

Manasquan Borough Council Meeting
In- Person at Borough Hall and Virtual Zoom Meeting
April 5, 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. All participants will be required to wear a mask the entire length of the meeting unless at the mic speaking to Mayor and Council. Microphone covers will be provided for participants wanting to speak. Temperatures will be taken using a contactless system prior to entering the Council Chambers. Hand sanitizer will be available prior to entering the Council Chambers. There is a maximum of 16 individual audience members permitted in the Council Chambers which adhere to the CDC social distancing requirements. There are seats available for couples or people living in the same household which would also adhere to CDC social distancing requirements. Seats will be marked and you may only sit in the seats that are marked appropriately.

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. Comments are limited to 2 minutes in length.

BOROUGH OF MANASQUAN AGENDA
April 05, 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 2 minutes)

Approval of Minutes

1. Regular Meeting Minutes - March 1, 2021
2. Regular Meeting Minutes - March 15, 2021
3. Budget Meeting Minutes - March 13, 2021
4. Budget Meeting Minutes - March 20, 2021

Ordinance - First Reading:

1. 2348-2021 Exceed Municipal Budget Appropriation Limits and Establish CAP Bank

BUDGET INTRODUCTION & RELATED DOCUMENTS:

Workshop Discussion:

Use of Borough Property

1. E25-21 Wedding Ceremony - Inlet/Gazebo - May 13, 2022 2-5 pm
2. E27-21 Recreation Intracoastal Tug-O-War - Inlet - October 9, 2021 - 10 am to 5 pm
3. E31-21 Block Party - First Avenue Rear - Tarpon & Timber - July 3, 2021 - 5 to 8 pm or 4:30 to 7:30 pm
4. E32-21 Women's Club Craft Fair - May 30, 2021 - 7 am to 3 pm
5. E33-21 Recreation Ukulele/Guitar Classes - Main Beach - July 8, 15,22,29 & August 5 & 12 - 6 to 9 pm
6. E34-21 PBA Fishing Contest - Mac's Pond - May 1, 2021 - 8 am to 1 pm
7. E36-21 Big Brothers/Sisters Volleyball Fundraiser - Main Beach - September 12, 2021 - 10 am to 2 pm

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. 77-2021 Authorizing Clerk to Sign Gov Pilot Agreement
2. 78-2021 Accepting Resignation -SLEO II- Dominick Pollio
3. 79-2021 Accepting Resignation -SLEO II- Austin Tedder
4. 80-2021 Authorizing Execution of Lease for 63 Atlantic Avenue
5. 82-2021 Adopting NJDOT RIGHT OF WAY Manual for Local Public Agency
6. 83-2021 Appointing Beach Crew Supervisors - Kotar & Wall
7. 84-2021 Authorizing Replacement of Light Pole by Verizon to include 5G Wireless
8. 85-2021 Establishing Main Street Pedestrian Zone 2021
9. 86-2021 Appoint Seasonal Laborer - Servidio
10. 87-2021 Appoint Pre-Season Beach Crew - Keefe
11. 88-2021 Authorizing Execution of SBLSS Use Agreement
12. 89-2021 Mallard Park Project Completion & Close Out
13. 90-2021 Payment of Bills

Resoltuion

1. 81-2020 Place to Place Transfer - Spirit of '76 Liquor License

Ordinances - Second Reading

- [1.](#) 2341-21 Amending Property Maintenance Code
- [2.](#) 2342-21 Amending Chapter 3 Littering and Nuisance Fines
- [3.](#) 2343-21 Fixing Salaries and Compensation
- [4.](#) 2344-21 Amending Chapter 15 Rental Complaints
- [5.](#) 2345-21 Amending Chapter 35 to Include Cannabis Prohibition

Ordinances - First Reading

- [1.](#) 2346-21 Amending Chapter 12 Beach - Sea Watch Parking
- [2.](#) 2347-21 Bond Ordinance - Police Body Cameras and Equipment

Committee Reports

Audience Participation On Any Subject (comments limited to 2 minutes)

Adjournment

**BOROUGH OF MANASQUAN
ORDINANCE 2348-21**

**CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Manasquan in the County of Monmouth finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 2.5% increase in the budget for said year, amounting to \$205,681.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Manasquan in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Manasquan shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$287,954.07, and that the CY 2021 municipal budget for the Borough of Manasquan be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance 2348-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan in the County of Monmouth and State of New Jersey, on the 5th day of April, 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 at 7:00 pm on the 19th day of April, 2021. At such time and place, or at any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning such Ordinance.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

Passed on First Reading and Introduction: April 5, 2020
Approved on Second Reading and Final Hearing: April 19, 2020

EDWARD G. DONOVAN, MAYOR

**BOROUGH OF MANASQUAN
RESOLUTION
77-2020**

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan that Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, be and is hereby authorized to sign the GovPilot LLC. Subscription Agreement for 6 Modules including Construction Permits, Dog Licensing, OPRA Management, CCO with Legacy Data Import, Report of Concern & Zoning for the for a term of 5 years expiring on December 31, 2025.

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 Borough Council at the April 5, 2021 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
78-2021**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Dominick Pollio from the position of Special Law Enforcement Officer II from the Manasquan Police Department effective as of March 31, 2021.

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 April 5, 2021 meeting.

BARBARA I LARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
79-2021**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Austin Tedder from the position of Special Law Enforcement Officer II from the Manasquan Police Department effective as of March 13, 2021.

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 April 5, 2021 meeting.

