

Manasquan Borough Council Meeting
In- Person at Borough Hall and Virtual Zoom Meeting
October 4, 2021 7pm

In order to accommodate both in person and virtual meeting requests the Mayor and Council have established a Hybrid Meeting which will include in-person and virtual participation.

IN-PERSON MEETING

The in-person meeting will be held at Borough Hall at the above stated date and time. Masks are optional.

During the meeting, as each Audience Participation Session is reached, the Mayor will announce the opening of the Audience Participation Session. You will stand in front of the public mic and clearly state your name, and full address followed by your question or comment. The Mayor will direct the response to the speaker as applicable. Once this speaker's participation is completed, the Mayor will ask if there is another person interested in commenting. This will continue until no other members of the audience request to be heard and this Session will be formally closed.

Zoom Meeting

<https://zoom.us/j/8830046931> or 1-646-876-9923

ID# 883 004 6931

Participant Instructions
Meeting will be recorded

Instructions:

Join meeting via Zoom video:

- Click on link above or copy and paste into your browser.
- When prompted, enter the ID number provided above.
- You will automatically be put in the waiting room. At 7 pm or shortly thereafter you will be admitted to the meeting. You will automatically be put on mute. You will now be able to hear the meeting.

Join meeting via Zoom dial in (phone):

- Dial the number provided above.
- When prompted, enter the ID number provided above.
- You will automatically be put in the waiting room. At 7 pm or shortly thereafter you will be admitted to the meeting. You will automatically be put on mute. You will now be able to hear the meeting.

Mayor's Instructions

During the meeting, as each Audience Participation Session is reached, the Mayor will announce the opening of the Audience Participation Session.

If you would like to ask a question or make a comment please press *9 to raise your hand in the system if you are on the phone. When the last 4 numbers of your phone number is announced you will be unmuted to speak.

If you are participating via video scroll towards the bottom of the page to participants. This is where you can raise your hand through the system.

You must clearly state your name, and full address followed by your question or comment. The Mayor will direct the response to the speaker as applicable. Once this speaker's participation is completed, the Mayor will ask if there is another person interested in commenting. This will continue until no other members of the audience request to be heard and this Session will be formally closed.

BOROUGH OF MANASQUAN AGENDA
October 04, 2021 7:00 PM

This Regular Meeting of the Mayor and Council of the Borough of Manasquan is called pursuant to the provisions of the Open Public Meetings Law. 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. This agenda is complete to the extent known and formal action will be taken.

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

Presentation

1. Manasquan First Aid Squad

Audience Participation - Limited to Agenda Items Only (time limit of 5 minutes)

Approval of Minutes

1. Regular Meeting Minutes - September 20, 2021

Workshop Discussion:

Use of Borough Property

1. E63-21 The Samaritan Center - Community Fundraiser - Main Street - Thursday, October 28 - 5:30 to 9:30 pm (rain date 10/30/21)

Consent Agenda: These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately.

1. 246-2021 Return Planning Board Escrow - Various
2. 247-2021 Authorizing State Contract Purchase - Street Sweeper
3. 248-2021 Endorsing Monmouth County Bridge Alternatives
4. 249-2021 Certification of Annual Audit - 2020
5. 250-2021 Corrective Action Certification - 2020 Audit
6. 251-2021 Amending Boat Storage Location for 2021-2022 Season
7. 252-2021 Payment of Bills

Ordinances - Second Reading

1. 2365-21 Amending Chapter 35 Zoning - Principal Buildings

Committee Reports

Audience Participation On Any Subject (comments limited to 5 minutes)

Closed Session

1. Personnel - Litigation
2. COAH - Litigation

Adjournment

**BOROUGH OF MANASQUAN
RESOLUTION
246-2021**

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: TFM BUILDERS, LLC.
45 SEA GIRT AVENUE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #16-2018
45 SEA GIRT AVENUE
BLOCK: 45.06 LOT: 15.05 ZONE: R-2

AMOUNT OF REFUND DUE: \$974.36

NAME: BRIAN MORAN
213 PARKER AVENUE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #01-2018
402 PERRINE AVENUE
BLOCK: 133 LOT: 11 ZONE: R-2

AMOUNT OF REFUND DUE: \$542.86

NAME: MORRIS & UNION PROPERTIES, LLC.
C/O NICHOLAS PASLAWSKY/CRISTEEN QUINN
18 CURTIS AVENUE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #13-2018
139 UNION AVENUE
BLOCK: 71 LOT: 102.01 ZONE: 0

AMOUNT OF REFUND DUE: \$184.96

NAME: MATTHEW & DIANA YOUNG
18 MURIEL PLACE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #22-2021
18 MURIEL PLACE
BLOCK: 44.01 LOT: 3 ZONE: R-2

AMOUNT OF REFUND DUE: \$751.25

NAME: PATRICK KANE
 29 STELLA DRIVE
 BRIDGEWATER, NJ 08807-1839

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
 APPLICATION 11-2021
 188 THIRD AVENUE
 BLOCK: 177 LOT: 30 ZONE: R-3

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.

