

SEPTEMBER 18, 2023

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on September 18, 2023 with Mayor Edward Donovan presiding. This meeting was held in person at Borough Hall and via Zoom.

Mayor Donovan read the statement re: Open Public Meetings Act of 1975 and that adequate notice has been provided by transmitting the Resolution to the Asbury Park Press and the Coast Star, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by posting it on the official website of the borough.

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

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

ROLL CALL: Present: Council Members Bruce Bresnahan, Brian Holly, Jeffrey Lee, Michael Mangan, and Lori Triggiano

Absent: Council Member Gregg Olivera

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

Council Member Mangan made a motion to remove resolution 253-2023 from the agenda, seconded by Council member Triggiano. Motion carried unanimously.

Audience Participation

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

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

Council Member Lee made a motion to amend the agenda to include a proclamation for prostate awareness month, seconded by Council Member Mangan.

Resolution

RESOLUTION 250-2023

AUTHORIZING THE RETIREMENT OF K-9 GEORGE AND RELINQUISHING ALL RIGHTS AND RESPONSIBILITIES FOR SAID K-9

WHEREAS, K-9 George has been deemed no longer viable to work as a Police K-9; and

WHEREAS the K-9 assigned to Lieutenant Nicholas Norcia as Handler cannot be reassigned for safety reason; and

WHEREAS the borough agreed to retire K-9 George to his Handler.

NOW THEREFORE, BE IT RESOLVED, that K-9 George assigned to Lieutenant Norcia be retired and placed with Lieutenant Norcia and his family and that the Borough of Manasquan relinquishes all rights and responsibilities for said K-9, and transfer of K-9 and Waiver of Liability Agreement has been executed.

Council Member Holly made a motion to approve this resolution, seconded by Council Member Lee. Motion carried unanimously.

Swearing In

Mayor Donovan swore in David Baez as Police Officer

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Council Member Bresnahan made a motion for a voice vote for the appointment of Officer Baez which will have a resolution at the next meeting, seconded by Council Member Holly. Motion carried by the following vote: "yes" Council Members Bresnahan, Holly, Lee, Mangan, and Triggiano. "No" none.

Council Member Holly made a motion to approve the swearing in of K9 Police Officer TAZ, seconded by Council Member Bresnahan. Motion carried by the following vote: "yes" Council Members Bresnahan, Holly, Lee, Mangan, and Triggiano. "No" none.

Proclamation

Proclaiming September 2023 as Prostate Cancer Awareness Month

WHEREAS, this year, approximately 288,300 men will be diagnosed with prostate cancer in the United States alone – one man every 2 minutes, and roughly 34,700 will die this year from the disease, about 3,500 more than 2020 – which is one man every 15 minutes; and

WHEREAS, In New Jersey, an estimated 9,460 new cases of prostate cancer will be diagnosed, and an estimated 730 deaths will occur in 2023; and

WHEREAS, Men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

WHEREAS, Prostate cancer is the most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and

WHEREAS, 1 in 8 men are diagnosed with prostate cancer in their lifetime and 1 in 6 African American men will develop prostate cancer in their lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with - and 2.1 times more likely to die from - prostate cancer than white men; and

WHEREAS, Veterans who were exposed to herbicides like Agent Orange are at increased risk for developing prostate cancer, and are more likely to have an aggressive form of the disease; and

WHEREAS, Education regarding prostate cancer and early detection strategies is critical to saving lives, preserving, and protecting our families. As well as the economic and social burden of prostate cancer is huge on families; and

WHEREAS, if caught early prostate cancer has a five-year survival rate of nearly 100%. However, for late stage prostate cancer the five-year survival rate is 31%; and

WHEREAS, many more men will be diagnosed in 2023 at a later stage because of delayed screenings and treatment due to Covid-19 and

WHEREAS, all men are at risk for prostate cancer and we encourage the citizens of Manasquan Borough to increase the importance of prostate awareness and screenings.

NOW, THEREFORE, BE IT RESOLVED; I, MAYOR EDWARD G. DONOVAN, do hereby proclaim the month of September 2023 to be PROSTATE CANCER AWARENESS MONTH in the Borough of Manasquan.

