

MAY 7, 2020

Regular Virtual Meeting of Mayor and Council was convened at 7:01 p.m. on May 7, 2020 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.

Mayor Donovan stated that resolution 112-2020 is a records keeping resolution reflecting decisions that were made by the Office of Emergency Management which does not require approval by council.

Council Member Bryant made a motion to withdraw resolution 112-2020, seconded by Council Member Read. Motion carried unanimously.

Council Member Bryant reported that the move in date for the Memorial Day Holiday will be May 22, 2020 and the code department is currently completing certificate of occupancies.

Mr. Flarity went over the Office of Emergency Management report including cases, beach opening on Memorial Day weekend, and schools will be closed for the remainder of the school year. He reported that certain parks have been opened for passive recreation only and the Inlet parking and walkway, as well as the beach walkway will remain closed. He went over guidance from the State and County regarding opening the beaches.

Council Member Mangan reported that the beach will open at 9 am on Friday, May 22, 2020 for season pass holders only, seasonal passes can only be purchased through May 15 online, and stated that the detailed information about badge pick up will be out to the public tomorrow. He went over the limited parking lot access and the limiting of patrons on the beach, beach access entrances. He reported that the beach walk will remain closed for North-South travel and will be limited to only beach access, playgrounds will be closed, and there will be a limited access to restrooms to accommodate frequent cleaning. He reported that there will be no purchase of beach badges between May 16 and June 1. He also reported that phase 2 which will be no sooner than June 1 of the beach opening will include daily badges, parking passes, shower and water, locker facilities and traveling on beach walkway. He advised that the balance of the seasonal parking passes will be on sale during phase 2. He stated that the beach will be closed at night with no access and there will be a lot of information out and message signs and additional information will be posted as it comes in regarding badge sales.

Audience Participation

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

Mr. Flarity stated that he has a total of 27 submitted questions via email prior to the meeting. He advised that 20 of the questions were related to the resolution that has been pulled.

Anthony Cortese, 432 E. Main Street stated that he raised his hand in the beginning of the meeting when the information that was being given was garbled but it has been resolved.

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 re-open the meeting the public, seconded by Council Member Bryant. Motion carried unanimously.

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Nicole Rotunda, 119 Third Avenue inquired about the reopening of the beach when Sea Girt has suspended there rentals indefinitely as of Friday afternoon and Spring Lake has suspended them until at least May 31. She voiced her concerns about opening the beach when the other towns are closed.

Mayor Donovan stated that Manasquan is trying to come up with a unified plan for all the beaches in Monmouth and the only 2 outliers were Sea Girt and Spring Lake and everyone else is on board with a Memorial Day weekend opening.

Ms. Rotunda stated that she is not talking about the beaches she is talking about opening up the seasonal rentals. She voiced her concerns about seasonal rentals being allowed for Memorial Day weekend.

There was discussion on the opening of the Borough for Memorial Day weekend.

Jeff Yaeger, 345 Beachfront inquired about groups of kids not social distancing and he wants to know if there will be ticketing or more enforcement of these violations.

Mayor Donovan stated these are not agenda items so this will be answered at the second audience participation.

Elizabeth Mezzacappa, new owner on Brielle Road inquired about how she is to handle her rentals that have a certification of occupancy for more than 10 people.

Mayor Donovan stated that this is not an agenda item so this will have to wait until the next audience participation.

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

Approval of Minutes

Regular Meeting Minutes – March 2, 2020
Budget Meeting Minutes – March 7, 2020
Regular Meeting Minutes – March 16, 2020

Council Member Bryant made a motion to approve the minutes, seconded by Council Member Read. Motion carried unanimously with Council Member Olivera abstaining from the March 2, 2020 meeting.