BARBARA I LARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
80-2021**

BE IT RESOLVED, that the Mayor of the Borough of Manasquan, be and hereby authorized to sign the 1 Year Lease Agreement between The Borough of Manasquan and Complete Orthopedic and Sports Therapy, LLS d/b/a/ Coast Rehabilitation Physical Therapy for the use of space at 63 Atlantic Avenue, as outlined in the Lease Agreement for the term of May 1, 2021 through April 30, 2022.

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 Borough Council at the April 5, 2021 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
82-2021**

**RESOLUTION ADOPTING NJDOT RIGHT OF WAY
ACQUISITION MANUAL FOR BOROUGH PROPERTY
ACQUISITIONS ON FEDERAL AID PROJECTS**

WHEREAS, the State of New Jersey Department of Transportation (NJDOT) has created a Right of Way Acquisition Manual for Local Public Agency (LPA) use on Federal Aid Projects; and

WHEREAS, the Federal Highway Administration (FHWA) has reviewed and accepted this manual as conforming with Federal grant requirements (23 CFR 719-201); and

WHEREAS, the Borough (LPA) must utilize the methodologies outlined in the Manual for procurement of real property required for FHWA grant funded projects; and

WHEREAS, the adoption of the Manual and conformance to the requirements therein are applicable to NJDOT and FHWA grant funded projects.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Manasquan of the County of Monmouth and State of New Jersey, according to the following:

- 1) The Borough shall adopt the Manual as required property acquisition policies and procedures for NJDOT and FHWA grant funded projects.

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 April 5, 2021 meeting.

BARBARA I LARIA, RMC, CMC
Municipal Clerk

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ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN
RESOLUTION
83-2021**

WHEREAS, the Borough of Manasquan is in need to hire two (2) full time Seasonal Co-Beach Maintenance Crew Supervisors for the 2021 season and the Borough Council of the Borough of Manasquan desires to appoint Ethan Kotar and Brandon Wall

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth and State of New Jersey as follows:

1. Ethan Kotar & Brandon Wall are hereby appointed as full time Co-Beach Maintenance Crew Supervisors at an hourly rate of \$19.50 for the 2021 Season.
2. Ethan Kotar and Brandon Wall are hereby appointed with the starting date of April 5, 2021.
3. That certified copy of this resolution be forwarded to Ethan Kotar and Brandon Wall.

CERTIFICATION

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 April 5, 2021 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
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ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
84-2021**

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon has entered into agreements with parties that have the lawful right to install and maintain poles in the public right-of-way which Verizon may use within the public right-of-way in the Borough of Manasquan; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

**NOW THEREFORE BE IT RESOLVED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY THAT:**

1. Permission and authority are hereby granted to Verizon to replace the existing Borough-owned light pole located directly southeast of the Borough-owned Inlet Comfort Station with a new light pole that will contain 5G wireless communications equipment and an LED streetlight.
 - A. Verizon, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon, and its successors and assigns, shall adhere with all applicable provisions of Borough of Manasquan Code Chapter 35 Section 39 et. seq., "Telecommunications Towers and Antennas".
 - C. Verizon, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Manasquan.
 - D. Such permission is hereby given upon the condition and provision that Verizon, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Manasquan, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon or its agents in connection with the use and occupancy of the subject light pole or poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Manasquan.
 - E. Verizon shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon shall include the Borough of Manasquan as an additional insured.

- F. Verizon shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- G. Verizon shall pay to the Borough of Manasquan a one - time \$1,000 fee in return for approval to replace the existing light-pole with a new light pole containing 5G wireless communications equipment and a new LED streetlight.
- H. Notwithstanding any provision contained herein, neither the Borough of Manasquan nor Verizon shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- I. This instrument shall be adopted on behalf of the Borough of Manasquan by the Borough Council of the Borough of Manasquan and attested to by the Borough of Manasquan Clerk who shall affix the Borough of Manasquan Seal thereto.
- J. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon to replace the light pole identified in Paragraph 1 above, erected within the public right-of-way of the Borough of Manasquan by parties that have the lawful right to maintain such poles.

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 April 5, 2021 meeting.

BARBARA ILARIA, RMC
 Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
85-2021**

**A RESOLUTION OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, ESTABLISHING 2021 MAIN STREET
PEDESTRIAN ZONE FOR RETAIL AND DINING
ESTABLISHMENTS IN THE BOROUGH OF
MANASQUAN**

WHEREAS, Governor Phil Murphy issued Executive Order 203, effective March 19, 2021, which imposes continued indoor capacity limitations for retail stores, restaurants, bars, etc.; and

WHEREAS, in view of these continued limitations, the Borough of Manasquan maintains its desire to assist businesses in town by re-establishing the Main Street Pedestrian Zone for Retail and Dining Establishments to promote outdoor retail and dining;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

1. The Main Street Pedestrian Zone Initiative (Initiative) is hereby established in Manasquan in 2021.
2. The Main Street Pedestrian Zone Initiative shall commence on Wednesday, April 21, 2021 and continue every Wednesday and Thursday thereafter through Thursday, September 2, 2021.
3. As such, Main Street will be closed to vehicular traffic from South Street to Route 71 on Wednesdays and Thursdays between the hours of 6 pm and 10 pm.
4. Businesses that wish to participate in this Initiative will complete and submit a Manasquan Use of Borough Property application.
5. No person or business shall operate an outdoor dining area without an appropriate permit from the Borough.
6. Outdoor dining areas located on a public sidewalk or a public right of way or fire lane are prohibited.
7. Participants shall
 - a. Plan for social distancing, public safety, and health
 - b. Submit with the application to the Office of the Borough Clerk a schematic depicting the proposed dining or retail areas, seating areas, proposed placement of barriers sectioning off dedicated eating areas, the means of pedestrian ingress and egress, and location of aisles.
 - c. Eating and drinking establishments must comply with all ABC regulations pertaining to outdoor alcohol consumption.
8. Review and approval of Initiative participant applications shall be executed by the Office of the Municipal Clerk.

