

OCTOBER 16, 2023

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on October 16, 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.

Council Member Olivera made a motion to amend resolution 281-2023 to remove the per diem language, second by Council Member Lee. Motion carried unanimously.

#### **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.

Mayor Donovan presented the Pipes and Drums of the Jersey who performed Amazing Grace.

#### **Proclamation**

##### **HONORING THE PIPES AND DRUMS OF THE JERSEY SHORE**

**WHEREAS**, the Pipes and Drums of the Jersey Shore was founded in 1998 and has been promoting Irish culture and heritage through performances of traditional bagpipe and drum music; and

**WHEREAS**, the Pipes and Drums of the Jersey Shore is also an instructional band, developing the next generations of pipers and drummers by offering instruction free of charge. The band helped create the St. Rose High School Pipe Band; and

**WHEREAS**, the Pipes and Drums of the Jersey Shore is celebrating its 25<sup>th</sup> Anniversary and is led by Drum Major and Band Manager Mark Mastowski, Drum Sergeant Jim Conti, Pipe Major Ray Spengler, Pipe Sergeant John Giblin, Band Secretary Scott McDonald, Band Treasurer Lauren Kolar and Band Quartermaster Don Darlington; and

**WHEREAS**, the Pipes and Drums of the Jersey Shore support a strong family friendly culture and spirit of community involvement. More than three quarters of their performances are done for charities, fundraisers and volunteer organizations. The band marches every year in the Belmar/Lake Como St. Patrick's Day parade without compensation; and

**WHEREAS**, the Pipes and Drums of the Jersey Shore has received numerous awards and has performed in Ireland, Savannah, Myrtle Beach and several other states. The Band competed for the first time on Sept. 9, 2023 at the Union County Irish festival and won first place; and

**NOW, THEREFORE, BE IT RESOLVED**, that I, Edward G. Donovan, Mayor of the Borough of Manasquan, on behalf of the Borough Council and the good people of this Borough, hereby congratulate the

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Pipes and Drums of the Jersey Shore on twenty five remarkable years, pay tribute to its meritorious record of service and extend our best wishes for its continued success in the years to come.

**Tourism Presentation**

Mayor Donovan, Council Member Mangan, and Tourism Chairman Peter Goetz presented plaques to some of the original founding members of the Tourism Commission, Neil Hamilton on behalf of his wife Penny, Dominick Bossone, and Ray Summers for their outstanding service and dedication to the Borough of Manasquan.

**Approval of Minutes**

Regular Meeting Minutes – September 18, 2023  
Regular Meeting Minutes – October 2, 2023

Council Member Mangan made a motion to approve the minutes, seconded by Council Member Triggiano. Motion carried unanimously with Council Member Olivera abstaining from the September 18, 2023 minutes.

**Consent Agenda**

**RESOLUTION  
253-2023  
WITHDRAWN**

**WHEREAS**, on September 5, 2023 the governing body, by resolution 241-2023, authorized the scope of work to Vanasse Hangen Brustlin, Inc. (VHB), 1805 Atlantic Avenue, Manasquan, New Jersey 08736 to provide environmental services related to the Borough’s prospective purchase of 86 Main Street; and

**WHEREAS**, both parties have agreed to nullify the approved scope of work as outlined in the proposal dated August 25, 2023 and approved on September 5, 2023; and

**WHEREAS**, the Borough of Manasquan and VHB desire to enter into a new proposed scope of work; and

**WHEREAS**, The New Jersey Department of Environmental Protection warrants that the costs associated with the work detailed in the proposal are fully reimbursable through the Hazardous Discharge Site Remediation Fund.

**THEREFORE BE IT RESOLVED**, that the Scope of work between VHB and the Borough of Manasquan dated August 25, 2023 is hereby declared null and void by mutual agreement of the parties.

