

APRIL 20, 2020

Regular Virtual Meeting of Mayor and Council was convened at 7:00 p.m. on April 20, 2020 by audio conference via google meetings 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, Michael Mangan, Gregg Olivera, Richard Read, and James Walsh

Absent: None

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

Council Member Walsh made a motion to withdraw resolution 106-2020, seconded by Council Member Lee. Motion carried unanimously.

Council Member Mangan made a motion to withdraw resolution 103-2020, seconded by Council Member Walsh. Motion carried unanimously.

Council Member Mangan stated these resolutions are being withdrawn because there is lack of direction from the State as to how to proceed with these items.

Council Member Olivera stated that once the Borough does get the guidance the public will be notified immediately.

Council Member Mangan made a motion to withdraw Ordinance 2316-20, seconded by Council Member Read. Motion carried by the following vote: "yes" Council Members Bryant, Lee, Mangan, Olivera, Read, and Walsh. "No" none.

### **Audience Participation**

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

Mr. Flarity stated that he received an email from Mary Ryan, 113 Beachfront inquiring about resolution 98-2020 regarding an encroachment agreement. He read the email which asked a few questions related to the encroachment and issues at the house over the past few years.

Mr. Flarity stated that the resolution would approve a 5 year extension of an existing encroachment agreement allowing the owners to maintain an encroachment on borough property for a yearly fee.

Council Member Mangan stated that this encroachment dates back prior to any new encroachments not being allowed on borough property. He stated that the borough does not allow any new encroachments but it is his understanding that if there is any significant improvement on the property that the encroachment will be part of the application.

Mary Ryan, 113 Beachfront voiced her concerns about the encroachment and requested that the borough look at the behavior of the summer tenants at this property before the agreement is signed.

Maria O'Donnell, potential tenant of Manasquan beachfront, 409 Ludlow Avenue, Spring Lake. She stated that she rents out her Spring Lake property and comes to Manasquan for the summer. She voiced her concerns about COVID-19 and the city's ability to provide a CO to represent that the premises is safe and free from this deadly virus. She stated that she is an attorney in Florida and has a legal background.

Mark Kitrick stated that when certificate of occupancy is issued either for year round or summer rental, the borough is not making a representation as to the health conditions it is making representation that it is up to code.

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There was discussion back and forth between Mr. Kitrick and Ms. O'Donnell regarding rental certificates.

Council Member Mangan stated that the opinion of the Borough is not to cover COVID-19 when issuing a CO.

It was suggested that Ms. O'Donnell reach out to the Mayor or the attorney tomorrow.

Mary Ryan, 113 Beachfront stated that she was happy to see Amy Spera appointed as Deputy Administrator.

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

### **Use of Borough Property**

- E36-20 Recreation Tug-O-War: Oct. 3 - 8 am to 4 pm Riverside Drive

Council Member Read made a motion to approve this request contingent on restrictions imposed by the governor, seconded by Council Member Bryant. Motion carried unanimously.

- E37-20 Beach Wedding - Riddleway Gazebo Area - Sept. 12 at 5 pm

Council Member Lee made a motion to approve this request contingent on restrictions imposed by the governor, seconded by Council Member Walsh. Motion carried unanimously.

### **CONSENT AGENDA**

#### **RESOLUTION 98-2020**

#### **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A LICENSE AGREEMENT BETWEEN THE MUNICIPALITY AND THE ESTATE OF HENRY WRIGHT'S PROPERTY IDENTIFIED ON THE MUNICIPAL TAX MAP AS BLOCK 170, LOTS 5 AND 6**

**WHEREAS**, the Borough of Manasquan ("Manasquan") and the Estate of Henry Wright have agreed to enter a license agreement relating to property identified on the municipal tax map as Block 170, Lots 5 & 6 and designated in the license agreement as the "Site"; and

**WHEREAS**, the license agreement permits the Property Owner to extend in an easterly direction over the easterly lot line of the Property onto the Borough's Right of Way.

