

MARCH 4, 2024

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on March 4, 2024 with Mayor Michael Mangan presiding. This meeting was held in person at Borough Hall and via Zoom.

Mayor Mangan 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 Mangan stated that zoom meetings are a courtesy and if the zoom platform fails the meeting will continue in person.

Mayor Mangan 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, Jay Bryant, Brian Holly, Gregg Olivera, Lori Triggiano, and Sheila Vidreiro

Absent: None

Councilman Olivera joined the meeting at 7:02 p.m.

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

**Audience Participation**

Councilwoman Triggiano made a motion to open the meeting to the public, seconded by Councilwoman Vidreiro. Motion carried unanimously.

There being no comment Councilman Holly made a motion to close the public portion, seconded by Councilman Bresnahan. Motion carried unanimously.

**Engineer's Monthly Report**

Joseph Rafferty from Colliers Engineering went over the engineer's report for February 2024.

**Consent Agenda**

**RESOLUTION**

**74-2024**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Assistant Recreation Supervisors on an as needed basis.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 4<sup>th</sup> day of March 2024 appoint the following:

<b>Name</b>	<b>Address</b>	<b>Title</b>	<b>Rate of Pay (Hourly/ Salary/ Seasonal)</b>	<b>Effective Date</b>	<b>Hours (Part Time/ Seasonal)</b>
Caitlen Whalen	Manasquan	Assistant Recreation Supervisor (Borough Title-Recreation Program Coordinator)	\$24.50/hour	02/20/2024	Part-Time as needed
Anthony Esdaile	Manasquan	Assistant Recreation Supervisor (Borough Title-Recreation Program Coordinator)	\$24.50/hour	02/20/2024	Part-Time as needed
Kyle Quigley	Wall Township	Assistant Recreation Supervisor (Borough Title-Recreation Program Coordinator)	\$24.50/hour	02/20/2024	Part-Time as needed

**RESOLUTION**

**77-2024**

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**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: Marshall McDonald  
25 Parker Avenue  
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$900.00

Scott Farkas  
2403 Sycamore Street  
Manasquan, NJ

AMOUNT OF REFUND DUE \$900.00

**REASON:** Boat Lessees paid for their boat slips and then downsized to smaller boat slip at a lower cost.

**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 be charged against the General Ledger.

**RESOLUTION  
78-2024**

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

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

NAME: JACOBS DEMOLITION AND CARTING LLC  
PO BOX 9  
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$150.00

REASON FOR REFUND: DUMPSTER PERMIT FEE RETURN –  
103 S. JACKSON AVE

**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  
79-2024**

**WHEREAS**, at the February 5, 2024 meeting of the Borough Council of the Borough of Manasquan, approved Resolution 46-2024 releasing the Performance Guarantee in the amount of \$10,779.00 to Manasquan Holding LLC. /Levin Management for the CVS Construction Project in accordance with the Municipal Land Use Law.

**WHEREAS**, it has been determined that Resolution 46-2024 should be amended to read that the Performance Bond should be released to Allstate Construction Corporation/ CVS.

**NOW THEREFORE BE IT RESOLVED** that the Borough of Manasquan authorizes the amendment to this resolution to reflect the correct name of Allstate Construction.

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**RESOLUTION  
80-2024**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
RELEASING THE PERFORMANCE BOND/GUARANTEE TO  
FERNANDES CONSTRUCTION COMPANY INC**

**WHEREAS**, Fernandes Construction Company Inc. posted a performance guarantee in the amount of \$367,303.20 for the 2023 Mount Lane and Euclid Avenue Improvements Project; and

**WHEREAS**, a review of the bonded items, shows that all bonded items are installed and are acceptable; and

**WHEREAS**, the Governing Body of the Borough of Manasquan is desirous of releasing the performance guarantee in the amount of \$367,303.20; and

**WHEREAS**, the release of this performance guarantee is specifically conditioned upon Fernandes Construction Company posting a two (2) year maintenance bond in the amount of \$55,713.55 in accordance with the Municipal Land Use Law.

