inquired about the chief lifeguard duties.

Council Member Read stated that the Chief Lifeguard will be taking on more duties which would include the responsibilities that fell on the Beach Manager and Superintendent.

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

Use of Borough Property

E20-21 2nd Birthday Party on Beach – 4/24 Between Main and Riddle

There was discussion on the request and the extent of the request before council.

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

CONSENT AGENDA

RESOLUTION 47-2021

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepting the resignation of Brett Nielson from the Manasquan Beach Department as Beach Crew Supervisor.

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**RESOLUTION
48-2021**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Brian Mallin from the Manasquan Shade Tree Commission effective March 1, 2021.

**RESOLUTION
49-2021**

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 Maser Consulting, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, for providing for the 2021 Beach Maintenance Survey Services. The fee is as follows:

- Task 1.0 Engineering Services for Providing Bench Marks \$2,650.00

for a total amount not to exceed \$2,650.00 for the service outlined in a proposal dated February 8, 2021.

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 Task 1.0 with the provision that each subsequent task shall require additional authorization subject to the recommendation of the Governing Body.

**RESOLUTION
50-2021**

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

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- c) The County will notify the Manasquan Police Department when aerial pesticides operations are planned prior to commencement of such operations.

**RESOLUTION
51-2021**

CHANGE ORDER NO. 2 & FINAL

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

TITLE OF JOB: Mallard Park Improvements

ENGINEER: Maser Consultants, Inc.
331 Newman Springs Road
Red Bank, NJ 07701

CONTRACTOR: Dawson Corporation
P.O. Box 400
Clarksburg, NJ 08510

CHANGE ORDER NO. 2 & FINAL

AMOUNT OF CHANGE FOR THIS RESOLUTION: \$(18,477.50)

TOTAL ORIGINAL CONTRACT PRICE \$196,602.50

LESS PREVIOUS ESTIMATES \$179,247.88

CHANGE ORDER #1 \$4,781.00

REVISED CONTRACT PRICE \$182,906.00

**RESOLUTION
52-2021**

CHANGE ORDER NO. 1

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: Beach Headquarters Renovations and Additions

CONTRACTOR: Cypreco Industries, Inc.

ENGINEER: H2M Associates, Inc.
4810 Belmar Blvd. Suite 201
Wall Township, NJ 07753

Change Order No. 1

AMOUNT OF CHANGE FOR THIS RESOLUTION: \$31,936.00

TOTAL AMOUNT OF CHANGE: \$31,936.00

TOTAL ORIGINAL CONTRACT PRICE \$578,500.00

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REVISED CONTRACT PRICE \$610,436.00

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
53-2021**

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE USE OF SNOW REMOVAL APPROPRIATION BALANCE TO BE RESERVED FOR FUTURE STORM RECOVERY EXPENSES PURSUANT TO N.J.S.A 40A:4-39

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides for the dedicated revenues unexpended balance of Snow Removal appropriations to be transferred to a Storm Recovery Trust Fund by the municipality to provide a reserve for future storm recovery expense that cannot reasonably be anticipated; and

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to create the Borough of Manasquan Storm Recovery Trust Fund for the purpose of reserving the unexpended balance of the Snow Removal appropriations in each year for future unanticipated storm recovery expenses pursuant to P.L. 2013, c.21 and N.J.S.A 40A:4-62.1
2. The Clerk of the Borough of Manasquan, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**RESOLUTION
54-2021**

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 the Manasquan Police Dispatchers Association.

**RESOLUTION
55-2021**

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 Maser Consulting, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, for providing for the 2021 Tier A Annual Stormwater Report. The fee is as follows:

- Task 1.0 Coordination, Preparation & Submission \$1,250.00

for a total amount not to exceed \$1,250.00 for the service outlined in a proposal dated January 26, 2021.

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 Task 1.0 with the provision that each subsequent task shall require additional authorization subject to the recommendation of the Governing Body.

RESOLUTION

57-2021

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	\$4,645,688.44
Capital Fund	\$ 31,160.07
Water/Sewer Fund	\$ 144,355.36
Water/Sewer Utility Capital Fund	\$ 43,850.00
Beach Utility Fund	\$ 13,066.78
Beach Capital Fund	\$ 1,847.50
Recreation Building Trust	\$ 15,517.98
Open Space	\$ 17,567.00

The Mayor and Council all thanked Brett Nielson and Brian Mallin for the years they served Manasquan.

Also presented by the Borough Attorney was a Temporary Capital Budget Amendment Resolution for the Euclid Avenue Improvements (Ordinance 2335-21), and Shared Services Fieldhouse Improvements (Ordinance 2338-21).

