

Manasquan Borough Council Meeting
In- Person at Borough Hall and Virtual Zoom Meeting
August 2, 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
August 02, 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

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

Approval of Minutes

1. Regular Meeting Minutes - July 6, 2021
2. Regular Meeting Minutes - July 19, 2021

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.](#) 211-2021 Emergency Purchase - Water Main Repair - E. Virginia and River Place
- [2.](#) 212-2021 Emergency Purchase - Water Main Repair Virginia and South Street
- [3.](#) 213-2021 Authorizing Clerk to Advertise for PT Crossing Guard
- [4.](#) 214-2021 Change Order #1 and Final - Euclid Avenue Improvements Phase I
- [5.](#) 215-2021 Return Dumpster Security - 181 First Avenue
- [6.](#) 216-2021 Accepting Resignation of Public Works Laborer - Woodman
- [7.](#) 217-2021 Appointing FT Laborer - Lopez
- [8.](#) 218-2021 Awarding SBLSS Tower Work - Shorelands Construction
- [9.](#) 219- 2021 Appointing Additional Beach Staff and Award Onetime Beach Manager Stipend
- [10.](#) 220-2021 Payment of Bills

Ordinances - Second Reading

- [1.](#) 2361-2021 Bond Ordinance - Acquisition of Street Sweeper

Ordinances - First Reading

- [1.](#) 2362-21 Amending Chapter 12 Beaches and Beachfront Sea Watch Locker Use End Date

Committee Reports

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

Adjournment

**BOROUGH OF MANASQUAN
RESOLUTION
211-2021**

**RESOLUTION OF THE BOROUGH OF
MANASQUAN, RATIFYING THE EMERGENCY
REPAIR TO WATER MAIN ON PIERCE COURT**

WHEREAS, an emergency existed due to a broken Water Main at 38 Pierce Court;
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 38 Pierce Court; 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 \$8,570.41 to North American Pipeline Services LLC. for the emergency repair of the Water Main on E. Virginia and River Place in the Borough of Manasquan.

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 July 20, 2020 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
212-2021**

**RESOLUTION OF THE BOROUGH OF
MANASQUAN, RATIFYING THE EMERGENCY
REPAIR TO WATER MAIN ON PIERCE COURT**

WHEREAS, an emergency existed due to a Water Main Leak at Virginia and South Street; 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 38 Pierce Court; 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 \$10,451.59 to Mark Woszczak Mechanical Contractors, for the emergency repair of the Water Main at Virginia and South Street in the Borough of Manasquan.

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 August 2, 2021 meeting.

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
213-2021**

**RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, AUTHORIZING
ADVERTISEMENT FOR A PART TIME
CROSSING GUARD**

WHEREAS, the Borough of Manasquan is in need of a part time Crossing Guard in the Manasquan Police Department; and

NOW, THEREFORE BE IT RESOLVED on the 2nd day of August, 2021, by the Borough Council of the Borough of Manasquan, hereby authorize the Clerk to advertise for a part time Crossing Guard for the Manasquan Police Department.

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 August 2, 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
214-2021**

CHANGE ORDER NO. 1 & FINAL

Be it resolved by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Euclid Avenue Area Improvements – Phase I

CONTRACTOR: Shore Top Construction Corp.

ENGINEER: Colliers Engineering & Design
331 Newman Springs Road
Red Bank, NJ 07701

Change Order No. 1 & Final

AMOUNT OF CHANGE FOR THIS RESOLUTION: (-\$3,761.13)

TOTAL AMOUNT OF CHANGE: (-\$3,761.13)

TOTAL ORIGINAL CONTRACT PRICE \$340,330.00

REVISED CONTRACT PRICE \$336,568.87

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

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 August 7, 2021.

BARBARA ILARIA, RMC, CMC
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

Municipal Attorney
Mark G. Kitrick, Esq.
2329 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 2nd day of August, 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 proposed contract, which is pending approval by the governing body:

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.

Account: _____

Amy Spera
Chief Municipal Financial Officer

	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
215-2021**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of monies are due to the following:

NAME: RONEN HOME SERVICES
83 NAVESINK AVE
FAIR HAVEN, NJ 07704-3217

AMOUNT OF REFUND DUE: \$1,000.00

REASON FOR REFUND: Dumpster Security- 1811st Ave

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 August 2, 2021 meeting.

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
216-2021**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of David Woodman from the position of Full Time Laborer in the Department of Public Works effective August 6, 2021 be and is hereby accepted.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was adopted by the Borough Council at the August 2, 2021 meeting.

BARBARA I LARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
217-2021**

**RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, APPOINTING
MAXIMINO LOPEZ AS FULL TIME LABORER IN
THE DEPARTMENT OF PUBLIC WORKS IN THE
BOROUGH OF MANASQUAN**

WHEREAS, the Borough of Manasquan (“Manasquan”) is in need of a Full-Time Laborer in the Department of Public Works; and

NOW, THEREFORE BE IT RESOLVED on the 2nd day of August, 2021, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Maximino Lopez appointed Full Time Laborer in the Department of Public Works.
2. Salary rate shall be Full Time Laborer Base Salary of \$38,297.05 per contract in affect at time of appointment.
3. The effective date of this appointment is August 16, 2021
4. A certified copy of this resolution shall be sent to:

Maximino Lopez
261 Spruce Street
Brick, NJ 087232

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 August 2, 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
RESOLUTION
218-2021**

**RESOLUTION AWARDING A CONTRACT FOR THE
SQUAN BEACH LIFE-SAVING STATION
EXTERIOR REPAIR PROJECT IN THE BOROUGH
OF MANASQUAN, COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