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 June 1, 2020.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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MANGAN						
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ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
86-2021**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Laborers for the Department of Public Works; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 5th day of April, 2021 appoint the following Department of Public Works employee to Seasonal Laborer:

- Frank Servidio, 100 Ocean Avenue, Manasquan - hourly rate of \$15.00

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 April 5, 2021.

BARBARA ILARIA, RMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
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ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
87-2021**

WHEREAS, the Borough of Manasquan is desirous of appointing Pre-Season Beach Employees for various beach responsibilities; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 5th day of April, 2021 appoint the following Pre-Season Beach Employee to work during the 2021-2022 Pre-Season.

Crew:

Kevin Keefe \$16.50 per hour

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 April 5, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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BRYANT						
LEE						
MANGAN						
OLIVERA						
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WALSH						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
88-2021**

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan that the Municipal Clerk and the Mayor of the Borough of Manasquan, be and are hereby authorized to sign the following 2021 Agreement with the Squan Beach Life Saving Preservation Committee:

LIFE SAVING STATION USE AGREEMENT

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 Borough Council at the April 5, 2021 meeting.

BARBARA ILARIA, RMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
89-2021**

Mallard Park Project Completion – Closing Statement

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the **Borough of Manasquan** entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on **July 5, 2016** that provided **\$151,000** for **Mallard Park Phase 1** under Application No. (**#14-05**) that required certain conditions be met by the **Borough of Manasquan** prior to receipt of the aforesaid funds; and

WHEREAS, the **Borough of Manasquan** entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on **June 20, 2018** that provided **\$100,000** for **Mallard Park Phase 3** under Application No. (**#17-10**) that required certain conditions be met by the **Borough of Manasquan** prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of “Final Change Order” adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the governing body of **Borough of Manasquan** that all conditions of the on **July 5, 2016** Grant Agreement have been satisfied by the **Borough of Manasquan** and that the project has been completed; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of **Borough of Manasquan** that all conditions of the on **June 20, 2018** Grant Agreement have been satisfied by the **Borough of Manasquan** and that the project has been completed; and

BE IT FURTHER RESOLVED that the **Borough of Manasquan** made final payment to the contractor **The Dawson Corporation** per the letter of the **Office of the Borough Engineer** signed by **Joseph J. Raftery, P.E.** with a **Payment Application No 3 Final date of February 4, 2021 [Attached]** and that payment was made per voucher **PO 19-02132-3 [Attached]** on **February 16, 2021 (date of check)** under **check no. 35716 (check number)**, which are hereby attached and also on file in the Municipal Clerk’s Office.

BE IT FURTHER RESOLVED that the **Borough of Manasquan** made final payment for additional work to the vendor **Falkinburg's Tree Expert Co.** and that payment was made per voucher **PO 20-00694 [Attached]** on **May 18, 2020 (date of**

check) under **check no. 34278 (check number)**, which are hereby attached and also on file in the Municipal Clerk's Office.

BE IT FURTHER RESOLVED that the **Borough of Manasquan** made final payment for additional work to the vendor **By Design Land, Inc** and that payment was made per voucher **PO 20-01523 [Attached]** on **November 2, 2020 (date of check)** under **check no. 35177 (check number)**, which are hereby attached and also on file in the Municipal Clerk's Office.

BE IT FURTHER RESOLVED that the **Borough of Manasquan** made final payment for additional work to the vendor **Mark Woszczak Mech Contr, Inc** and that payment was made per voucher **PO 20-01586 [Attached]** on **November 2, 2020 (date of check)** under **check no. 35236 (check number)**, which are hereby attached and also on file in the Municipal Clerk's Office.

BE IT FURTHER RESOLVED that the **Borough of Manasquan** made final payment for additional work to the vendor **Fernbrook Nursery, Inc** and that payment was made per voucher **PO 20-01383 [Attached]** on **December 21, 2020 (date of check)** under **check no. 35455 (check number)**, which are hereby attached and also on file in the Municipal Clerk's Office.

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 Borough Council at the April 5, 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
90-2021**

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	\$2,731,616.02
Capital Fund	\$ 2,999.20
Water/Sewer Fund	\$ 72,255.84
Water/Sewer Utility Capital Fund	\$ 10,725.00
Beach Utility Fund	\$ 6,346.99
Beach Capital Fund	\$ 231,868.00
Recreation Building Trust	\$ 7,259.60
Recreation Trust	\$ 1,738.98
Affordable Housing	\$ 930.00
Miscellaneous Trust I	\$ 1,000.00

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 April 5, 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
81-2021**

WHEREAS, application has been made to the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey by Johannessen-Sisti, Inc. t/a Spirit of 76 Wines and Liquors for a Place-to-Place Transfer of Plenary Retail Distribution Liquor License No. # 1327-44-004-005, for “expansion of premise” located at 119 Taylor Avenue; and

WHEREAS, the pending transfer was advertised in the Asbury Park Press on March 11, 2021 and March 18, 2021, and no complaints have been filed with the Borough Clerk; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned Place-to-Place Transfer is hereby approved with the effective date of April 6, 2021.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Director of the New Jersey Division of Alcoholic Beverage Control.