Approval of Minutes

Regular Meeting Minutes – September 5, 2023

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

Consent Agenda

RESOLUTION

248-2023

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BE IT RESOLVED that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and are hereby authorized to sign the License Agreement between the Borough of Manasquan and the PNC Bank, National Association commencing October 1, 2023 and terminating September 30, 2028 for the licensing of a portion of the premises of 107 Main Street known as "Pocket Park".

**RESOLUTION
249-2023**

WHEREAS, Borough Ordinance Section 15-2 governs the "Procedure to Handle Complaints against Rental Property Owners," and

WHEREAS, the below listed property owner was ordered to post a bond with the Municipal Clerk's Office for violating Section 15-2 during the summer of 2021; and

WHEREAS, this same property owner did not violate Section 15-2 during the summer of 2022; and

WHEREAS, Section 15-2 allows for the return of the bonds under these circumstances.

THEREFORE BE IT RESOLVED that the bond funds currently on deposit with the Borough Clerk's Office shall be returned to the following property owners:

<u>NAME</u>	<u>ADDRESS</u>	<u>\$ AMOUNT</u>
James & Noreen Boz	583 Brielle Road, Manasquan	\$1000.00

**RESOLUTION
251-2023**

WHEREAS, the Mayor and Council of the Borough of Manasquan on August 14, 2023, awarded the First Avenue Improvements Phase II to Black Rock Enterprises; and

WHEREAS, the Mayor and Council are desirous to finish the First Avenue Improvements Phase II in the most expeditious and effective manner; and

WHEREAS, Chapter 3-28.3e of the Manasquan Borough Code permits Construction between the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday; and

WHEREAS, Black Rock Enterprises, submitted a request to the Borough of Manasquan to begin construction at 7:00 a.m. Monday through Saturday.

NOW THEREFORE BE IT RESOLVED on this 18th day of September 2023, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of Jersey that Black Rock Enterprises is authorized to begin their construction at 7:00 a.m. Monday to Saturday.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Black Rock Enterprises.

**RESOLUTION
252-2023**

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: HOWARD & JO ANN LAY
43 ROGERS AVENUE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #02-2023
43 ROGERS AVENUE
BLOCK: 152 LOT: 1

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AMOUNT OF REFUND DUE: \$606.50

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
254-2023**

**RESOLUTION SUPPORTING ENVIRONMENTAL STUDY FOR
REDEVELOPMENT AT 86 MAIN STREET, MANASQUAN, NEW
JERSEY 08736**

WHEREAS, the Borough of Manasquan (the Borough) has contracted to purchase, with the intent to redevelop, the property located at 86 Main Street, Manasquan, New Jersey (the Property); and

WHEREAS, the Borough suspects that there may have been a discharge of potentially hazardous substances or waste at the Property; and

WHEREAS, the New Jersey Department of Environmental Protection (DEP) maintains the Hazardous Discharge Site Remediation Fund (the Fund) which is established to repay expenses associated with conducting a Preliminary Assessment/Site Investigation (PA/SI) to determine the possible presence of hazardous substances and waste in anticipation of the purchase of a property parcel; and

WHEREAS, it is the Borough's desire to apply to the DEP Fund for a financial grant to pay the cost of a PA/SI of the Property in order to evaluate the presence of any hazardous substance or waste; and

WHEREAS, the Borough will consider the results of the PA/SI in its decision making as to whether it will pursue the purchase of the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Manasquan is committed, contingent on the findings of the PA/SI, to the purchase of 86 Main Street, Manasquan, New Jersey for the purpose of redeveloping the property to aid in overall vehicular and pedestrian traffic safety and finds that a realistic opportunity exists for that redevelopment within a three-year period after the completion of the remediation of this site.

BE IT FURTHER RESOLVED, that the Borough will apply for reimbursement of the PA/SI through the DEP-sponsored Hazardous Discharge Site Remediation Fund.

