

FEBRUARY 6, 2023

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on February 6, 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 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 stated that zoom meetings are a courtesy and that there is an issue with the audio coming in from the participants on zoom. He advised that there will be no comment from the participants on zoom because of the issue with the audio.

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, Jeff Lee, Michael Mangan, Gregg Olivera, and Lori Triggiano.

Absent: None

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

### **Audience Participation**

Council Member Triggiano made a motion to open the meeting to the public on agenda items, seconded by Council Member Lee. 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.

### **Appointment**

Mayor Donovan made the following appointment:

Manasquan Tourism – Stacy Coder -unexpired term 1/1/2023 – 12/31/2025

### **Approval of Minutes**

Reorganization Meeting Minutes – January 3, 2023

Council Member Holly made a motion to approve the minutes, seconded by Council Member Triggiano. Motion carried unanimously with Council Member Olivera abstaining.

### **Citizen Advisory Appointments – Discussion**

Council Member Mangan advised that there are 5 vacancies on the Citizen Advisory Committee, and he has some names that he would like to appoint but would like to see if the rest of the council have any recommendations. He stated that he has a note from last year to possibly add more people to the group. He stated that he is looking to appoint new members at the next council meeting.

### **Engineer's Monthly Report**

Joe Raftery from Colliers Engineering went over his monthly report. He advised that the Mount Lane project will include Euclid Avenue to The Rail and then from The Rail to Marcellus Avenue for milling and paving. He stated that there is a massive ponding issue at the NJ Transit parking lot and the Borough will be putting in e inlets and tying into the drainage system down on Virginia Avenue. He advised that they will not be touching the NJ Transit parking lot.

Council Member Mangan pointed out that there is still another phase of the Curtis Park Improvements which is landscaping.

Mr. Raftery stated that they are still waiting to hear the clarification of what the award is for phase 3 but there was unofficial word that the Borough would be getting funding.

Council Member Mangan stated that there will be a presentation regarding Sea Watch.

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Mr. Raftery stated that he would be able to present the Sea Watch Project at the next council meeting on February 21.

Council Member Lee confirmed that this would be a presentation for the general public and will be held at a council meeting.

**Consent Agenda**

**RESOLUTION  
46 -2023**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitos within the county; and

**WHEREAS**, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

**WHEREAS**, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulations (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

**WHEREAS**, the Borough of Manasquan is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

**NOW, THEREFORE, BE IT RESOLVED,**

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat, or areas harboring high populations of mosquitoes constituting either a nuisance, a hazard, or both with the understanding that:

- a) The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
- b) Such operations will be performed in compliance with applicable Federal and State regulations, and
- c) The County will notify the Manasquan Police Department when aerial pesticides operations are planned prior to commencement of such operations.

**RESOLUTION  
47-2023**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW  
JERSEY TO OPT IN TO EXAMINATION EXEMPTION CIVIL  
SERVICE HIRING PROCEDURES**

**WHEREAS**, the Borough of Manasquan, Monmouth County, State of New Jersey (hereinafter referred to as the "Borough") is a jurisdiction governed by Title 11A and the Civil Service regulations and rules established under Title 4A of the Administrative Code; and

**WHEREAS**, Section 1 of P.L.2021, c.7 (C.11A:4-1.3) provides for the Civil Service Commission to exempt a person from the requirement to take an examination for an entry level enforcement position

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provided the individual successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police training Commission within nine months from the date of hire as temporary entry-level officer; and

**WHEREAS**, P.L.2021c.7 also provides that a municipal police department may hire a person exempt from the Civil Service requirement to take an examination for an entry-level law enforcement position upon adoption of an ordinance or resolution by the governing body authorizing such hiring by the police department and the adoption of a conflict of interest and nepotism policies; and

**WHEREAS**, the legislation also require that a municipal or county police department may hire a person under this exemption only upon adoption of a conflict of interest and nepotism policy; and

**WHEREAS**, The Borough has duly established written policies governing nepotism and conflicts of interest; and

**WHEREAS**, in order to effectuate this policy, a municipality must affirmatively "opt in" by adopting a Resolution authorizing such a hiring policy; and

**WHEREAS**, Chief of Police has recommended that the Borough effectuate this policy and "opt in" to this program in the interests of efficiency, expediency, and the promotion of public safety within the Borough; and