CONSENT AGENDA

RESOLUTION

108-2020

WHEREAS, the Borough of Manasquan is desirous of appointing a Special Law Enforcement Officers Class I for the year 2020; and

WHEREAS, the Police Captain has submitted the following individual for appointment as Special Law Enforcement Officers Class I for the Borough of Manasquan effective May 8, 2020, at the current contractual rate of \$15.03 per hour:

Avery Zilberman, Marlboro NJ

RESOLUTION

109-2020

WHEREAS, on April 28, 2020 Governor Murphy signed Executive Order No. 130, which allows municipalities to extend the grace period for property tax payments due on May 1st to June 1st. Such an extension would provide much-needed relief to homeowners struggling financially as a result of the COVID-19 pandemic.

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WHEREAS, due to the COVID-19 pandemic and the State and Federal declarations of a major disaster throughout New Jersey, the governing body of the Borough of Manasquan wishes to extend the grace period to pay 2nd quarter 2020 tax payments to Monday June 1, 2020;

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Manasquan, in the county Monmouth, that the grace period to pay 2nd quarter 2020 property taxes is hereby extended to Monday June 1, 2020.

BE IT FURTHER RESOLVED, that the rate of interest for taxes unpaid shall be calculated from date of the quarterly payment until the date of actual payment; and

BE IT FURTHER RESOLVED, any payment due before May 1, 2020 will continue to accrue interest at the rate(s) set by local ordinance; and

BE IT FURTHER RESOLVED, this Resolution shall be published in its entirety once in the official newspaper of the Borough of Manasquan, shall be posted on the Borough website, a notice inserted with 2nd quarter 2020 mailed water bills and a copy of this adopted Resolution forwarded to the Division of Local Government Services in the Department of Community Affairs.

**RESOLUTION
111-2020**

WHEREAS, due to the COVID-19 pandemic and the State and Federal declarations of a major disaster throughout New Jersey, the governing body of the Borough of Manasquan wishes to authorize the CFO and the Beach Superintendent the ability to issue requested refunds for prepaid beach badges and parking passes (excluding Sea Watch) through June 12, 2020.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 7th day of May 2020 authorize the CFO and Beach Superintendent to refund fees for prepaid beach badges and parking passes through June 12, 2020 upon written request.

**RESOLUTION
114-2020**

WHEREAS, due to COVID-19 pandemic and the State and Federal declaration of a major disaster throughout New Jersey, the governing body of the Borough of Manasquan wishes to extend the grace period for 2nd quarter 2020 Water-Sewer payments;

WHEREAS, 2nd quarter Water and Sewer Bills are currently due on May 29, 2020; and

WHEREAS, The Borough of Manasquan desires to provide an extended grace period for the 2nd quarter 2020 due May 29, 2020 only; and

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the CFO to provide an extended grace period only for the 2nd Quarter 2020 payments to June 30, 2020; and,

BE IT FURTHER RESOLVED, that the rate of interest for water and sewer balances unpaid shall be calculated from date of the quarterly payment until the date of actual payment; and

BE IT FURTHER RESOLVED, any payment due before May 29, 2020 will continue to accrue interest at the rate(s) set by local ordinance; and

BE IT FURTHER RESOLVED, that postmarks will not be accepted as date of receipt.

**RESOLUTION
113-2020**

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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	\$54,820.60
Capital Fund	\$106,683.19
Water/Sewer Fund	\$10,759.01
Water/Sewer Utility Fund	
Beach Utility Fund	\$5,482.22
Beach Capital Fund	\$6,600.00
Recreation Building Trust	\$6,321.00
Recreation Trust	\$559.36
Affordable Housing	\$242.00
Developer's Trust	\$2,250.00

Also presented by the Borough Attorney was a Temporary Capital Budget Resolution for the Mount Lane Drainage Improvement Project (Ordinance 2318-20).

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

Ordinances – First Reading

The Borough Attorney read the title of ordinance 2318-20 for introduction.

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS DRAINAGE SYSTEMS IN AND BY THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council Member Walsh made a motion to introduce ordinance 2318-20, seconded by Council Member Bryant. Motion carried by the following vote: "yes" Council Members Bryant, Lee, Mangan, Olivera, Read, and Walsh. "No" none.