CERTIFICATION

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 their regular meeting held on April 5, 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 2341-21**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 13 (PROPERTY MAINTENANCE) SECTIONS
13-1.1, (INTERNATIONAL PROPERTY MAINTENANCE
CODE /2012 ADOPTED BY REFERENCE) SECTION 13-
1.2 (COPIES ON FILE AVAILABLE FOR PURCHASE)
SECTION 13-1.3 (AMENDMENTS TO CODE) SECTION
13-4.1 (DUTY OF OWNER OR TENANT TO CUT AND
TRIM) SECTION 13-5.3 (SERVICE NOTICE) SECTION
13-5.9 (STAGNANT WATER) SECTION 13-6.3
(PROHIBITED CONDUCT) SECTION 13.2 (RESERVED)
AND CHAPTER 15 RENTAL PROPERTY SECTION 15-
1.2 (INSPECTIONS; APPLICATION FEES)**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Section 13-1 refers to Property Maintenance Code; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan, County of Monmouth is desirous of amending and supplementing certain property maintenance requirements establishing the International Property Maintenance Code as the standard for administering the Property Maintenance Code; and

WHEREAS, the Manasquan Borough Council has determined that the International Property Maintenance Code shall be the standard utilized for administering the Property Maintenance Code; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION 1: Chapter 13, Sections 13-1.1, 13-1.2, 13-1.3, 13-4.1, 13-5.9, 13-6.3 and 13.2 are hereby amended to read as follows:

13-1.1 International Property Maintenance Code/2018 adopted by reference.

The International Property Maintenance Code, 2018 is hereby adopted by reference and is incorporated as if fully set forth at length herein, except such portions of the Code as are deleted, modified and/or amended in subsection 13-1.3.

13-1.2 Copies on File; Available for Purchase.

Three (3) copies of the International Property Maintenance Code/2018, have been and are now filed in the Office of the Code Enforcement Official of the Borough of Manasquan and will remain on file in such office for use and examination by the public. Copies of the International Property Maintenance Code shall be available at the fee stated in Chapter 16 Fees;

13-1.3 Amendments to Code.

The International Property Maintenance Code, 2018, is amended as follows:

a. Section PM 101.1:

These regulations shall be known as the Property Maintenance Code of the Borough of Manasquan hereinafter referred to as the "Code".

b. Section PM-106.2 is hereby amended as follows:

Section PM-106.4

Any person, firm, entity or corporation violating any of the provisions of this Code shall, upon conviction hereof, be subject to a fine not to exceed two thousand (\$2,000.00) dollars or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the Court having jurisdiction in this matter. The Court shall have the discretion to impose a term of community service in lieu of

imprisonment. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions of this chapter, shall be deemed a separate offense.

c. Section PM-107.1:

Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible thereof in a manner prescribed in Sections PM-107.2 and PM-107.3, except that the Code Official shall not be required to issue a notice of violation to enforce the provisions of Sections, PM-702.1, PM-705.5.1 or PM-705.5.3. Notices for condemnation procedures shall also comply with Section PM-108.3.

d. Section PM-107.3:

Notice shall be deemed to be properly served to property owner or violator if a copy thereof is: (a) delivered to the property owner or violator personally; or (b) delivered at the usual place of abode of the property owner or violator to someone in the family over the age of fourteen (14) years; or (c) delivered to the authorized in-county agent; or (d) sent by first class mail or electronic mail addressed to the property owner or violator at his/her last known address. If the letter is returned showing that it was not delivered, a copy of the notice shall be posted in a conspicuous place in or about the structure affected by such notice.

e. Section PM-111.1 is hereby deleted.

f. Section PM-111.2 is hereby deleted.

g. Section PM-111.2.1 is hereby deleted.

h. Section PM-111.2.2 is hereby deleted.

h.1 Section PM-111.2.6 is hereby deleted.

h.2. Section PM-111.3 is hereby deleted.

i. Section PM-111.8 is hereby deleted.

i.1 Section PM-111.2.6 is hereby deleted.

i.2 Section PM-111.3 is hereby deleted.

j. Section PM-202.2 is hereby deleted.

k. Section PM-303.3 is hereby amended as follows:

Section PM-302.3

Homeowners shall be responsible for sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free of obstructions or from hazardous conditions. Stairs shall comply with the requirements of Sections PM-304.12.

k.1. Section PM 303.7 (Accessory Structures) is hereby amended as follows:

Section PM-302.7

All accessory structures, including detached garages, fences, bulkheads, retaining walls and other walls, shall be maintained structurally sound and in good repair.

k.2. Section 302.4 is amended and supplemented as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches.

k.3 Section PM-304.4:

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats, squirrels, rodents or other non-domestic animals or birds.

- l. Section PM-304.12 is hereby amended as follows:

Section PM-304-14

During the period from April 1st to October 1st, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

- m. Section 304.16 Driveway Areas is hereby amended as follows:

Driveway Areas:

All driveway areas shall be: (a) composed of brick, concrete, pavement or stone cover; or (b) outlined by perimeter markings of landscape ties, bricks or similar materials or planting of a height not less than twelve (12) inches and not more than twenty six (26) inches where the driveway meets the cartway.

No motor vehicle shall be parked or placed on property within any residential zone unless it is parked or placed upon a driveway area as defined above.

