

AUGUST 16, 2021

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on August 16, 2021 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 of Annual Meetings to the Asbury Park Press and the Coast Star, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by posting it on the official website of the borough.

Mayor Donovan welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

**ROLL CALL:** Present: Council Members Jay Bryant, Jeff Lee, and Michael Mangan

Absent: Council Members Gregg Olivera, Richard Read and James Walsh

Also present was Borough Attorney William Wells and Administrator Thomas Flarity.

### **Audience Participation**

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

Al Sauer, 109 First Avenue on behalf of the MBIA wanted to extend their sincere thanks to Mayor and Council for listening to them for more the crossing signs.

Mayor Donovan stated that this is the audience participation for items on the agenda and this subject is not on the agenda.

Mr. Sauer inquired about resolution 223-2021 and why this grant is being declined.

Mr. Flarity stated that this grant was for 21 N. Main specifically and cannot be transferred to another project. He explained the process that came up to this decline.

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

### **Proclamations**

Mayor Donovan read the following proclamations:

#### **INTERNATIONAL OVERDOSE AWARENESS DAY AUGUST 31, 2021**

*WHEREAS*, since 2001, the international community has come to together every August 31st to commemorate family members, friends, and fellow citizens who have passed away due to drug overdose; and

*WHEREAS*, in 2020, New Jersey had 3,046 overdose deaths with 186 of those in Monmouth County. From January 1 through April 30, 2021, New Jersey had 1096 overdose deaths, with 63 in Monmouth County; and

*WHEREAS*, Overdose Awareness Day is committed to providing a platform to acknowledge the grief felt by families and friends who have lost loved ones to overdose and to raise awareness that the tragedy of overdose related death is preventable; and

*WHEREAS*, drug overdose knows no limits; it does not recognize victims' race, religion, socio-economic status, or family ties; anyone can battle drug addiction and face a possible overdose; but, recognizing overdose warning signs enables and empowers families and friends to prevent overdose-related death by calling for help; and

*WHEREAS*, members of the community and organizations associated with drug abuse prevention and aid will work to remove the stigma associated with overdose-related deaths and reinforce the belief that no one should feel shame or disgrace due to an overdose-related death of a loved one; and

AUGUST 16, 2021

**WHEREAS**, organizations such as Recovery Advocates for the Shore (RAFTS) strive daily to make overdose and overdose-related deaths a thing of the past.

**NOW, THEREFORE BE IT PROCLAIMED**, I Edward Donovan, Mayor of the Borough of Manasquan, on behalf of my colleagues on the Borough Council, do hereby declare August 31, 2021 as Overdose Awareness Day in the Borough of Manasquan and ask residents to remember those who were lost, those who are struggling, and those who are in recovery.

**BE IT FURTHER RESOLVED**, true and official copies of this proclamation be spread upon the minutes of the Borough Council meeting held on August 16, 2021.

### **CELEBRATING THE OSPREY HOTEL'S 75<sup>TH</sup> ANNIVERSARY**

**WHEREAS**, the Osprey Hotel opened for business in 1946, less than two years after World War II,

**WHEREAS**, Harry S. Truman was the 33<sup>rd</sup> President of the United States when the Osprey was completed,

**WHEREAS**, the Osprey Hotel has become an iconic location at the Jersey Shore providing thousands of patrons entertainment over the past 75 years,

**WHEREAS**, no matter where you travel, when people hear you are from Manasquan, the question often arises, "Is the Osprey still there? My grandparents (or my parents, or my spouse and I) met there!"

**WHEREAS**, the Osprey Hotel once boasted of having the longest bar in the world.

**WHEREAS**, thousands of people flock to the Osprey every summer,

**WHEREAS**, the Osprey has survived several natural disasters over the years including Super Storm Sandy when the building was filled with more than 40 inches of wet sand,

**WHEREAS**, the current owners, Diane and Dave Marcks have operated the Osprey for many years,

**WHEREAS**, the Dave and Diane Marcks have been very generous and donated thousands of dollars to Manasquan events,

**NOW, THEREFOR BE IT PROCLAIMED**, I, Edward G. Donovan, Mayor of the Borough of Manasquan, on behalf of my colleagues on the Borough Council and the good people of Manasquan do hereby declare Sunday, August 21, 2021 as Osprey Hotel and Diane and Dave Marcks Day in the Borough of Manasquan and wish the Osprey and the Marcks a very happy 75<sup>th</sup> Anniversary!

**BE IT FURTHER RESOLVRD**, true and official copies of this proclamation be spread upon the minutes of the Borough Council meeting held on August 16, 2021.

**BE IT FURTHER RESOLVED**, true and official copies of this proclamation be spread upon the minutes of the Borough Council meeting held on August 16, 2021.

### **Approval of Minutes**

Regular Meeting Minutes – August 2, 2021

Council Member Lee made a motion to approve the minutes, seconded by Council Member Mangan. Motion carried unanimously.

