

BOROUGH OF MANASQUAN AGENDA
November 16, 2020 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)

Certificate of Appreciation

1. Presented to Kelleigh Fulton Work

Approval of Minutes

1. Special Meeting Minutes - September 30, 2020

Use of Borough Property

1. E70-20 Memorial Service - November 21, 2020 3 to 5:15 Inlet Gazebo

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.](#) 252-2020 Accepting Resignation -SLEO II- C. Sullivan
- [2.](#) 253-2020 Accepting Resignation -SLEO II- N. Matteo
- [3.](#) 254-2020 Refund Beach Security-Big Brothers Big Sisters
- [4.](#) 255-2020 Authorizing Mayor to Sign Premier Electronic Sol. for SBLSS
- [5.](#) 256-2020 Support of Replacement of Glimmer Glass Bridge
- [6.](#) 257-2020 Appoint Perm Clerk 2 - Homan
- [7.](#) 258-2020 Audit 2019 Corrective Action Plan
- [8.](#) 259-2020 Certification of Annual Audit- 2019
- [9.](#) 260-2020 Stipend Increase Deputy Administrator - Spera
- [10.](#) 261-2020 East Main Street Project Change Order #2 and Final
- [11.](#) 262-2020 Payment of Bills

Ordinances - Second Reading

- [1.](#) 2317-20 Amending Chapter 5 and 12 Dogs on Beach
- [2.](#) 2326-20 Bond Ordinance Euclid/Holly/Watson Project

Ordinance - First Reading

- [1.](#) 2327-20 Repealing Ordinance 2324-20 Stop Intersection Minerva and Fletcher

Committee Reports

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

Closed Session

1. Litigation - Land Use

Adjournment

Manasquan Borough Council Meeting
In- Person at Borough Hall and Virtual Zoom Meeting
November 16, 2020 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
RESOLUTION
252-2020**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Christopher Bernard Sullivan from the position of Special Law Enforcement Officer II from the Manasquan Police Department effective November 2, 2020.

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 November 2, 2020 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
253-2020**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Nicholas Matteo from the position of Special Law Enforcement Officer II from the Manasquan Police Department effective November 2, 2020.

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 November 2, 2020 meeting.

BARBARA I LARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
254-2020**

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: BIG BROTHERS/BIG SISTERS OF MONMOUTH CTY
305 BOND STREET
ASBURY PARK, NJ 07712

AMOUNT OF REFUND DUE: \$400.00

REASON FOR REFUND: Beach Use Security

NAME: ALLISON SCADUTO
510 HARRIS AVE
BRIELLE, NJ 08730

AMOUNT OF REFUND DUE: \$400.00

REASON FOR REFUND: Beach Use Security

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 November 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 ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
255-2020**

BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Installation & Monitoring Agreement and the Fire Alarm Inspection Agreement with Premier Electronic Solutions for alarm monitoring at Squan Beach Lifesaving Station.

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 November 16, 2020 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
256-2020**

WHEREAS, the Glimmer Glass Bridge is under the jurisdiction of the County of Monmouth and it provides a primary access point for residents of the Borough of Manasquan to the Borough of Brielle, and

WHEREAS, at various times over the past decade the bridge has been out of service due to the fact that it is an antiquated structure and is operated by a mechanism that is no longer supported by current technology and replacement parts for key components of the mechanism required to operate the bridge are difficult to obtain, and

WHEREAS, on October 13th, 2020 the County of Monmouth advised that the bridge would be again out of service, this time for an estimated three months, while replacement parts were being fabricated by a sole source provider, and

WHEREAS, beyond the obvious inconvenience for residents seeking to travel between the Boroughs of Manasquan and Brielle, there is the far more serious concerns posed by public safety insofar as emergency equipment can no longer use the bridge, even when it is operational, and the bridge is a primary corridor in the event it were to become necessary to evacuate residents from Manasquan in the event of a natural disaster such as flooding caused by storms such as the Sandy Hurricane of 2012, and

WHEREAS, the County has a responsibility to provide a functional bridge that serves the needs of both the Brielle and Manasquan Communities and has thus far been thwarted in this effort due to a well-meaning, but misguided group of preservationists, who refuse to accept the fact that the bridge, although a quaint structure, no longer can meet the needs of the community it is intended to serve.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Manasquan call upon the Monmouth County Board of Chosen Freeholders, and the Monmouth County Department of Engineering, to make every effort to expedite the replacement of the existing Glimmer Glass Bridge with a modern functional structure that will better serve the needs of the community and recognize the necessity of making the public's safety a primary concern.