- n. Section PM-405.3 is hereby amended as follows:

Section PM-404.5:

For existing structures, every room occupied for sleeping purposes by one (1) occupant shall contain at least sixty (60) square feet of floor area, by two (2) occupants shall contain at least eighty (80) square feet of floor area, by three (3) occupants shall contain at least one hundred twenty (120) square feet of floor area, and a maximum of four (4) occupants shall contain at least one hundred fifty (150) square feet of floor area. New construction or renovation of 50% or greater (commenced after December 31, 2013) must comply with Section 404.4.1 of Room Area requirements of the International Property Maintenance Code/2018.

- n.1.. Section PM-405.8 is hereby amended as follows:

Section PM-404.3

Minimum Ceiling Heights: Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than six (6) feet ten (10) inches. Hallways, corridors, laundry areas, bathrooms, toilet rooms and kitchens shall have a clear ceiling height of not less than six (6) feet ten (10) inches.

Exceptions:

1. Beams or girders spaced not less than four (4) feet on center and projecting not more than six (6) inches below the required ceiling height, provided that the minimum clear height is not less than six (6) feet eight (8) inches.
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this Code, provided that no part of such dropped or furred ceiling is less than six (6) feet ten (10) inches in height.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least six (6) feet ten (10) inches over not less than one-third (1/3) of the required minimum floor area. Applicable for new construction or renovation of 50% of greater (commenced after December 31, 2013). In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.
4. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreational purposes, having a ceiling height of not less than six (6) feet eight (8) inches with not less than six (6) feet four (4) inches of clear height under beams, girders, ducts and similar obstructions.

- o. Section PM-602.2.1:

Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof, shall supply sufficient heat during the period from October 15th to May 15th to maintain the room temperature specified in Section PM-602.2 during the hours between 6:30 a.m.

and 10:30 p.m. of each day and not less than sixty degrees F. (16 degrees C.) during other hours.

p. Section PM-602.3 is amended to read as follows:

Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 15 to May 15 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours:

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

p.1. New Section PM-603.8 (Carbon Monoxide Sensor Device) is hereby amended as follows:

Carbon Monoxide Sensor Device

A minimum of one approved carbon monoxide sensor device shall be installed in accordance with the provisions of N.J.S.A. 52:27D-133.3 in a building with fewer than three dwelling units.

p.2. Section PM-605.2 is amended as follows:

Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Ground fault interrupter receptacles or ground fault breaker devices shall be installed in kitchens, bathrooms and laundry areas in accordance with standards established under the International Property Maintenance Code/2012 building and electrical codes.

q. PM-702.1 Emergency Access Route:

A clear and unobstructed path to a residential structure shall be maintained from the front entrance of the residential structure to the public right of way. The path shall be a minimum of four (4) feet in width and shall be maintained directly to the public right of way closest to the entrance to the residential structure. The beach emergency access roadway shall be considered a public right of way. A gate or similar device shall not be considered as an obstruction of the emergency access route.

r. Section PM-702.9 is hereby deleted.

s. Section PM-705.4 (Fire Extinguishers) is hereby deleted.

t. Section PM-705.5 (Smoke Detectors) is hereby amended as follows:

Section PM-704.2 (Smoke Detectors):

A minimum of one (1) approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Groups R-1 and I-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements, but exclusive of garages. In dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

A structure used or intended for use for residential purposes by not more than two households shall have installed a smoke-sensitive alarm device(s) in accordance with the provisions of N.J.S.A. 52-27D-198.1.

13-4.1. Duty of Owner or Tenant to Cut and Trim:

The owner or tenant of any lands lying within the limits of the Borough shall cut and keep cut to height of not more than two and one-half (2½) feet, all brush, hedges and other plant life growing within ten (10) feet of any street and within twenty five (25) feet of the intersection of any streets, within 2 (two) days after notice from the Borough to cut the same.

13-4.2. Failure to comply:

If the owner or tenant of any lands lying within the Borough shall refuse or neglect to cut and keep cut all brush, hedges and other plant life growing within twenty five (25) feet of the intersection of any two streets within 2 (two) days after notice from the Borough Council to cut same. The Department of Public Works shall perform all work necessary to correct violation.

13-5.3. Service of Notice

The Borough Council may, upon the receipt of a report of the Chief of Police, Code Enforcement Officer, or other person authorized to make such inspection, and upon any additional investigation or inspection that they may deem advisable, determine that it is necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove from such lands all such brush, weeds, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash or debris; and if they shall so determine, they shall cause a written notice to be served upon such owner or tenant, or person in charge of such lands, requiring the owner or tenant, or person in charge of these lands, to remove such brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash or debris from such lands within 1 (one) day after the serving of the notice to remove the same. In the event that the owner or tenant, or person in charge of such lands, cannot be found by reason of absence or removal from the Borough of Manasquan, or for any other reason or cause, or if such owner, tenant or person in charge resides outside the Borough of Manasquan, such notice shall be mailed in the post office in the Borough of Manasquan in an envelope with postage thereon prepaid, or electronic mail addressed to such owner, tenant or person in charge of the lands at his last known post office address as shown on the tax duplicate of the Borough of Manasquan, and if no address of the owner, tenant or person in charge of the lands shall appear upon the tax duplicate, then such notice shall be posted at some prominent or conspicuous place upon the lands, and such notice served, mailed or posted as aforesaid shall be deemed taken to be sufficient service of notice and the 1 (one) day period for removal shall be computed commencing on the day following the serving, mailing or posting of such notice.

13-5.9. Stagnant Water shall be amended to read as follows:

It shall be unlawful to allow, permit or suffer any stagnant water or any mosquito or other pestilence breeding place or condition to remain or exist upon any lands or property. It is unlawful to create stagnant water on public roadway or right of way.