**NOW, THEREFORE BE IT RESOLVED** on the 4<sup>th</sup> day of March 2024, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The performance guarantee in the amount of \$367,303.20 posted by Fernandes Construction Company Inc. may be released.
2. The Chief Financial Officer is authorized to return the bond in the sum of \$367,303.20 to Fernandes Construction Co.
3. A certified copy of this Resolution shall be sent to:

Fernandes Construction Co. Inc.  
25 Stonegate Drive  
Monroe, NJ 08834

**RESOLUTION  
81-2024**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
RELEASING THE PERFORMANCE BOND/GUARANTEE TO  
FERNANDES CONSTRUCTION COMPANY INC**

**WHEREAS**, Fernandes Construction Company Inc. posted a performance guarantee in the amount of \$218,384.70 for the 2023 South Street Parking Lot Improvements Project; and

**WHEREAS**, a review of the bonded items, shows that all bonded items are installed and are acceptable; and

**WHEREAS**, the Governing Body of the Borough of Manasquan is desirous of releasing the performance guarantee in the amount of \$218,384.70; and

**WHEREAS**, the release of this performance guarantee is specifically conditioned upon Fernandes Construction Company posting a two (2) year maintenance bond in the amount of \$32,049.64 in accordance with the Municipal Land Use Law.

**NOW, THEREFORE BE IT RESOLVED** on the 4<sup>th</sup> day of March 2024, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The performance guarantee in the amount of \$218,384.70 posted by Fernandes Construction Company Inc. may be released.

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2. The Chief Financial Officer is authorized to return the bond in the sum of \$218,384.70 to Fernandes Construction Co.
3. A certified copy of this Resolution shall be sent to:

Fernandes Construction Co. Inc.  
25 Stonegate Drive  
Monroe, NJ 08834

**RESOLUTION  
82-2024**

**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 for the 1st quarter, 2023 water sewer billing to the following:

NAME: ROBERT & DIANA JASPAN  
75 WORDSWORTH ROAD  
BRICK, NJ 08724

PROPERTY: 492 BRIELLE ROAD

AMOUNT OF REFUND DUE: \$344.94

REASON FOR REFUND: OVERPAYMENT/PROPERTY SOLD

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough Of Manasquan hereby ratify the refunds in the said amount to the above listed homeowners.

**RESOLUTION  
83-2024**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey appoints Patricia Lang from provisional to permanent Senior Payroll Clerk/Account Clerk after the appointee has met all the civil service requirements for the position. No salary changes.

**RESOLUTION  
84-2024**

**WHEREAS**, the Borough of Manasquan desires to apply to the State of New Jersey Department of Agriculture Division of Plant Industry for Spotted Lanternfly Program 2024 – 2026 Spotted Lanternfly Population Reduction/Chemical Control Treatment Grant.

**NOW THEREFORE BE IT RESOLVED**, by the Brough Council of the Borough of Manasquan, Monmouth County, New Jersey on this 4<sup>th</sup> day of March 2024 does hereby authorize the application for such a grant.

**BE IT FURTHER RESOLVED** that upon receipt of the grant agreement from the New Jersey Department of Agriculture Division of Plant Industry, Borough Council does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Manasquan and the New Jersey Department of Agriculture Division of Plant Industry.

**BE IT FURTHER RESOLVED** that the Mayor and Administrator are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

**RESOLUTION**

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85-2024

**WHEREAS**, the Borough of Manasquan is desirous of appointing Special Law Enforcement Officer Class I / Part Time Dispatch for the year 2024; and

**WHEREAS**, the Police Captain has submitted the below individual for appointment as Special Law Enforcement Officer/Part Time Dispatch for the Borough of Manasquan effective March 5, 2024, at the current contractual rate per hour.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 5<sup>th</sup> day of March 2024 appoint the below individual as SLEO Class I Officer/Part Time Dispatch in Manasquan Police Department:

Name	Title	Rate of Pay (Hourly/Salary/Seasonal)	Effective Date From and To	Hours (Part Time/ Seasonal)
Gabriella A Mason	Class I	\$16.27	3/05/2024	Part Time
	Dispatch	\$19.07	3/05/2024	Part Time