**WHEREAS**, this "opt in" provision shall remain valid until changed by a rescinding resolution of the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan for the reasons set forth above that the Borough hereby authorizes such hiring policies related to the examination exemption as set forth in Section 1 of P.L.2021, c.7 (C.11A:4-1.3)

**BE IT FURTHER RESOLVED** that copy of this Resolution shall be transmitted to the New Jersey Civil Service Commission.

**RESOLUTION  
48-2023**

**RESOLUTION OF THE BOROUGH OF MANASQUAN,  
RATIFYING THE EMERGENCY REPAIR OF THE WATER  
SERVICE AT 155 FIRST AVENUE**

**WHEREAS**, an emergency existed due to a water line blockage at 155 First 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 line at 155 First 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 \$10,830.84 to Mark Woszczak Mechanical Contractors. for the emergency repair of the water line at 155 First Avenue in the Borough of Manasquan.

**RESOLUTION  
49-2023**

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**RESOLUTION OF THE BOROUGH OF MANASQUAN  
APPOINTING REDACTORS IN COMPLIANCE WITH DANIEL'S  
LAW REQUIREMENTS FOR THE BOROUGH OF MANASQUAN**

**WHEREAS**, the State of New Jersey adopted N.J.S.A. 47:1B-1 et seq (P.L. 2021, c.371), commonly referred to as Daniel's Law, establishing a secure portal for Covered and Authorized Persons, who will submit redaction requests of personal information from certain public records and websites; and

**WHEREAS**, the purpose of Daniel's Law is to protect active, formerly active, and retired Federal and State judicial officers, prosecutors and law enforcement officers, and their immediate family members residing with them in the same household; and

**WHEREAS**, State, County, and Municipal government agencies that post residential data on their public-facing websites must redact it for covered persons who have been approved for redaction by the Office of Information Privacy and account for paper records of the same; and

**WHEREAS**, under Daniel's Law, the Borough of Manasquan must appoint Redactors for borough websites and public records.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, and State of New Jersey that Barbara Ilaria, Registered Municipal Clerk, and Nancy Acciavatti, Deputy Clerk, be and are hereby appointed Redactors for the Borough of Manasquan in compliance with adopted N.J.S.A. 47: 1 B-1 et seq.

**RESOLUTION  
50-2023**

**BE IT RESOLVED**, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the ADT Commercial Proposal for Intrusion Security in the amount of \$3,561.38 for the Department of Public Works Office.

**RESOLUTION  
51-2023**

**WHEREAS**, the Borough of Manasquan's Personnel Policy #33 "Leave Policy" requires approval from the Mayor and Council for vacation carry over for Department Heads, and

**WHEREAS**, the Department Heads have the following 2022 vacation days and are requesting to carry them over to 2023 as permitted by policy and approval by the Mayor and Council:

Frank DiRoma	12.5 days
Erik Ertle	1 hour
Tom Flarity	18 days
Sheri Gumina	2 days
Marie Higgins	25 days
Amy Spera	2 days 2.5 hours
Barbara Ilaria	20.5 days
Nicholas Tumminelli	27 days 3 hours

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan authorize the carry over of the unused 2022 vacation days to 2023 as per Borough Policy.

**RESOLUTION  
52-2023**

**RESOLUTION AWARDING A CONTRACT FOR THE MOUNT LANE  
AND EUCLID AVENUE IMPROVMENTS IN THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH STATE OF NEW JERSEY**

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

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

<b>Bidders</b>	<b>Base Bid</b>
Fernandes Construction	\$367,303.20
Earle Asphalt	\$387,113.13
Z Brothers Concrete Contractors, Inc.	\$399,393.00
Shore Top Construction Corp.	\$414,582.00
Meco, Inc.	\$420,503.50
Black Rock Enterprises, LLC	\$428,936.50
S. Brothers, Inc.	\$476,559.30
Seacoast Construction, Inc.	\$488,605.50
James R. Ientile, Inc.	\$515,525.00

**WHEREAS**, nine (9) bids for this project were received:

**WHEREAS**, Fernandes Construction, Inc. submitted a Base Bid in the amount of \$367,303.20: and

**WHEREAS**, Borough Engineers Colliers Engineering and Design has recommended Fernandes Construction, Inc. be awarded the project with the total monetary base bid of \$367,303.20; and