**BE IT FURTHER RESOLVED**, that the Borough of Manasquan retains the Professional Engineering services of VHB, 1805 Atlantic Avenue, Manasquan, New Jersey 08736 for HDSRF Application, Preliminary Assessment, Site Investigation, Scope Development, LSRP Retention, and Schedule. The fee is as follows:

* Task 1 – Hazardous Discharge Site Remediation Fund Application	\$ 970.00
* Task 2 – Preliminary Assessment	\$ 8,120.00
* Task 3 – Site Investigation -	\$44,180.00
* Task 4 – Scope Development, LSRP Retention, Schedule	\$ 3,140.00

For a rate not to exceed \$56,410.00 for the services outlined in the proposal dated September 14, 2023.

**RESOLUTION  
272-2023**

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

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**WHEREAS**, a refund of monies are due to the following:

**NAME:** BIG BROTHERS BIG SISTERS  
305 BOND STREET, 2<sup>ND</sup> FLOOR  
ASBURY PARK, NJ 07712

**AMOUNT OF REFUND DUE:** \$150.00

**REASON FOR REFUND:** RETURN USE OF BEACH FEE- EVENT  
CANCELED DUE TO WEATHER

**AMOUNT OF REFUND DUE:** \$400.00

**REASON FOR REFUND:** RETURN SECURITY DEPOSIT- EVENT  
CANCELED DUE TO WEATHER

**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  
273-2023**

**WHEREAS**, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

**WHEREAS**, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/Real Auction.com to conduct electronic tax sales; and

**WHEREAS**, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

**WHEREAS**, the municipality of Manasquan Borough wishes to participate in an electronic tax sale.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Manasquan, in the County of Monmouth, State of New Jersey that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services, if necessary.

**RESOLUTION  
274-2023**

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

**WHEREAS**, a stipulation of settlement has been entered and agreed to that the assessment of Block 61 Lot 40.01 be adjusted

**WHEREAS**, judgment has been entered as follows including that all refunds set forth shall be paid as follows:

**NAME:** TIMOTHY B. MIDDLETON, ESQ.  
2517 HIGHWAY 35  
BLDG. K  
SUITE 101  
MANASQUAN, NJ 08736

**AMOUNT OF REFUND DUE:** \$18,000.18

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**REASON FOR REFUND: TAX COURT OF NEW JERSEY  
STIPULATION OF APPEAL SETTLEMENT  
DOCKET NOS.  
008182-19; 008389-2021;  
006601-2022; 006442-2023  
BLOCK 61 LOT 40.01  
GOLDEN EAST OF MANASQUAN  
87-99 TAYLOR AVE.  
MANASQUAN, NJ 08736**

**WHEREAS**, the Tax Collector has certified that the refund is to be issued.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION  
275-2023**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Marshall Bitsko from the position of SLEO II from the Manasquan Police Department effective October 6, 2023.

**RESOLUTION  
276-2023**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey confirms the appointment of Ryan Travers from provisional to permanent Water Repair Supervisor/Water Treatment Operator as of October 16, 2023 No salary change. The appointee has met all the necessary requirements and evaluations for the position.

**RESOLUTION  
277-2023**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Joseph Waldeyer from the position of Laborer from the Manasquan Public Works Department effective October 27, 2023.

**RESOLUTION  
278-2023**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
AUTHORIZING MUNICIPAL CLERK TO ADVERTISE FOR FULL  
TIME PUBLIC WORKS LABORER**

**WHEREAS**, the Borough of Manasquan is in need of a Full Time Laborer in the Department of Public Works; and

**NOW, THEREFORE BE IT RESOLVED** on the 16<sup>th</sup> day of October 2023, by the Borough Council of the Borough of Manasquan, hereby authorize the Clerk to advertise for a Full Time Laborer for the Department of Public Works.

**RESOLUTION  
280-2023**

**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

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**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.