13-5.11 Furniture shall be added as follows:

No beds, mattresses, couches, chairs or other furniture not designed or intended for outdoor use, shall be placed, stored or utilized on any porch, stoop, balcony, deck, patio or other exterior location or yard of any premises, except at curbside for bulk pickup.

13-6.3. Prohibited Conduct shall be amended to add the following:

c. It is unlawful for any property owner or tenant to paint any Borough curb yellow or any other color.

SECTION 2: CHAPTER 15 RENTAL PROPERTY

Section 15-1.2. Inspections shall amended to read as follows:

The owner of any residential rental structure or unit shall be obligated to make the residential rental unit available for inspection by the Code Enforcement Official immediately subsequent to the filing of an application for the issuance

or reissuance of a rental permit or any re-inspection required in connection with such application. The Code Enforcement Official shall conduct the initial inspection or any re-inspection within ten (10) days of the date of the filing of a complete application for a rental permit and being able to schedule an inspection or re-inspection of the property with the owner.

Upon filing an application with the Code Enforcement Official for a rental permit, the Code Enforcement Official and/or his duly authorized agents shall conduct an inspection of the rental residential unit to determine compliance with the provisions of Chapter 13, Property Maintenance, Certificate of Occupancy Checklist and all other applicable municipal ordinances.

SECTION 3: 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 2341-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 15th day of March, 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 8:00 p.m. on the 5th day of April, 2021. At such time and place, or at any such time and place to which said meeting may be adjourned, all persons interested 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 by contacting the office of the Municipal Clerk at bilaria@manasquan-nj.gov or 732-223-0544 ext. 236 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
Municipal Attorney
2329 Highway 34, Suite 104
Manasquan, New Jersey 08726

Passed on first reading and Introduction: March 15, 2021
Approved on Second reading and Final Hearing: April 5, 2021

Edward Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2342-21**

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 3 (POLICE REGULATIONS) SECTION 3-28.7
(VIOLATIONS AND PENALTIES) AND ESTABLISHING
SECTION 3-5 (PENALTIES)**

WHEREAS, Pursuant to the revised General Ordinance of the Borough Code Chapter 3 refers to Police Regulations and Section 3-28.7 refers to Violations and Penalties for Nuisance Violations and Section 3-4 et seq, refers to Litter Violations; and

WHEREAS, the Manasquan Borough Council of the Borough of Manasquan is desirous of increasing the penalty for Nuisance Ordinance Violations and establishing a minimum penalty for Litter Violations; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Section 3-5 shall be established to read as follows:

Penalties

A minimum penalty of a \$300 fine shall be imposed for Violations of Sections 3-4, 3-4.1, 3-4.2, 3-4.3, and 3-4.4 and the Penalties stated in Chapter 1, Section 1-5 requiring a minimum penalty of a \$100 fine shall not apply.

Section 2: Section 3-28.7 Violations and Penalties is hereby amended to read as follows:

Any Police Officer or Code Enforcement Officer of the Borough of Manasquan, or any taxpayer or resident of the Borough may make a complaint in the Municipal Court, of the Borough of Manasquan for any violations of this section or any subsection, paragraph, or provision thereof. Upon conviction for each violation, the person(s) committing, taking part in, or assisting in such violation(s) shall be liable for a minimum fine of \$600 and a maximum fine of \$2,000.

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. 2342-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 15th day of March 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 5th day of April 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 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, New Jersey 08736

Passed on First Reading and Introduction: March 15, 2021
Approved on Second Reading and Final Hearing: April 5, 2021

Edward Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE
2343-21**

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

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

SECTION 1. The compensation or wages to be paid to officers and employees shall be as follows:

<u>TITLE OF OFFICER OR EMPLOYEE</u>	<u>ANNUAL/HOURLY SALARY RANGE</u>
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ADMINISTRATION

Mayor and Council	\$ 2,000 to 7,150
Administrator	\$40,000 to 130,000
Municipal Clerk	\$35,000 to 128,700
Deputy Administrator	\$10,000 to \$30,000
Deputy Municipal Clerk	\$30,000 to 78,650
Recreation Superintendent	\$30,000 to 77,220
Office of Emergency Management Coordinator	\$ 2,000 to 7,800
Office of Emergency Management Deputy	\$ 2,000 to 7,800

FINANCE

Certified Municipal Tax Collector	\$ 5,000 to 114,400
Chief Financial Officer	\$15,000 to 128,700
Water/Sewer Rent Collector	\$ 3,500 to 57,200
Tax Assessor	\$ 5,000 to 57,200
Account Clerk/Typist	\$25,000 to 57,200
Senior Account Clerk	\$25,000 to 68,640
Payroll Clerk	\$25,000 to 50,050
Senior Payroll Clerk	\$25,000 to 68,640
Principal Account Clerk	\$30,000 to 70,070
Account Clerk - part-time	\$15.00 to 26.00 hour

COURT

Magistrate	\$15,000 to 57,200
Court Administrator	\$30,000 to 128,700
Deputy Court Administrator	\$12,000 to 75,790
Part-Time Docket Clerk	\$15.00 to 25.74 hour

POLICE DEPARTMENT

Police Chief	\$55,000 to 228,800
Police Records Support Tech 1	\$15,000 to 50,050
Patrol	\$35,000 to 162,500
Sergeant	\$104,767 to 175,500
Lieutenant	\$110,662 to 182,000
Captain	\$116,796 to 188,500
Special Police – Class I	\$13.00 to 27.30 hour
Special Police – Class II	\$15.00 to 38.61 hour
School Traffic Guard	\$13.00 to 35.75 hour
Dispatch	\$30,000 to 80,080
Part Time Dispatch	\$21.00 to \$32.50 hour
Police Records Clerk – part time	\$15.00 to 21.45 hour