**RESOLUTION  
86-2024**

**CHANGE ORDER NO. 2**

**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: Sea Watch Recreation Building

ENGINEER: Collier Engineering & Design  
331 Newman Springs Road  
Red Bank, NJ 07701

CONTRACTOR: Imperial Construction & Electric  
505 North Broad Street  
Elizabeth NJ 07208

**CHANGE ORDER NO. 2**

AMOUNT OF CHANGE FOR THIS RESOLUTION: \$ 24,150.00

TOTAL ORIGINAL CONTRACT PRICE \$3,588,000.00

REVISED CONTRACT PRICE \$3,614,163.65

**RESOLUTION  
87-2024**

**RESOLUTION OF THE BOROUGH OF MANASQUAN OF, COUNTY OF MONMOUTH, STATE OF NEW JERSEY OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50, WHICH PROPOSES TO OVERHALL THE FAIR HOUSING ACT ("FHA") IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS**

**Mount Laurel II**

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**WHEREAS**, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

**WHEREAS**, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 (“FHA”); and

#### **The Fair Housing Act of 1985**

**WHEREAS**, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

**WHEREAS**, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder’s remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder’s remedies to try to compel them to capitulate their zoning demands; and

**WHEREAS**, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need “based on development and growth which is reasonably likely to occur” and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

**WHEREAS**, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

#### **The New Jersey Council on Affordable Housing**

**WHEREAS**, the FHA created COAH and conferred “primary jurisdiction” on COAH to administer the FHA and to implement the affordable housing policies of our State; and

**WHEREAS**, all acknowledge -- even Fair Share Housing Center (“FSHC”) -- that COAH functioned just fine in Rounds 1 and 2; and

**WHEREAS**, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

#### **Mount Laurel IV**

**WHEREAS**, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH’s failure to adopt valid regulations; and

**WHEREAS**, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

**WHEREAS**, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

**WHEREAS**, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

**WHEREAS**, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

**WHEREAS**, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

**WHEREAS**, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

**WHEREAS**, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable units and thus argued that FSHC’s calculations was not grounded in reality whatsoever; and

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**WHEREAS**, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

### **The 354 Settlements with FSHC**

**WHEREAS**, FSHC reports that it entered 354 settlements in Round 3; and

**WHEREAS**, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

**WHEREAS**, many of those Round 3 settlements will result in development during the Round 4 period; and

**WHEREAS**, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

**WHEREAS**, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

**WHEREAS**, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

### **A-4/S-50**

**WHEREAS**, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

**WHEREAS**, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

**WHEREAS**, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

**WHEREAS**, the perception that the Legislative designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

**WHEREAS**, consequently, the Legislature did not ram the bill through in the lame duck session; and

**WHEREAS**, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

**WHEREAS**, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

**WHEREAS**, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

**WHEREAS**, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

**WHEREAS**, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

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**WHEREAS**, despite elimination of just some of the gross excesses of the prior version of the bill, the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

**WHEREAS**, the Bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called “The Program”, which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

**WHEREAS**, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH’s response to their comments; and

**WHEREAS**, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and

**WHEREAS**, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

**WHEREAS**, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

**WHEREAS**, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

**WHEREAS**, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

**WHEREAS**, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

**WHEREAS**, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

**WHEREAS**, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

**WHEREAS**, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

**WHEREAS**, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and

**WHEREAS**, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

**WHEREAS**, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

**WHEREAS**, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

**WHEREAS**, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

**WHEREAS**, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and



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**WHEREAS**, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

**WHEREAS**, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

**WHEREAS**, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

**WHEREAS**, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

**WHEREAS**, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

**WHEREAS**, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

**WHEREAS**, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

**WHEREAS**, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

**WHEREAS**, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

**WHEREAS**, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

**WHEREAS**, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

**WHEREAS**, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

**WHEREAS**, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

**WHEREAS**, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

**WHEREAS** A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

**WHEREAS**, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

**WHEREAS**, the Bill suffers from a myriad of additional flaws; and

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**WHEREAS**, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