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

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

**NOW, THEREFORE BE IT RESOLVED** on the 6<sup>th</sup> day of February, 2023, 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 \$367,303.20 is awarded to Fernandes Construction Inc. for this project.
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

**RESOLUTION  
53-2023**

**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 Professional Engineering services of Colliers Engineering & Design, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, to provide professional services for Construction Administration and Construction Inspection Services for Improvements to the South Street Parking Lot. The fees are as follows:

- Phase 1.0 Engineering Design/Construction Documents \$19,300.00
- Phase 2.0 Bidding Services \$2,500.00
- Phase 3.0 Construction Admin/Construction Inspection Serv. \$29,500.00
- Reimbursable Expenses \$500.00

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for a total amount not to exceed \$51,800.00 for the service outlined in a revised proposal dated January 29, 2023.

**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 Task 1.0 with the provision that each subsequent task shall require additional authorization subject to the recommendation of the Governing Body.

**RESOLUTION  
54-2023**

**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 Professional Engineering services of Colliers Engineering & Design, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, to provide professional services for Stormwater Data Collection. The fees are as follows:

- Phase 1.0 Stormwater Mapping
  - 1.1 Field Data Collection \$29,000.00
  - 1.2 MS4 Map Preparation \$2,800.00
  - 1.3 Fillable Form Generation \$3,000.00

for a total amount not to exceed \$34,800.00 for the service outlined in a revised proposal dated January 31, 2023.

**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 Phase 1.0 with the provision that each subsequent task shall require additional authorization subject to the recommendation of the Governing Body.

**RESOLUTION  
55-2023**

**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 Professional Engineering services of Colliers Engineering & Design, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, to provide professional services for Interconnection Study. The fees are as follows:

- Phase 1.0 Interconnection Study and Report \$15,000.00
- Phase 2.0 Interconnection Agreements \$10,000.00
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for a total amount not to exceed \$25,000.00 for the service outlined in a revised proposal dated April 12, 2022.

**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 Task 1.0 with the provision that each subsequent task shall require additional authorization subject to the recommendation of the Governing Body.

**RESOLUTION  
56-2023**

**WHEREAS**, the Borough of Manasquan is authorized to utilize the New Jersey Civil Service Commission (NJ CSC) "Examination Exemption Hiring Process" (see Borough Resolution #47-2023); and

**WHEREAS**, the Borough of Manasquan is desirous of appointing David Baez to the position of Police Officer in a temporary status in accordance with the requirements of the NJ CSC "Examination Exemption Hiring Process"; and

**WHEREAS**, upon appointing David Baez temporarily, the Borough of Manasquan will await official certification from the New Jersey Police Training Commission that David Baez meets all requirements necessary to be appointed into the permanent position of Police Officer; and

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**WHEREAS**, upon the Borough of Manasquan receiving certification confirmation from the New Jersey Police Training Commission, David Baez shall be considered by the Governing Body for appointment as a permanent Police Officer for the Borough of Manasquan; and

**WHEREAS**, if for some reason the New Jersey Police Training Commission declines to certify that Officer David Baez meets all necessary requirements to be appointed into the permanent position of Police Officer, David Baez will be removed from his position as temporary Police Officer.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Borough of Manasquan, County of Monmouth, State of New Jersey the following appointment is hereby authorized:

Name	Position	Effective Date	Part-Time/ Full-Time	Salary	Pensionable/Non-Pensionable
David Baez	Police Officer (Temporary)	2/6/23	Full Time	\$35,000	Non-Pensionable

1. A certified copy of this resolution shall be sent to David Baez.

**RESOLUTION  
57-2023**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Manasquan Recreation Staff Supervisors and Referees and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 6<sup>th</sup> day of February 2023 appoint the following:

Name	Title	Rate of Pay Hourly/Salary/ Seasonal	Effective Date From and To	Hours (Part Time/ Seasonal)
Griffith, Richard	Assistant Recreation Supervisor (Borough Title - Recreation Program Coordinator)	\$24.50/ hourly	01/01/23	Part-Time, hourly (as needed)
Toole, Tyler	Assistant Recreation Supervisor (Borough Title - Recreation Program Coordinator)	\$24.50/ hourly	01/01/23	Part-Time, hourly (as needed)
Wells, Douglas	Assistant Recreation Supervisor (Borough Title - Recreation Program Coordinator)	\$24.50/ hourly	01/01/23	Part-Time, hourly (as needed)
Ewing, Jaclyn	Assistant Recreation Supervisor (Borough Title - Recreation Program Coordinator)	\$24.50/ hourly	01/01/23	Part-Time, hourly (as needed)
Howell, Timothy	Basketball Referee	\$55 per game	1/14/23 - 3/11/23	N/A
Meehan, Thadeus	Winter Indoor Volleyball Referee/ Set Up & Breakdown	\$15/ hourly	1/26/23 - 3/8/23	Hourly (as needed)
Weinseimer, Elena	Winter Indoor Volleyball Referee/ Set Up & Breakdown	\$15/ hourly	1/26/23 - 3/8/23	Hourly (as needed)
Ferraro, Guilana	Winter Indoor Volleyball Referee/ Set Up & Breakdown	\$15/ hourly	1/26/23 - 3/8/23	Hourly (as needed)

**RESOLUTION  
58-2023**

**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.

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- 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	\$3,202,492.13
Water/Sewer Fund	\$171,896.61
Beach Fund	\$18,559.85
Grants	\$26,316.97
General Capital	\$185,415.55
Recreation Trust	\$31,182.07
Misc Trust	\$19,150.59

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

#### **ORDINANCES – SECOND READING**

The Borough Attorney read the title of ordinance 2389-23 for final hearing and adoption.

**BOND ORDINANCE AMENDING THE PROJECT DESCRIPTION  
SET FORTH IN SECTION 3(a) OF BOND ORDINANCE #2318-20 OF  
THE BOROUGH OF MANASQUAN, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY FINALLY ADOPTED MAY 18, 2020**

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

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

Council Member Lee made a motion to pass and publish ordinance 2389-23 according to law, seconded by Council Member Holly. Motion carried by the following vote: "yes" Council Members Bresnahan, Holly, Lee, Mangan, Olivera, and Triggiano. "No" none.

#### **ORDINANCES – FIRST READING**

The Borough Attorney read the title of ordinance 2390-23 for introduction.

**FIXING SALARIES AND COMPENSATION OF THE EMPLOYEES  
OF THE BOROUGH OF MANASQUAN**

Council Member Holly made a motion to introduce ordinance 2390-23, seconded by Council Member Triggiano. Motion carried by the following vote: "yes" Council Members Bresnahan, Holly, Lee, Mangan, Olivera, and Triggiano. "No" none.

#### **Committee Reports**

Beach Committee – Council Member Bresnahan reported that there is an Eagle Scout that will be working on the Olivia's playground for his project, he went over the beach badge sales and there have been 1,416 parking passes sold, Brielle Road bathroom repairs, railings at Brielle Road and at the Inlet and the second floor of the Inlet building. He also reported that the County is all set up for the Pompano Parking lot to finish so it can be striped.

Public Works and Construction Committee - Council Member Holly reported that public works is dealing with the sand down at the beach and he thanked the public works for their hard work.

Public Safety Committee – Council Member Lee went over the police activity for 2022. He reported that Police Sergeant Johne Ringo was awarded the 2021 Mother's Against Drunk Driving Award which is an award given to the highest number of driving while under the influence arrests for their respective department. He welcomed Officer Baez to the police department.



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Recreation Committee – Council Member Mangan reported that Tourism will be looking for an increase to their budget for 2023 as the price of fireworks has steadily gone up over the years. He reported on the recreation hires that were on the agenda tonight and he went over a few of the new programs that have started up. He advised that Manasquan is looking into a youth tackle football league. He stated that there will be a report at the next meeting to go over what activities recreation has going on and new ones coming up.

Administration and Finance Committee – Council Member Olivera reported that the budget meeting date are tentatively set for Saturday March 11 and March 18 and he reported that taxes are due on the 10<sup>th</sup> and water bills are due on the 21<sup>st</sup>.

Code and Land Use Committee – Council Member Triggiano reported on the activities in the code/construction zoning department for January.

**Audience Participation**

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

Bob Star, 50 Pearce Avenue stated that he is a new resident and inquired about parking permits for residents on the street.

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

Council Member Bresnahan made a motion to close the regular meeting at 7:28 p.m., seconded by Council Member Triggiano. Motion carried unanimously.

DATE APPROVED 2/21/2023