**RESOLUTION
255-2023**

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

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

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

Current Fund	\$280,861.06
Water/Sewer Fund	\$344,038.28
Beach Fund	\$19,261.16
Grants	\$900.97
Recreation Trust	\$13,345.22

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Misc Trust	\$98,736.55
Animal Control Trust	\$1.20
General Capital	\$2,966.00
E. Virginia Pump Station	\$222,436.00
Beach Capital	\$4,387.96

Council Member Holly made a motion to approve the consent agenda, seconded by Council Member Mangan. Motion carried by the following vote: “yes” Council Members Bresnahan, Holly, Lee, Mangan, and Triggiano. “No” none.

ORDINANCES – Second Reading

The borough attorney read the title of ordinance 2409-23 for second reading and adoption.

**ORDINANCE AMENDING CHAPTER 3 (POLICE REGULATIONS)
SECTION 3-17 (MOTOR VEHICLES EXCLUDED CERTAIN
AREAS) SECTION 3-17.3 (EXCEPTIONS) AND CREATING A NEW
SECTION 3-17.2 (REGULATING MOTORIZED BICYCLES) IN
THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

Mr. Kitrick stated that there is a revision to the ordinance which is not a substantive change which is section 4b which will read any and all ordinances or parts of ordinances of the Borough of Manasquan Code inconsistent with this ordinance herewith are hereby repealed.

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

Robert Doolittle – 634 Summit Place Brielle voiced his concern and opinion about the wording of the ordinance. He went over the different types of e-bikes and suggested that the ordinance be broken down to the different types of e-bikes. He asked that the council re-consider the language in the ordinance to allow for the 6 am to 9 am be allowed on the beach walk and possibly have an age restriction.

Marlene Nice, 296 E. Virginia voiced her concern and opinion on the ordinance and believes there should be some differentiation between kids on motorized scooters that have pedals and the people who have an assist bike. She voiced her opinion on bike lanes and making it safer for people.

Council Member Mangan requested a point of clarification on the ordinance language.

Denis Nice, 296 E. Virginia voiced his concern and opinion on the ordinance and requested that all e-bikes not be clumped together as there is a distinction between the bikes. He suggested a speed limit for bikes.

Chief Tumminelli stated that e-bikes are not being banned throughout town just certain locations. He stated that there was already language in the borough code referring to the beach walk. He stated that the area of the bike path is mostly in Wall which already has the same ordinance in place. He stated that e-bikes will be banned from the sidewalks in town. He went over the issues that the borough faces with some of the class 2 e-bikes which allows the owner to remove the governor which allows the bike to go over 20 per hour. He stated that the problem is with the class 2 and 3 e-bikes.

Robert Sherman, 269 Euclid Avenue voiced his concerns about the restriction of e-bikes on the bike path.

Alfred Sauer, 109 First Avenue voiced his concerns about the enforcement of e-bikes on the beach walk and is in favor of banning them on the beach walk.

Chief Tumminelli stated that information has been sent out too minors advising that summonses can be issued for title 39 and it will follow them which will have an effect when they apply for a license.

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

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Council Member Lee made a motion to pass ordinance 2409-23 according to law, seconded by Council Member Holly. Motion carried by the following vote: “yes” Council Members Holly, Lee, Mangan, and Triggiano. “No” Council Member Bresnahan.

Committee Reports

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

Recreation Committee – Council Member Mangan reported that the local summer picnic on September 23, flag football, soccer, and other recreation events coming up. He also reported on the Senior Center building and what still needs to be done as well as the parking lot. He reported on the holiday committee which will be meeting again and there should be a presentation at the next council meeting. He reported that the 501c3 Friends of Manasquan Parks and Recreation will be meeting to go priorities for a couple of years going forward. He reported on the parking around the school and the feelings and thoughts of the residents.

Public Safety Committee – Council Member Lee congratulated Officer Baez and wished him as well as K9 Officer TAZ and his handler, Officer Quigley. He reported on the fatal boat accident that occurred last week and the Manasquan Police Department would like to recognize the efforts of everyone involved that contributed to the saving of the 2 lives. He also reported that the police department will be partaking in the national program “Operation Clear Track” which is a program for railroad safety efforts. He also reported that K9 TAZ will start his 12-week training tomorrow.