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the October 4, 2021 meeting.

BARBARA ILARIA, RMC, CMC
 Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
247-2021**

**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 Borough of Manasquan; and

WHEREAS, the Borough of Manasquan intends to enter into a contract with: Northeast Sweepers and Rentals Inc., located at 20 Montesano Road, Fairfield, New Jersey 07004, for a 2016 Ravo 5 iSeries Street Sweeper, through Keystone Purchasing Network Purchasing Program: KPN National Bids 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 Keystone Purchasing Network contract 3 KPN-202012-05, pursuant to all conditions of the individual state contracts, with Northeast Sweepers & Rentals, Inc. in the amount of \$199,962.93; 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

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on October 4, 2021.

BARBARA ILARIA, RMC
Municipal Clerk

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 20, 1975, I hereby state that there is annexed hereto a proper certificate of availability of funds executed by the Chief Financial Officer.

MARK G. KITRICK

Mark G. Kitrick, Esq.
Municipal Attorney
2939 Highway 34, Suite 104
Manasquan, NJ 08736

CERTIFICATION

I am the financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 4th day of October, 2021, I hereby certify to the Borough Council of the Borough of Manasquan as follows:

1. Adequate funds are available in an amount sufficient to defray the expenditure of money by the Borough under the following proposed contracts, which is pending approval by the governing body:

Northeast Sweepers & Rentals, Inc.
20 Montesano Road
Fairfield, New Jersey 07004

2. The funds certified herein as being available for the aforementioned contract have not been certified by the undersigned as being available for any other contract now pending or in force.

AMY SPERA
Chief Financial Officer

Accounts: _____

Amount \$ _____

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
248-2021**

WHEREAS, on August 12, 2021, the Monmouth County Board of Commissioners approved Resolution 2021-0596 a Resolution Supporting Preliminary Preferred Alternatives for the Monmouth County Three Bridges Scoping Study for Bridge W-7, Bridge W-8, & Bridge W-9 (A.K.A. The Glimmer Glass Bridge) in the Boroughs of Brielle and Manasquan, and

WHEREAS, the Borough of Manasquan is in accord with the individual Alternatives and Variations selected for each of the three aforementioned cited bridges.

NOW THEREFORE BEIT RESOLVED, that the Governing Body of the Borough of Manasquan endorses the selections made by the County of Monmouth in their Resolutions 2021-0596, and

BE IT FURTHER RESOLVED, that the Borough urges the County, the Federal Highway Administration, the New Jersey Transportation Planning Authority, Inc. and the New Jersey Department of Transportation to move expeditiously to complete the much needed project to ensure the public safety and to facilitate a safe passage between the Boroughs of Brielle and Manasquan.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on October 4, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
249-2021**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R. S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations,” and,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations,” as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Manasquan, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON OCTOBER 4, 2021

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF MONMOUTH

We, members of the governing body of the Borough of Manasquan, in the County of Monmouth, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Borough of Manasquan in the County of Monmouth;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2020.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations".

Edward G. Donovan, Mayor

Michael Mangan

Jason Bryant

Gregg Olivera

Jeffrey Lee

Richard Read

James Walsh

Sworn to and subscribed before me this 4th
day of November, 2021

Barbara Ilaria, Municipal Clerk

**BOROUGH OF MANASQUAN
RESOLUTION
250-2021**

WHEREAS, the Local Finance Board of the State of New Jersey has promulgated a regulation requiring that a Corrective Action Plan be prepared as part of the annual audit process; and

WHEREAS, Local Finance Notice 92-15 required that this plan be prepared by the Chief Financial Officer and approved by the Governing Body.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, County of Monmouth and State of New Jersey that they hereby approve the Corrective Action Plan for the year 2020, a requirement of the annual audit, prepared by the Chief Financial Officer and which is attached hereto and made part of this resolution.

**CORRECTIVE ACTION PLAN
2020 AUDIT**

Finding 2019-1 Interfunds existed at year end.