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 November 16, 2020 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
LEE						
MANGAN						
OLIVERA						
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WALSH						
ON CONSENT AGENDA ___YES ___NO						

**BOROUGH OF MANASQUAN
RESOLUTION
257-2020**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey confirms the appointment of Keara Homan from provisional to permanent Full Time Clerk 2/Alternate Deputy Registrar as of November 16, 2020. No salary change. The appointee has met all the necessary requirements and evaluations for the position.

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 meeting held on November 16, 2020.

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
258-2020**

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

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, County of Monmouth and State of New Jersey that they hereby approve the Corrective Action Plan for the year 2019, a requirement of the annual audit, prepared by the Chief Financial Officer and which is attached hereto and made part of this resolution.

**CORRECTIVE ACTION PLAN
2019 AUDIT**

Finding 2019-1 Interfunds existed at year end.

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

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at their meeting held on November 16, 2020.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
259-2020**

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

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON NOVEMBER 16, 2020

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF MONMOUTH

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

1. We are duly elected members of the Borough of Manasquan in the County of Monmouth;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2019.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations".

Edward G. Donovan, Mayor

Michael Mangan

Jason Bryant

Gregg Olivera

Jeffrey Lee

Richard Read

James Walsh

Sworn to and subscribed before me this 16th
day of November, 2020

Barbara Ilaria, Municipal Clerk

**BOROUGH OF MANASQUAN
RESOLUTION
260-2020**

**RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, GRANTING A
SALARY INCREASE TO AMY SPERA**

WHEREAS, Amy Spera currently serves as the Certified Financial Officer and the Qualified Purchasing Agent; and

WHEREAS, Ms. Spera was appointed on April 21, 2020 as Deputy Administrator in the Borough of Manasquan with a starting annual stipend of \$10,000; and

NOW, THEREFORE BE IT RESOLVED on the 16th day of November, 2020, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The Borough Council does hereby authorize a stipend increase to Amy Spera.
2. The stipend for the position of Deputy Administrator is \$20,000.00 annually.
3. The effective date of this increase is November 17, 2020.
4. A certified copy of this resolution shall be sent to:

Ms. Amy Spera
1617 Doris Street
Wall, NJ 07753

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 November 16, 2020.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
261-2020**

CHANGE ORDER NO. 2 & 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: East Main Street Improvements Phase III

CONTRACTOR: MECO, Inc.

ENGINEER: Maser Consulting, PA
331 Newman Springs Road
Red Bank, NJ 07701

Change Order No. 2 & FINAL

AMOUNT OF CHANGE FOR THIS RESOLUTION: \$(69,989.29)

TOTAL AMOUNT OF CHANGE: \$(39,663.64)

TOTAL ORIGINAL CONTRACT PRICE \$227,033.10

REVISED CONTRACT PRICE \$187,369.46

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 November 16, 2020.

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 16th day of November, 2020, 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						
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ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN
RESOLUTION
262-2020**

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	\$486,758.36
Capital Fund	\$110,180.95
Water/Sewer Fund	\$25,468.52
Water/Sewer Utility Fund	
Beach Utility Fund	\$23,851.71
Beach Capital Fund	\$637.50
Recreation Building Trust	\$7,164.31
Recreation Trust	\$736.32
Reserve for Unemployment	\$9,115.67
Affordable Housing	\$97.00
Developer's Escrow Trust	\$1,668.00
Animal Control	\$6.60

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 November 16, 2020.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRYANT						
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MANGAN						
OLIVERA						
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WALSH						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2317-20**