Public Works & Construction Committee – Council Member Holly reported that N. Main parking lot project is substantially finished, South Street parking lot sprinkler system has been completed, Curtis Park Christmas tree lighting, Christmas tree in the Plaza, Sea Watch demolition has started, and the new building will hopefully be done in the Spring. He also reported on the First Avenue Phase II project.

Beach Committee – Council Member Bresnahan reported on the summer and advised that Ocean Avenue walkway will be open during construction and that the bathrooms will not be open. He reported that the bathrooms at Main Street, Brielle Road, and the Inlet are open for another month or so. He stated that if anyone has any concerns regarding the beach they can reach out to him.

Audience Participation

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

Al Sauer, 109 First Avenue wanted to get more information on what is going on with Monmouth County Sewer Department at First and Ocean Ave.

Mayor Donovan stated that this project is a South Monmouth Regional Sewerage Authority project and that they are updating the pump station.

Borough Engineer Joe Raftery stated that they are doing a conduit test and this is the utilities that go out under the ocean for the transatlantic cables.

Mr. Flarity went over the SMRSA project and that it has nothing to do with the project that is being done to check on the transatlantic cables and that there will be no impact on the Sea Watch Project.

Mr. Sauer inquired about the penalty in the contract if the contractor does not perform on time.

Mr. Raftery stated that there is a fine of \$500 a day for any delay.

Carol Wilkens Kirkman, 22 Willow Way inquired if there has been any discussion on where a new boy scouts newspaper shed will be placed.

Mayor Donovan stated that newspapers can be brought to the borough recycling center and put in the mixed paper container and that newspapers can be put out on specific days for collection by DeLisa.

Jim Schneider, 285 Cedar Avenue Troop Leader stated that there is no more paper shed and the boy scouts will not be picking up any newspapers.

Ms. Kirkman inquired about the repaving of Old Squan Road and a start date.

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Mr. Flarity advised that he was told sometime in October.

Mr. Schneider on behalf of Boy Scout Troop 59 voiced his disappointment that no one on council attended the Eagle Scout Court of Honor yesterday. He voiced his opinion on how the Troop is being treated by the Mayor and Council.

There was discussion on the boy scout paper shed and the lack of communication between the council and the boy scouts and the process that took place with the communication of the removal of the paper shed.

There was discussion on different ways to fill in the boy scouts to help in town.

Robert Sherman, 269 Euclid Avenue inquired about co-mingling.

Mayor Donovan stated that he has not seen anything stating co-mingling of recycling. He stated that he just found out about it recently.

Nancy Jordan, 261 Euclid Avenue stated that she looks forward to the Borough's investment for the holiday in Curti Park. She inquired about the landscaping portion Curtis Park and where it stands.

Council Member Holly stated that they are hoping to do landscaping in the next couple of weeks.

Jim Manser, 803 Brooklyn Avenue, Sea Girt publisher of the Coast Star stated that newspapers are not dead as they are still here covering the news.

Pamela Martin, 10 Ridge Avenue thanked Mayor and Council for the improvements to the N. Main parking lot and believes it is a win for the town, students, teachers, and the residents of the community.

Carol Wilkens Kirkman, 22 Willow Way inquired about co-mingling of recyclables and how this would work at the recycling center.

Mayor Donovan stated that the recycling center will stay the same with separating recyclables.

Council Member Holly went over different types of materials that are placed in recycling but are not actually recyclable. He stated that he will be reaching out to DeLisa for clarification.

Mary Ryan, 113 Beachfront voiced her opinion on the communication of the council with the Boy Scout Leader. She went over past experiences with the mayor and council and believes they work well together for the community. She voiced her concerns regarding e-bikes on the beach walkway and enforcement.

Mike Grady, 264 Euclid Avenue voiced his opinion on what needs to be done moving forward with the Boy Scouts.

Mary Ryan, 113 Beachfront thanked Mr. Manser for the newspaper and she thanked Council Member Bresnahan for voting against the e-bike resolution.

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

Council Member Lee made a motion to close the regular meeting at 8:35 p.m., seconded by Council Member Holly. Motion carried unanimously.

Respectfully submitted,



Barbara Ilaria
Municipal Clerk

DATE APPROVED 10-16-23