Committee Reports

Finance Committee – Council Member Olivera thanked the borough staff and the leadership for the hard work and flexibility during the pandemic. He thanked the council for their approval of the grace period for taxes and water/sewer bills, as well as the temporary capital budget. He reported that the overall budget perspective the borough is looking for a May 18 introduction of the budget. He wanted to show his appreciate for all the line nurses and for the teachers who have changed the way that they have been teaching and their flexibility and agility. He wished all the mothers a Happy Mother's Day this Sunday.

Code & Zoning Committee – Council Member Bryant reported that the code/zoning/construction department had a very busy month of April. He recognized the work of the code department and all the borough employees. He advised that the staff is working from home and work continues. He reported that an Ad Hoc committee was set up to look into ways to reopen Manasquan.

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Public Works Committee – Council Member Walsh updated council on the East Main Street Project and the planned schedule to complete the project. He stated that the County Broad Street project will start tomorrow.

Public Safety Committee – Council Member Lee thanked the first responders for all their hard work and efforts. He stated that it has been a great collaborative effort of the governing body, management team, and staff has been incredible. He thanked everyone for the beach opening plan Phase One. He reported that the Chief is looking to hire two new officers from the Civil Service list. He advised that the police academy is offering limited training to accommodate social distancing. He wished everyone a Happy Mother's Day.

Administration Committee – Council Member Read reported thanked everyone for their efforts.

Beach & Recreation Committee – Council Member Mangan reported at the beginning of the meeting.

Council Member Read left the meeting at 8 pm.

Audience Participation

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

Mr. Flarity stated that he had pre-submitted questions via email and many of the questions were directly related to the concern of realtors that the Borough was going to extend the occupancy date past Friday, May 22. He stated that the occupancy date will be extended until the 22nd. He stated that he was going to refer to Jeff Yaeger, Mary Ryan, JR Fuse, Marilyn Jacobson and Karen Schwartz. He stated that the raised hands should be heard first so any of these people can ask their questions.

Marylyn Jacobson, 59 McClean Avenue inquired about the sidewalk issues on East Main Street by CVS and stated that this should not be a change order.

Council Member Walsh stated he is not certain of a change order but the sidewalk will be fixed properly.

Ms. Jacobson voiced her concerns about the sidewalk and the possibility of a change order.

Lauren Franklin, Beachfront inquired about the certain access points at the beach and how will she be able to access the beach without walking on the walkway.

Council Member Mangan stated that as of right now that is the preferred route that you take.

Jeff Yaeger, 345 Beachfront inquired about a specific COVID cleaning requirements for landlords.

Mr. Flarity stated that there are no standards set by the government regarding the cleaning from one party leaving to another party coming in.

Mr. Kitrick added that if there is any question regarding any type of health issue that they should contact the Monmouth County Health Department.

Mayor Donovan stated that Mr. Yaeger should reach out to the Monmouth County Board of Health as they might have some guidance for landlords and tenants.

Mr. Yaeger inquired about the social distancing being enforced on the beach.

Council Member Mangan stated that the Borough is hoping to continue to social distance and there will be additional patrols both from the beach patrol standpoint and the police standpoint.

Mr. Yaeger voiced his concerns on the things he has seen over the past few days regarding social distancing.

Quinn Brisben, 231 Second Avenue wanted to know if there is a list of fines related to COVID 19.

Mr. Flarity stated that if you are a landlord a list was sent out regarding rentals and the list has not been exhausted.

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Elizabeth Mezzacappa, 582-584 Brielle Road voiced her concerns about the letter that was included with the CO and the fine associated with violations. She inquired about rental units that can occupy more than 10 people.

Council Member Mangan stated that this should be handled off line after he speaks to the code/construction department.

Mary Ryan, 113 Beachfront inquired about the agenda item that referred to refund of pre-paid beach badge and parking pass payments.

Council Member Mangan stated that currently the ordinance doesn't allow for any refunds and the borough wanted to get the administrative tools to Tom. Amy, Pip, and Wally to be able to do that.