BUILDING CODE/CONSTRUCTION

Supervising Code Enforcement Officer	\$30,000 to 121,550
Code Enforcement Official - part time	\$ 8,000 to 42,900
Code /Zoning Officer	\$ 4,000 to 31,460
Construction Code Official	\$ 6,000 to 42,900
Technical Assistant, Construction Official	\$10,000 to 71,500
Electrical Sub-Code Official	\$ 4,000 to 17,160
Fire Sub-Code Official	\$ 1,000 to 4,290
Plumbing Sub-Code Official	\$ 4,000 to 17,160
Planning Board Secretary	\$ 500 to 42,900

GENERAL

Keyboarding Clerk 1	\$25,000 to 45,760
Keyboarding Clerk 2	\$30,000 to 52,910
Hazard Mitigation Coordinator	\$25.00 to 71.50 hour
Clerk - part-time (Keyboarding Clerk 1)	\$15.00 to 21.45 hour
Clerk (Clerk 2)	\$25,000 to 64,350
Dockmaster	\$15.00 to 21.45 hour

DEPARTMENT OF PUBLIC WORKS

Public Works Superintendent	\$40,000 to 214,500
Assist. Superintendent of Public Works	\$35,000 to 117,000
Laborer	\$33,000 to 100,100
Laborer – Part Time	\$15.00 to \$21.45 hour
Parks Maintenance	\$33,000 to 100,100
Equipment Operator	\$33,000 to 107,250
Equipment Operator - Street	\$33,000 to 107,250
Water Meter Repairer	\$33,000 to 100,100
Supervisor, Public Works	\$33,000 to 121,550
Public Works Repairer	\$33,000 to 107,250
Recycling Attendant	\$15.00 to 21.45 hour

BEACH DEPARTMENT

Chief Lifeguard	\$10,000 to 45,500
Lifeguard Captain	\$ 7,000 to 19,500
Lifeguard - Lieutenant	\$13.00 to 21.50 hour
Lifeguard	\$11.00 to 20.00 hour
Jr. Lifeguard Director	\$14.00 to 21.45 hour
Jr. Lifeguard	\$9.00 to 21.45 hour
EMT Staff	\$11.00 to 20.15 hour
Beach Crew - Supervisor	\$15.00 to 30.03 hour
Beach Crew – Forman	\$8.00 to 21.20 hour
Beach Crew	\$7.50 to 17.70 hour
Rake Operator	\$9.00 to 20.80 hour
Office Staff – Supervisor	\$7.50 to 26.00 hour
Office Staff	\$7.50 to 20.15 hour
Badge Checker	\$7.50 to 18.20 hour
Parking Attendants	\$11.50 to 17.55 hour
Beach Patrol - Supervisor	\$8.50 to 26.00 hour
Beach Patrol	\$8.00 to 18.20 hour

RECREATION

Recreation Director	\$15,000 to 32,500
Counselor Director	\$5,250 to 8,580
Assistant Counselor Director	\$23.00 to 39.00 hour
Sports and Art Directors	\$13.00 to 21.45 hour
Lead Counselor (adult)	\$12.00 to 21.45hour

Counselor (steps)	\$ 8.50 to 14.30 hour
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SECTION 2. All salary provisions, salary related items and other benefits of employment, as set forth in any employment agreement between the Borough of Manasquan and the officers or employees set forth herein are deemed incorporated herein by reference.

SECTION 3. All ordinances, or part of ordinances, which are inconsistent herewith are repealed but only to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2343-21 was introduced at a meeting of the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, on March 15, 2021 and was then read for the first time. The said Ordinance will be further considered for final passage by the Borough Council at Borough Hall at 7:00 p.m. on April 5, 2021. At such time or place, or at any time or place to which said meeting may be adjourned, all persons interested 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 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

Passed on First Reading and Introduction: March 15, 2021
Approved on Second Reading and Final Hearing: April 5, 2021

EDWARD G. DONOVAN, MAYOR

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2344-21**

**ORDINANCE AMENDING CHAPTER 15 (RENTAL
PROPERTY) SECTION 15-2.3 (HEARING, POSTING OF
BOND) OF THE BOROUGH CODE IN THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY**

WHEREAS, to the revised General Ordinance of the Borough of Manasquan, County of Monmouth, is desirous of amending Chapter 15 Section 15-2.3(e).

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Section 15-2.3(e) is hereby amended to read as follows:

15-2.3 Hearing, Posting of Bond

e. Any bond or other security deposited in compliance with paragraph d above shall remain in force for a period deemed appropriate by the hearing officer for a period of up to four years. Upon the lapse of the prescribed bond period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under subsection **15-2.4** below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property may void a requirement for continuing the security imposed under this section. The landlord scheduled to transfer ownership of the property shall petition the Borough in writing to have the bond released and returned upon proof of the transfer. The Borough Council may by resolution then return the bond to the transferor landlord or mandate that the bond be maintained for the remainder of the prescribed period despite the intervening transfer of ownership.