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

Ordinances – Second Reading

The Borough Attorney read the title of ordinance 2333-21 as amended for second reading and final hearing.

**ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION)
SECTION 2-19.4 (SUPERINTENDENT OF RECREATION) OF THE
BOROUGH OF MANASQUAN CODE 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 Mangan. Motion carried unanimously.

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

Council Member Read made a motion to pass and publish ordinance 2333-21 accordingly law, seconded by Council Member Olivera: "yes" Council Members Bryant, Lee, Mangan, Olivera, Read, and Walsh. "No" none.

Ordinances – First Reading

The Borough Attorney read the title of ordinance 2334-21 for introduction.

**AN ORDINANCE AMENDING CHAPTER 32, SECTION 17
ENTITLED "STORMWATER MANAGEMENT AND CONTROL"
IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
NEW JERSEY.**

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Council Member Walsh made a motion to introduce ordinance 2334-21, seconded by Council Member Bryant: “yes” Council Members Bryant, Lee, Mangan, Olivera, Read, and Walsh. “No” none.

The Borough Attorney read the title of ordinance 2335-21 for introduction.

AN ORDINANCE AMENDING CHAPTER 32, SECTION 17 ENTITLED “STORMWATER MANAGEMENT AND CONTROL” IN THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY.

Council Member Walsh made a motion to introduce ordinance 2335-21, seconded by Council Member Read: “yes” Council Members Bryant, Lee, Mangan, Olivera, Read, and Walsh. “No” none.

The Borough Attorney read the title of ordinance 2336-21 for introduction.

ORDINANCE DELETING CHAPTER 12 (BEACHES AND BEACHFRONT) SECTION 12-3.2 (DEPARTMENT HEAD OF THE BEACH DEPARTMENT) AND AMENDING CHAPTER 12 SECTION 12-3.3 (CHIEF LIFEGUARD) 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 introduce ordinance 2336-21, seconded by Council Member Lee: “yes” Council Members Bryant, Lee, Mangan, Olivera, Read, and Walsh. “No” none.

The Borough Attorney read the title of ordinance 2337-21 for introduction.

ORDINANCE AMENDING CHAPTER 33 (SITE PLAN REGULATIONS) SECTION 33-7 (APPLICABLE ZONES)

Council Member Olivera made a motion to introduce ordinance 2337-21, seconded by Council Member Read: “yes” Council Members Bryant, Lee, Mangan, Olivera, Read, and Walsh. “No” none.

The Borough Attorney read the title of ordinance 2338-21 for introduction.

BOND ORDINANCE OF THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE IMPROVEMENT OF MANASQUAN BOROUGH SCHOOL FACILITIES IN ORDER TO PROVIDE JOINTLY FOR MUNICIPAL AND SCHOOL DISTRICT PURPOSES, APPROPRIATING \$5,275,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,020,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council Member Walsh made a motion to introduce ordinance 2338-21, seconded by Council Member Mangan: “yes” Council Members Lee, Mangan, Olivera, and Walsh. “No” none. Council Members Bryant and Read abstained from voting.

Committee Reports

Code & Land Use Committee– Council Member Walsh thanked Council Member Mangan for working with Senator Vin Gopal in getting COVID testing at the First Aid building. He also thanked the first aid staff for helping with testing.

Council Member Mangan thanked Brett and Brian for their years of service.

Beach & Recreation Committee – Council Member Read reported that the committee is looking to bring forward a tent ordinance for the beach and parks at the next scheduled meeting. He echoed the sentiments of the council as it relates to Brett Nielson and stated he will be missed and be difficult to replace.

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Administration & Finance Committee – Council Member Olivera thanked Brett and Brian for all their hard work and dedication over the years. He reported that the budget dates are March 13 and 20.

Public Safety Committee – Council Member Lee thanked the first responders and surrounding towns with regard to the recent fire. He reported that there have been a rash of car burglaries and asked that the resident make sure their vehicles are locked. He asked that if any resident has a video that would capture any of the burglaries that they should contact the police department. He reported that the police chief has received from the Department of Health a 46% decrease in active COVID 19 cases. He stated that the borough encourages everyone to continue to wear masks and maintain social distancing.

Public Works & Construction Committee - Council Member Bryant thanked public works for all their work over the past weeks with the snow and cold weather. He stated that he met with most of the crew and the leadership and thanked them for all the hard work they do throughout the year and making sure the town runs safely.

Audience Participation

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

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

Council Member Olivera made a motion to close the regular meeting at 7:34 p.m., seconded by Council Member Bryant. Motion carried unanimously.

Respectfully submitted,



Barbara Ilaria
Municipal Clerk

DATE APPROVED 3/15/21