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

Administrative Agent, Council on Affordable Housing  
Attorney, Bond  
Attorney, Borough  
Attorney, Council on Affordable Housing  
Attorney, Hearing Officer  
Attorney, Labor  
Auditor  
Engineer, Borough  
Financial Advisor  
Borough Planner  
Attorney, Municipal Prosecutor  
Attorney, Public Defender  
Conflict Attorney  
Attorney, Alternate Municipal Prosecutor  
Information Technology Consultant/Manager  
Attorney, Planning Board (*Appointed by the Planning Board*)  
Engineer, Planning Board (*Appointed by the Planning Board*)  
Planner, Planning Board (*Appointed by the Planning Board*)

**RESOLUTION  
281-2023**

**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 Colliers Engineering & Design, 101 Crawfords Corner Road, Suite 3400, Holmdel, NJ 07733 for purposes of providing Professional Services for additional funding for Construction Administration and Part-Time Inspection Services for the ongoing lift station project for South Street and East Virginia, not to exceed \$6,000.00 for the services outlined in the proposal dated October 12, 2023.

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the borough authorizes the Scope of Work for Professional Services for the ongoing lift station project for South Street and East Virginia.

**RESOLUTION  
282-2023**

**RESOLUTION OF THE BOROUGH COUNCIL OF THEBOROUGH  
OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY,  
AMENDING PERSONNEL POLICIES AND PROCEDURES**

**WHEREAS**, the Borough of Manasquan's most recent Personnel Policies and Procedures were revised on June 21, 2021 by the Borough Governing Body via Resolution 185-2021 and,

**WHEREAS**, the Borough Council has determined that there is a need to amend personnel policies and procedures; and

**WHEREAS**, the Personnel Police and Procedures shall be amended as follows:

**CONTENTS** page was amended to remove "Longevity Policy" in SECTION FOUR: COMPENSATION & EMPLOYEE BENEFITS POLICIES

**SECTION ONE: POLICIES RELATING TO EMPLOYEE RIGHTS AND OBLICATIONS**

- **Anti-Discrimination Policy** was amended to include "pregnancy, breastfeeding, childbirth"

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- **Americans with Disabilities Act Policy** was amended to read “It is the policy of Manasquan to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. Manasquan will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment because of a person’s physical or mental disability, pregnancy, pregnancy-related medical condition, breastfeeding or childbirth.
- **Drugs and Alcohol Policy** was amended to read “Manasquan recognizes that the possession or use of drugs and the abuse of alcohol pose a threat to the health and safety of all employees.”, and “The manufacturing, distribution, dispensing, possession, and use of alcohol or drugs on Manasquan premises or during work hours by employees is strictly prohibited.
- **Employee Complaint Policy** was amended to delete “Municipal Clerk” and replace with “Personnel Officer”
- **Grievance Policy** was amended to delete “Municipal Clerk” and replace with “Personnel Officer”
- **Access to Personnel Files Policy** was amended to delete "Municipal Clerk" and replace with “Personnel Officer”
- **Employee Evaluation Policy** was amended to delete "Municipal Clerk" and replace with “Personnel Officer”

#### **SECTION TWO: WORKPLACE POLICIES**

- **Job Description Policy** was amended to delete "Municipal Clerk" and replace with “Personnel Officer”
- **Fraternalization Policy** was amended to delete "Municipal Clerk" and replace with “Personnel Officer”
- **Video Surveillance** was amended to delete "Municipal Clerk" and replace with “Personnel Officer”

#### **SECTION THREE: PAID AND UNPAID TIME OFF POLICIES**

- **Donated Leave Program – Application** section was amended to delete "Municipal Clerk" and replace with “Personnel Officer”
- **Family and Medical Leave** was amended to read “Family Temporary Disability. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance (“FLI”) payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement and will thus run concurrently with FMLA and/or NJFLA leaves.”

#### **SECTION FOUR: COMPENSATION & EMPLOYEE BENEFITS POLICIES**

- **Overtime Compensation Policy** was amended to delete "\$100,000" and replace with “\$107,432”

#### **SECTION FIVE – MANAGERIAL/SUPERVISORY PROCEDURES**

- **Processing and Orientation of New Employees Procedure** was amended to delete "Municipal Clerk" and replace with “Personnel Officer”
- **Personnel File Procedure** was amended to delete "Municipal Clerk" and replace with “Personnel Officer”
- **Request for Employment Verification and Reference Procedure** was amended to delete “Chief Financial Officer” and replace with “Personnel Officer”