Section 2. Construction and Effective Dates

- (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 provision 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 the final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2344-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 15th day of March 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 5th day of April 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: March 15, 2021
Approved on Second Reading and Final Hearing: April 5, 2021

EDWARD G. DONOVAN, Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2345-2021**

**AN ORDINANCE BY THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, STATE
OF NEW JERSEY PROHIBITING THE OPERATION
OF ANY CLASS OF CANNABIS BUSINESSES
WITHIN ITS GEOGRAPHICAL BOUNDARIES AND
AMENDING CHAPTER 35 (ZONING) SECTION 35-
7.6 (PROHIBITED USES) OF THE BOROUGH OF
MANASQUAN MUNICIPAL CODE**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to

operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Council of the Borough of Manasquan have determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and the Borough of Manasquan in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Manasquan's residents and members of the public who visit, travel, or conduct business in Manasquan, to amend Manasquan's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Manasquan; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; and the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Manasquan, except for the delivery of cannabis items and related supplies by a delivery service.

2. Chapter 35 Section 35-7.6 (Prohibited Use) of the Manasquan Borough Municipal Code is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

3. Any article, section, paragraph, subsection, clause, or other provision of the Manasquan Borough Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Monmouth County Planning Board, and as otherwise provided for by law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2345-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 15th day of March 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 5th day of April 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: March 15, 2021
Approved on Second Reading and Final Hearing: April 5, 2021

EDWARD G. DONOVAN, Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2346-21**

**ORDINANCE AMENDING CHAPTER 12 (BEACHES
AND BEACHFRONT) SECTION 12-11.1 (PARKING
PERMIT FOR USE OF CERTAIN MUNICIPAL
PARKING LOTS) AND SECTION 12-11.2 (SEA
WATCH BEACH SEASON PARKING PERMIT) AND
CHAPTER 16 (FEES) 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, County of Monmouth, is desirous of amending Chapter 12 Section 12-11.1 to include Sea Watch Parking Lot;

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Chapter 12 Section 12-11.1 is hereby amended to read as follows:

- a. Fees. No person shall park any motor vehicle in the municipal parking lots at Second Avenue, Third Avenue, Fourth Avenue, Pompano Avenue, and Sea Watch Beach without paying the following fees for the privilege of parking a motor vehicle:
 1. The fee as stated in Chapter **16**, Fees, inclusive of sales tax, for each season parking permit. A season parking permit is valid for the entire bathing season. The holders of season parking permits may utilize the municipal parking lots at Second Avenue, Third Avenue, Fourth Avenue, Pompano Avenue and Sea Watch Beach.
 2. The fee as stated in Chapter **16**, Fees, inclusive of sales tax, for daily parking Monday through Thursday, inclusive, and continuing until 9:00 a.m. the following day.
 3. The fee as stated in Chapter **16**, Fees, inclusive of sales tax, for daily parking on Friday, Saturday, Sunday or holidays, and continuing until 9:00 a.m. the following day.
 4. There will be no daily parking passes for Sea Watch Beach. Only patrons with a seasonal parking pass may utilize this lot.
- b. Season Parking Stickers.
 1. A season parking ticket shall be valid from May 15 through September 15 in the year issued.
 2. Season parking tickets will be on sale during the period of time designated by resolution of the Borough Council.
 3. The Borough Council shall have the authority to establish, by resolution, a discount rate for season parking tickets, provided however, that discount rates for season parking tickets shall apply only to tickets purchased prior to a specific date which shall be established in the resolution.
 4. Season parking tickets shall be for the exclusive use of the vehicle for which it was issued.
 5. Season parking tickets must be affixed permanently to the vehicle for which they are registered on the left rear window of the vehicle.

6. Registration forms for season parking stickers shall provide for the name and address of the owner, a description of the vehicle, the license plate number of the vehicle and the season parking sticker number.
 7. Daily and season parking stickers shall not be loaned, given away, sold or transferred. Any person loaning, giving away, selling or transferring a parking sticker shall forfeit all rights to the sticker or ticket.
- c. **Parking Prohibited Certain Hours.** No person shall park any motor vehicle in the municipal parking lots at Second, Third, Fourth, Pompano Avenues, and Sea Watch Beach between the hours of 2:00 a.m. to 6:00 a.m. from October 1 through April 30. No person shall park any motor vehicle in the municipal parking lot at Third Avenue between the hours of 3:00 a.m. to 8:00 a.m. from May 1 to September 30.

Section 2: Chapter 12 Section 12-11.2 is hereby deleted in its entirety:

Section 3: Chapter 16 is amended as follows:

2-11 SEASON PARKING PERMIT	12-11.1 Parking Permit for Use of Certain Municipal Parking Lots		
	a.	Fees	
		1. Seasonal	\$100
		2. Daily, Monday - Thursday	\$10
		3. Friday, Saturday, Sunday and holidays	\$15

Section 4: Construction and Effective Dates

- (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 provision 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 the final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2346-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 5th day of April 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 a meeting held at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 and remotely at 7:00 p.m. on the 19th day of March 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: April 5, 2021
Approved on Second Reading and Final Hearing: April 19, 2021

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2347-21**

**BOND ORDINANCE PROVIDING FOR THE
ACQUISITION OF EQUIPMENT FOR THE POLICE
DEPARTMENT IN AND BY THE BOROUGH OF
MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW
JERSEY, APPROPRIATING \$350,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$332,500 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** (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 \$350,000, including the sum of \$17,500 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 \$332,500 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 equipment for the Police Department, including police body cams and communication/radio equipment, and all necessary related costs and expenditures necessary therefor and 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 5 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 \$332,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$70,000 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 such 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. 2347-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 5th day of April, 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 an audio conference call at 7:00 p.m. on the 19th day of April 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 by contacting the Municipal Clerk at blaria@manasquan-nj.gov or 732-223-0544 ext. 233 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
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2329 Route 34 South, Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: April 5, 2021
Approved on Second Reading and Final Hearing: April 19, 2021

EDWARD G. DONOVAN
Mayor