**WHEREAS**, the calculated amount of \$718.00 is based on the square footage of improvements to improvement assessed value; and

**WHEREAS**, Borough Code 4-9.2 states "the fee to be charged for the encumbrance shall be calculated by the Tax Assessor based upon the size of the encumbrance located upon the public street, sidewalk, right-of-way, or other public way or place but in no case shall be less than one hundred (\$100.00) dollars annually for each separate encumbrance."

**THEREFORE BE IT RESOLVED**, the license agreement is for five (5) years, commencing January 1, 2020 in the amount of \$718.00 and renewable at the sole discretion of the Borough of Manasquan; and

**NOW, THEREFORE BE IT RESOLVED** on the 20<sup>th</sup> day of April, 2020, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

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1. The Mayor and Municipal Clerk are authorized and directed to execute the license agreement with the Estate of Henry Wright for the period commencing January 1, 2020 through December 31, 2024.
2. A certified copy of this resolution shall be sent to:

Estate of Henry Wright  
C/o Christina Wright  
65 Powhatan Path  
Oakland, New Jersey 07436

**RESOLUTION  
99-2020**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey confirms the appointments of Denver White, 368 Pine Avenue, Manasquan, New Jersey and Joseph Waldeyer, 69 Marcellus Avenue, Manasquan, New Jersey from provisional to permanent Full Time Laborer as of April 20, 2020. No salary change. The appointees have met all the necessary requirements and evaluations for the position.

**RESOLUTION  
100-2020**

**TAX CERTIFICATION**

**WHEREAS**, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS**, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW THEREFORE BE IT RESOLVED** by the Borough of Manasquan that Borough of Manasquan hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2019 in the amount of \$11,010.54 Documentation supporting this submission is available at 201 East Main Street, Manasquan, NJ 08736 and shall be maintained for no less than five years from this date.

**RESOLUTION  
101-2020**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling

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regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate records, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the **2019 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Manasquan Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Manasquan that Manasquan Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Sean Price to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION  
102-2020**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Manasquan Recreation Coordinators for the 2020 Season; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 20<sup>th</sup> day of April 2020 appoint the following Recreation Employees to work on an "as needed" basis during the 2020 season:

Richard Griffith	373 East Main Street	\$17.50 per hour
Douglas Wells	328 Pine Avenue	\$17.50 per hour
Jaelyn Ewing	17 Clark Street	\$17.50 per hour

**RESOLUTION  
104-2020**

**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE FY2021-2023 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT**

**WHEREAS**, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

**WHEREAS**, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

**WHEREAS**, an Agreement has been proposed under which the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1: and

**WHEREAS**, it is in the best interest of the Borough of Manasquan to enter into such an agreement.

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Borough of Manasquan, that the amendment to the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk be and same are hereby authorized to execute said amendment in accordance with the provisions of law; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its enactment.

**RESOLUTION  
105-2020**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
APPOINTING AMY SPERA AS DEPUTY ADMINISTRATOR**

**WHEREAS**, Amy Spera currently serves as the Certified Financial Officer and the Qualified Purchasing Agent; and

**WHEREAS**, Ms. Spera has been recommended for the position of Deputy Administrator in the Borough of Manasquan; and

**NOW, THEREFORE BE IT RESOLVED** on the 20<sup>th</sup> day of April, 2020, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Ms. Amy Spera is appointed as Deputy Administrator.
2. The stipend for this position is \$10,000.00 annually.
3. The effective date of this appointment is April 21, 2020.
4. A certified copy of this resolution shall be sent to:

Ms. Amy Spera  
1617 Doris Street  
Wall, NJ 07753

**RESOLUTION  
107-2020**

**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	\$140,919.40
Capital Fund	\$112.50
Water/Sewer Fund	\$20,301.40
Water/Sewer Utility Fund	

Beach Utility Fund	\$6,232.34
Beach Capital Fund	
Recreation Building Trust	\$2,243.58
Recreation Trust	\$93.83
Tourism Trust	\$5,744.00
Miscellaneous Trust I	\$1,564.00
Developer's Bond	\$3,921.53
Affordable Housing	\$507.00
Dev Trust	\$22.15
Animal Reserve	\$1,632.00

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

**Committee Reports**

Administration Committee – Council Member Read thanked council for approving Amy Spera as Deputy Administrator and is excited to see her take on this leadership role.