### **CONSENT AGENDA**

### **RESOLUTION 221-2021**

**RESOLUTION OF THE BOROUGH OF MANASQUAN,  
RATIFYING THE EMERGENCY REPAIR TO A WATER MAIN AT  
FIRST AND OCEAN AVENUE**

AUGUST 16, 2021

**WHEREAS**, an emergency existed due to a Water Main Leak at First and Ocean Avenue; and

**WHEREAS**, pursuant to N.J.S.A.40A:11-6 a contract may be negotiated or awarded for a contracting unit without public advertising or solicitation of quotes therefor, when an emergency affecting the public and/or employee health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, immediate action was required for the repair of the Water Main at First and Ocean Avenue; and

**WHEREAS**, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-6 permits the authorization of an emergency purchase without prior consent by the governing body; and

**NOW THEREFORE BE IT RESOLVED**, the Borough of Manasquan, in compliance with all Local Public Contract Laws, emergency purchase provisions, does hereby ratify and approve the payment in the amount not to exceed \$21,432.50 to Mark Woszczak Mechanical Contractors, for the emergency repair of the Water Main at First and Ocean Avenue in the Borough of Manasquan.

**RESOLUTION  
222-2021**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN  
APPROVED STATE CONTRACT VENDORS FOR CONTRACTING  
UNITS PURSUANT TO N.J.S.A. 40A:11-12a**

**WHEREAS**, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Borough of Manasquan has the need on a timely basis to purchase goods or services utilizing State contracts for the purpose of the acquisition of equipment for Manasquan Police Department; and

**WHEREAS**, the Borough of Manasquan intends to enter into a contract with: Motorola Solutions, Inc., located at 1301 E. Algonquin Road, Schaumburg, IL 20196, for APX8000 Portable-All Band Radios & APX8500 Mobile Radios, State of New Jersey Contract #83909 Radio Communications Equipment & Accessories, and through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current state contracts;

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractor by approved New Jersey State Approved Contract #83909 Radio Communications Equipment & Accessories, pursuant to all conditions of the individual state contracts, with Motorola Solutions Inc. in the amount of \$191,484.80; and

**BE IT FURTHER RESOLVED**, that the governing body of the Borough of Manasquan pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

**RESOLUTION  
223-2021**

**BE IT RESOLVED**, by the Council of the Borough of Manasquan that:

AUGUST 16, 2021

**WHEREAS**, on May 1, 2020, the Borough received a grant award in the amount of \$250,000.00 from the Monmouth County Municipal Open Space Grant Program for the Clarke Property Acquisition located at 21 N. Main Street; and

**WHEREAS**, after careful consideration, the Mayor and Council have decided to decline the 2020 Monmouth County Municipal Open Space Grant for the Clarke Property Acquisition.

**NOW THEREFORE BE IT RESOLVED**, the borough is desirous of declining the 2020 Grant Award from the Monmouth County Municipal Open Space Grant in the amount of \$250,000.00.

**RESOLUTION  
224-2021**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the services of Colliers Engineering & Design Inc. d/b/a Maser Consulting, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, for purpose of submission of the 2021 Monmouth County Municipal Open Space Grant Program for the Barrier Free Park Improvements/Curtis Park Project. The fees are as follows:

Prepare, coordinate and submit a complete Grant Application package for a total amount not to exceed \$1,900.00 for the service outlined in a proposal dated August 10, 2021.

**AND BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the borough authorizes , with the provision that each subsequent task shall require additional authorization subject to the recommendation of the Governing Body.

**RESOLUTION  
225-2021**

**RESOLUTION AWARDING A CONTRACT FOR THE FIRST AVENUE IMPROVEMENTS PHASE I IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH STATE OF NEW JERSEY**

**WHEREAS**, quotes were requested and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for the First Avenue Improvements Phase I Project in the Borough of Manasquan: and

**WHEREAS**, the bids submitted for this project were:

<b>Bidders</b>	<b>Base Bid</b>	<b>Alternate A</b>	<b>Total</b>
Fernandes Construction, Inc.	\$872,394.05	\$10,550.00	\$882,944.05
Black Rock Enterprises, LLC	\$880,875.35	\$29,000.00	\$909,875.35
Meco, Inc.	\$927,164.30	\$13,000.00	\$940,164.30
Lima Charlie Construction	\$962,962.00	\$15,015.00	\$977,977.00
S. Batata Construction, Inc.	\$991,076.00	\$40,000.00	\$1,031,076.00
Earle Asphalt Company	\$1,099,313.13	\$21,200.00	\$1,120,513.13
Assuncao Brothers, Inc.	\$1,249,821.00	\$36,000.00	\$1,285,821.00

**WHEREAS**, seven (7) bids for this project were received:

**WHEREAS**, Fernandes Construction, Inc. submitted a Base Bid in the amount of \$872,394.05 with Alternate A in the amount of \$10,550.00 for a Total of \$882,944.05; and

**WHEREAS**, Borough Engineers Colliers Engineering and Design has recommended Fernandes Construction, Inc. be awarded the project with the total monetary base bid of \$872,394.05 with Alternate A in the amount of \$10,550.00 for Total Bid amount of \$882,944.05; and

**WHEREAS**, the bid by Fernandes Construction, Inc. complies with the bid specifications and includes all required documentation; and