Corrective Action: That Interfund Accounts Receivables and Payables be eliminated by the transfer of cash.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at their meeting held on October 4, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA <u> </u> YES <u> </u> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
251-2021**

WHEREAS, the Borough of Manasquan Code, Chapter 11, Section 1.3 states establishing a winter storage facility for private boats in the Pompano Parking Lot from November 1 to May of each succeeding year; and

WHEREAS, due to the impending start of the Monmouth County Pompano Parking Lot Project and the limited access to Pompano Avenue, the Governing Body is desirous of temporarily utilizing the Fourth Avenue Parking Lot for winter boat storage from November 1, 2021 to May 1, 2022; and

NOW THEREFORE BE IT RESOLVED that the Borough of Manasquan authorizes the temporary relocation of winter boat storage from the Pompano Avenue Parking Lot to the Fourth Avenue Parking Lot from November, 1, 2021 to May, 2022.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the October 4, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
252-2021**

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	\$80,126.02
Capital Fund	\$ 28.08
Water/Sewer Fund	\$24,471.14
Water/Sewer Utility Fund	
Beach Utility Fund	\$19,326.87
Beach Capital Fund	
Recreation Building Trust	\$12,794.50
Recreation Trust	\$ 5,202.87
Affordable Hosing	\$ 1,742.50
Developer's Escrow	\$ 8,417.97

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey do hereby certify that the foregoing resolution was duly adopted by the Council at their regular meeting on October 4, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
READ						
WALSH						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2365-21**

**ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 35 (ZONING)
SECTION 35-11 (LOT, HEIGHT AND YARD
REQUIREMENT) AND SECTION 35-11.2
(PRINCIPAL BUILDINGS) OF THE BOROUGH
OF MANASQUAN CODE IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code section 35-11.2 refers to Principal Buildings; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending section 35-11.2 Principal Building requirements in Residential Zones in the Borough of Manasquan

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Chapter 35, Section 35-11 entitled Lot, Height and Yard Requirements and Section 11.2 entitled Principal Buildings of the Revised General Ordinances of the Borough of Manasquan is amended and shall read as follows:

35-11.2 Principal Buildings

- A. Only one (1) principal building shall be permitted on each lot, except in conjunction with townhouse and planned multi-family residential development.
- B. Two (2) principal buildings shall be permitted on a lot in the R-4 Beachfront One-Family Residential Zone provided that:
 - 1. A garage with a second floor living unit shall front on First Avenue and a single-family residential dwelling shall front on the beachfront.
 - 2. The minimum lot width shall be thirty (30) feet.
 - 3. The minimum lot area shall be four thousand two hundred (4,200) square feet.
 - 4. The building facing the beachfront shall be set back a minimum distance of fifteen (15) feet from the front property line.
 - 5. The garage apartment building facing First Avenue shall be set back a minimum distance of ten (10) feet from that property line.
 - 6. The two (2) buildings shall be separated a minimum distance of thirty-five (35) feet from each other.
 - 7. The maximum height of the garage apartment building facing First Avenue shall be thirty-two (32) feet.
 - 8. The maximum height of the single-family dwelling facing the beachfront shall be thirty-eight (38) feet for conforming lots and thirty-three (33) feet for non-conforming lots.
 - 9. The first-floor garage area of the building facing First Avenue shall provide an interior parking area for at least two (2) motor vehicles. Any

excess first floor area may be used for storage purposes; except vertical access to the second floor; provided, however, no living area is permitted on the first-floor garage area.

10. The garage apartment building facing First Avenue shall have a walkway, with a minimum width of three (3) feet, to provide access to the beachfront.
11. Each building shall be serviced by separate water and sewer lines.
12. No single dormer shall exceed ten (10) feet in length measured along the fascia.
13. All dormers, except stairwell and/or elevator dormers must be stepped back a minimum of two (2) feet from the exterior wall beneath it.
14. Half story must comply with the requirements outlined in Section 35-3.
15. The property shall comply with all other standards applicable in the R-4 Zone.

Section 2: Construction and effective date

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Chapter 97, et seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This ordinance shall become effective following its final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2365-21 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 7th day of September 2021 and read for the first time. The said Ordinance is going to be considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 4th day of October 2021. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

Mark G. Kitrick, Esquire
Municipal Attorney
2329 Route 34 S
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: September 7, 2021
Approved on Second Reading and Final Hearing: October 4, 2021

Edward G. Donovan
Mayor