There was discussion on the resolution and why it was put on the agenda and the process.

Ms. Ryan voiced her concern about the quality of the meeting and the audio of this meeting.

Anthony Cortese, 432 East Main Street inquired about his lawn being repaired after the sidewalk was improved.

Mayor Donovan stated that the contractor will repair any lawns prior to finishing the improvements.

Mr. Cortese inquired about the Churches being opened on Memorial Day weekend.

Mayor Donovan stated that this is still under the Governor's Executive Order.

Liz Scandafuro, 554 Brielle Road voiced her concerns about the comfort of renters moving in on May 22.

Mayor Donovan stated that the Governor has extended his powers under the emergency declaration and the Borough will do the best they can to keep the residents of Manasquan safe and the visitors as well.

Nicole Rotunda, 119 Third Avenue voiced her concerns about the rentals and the timing of opening the beach.

Karen Schwartz, Chatham Township inquired about the social distancing and the code enforcement as it relates to the beach opening and rentals.

Mayor Donovan stated that the code enforcement is being handled the same way as in the past as it relates to occupancy of rentals.

Council Member Bryant stated that code enforcement will be out all weekend and will address over occupancy as needed.

Mallory Basch, 42 Lakewood Road echoed the concern about all of the people that will be coming into the area starting Memorial Day weekend and if there is going to be a plan if there is an increase in COVID 19 cases in the area.

Mayor Donovan stated that this is looked at everyday with the Office of Emergency Management.

Council Member Mangan stated that all of the council live in town and have families here. He stated that this is being taken very seriously and all the concerns are being taken in and the borough is trying to strike a delicate balance. He stated that there are a lot of interests in the town to take into consideration. He explained the process and timeline for the beach and rentals moving forward. He stated that the police and code enforcement will be out there trying to keep everyone safe.

Mayor Donovan stated that the Borough is doing the best they can with what has been sent down from the state.

Jaqueline Klosek, 433 Euclid Avenue voiced her concern about the opening of the town and the beach for rentals. She also voiced her concerns of people not wearing masks when her whole family does.

Mr. Flarity stated that he had 2 questions emailed to him that have not been addressed at tonight's meeting.

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Tim Johnston, 124 Second Avenue sent an email inquiring about parking, parking tags, restaurants, amount of people allowed into establishments and wearing masks in public.

Mayor Donovan stated that parking will be for seasonal parking passes only in the beach parking lots, there is no restriction for on street parking, and the borough is not under the control of bars and restaurants as they fall under the Governor's executive orders. He stated that there is no executive order that requires masks to be worn but the Borough is strongly recommending mask be worn where social distancing is impossible or is difficult.

Council Member Mangan reiterated that the Governor may step in and issue additional guidance for opening beaches and rentals. He stated that if an order comes down for the Governor's office the Borough will absolutely follow those orders.

Mayor Donovan stated that he has been on many calls and other contact platforms to the Governor's office requesting regional direction on this topic.

JR Fuse, 198 Third Avenue sent an email voicing his opinion on the beach opening and limit it to residents.

Mayor Donovan stated that the Public Trust Doctrine does not allow the Borough to open the beach only to specific groups or residents only. He explained some of the guidelines associated with the doctrine. He stated that social distancing is very important in controlling this pandemic.

Christina Cartalise, 237 Third Avenue inquired about if the beaches close and the remedy for renters who the purpose of the houses and will there any type of refund.

Mayor Donovan stated that would be up to the landlord.

Mr. Kitrick stated that this would be a private transaction between the landlord and the tenant and any issues with the lease would have to be resolved between the parties. He stated that this not something that the municipality would be involved in.

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

Council Member Walsh made a motion to close the regular meeting at 8:41 p.m., seconded by Council Member Mangan. Motion carried unanimously.

Respectively submitted,

B. Ilaria

Barbara Ilaria

DATE APPROVED

6/15/2020