ORDINANCE TO AMEND SECTION 5-3 (DOGS ON BEACHES, BOARDWALK, PUBLIC PARKS, PLAYGROUNDS) OF CHAPTER 5 (ANIMAL CONTROL) AND SECTION 12-4 (CONDUCT AND USE RESTRICTIONS) OF CHAPTER 12 (BEACHES AND BEACHFRONT) OF THE BOROUGH OF MANASQUAN TO ALLOW LEASHED DOGS ON BEACH 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 5-3.1 (Restricted Use) of Chapter 5 (Animal Control) of the Borough of Manasquan Code is hereby amended as follows:

- a. No dog shall be allowed upon the boardwalk or its approaches maintained by the Borough east of First Avenue, or upon the beach east of the boardwalk, whether the dog be on a leash or otherwise during the period between April 16 and September 30. The owner of any dog under the control of a leash may utilize the beach east of the boardwalk, and the approaches and boardwalk for access only, between October 1 and April 15.
- b. Dogs are prohibited at all times from public parks and playgrounds.

Section 2. Section 12-4.5 (Dogs Restricted) of Chapter 12 (Beaches and Beachfront) of the Borough of Manasquan Code is hereby amended as follows:

It shall be unlawful for the owner of any dog to permit same to be upon the dedicated beachfront, beachwalk or municipal property adjacent thereto between April 16 and September 30 of each year.

The owner of any dog under the control of a leash may utilize the dedicated beachfront east of the sand dunes, and the approaches and beachwalk for access only, between October 1 and April 15 of each year.

Dogs shall be leashed at all times while on the beaches and beachfront.

Section 3. 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 5 and Chapter 12 of the Borough of Manasquan Code not inconsistent herewith are ratified and confirmed.

Section 4. This Ordinance shall become effective immediately upon its final passage and publication.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2317-20 is being introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of November 2020, and read for the first time. The said Ordinance is going to be considered for final passage by the Mayor and Council at a Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 16th day of November 2020. 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: November 2, 2020
Approved on Second Reading and Final Hearing: November 16, 2020

Edward G. Donovan
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2326-20**

BOND ORDINANCE PROVIDING FOR EUCLID AVENUE AREA ROAD AND DRAINAGE IMPROVEMENT PROJECT PHASE I IN AND BY THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$550,000 THEREFOR, INCLUDING A \$160,400 COMMUNITY DEVELOPMENT BLOCK GRANT, AND AUTHORIZING THE ISSUANCE OF \$525,000 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 (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 \$550,000, including a \$160,400 Community Development Block grant and also including the sum of \$25,000 as a down payment. 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. While a \$25,000 down payment has been provided, it is not required pursuant to N.J.S.A. 40A:2-11(c) as the project is funded in part with the Community Development Block grant.

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 \$525,000 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 Euclid Avenue Area Road and Drainage Improvement Project Phase I, involving flood mitigation work and improvement of roadway conditions and ADA accessibility in the area of Euclid Avenue, including roadway, curb and gutter, sidewalk, crosswalk and related or incidental work, materials, equipment and other costs.

(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 15 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 \$525,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 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. 2326-20 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 2nd day of November, 2020, 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 16th day of November, 2020. 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 bilaria@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
Municipal Attorney
2329 Route 34 South, Suite 104
Manasquan, NJ 08736

Passed on First Reading and Introduction: November 2, 2020
Approved on Second Reading and Final Hearing: November 16, 2020

EDWARD G. DONOVAN
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2327-20**

ORDINANCE REPEALING ORDINANCE 2324-20 SECTION 7-11 (STOP INTERSECTIONS) (MINERVA AVENUE AND FLETCHER) OF CHAPTER 7 (TRAFFIC) 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, Borough Council is desirous of repealing ordinance 2324-20 Section 7-11 (Stop Intersections) (Minerva Avenue and Fletcher) of Chapter 7 (Traffic).

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Ordinance 2324-20 is hereby repealed in its entirety.

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 the repeal of this 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. 2327-20 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 16th day of November, 2020, 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 7th day of December, 2020. 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 blaria@mansaquan-nj.gov or 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: November 16, 2020
Approved on Second Reading and Final Hearing: December 7, 2020

Edward G. Donovan
Mayor