Finance Committee – Council Member Olivera reported that the finance committee had a meeting and advised that there were several revisions based on potential down in revenues.

Beach & Recreation Committee – Council Member Mangan congratulated Amy Spera on her appointment and is looking forward to seeing her and Administrator Flarity working together. He recognized all the department heads for all their work in particular putting together the COVID-19 relief website which is serving as the hub for all the information which is going on with the virus. He reported on recreation and the new hires and develop programs to be more social while keeping our distance. He reported that the beach remains open and the beach walk remains closed. He mentioned that the businesses will have another chance to get a loan with a new round.

Code & Zoning Committee – Council Member Bryant congratulated Amy Spera on her appointment. He reported on the code/construction/zoning numbers for the month with construction being up. He recognized the effort of Frank DiRoma, Wendy Pearce, Debra VanTrease, and Mary Salerno.

Public Safety Committee – Council Member Lee congratulated Amy Spera on her appointment. He thanked all first responders for the perseverance, strength, purpose, and commitment to Manasquan and the residents. He asked Mr. Flarity to give an update on OEM.

Mr. Flarity reported that the 5 Star COVID information hub continues to populate with excellent relative important information and he encourages everyone to visit that page. He updated the council and participants with the number of cases in Monmouth County and Manasquan. He reported that all essential retail establishments in Manasquan must require workers and customers to wear cloth face coverings while on the premise in accordance with Executive Order 122. If a customer refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point entry then the business must decline entry to the individual. Municipal parks and playgrounds remain closed until further notice in conformance with Governor Murphy's Executive Order 118. This includes the walk way along the beach and inlet as they are not large enough to permit use by many people without engaging close contact, access to the beach is limited to Ocean Avenue, Main Street, and Whiting Avenue. Parking in beach lots and along the Inlet has been restricted in order to reduce exposure to residents and public safety personnel until further notice. All rental contracts (residential real estate contracts) including transient accommodations are suspended until May 15, 2020 in conformance with Executive Order 108. He continued with the report for OEM which most of the information is posted on the website.

Chief Bauer stated that the police work in tandem with OEM on most of the projects and the administrator has brought everyone up to speed. He reported that the County property at Fisherman's Cove is also closed.

Public Works Committee – Council Member Walsh congratulated Amy Spera and recognized the efforts of Council Member Lee and Administrator Flarity for going out of their with some of the programs that are up on the 5 Star COVID platform. He recognized Council Member Read who has interfaced with the school and Pastor Gratzel. He reported that the borough received information today that the County that Broad Street will be paved on May 13.

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Mayor Donovan reported that he had a conversation with Freeholder Director Arnone about the Broad Street project and he was assured that the project would move forward. He advised that he has a conversation with the ministerium and they advised that there is plenty of food in the foodbank and offered any type of assistance that the borough might need in fulfilling the mission of the 5 Star COVID-19 Initiative. He asked that everyone pray for those suffering from COVID-19 and for those who have passed away.

### **Audience Participation**

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

Marilyn Jacobson submitted an email to Mr. Flarity inquiring about the increase in water bill and wanted to know the final cost of the water plant project and if this is the payback we get. He read the balance of her email regarding the water plant project and the final cost.

Mayor Donovan requested that Ms. Jacobson submit an OPRA request for the information she is seeking.

Council Member Walsh agreed with the Mayor.

Marilyn Jacobson, 59 McClean Avenue advised that she will make an OPRA request for the water plant information. She suggested having the beach walk way be a one way with the restrictions in place.

Amy Spera, borough CFO thanked everyone for her appointment and their kind words and is looking forward to the opportunity and stated that she couldn't ask for a better team to work with and she thanked Ms. Ryan for her kind words.

Mary Ryan, 113 Beachfront inquired about the number of deaths in Manasquan from COVID-19.

Mr. Flarity stated that information he receives is from the County.

Ms. Ryan thanked everyone for all their efforts and support during this time.

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

Council Member Walsh made a motion to close the regular meeting at 7:57 p.m., seconded by Council Member Bryant. Motion carried unanimously.

Respectively submitted,

*B. Ilaria*

Barbara Ilaria

DATE APPROVED

6/1/2020