AUGUST 16, 2021

**WHEREAS**, the Borough Council is desirous of awarding a contract to Fernandes Construction, Inc.;

**NOW, THEREFORE BE IT RESOLVED** on the 16<sup>th</sup> day of August, 2021, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

1. This award is subject to the review and approval of the Manasquan Borough attorney
2. Subject to the above conditions, a contract in the amount of \$882,394.05 with Alternate A in the amount of \$10,550.00.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Fernandes Construction Inc.
4. A certified copy of this resolution shall be sent to:

Fernandes Construction, Inc. 25 Stonegate Drive Monroe, NJ 08831	Colliers Engineering & Design 331 Newman Springs Road, Suite 203 Red Bank, NJ 07701
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**RESOLUTION  
226-2021**

**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:           MICHAEL CONFORTI  
                   62 PEARCE AVENUE  
                   MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND  
 APPLICATION #15-2021  
 62 PEARCE AVENUE  
 BLOCK: 63- LOT: 25 - ZONE: R-2

AMOUNT OF REFUND DUE: \$756.00

**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  
227-2021**

**BE IT RESOLVED** BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	\$3,338,674.05
Capital Fund	\$97.50

AUGUST 16, 2021

Water/Sewer Fund	\$44,405.69
Water/Sewer Utility Fund	
Beach Utility Fund	\$20,639.20
Beach Capital Fund	
Recreation Building Trust	\$2,370.15
Recreation Trust	\$1,786.60
Reserve for Animal Control	\$7.20
Miscellaneous Trust	\$1,600.00
Reserve for Junior Lifeguard	\$120.00
Affordable Housing Trust	\$315.00
Reserve for Developer's Trust	\$19,793.75

Council Member Bryant made a motion to approve the consent agenda, seconded by Council Member Lee. Motion carried by the following vote: "yes" Council Members Bryant, Lee, and Mangan. "No" none.

### **Ordinances – Second Reading**

The Borough attorney read the title of ordinance 2362-21 for second reading and final hearing.

**ORDINANCE TO AMEND AND SUPPLEMENT SECTION 12-12.1  
(SEA WATCH BEACH SEASON LOCKER PERMITS) OF  
CHAPTER 12 (BEACHES AND BEACHFRONT) OF THE  
BOROUGH OF MANASQUAN TO BE CONSISTENT WITH DATES  
FOR USE OF LOCKERS IN THE BOROUGH OF MANASQUAN,  
MONMOUTH COUNTY, NEW JERSEY**

Council Member Mangan made a motion to open the hearing to the public, seconded by Council Member Lee.

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

Council Member Mangan made a motion to pass and publish ordinance 2362-21 according to law, seconded by Council Member Lee. Motion carried by the following vote: "yes" Council Members Bryant, Lee, and Mangan. "No" none.

### **Committee Reports**

Public Works & Construction Committee - Council Member Bryant stated that he had nothing to report at this time.

Public Safety Committee – Council Member Lee thanked council for approving the upgrade to the police radios. He went over the summonses issued recently.

Council President Mangan stated he is reporting for the finance department tonight. He reported on the fieldhouse bond sale which closed on August 5 with an interest rate of 2.018524% which is within the budget. He reported that there was a meeting on the First Avenue Project with the residents in the area and he stated this project has been looked at over the years and that federal grant money has been received and there will be ongoing infrastructure in that area.

Mr. Flarity went over the time line of the First Avenue Project.

Mr. Mangan stated that there will be a Manasquan Night at the Blue Claws on August 19 with the Mayor throwing out the first pitch.

### **Audience Participation**

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

Pat Connolly, 65 Ocean Avenue inquired about the paving and if it would interfere with the 2021 Lighthouse tour on October 16 and 17.

AUGUST 16, 2021

Mr. Joseph Raftery, Borough Engineer stated that concrete, sidewalk and curb work is being done as well as water main and trenching and this is where fire hydrants are.

Mr. Flarity stated that they can almost always work around issues and other things that might come up as to not inconvenience programs.

Carol Budisak, 77 Beachfront presented a plan for the Sea Watch property which was created by a group of residents last fall and was in response the council's initial conceptual plan. She submitted her plan to the council. She voiced her concerns on the council's plan and went over the plans she submitted.

Fran Drew, 111 Third Avenue voiced her concerns and opinion on Sea Watch and does not want to see a bar at Sea Watch. She went over historic sites in town and voiced her opinion on these buildings.

Jack Drew, 111 Third Avenue inquired about the Blue Claws game and if there is a rain date.

Al Sauer, 109 First Avenue on behalf of the MBIA thanked mayor and council specifically Council Member Lee for adding the additional cross walk signs.

Mark Apostolou, 15 Cherry Place thanked the mayor and council for all their efforts and asked everyone to keep the Planning Board Secretary Mary Salerno in their prayers as well as Chief Lifeguard Doug Anderson who are both going through some tough times. He also thanked the Municipal Clerk Barbara Ilaria for what she is doing for the planning board in the secretary's absence.

Council Member Mangan made a motion to close the public portion, seconded by Council Member Lee. 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

9/7/2021