**NOW, THEREFORE BE IT RESOLVED** on this 16<sup>th</sup> day of October, 2023, by the Borough Council of

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the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follow:

1. The amended Personnel Policies and Procedures Manual is amended as stated above and is on file at the Municipal Clerk's office.
2. These amended personnel policies and procedures shall apply to Manasquan officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. Any inconsistencies between the amended policy and other sections of the current policy shall be reflected to coincide with the adopted amended policy.
4. This amended manual is intended to provide guidelines covering public service by Manasquan employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of Borough Council.
5. To the maximum extent permitted by law, employment practices for Manasquan shall operate under the legal doctrine known as "employment at will."
6. The Municipal Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Personnel Officer and the Municipal Attorney shall assist the Municipal Administrator in the implementation of the policies and procedures in this manual.

**RESOLUTION  
283-2023**

**WHEREAS**, at the October 2, 2023 meeting of the Borough Council of the Borough of Manasquan, approved Resolution 269-2023 appointing David Baez from temporary to permanent status as of September 18, 2023 at a salary of \$35,000;

**WHEREAS**, it has been determined that Resolution 269-2023 should be amended to read salary of \$47,833.00.

**NOW THEREFORE BE IT RESOLVED** that the Borough of Manasquan authorizes the amendment to this resolution to reflect the correct annual salary.

**RESOLUTION  
284-2023**

**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	\$632,486.14
Water/Sewer Fund	\$30,570.00
Beach Fund	\$45,759.01
Grants	\$4,339.37
Recreation Trust	\$25,353.91
Misc Trust	\$4,540.00
General Capital	\$17,517.50
Beach Capital	\$30,653.15

Also presented by the Borough Attorney was Capital Budget Amendment Resolution Amending the Acquisition of 86 Main Street (Ordinance #2412-23).

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Council Member Holly made a motion to approve the consent agenda, seconded by Council Member Lee. 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 2410-23 for second reading and adoption.

**ORDINANCE PROVIDING FOR PURCHASE OF DEPARTMENT OF PUBLIC WORKS EQUIPMENT AND APPROPRIATING \$150,000 AUTHORIZED IN AND BY 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 Mangan. Motion carried unanimously.

Council Member Holly made a motion to pass and publish ordinance 2410-23 according to law, seconded by Council Member Mangan. Motion carried by the following vote: “yes” Council Members Bresnahan, Holly, Lee, Mangan, Olivera, and Triggiano.

The borough attorney read the title of ordinance 2411-23 for second reading and adoption.

**ORDINANCE AMENDING AND SUPPLEMENTING AND SUPPLEMENTING CHAPTER 16 (FEES), SECTION 22-56 (WATER METER & REMOTE READING SENSORS REPAIR FEES) OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

Council Member Bresnahan made a motion to open the hearing to the public, seconded by Council Member Holly. 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 Olivera made a motion to pass and publish ordinance 2411-23 according to law, seconded by Council Member Holly. Motion carried by the following vote: “yes” Council Members Bresnahan, Holly, Lee, Mangan, Olivera, and Triggiano.

### **ORDINANCES – First Reading**

The borough attorney read the title of ordinance 2412-23 for first reading and introduction.

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

### **Committee Reports**

Beach Committee – Council Member Bresnahan advised that he does not have a report at this time.

Public Works & Construction Committee – Council Member Holly advised that he does not have a report at this time

Public Safety Committee – Council Member Lee reported on recommendations and curfews for Halloween.



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

Administration and Finance Committee - Council Member Olivera reported on the personnel policy and procedures that was updated by resolution. He thanked everyone involved in updating the personnel policies and advised that the State and JIF make a lot of changes as the year goes on and it is ever changing our personnel policies. He thanked everyone from Tourism and all they do for the town.

Code & Land Use Committee – Council Member Triggiano reported on the code/construction/zoning activities.

**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.

Council Member Mangan made a motion to close the regular meeting at 7:31 p.m., seconded by Council Member Lee. Motion carried unanimously.

Respectfully submitted,



Barbara Ilaria  
Municipal Clerk

DATE APPROVED 11/13/2023