WHEREAS, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for the Squan Beach Life-Saving Station Exterior Repair Project; and

WHEREAS, the bids submitted for this project were:

<u>Contractor</u>	<u>Total Base Bid Amount</u>
Shorelands Construction	\$131,604
Alden Bailey Restoration Corp.	\$148,010
Paragon Restoration Corp.	\$187,600
Northeast Roof Maintenance	\$294,000

WHEREAS, upon review of the funding available for said project, the Borough retained Connolly & Hickey Historical Architects has determined the bids submitted were over the budgeted grant amount; and

WHEREAS, Connolly & Hickey Historical Architects have negotiated with the two (2) lowest bidders to amend the scope and price of the project to fit into the budgeted grant amount; and

WHEREAS, the Borough Council has determined, for the reasons set forth below, that the negotiated bid of Shorelands Construction is a responsive and responsible bid; and

WHEREAS, the Borough Council is desirous of awarding a contract to Shorelands Construction for the total bid in the amount of \$71,000 for the amended/revised scope to include the Tower work;

NOW, THEREFORE BE IT RESOLVED on the 2nd 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 Bid award is subject to the review and approval of the Bid documents by the Manasquan Borough Attorney.
2. Subject to the above condition, a contract in the amount of \$71,000 is awarded to Shorelands Construction for this revised/amended project.
3. The Mayor and Municipal Clerk are authorized and directed to execute all necessary documents to effectuate a contract with Shorelands Construction.
4. A certified copy of this resolution shall be sent to:

Shorelands Construction
7 Columbus Drive
Monmouth Beach, NJ 07750

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 the 2nd of August 2021 meeting .

BARBARA ILARIA, RMC, CMC
Municipal Clerk

CERTIFICATION

Pursuant to a resolution of the Division of Local Government Services, Local Finance Board, dated October 1, 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, ESQ.
Borough Attorney

Mark G. Kitrick, Esq.
2329 Route 34 South, 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 2nd day of August 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 proposed contract, which is pending approval by the governing body.

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.

ACCOUNT:

AMY SPERA
Chief Financial Officer

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

**BOROUGH OF MANASQUAN
RESOLUTION
219-2021**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees and award a onetime Beach Manager Stipends.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 2nd day of August, 2021 appoint the following Seasonal Beach Employees to work during the 2021 Season and award the following onetime Beach Manager Stipends.

Badge Checker	Matt Rusher	\$11.10 per hour
Office Staff	Madison Spera	\$13.00 per hour
EMT	Brett Silva	\$15.00 per hour
Crew Beach Rake	Jacob Forman	\$15.00 per hour

Beach Manager Stipend - \$3000.00

Julian Price

Tracy Sullivan

Michael Hurden

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 August 2, 2021 meeting.

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
220-2021**

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	\$365,418.89
Capital Fund	\$342,795.87
Water/Sewer Fund	\$354,656.21
Water/Sewer Utility Fund	
Beach Utility Fund	\$19,587.85
Beach Capital Fund	\$9,775.00
Recreation Building Trust	\$10,769.75
Recreation Trust	\$2,621.91
Reserve for Open Space	\$38,063.12
Reserve for Tourism	\$3,299.00
Junior Lifeguard	\$479.92
Affordable Housing	\$465.00
Dev Escrow Trust	\$3,656.00
Animal Trust	\$3,264.00

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 August 2, 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. 2361-21**

**BOND ORDINANCE PROVIDING FOR THE
ACQUISITION OF A STREET SWEEPER FOR AND
BY THE BOROUGH OF MANASQUAN, IN THE
COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING \$200,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$190,000
BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY** (with not
less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Manasquan, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$200,000, including the sum of \$10,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$190,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a street sweeper, including related equipment, costs and expenditures necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes

shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$190,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if

necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Borough to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that those other grant funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2361-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 19th day of July, 2021, and was then read for the first time. The said Ordinance will be further 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 2nd day of August, 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., Monday through Friday, except on legal holidays.

Barbara Ilaria, RMC, CMC
Municipal Clerk

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

Passed on First Reading and Introduction: July 19, 2021
Approved on Second Reading and Final Hearing: August 2, 2021

EDWARD G. DONOVAN
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2362-21**

**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.**

BE IT ORDAINED, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Section 12-12.1 (Sea Watch Beach Season Locker Permits) of Chapter 12 (Beaches and Beachfront) of the Borough of Manasquan Code is hereby amended as follows:

- a. Locker permits for Sea Watch Beach.
 1. Individuals may purchase a season permit for use of a locker at Sea Watch Beach and shall be valid from May 15th through September 30th in the year issued. The Borough of Manasquan shall not be responsible for any personal property of the permit holder. All personal property must be removed by September 30th in the year issued. If the permit holder fails to remove their personal property by that date, then the personal property shall become the property of the Borough of Manasquan.
 - (a) The locker permit fees shall be as stated in Chapter **16**, Fees.
 - (b) The Borough Council, by resolution, may adopt additional fees associated with this section.
 - (c) The locker permit shall be valid from May 15th through September 30th in the year issued.

Section 2. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 7 of the Borough of Manasquan Code not inconsistent herewith are ratified and confirmed.

Section 3. This Ordinance shall become effective immediately upon its final passage and publication.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2362-21 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of August 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 16th day of August 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 South
Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: August 2, 2021
Approved on Second Reading and Final Hearing: August 16, 2021

Edward Donovan
Mayor