**WHEREAS**, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus.; and

**WHEREAS**, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be “onerous”; A4/S50 applies the 1,000-unit cap only to a component of the municipality’s fair share -- the prospective need – and authorizes the imposition of an obligation that is onerous; and

**WHEREAS**, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

**WHEREAS**, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

**WHEREAS**, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

**WHEREAS**, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

**WHEREAS**, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

1. The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;
2. The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;
3. The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

**WHEREAS**, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

**WHEREAS**, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

**NOW, THEREFORE, BE IT RESOLVED**, that for all of the above reasons, the Council of the Borough of Manasquan, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the Legislators in the State Assembly and Senate representing our District immediately.

**RESOLUTION  
88-2024**

**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	\$214,583.93
Water/Sewer Fund	\$22,621.53
Beach Fund	\$7,113.94
Grants	\$900.97
Recreation Trust	\$12,811.37
Misc Trust	\$15,850.91
General Capital	\$4,412.00
Grand Total	\$278,294.65

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

### Committee Reports

Public Safety Committee – Councilman Olivera advised that he does not have a report at this time.

Community Services Committee - Councilwoman Vidreiro welcomed the new recreation staff who were appointed tonight. She reported that the use of the Fieldhouse for workouts is on going from 5:30 to 7:30 am with a couple of weeks left. The recreation department is offering 2 scholarships to Manasquan residents and the committee will focus on volunteering and are due by May 6. She also reported on the Warrior for a Day which is May 4 and followed by the PBA food truck event with additional activities for Warrior for a Day starting on Friday, May 3. She reported that summer recreation camp registration has opened on Community Pass until May 15.

Land Use Committee - Councilwoman Triggiano reported on the activities in the Code/Construction/Zoning Department for the month of February.

Public Property Committee - Councilman Holly advised that he does not have a committee report at this time.

Administration Committee - Councilman Bryant advised that he does not have a committee report at this time.

Shared Services & Grants Committee- Councilman Bresnahan reported on the activities at the beach and that the beach is getting ready for the upcoming season. He advised that e-bikes are not allowed on the beach walkway and he reported on the benches and the trash cans being returned to the Inlet area.

Mayor Mangan advised that he will have the appointments to fill committee and commissions spots for the next agenda. He went over the grant for the Spotted Lantern Fly population reduction which is spearheaded by the Shade Tree Commission and he went over the resolution opposing the Affordable Housing changes.

### Audience Participation

Councilman Bryant made a motion to open the public portion, seconded by Councilman Holly. Motion carried unanimously.

Carol Wilkens Kirkman, 22 Willow Way inquired about the Spotted Lantern Fly problem areas and what would be a problem area.

Mayor Mangan stated that he was advised that there are certain trees that attract more Spotted Lantern Flies than others and the certain areas of town that have higher density of those trees.

Councilman Holly suggested Ms. Kirkman reach out to the Shade Tree Commission Chair Brian Malin.

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Elaine Noon, 43 Lakewood Road inquired about the improvements to First Avenue and wanted to know about Perrineville, Fisk in Brielle and the bike path.

Mayor Mangan stated that First Avenue is on the list for paving and the bike path has not been discussed.

Councilman Holly advised that he is in contact with the county to put a light at the bike path on N. Main and he could reach out and inquire about the bike path.

Mayor Mangan advised that Perrine Blvd. checks all the boxes for upgrades and will probably be the most expensive street the borough will have to improve, and that Fisk is located in Brielle.

Mary Ryan, 113 Beachfront for the MBIA thanked the council for the appointment of the council liaisons and look forward to working with Councilman Bresnahan and Councilwoman Vidreiro.

Councilman Bresnahan made a motion to close the public portion, seconded by Councilman Holly. 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.

Councilman Holly made a motion to close the regular meeting at 7:44 p.m., seconded by Councilwoman Triggiano. Motion carried unanimously.

DATE APPROVED 4/15/2024