

Manasquan Borough Council Meeting
In- Person at Borough Hall and Virtual Zoom Meeting
March 21, 2022 7 pm

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

IN-PERSON MEETING

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

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

Zoom Meeting

<https://us06web.zoom.us/j/8830046931> or 1-646-876-9923

ID# 883 004 6931

Participant Instructions
Meeting will be recorded

Instructions:

Join meeting via Zoom video:

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

Join meeting via Zoom dial in (phone):

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

Mayor's Instructions

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

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

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

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

BOROUGH OF MANASQUAN AGENDA
March 21, 2022 7:00 PM

This Regular Meeting of the Mayor and Council of the Borough of Manasquan is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Coast Star, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by posting it on the official website of the borough. This agenda is complete to the extent known and formal action will be taken.

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

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

Proclamations

1. Child Abuse Prevention Month

Approval of Minutes

1. Regular Meeting Minutes - February 22, 2022
2. Regular Meeting Minutes - March 7, 2022
3. Budget Meeting Minutes - March 12, 2022

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.](#) 80-2022 Return Portion of Street Opening Surety - 53 Rogers Avenue
- [2.](#) 81-2022 Authorizing Mayor to Sign Updated Monmouth Telecom Agreement
- [3.](#) 82-2022 Beach Parking Pass Sales
- [4.](#) 83-2022 Accepting Transfer of Ford Van from Fires District #1 to Police
- [5.](#) 84-2022 Authorizing Mayor to Sign HVAC Maintenance Contract - Polar Air
- [6.](#) 85-2022 Authorizing Clerk to Advertise RFP - Mobile Concession Truck
- [7.](#) 86-2022 Authorizing Mayor to Sign Letter of Intent - Higgins
- [8.](#) 87-2022 Authorizing Mayor to Sign Interlocal with Wall for Leaf Disposal
- [9.](#) 88-2022 Authorizing Mayor to Sign Interlocal Agreement with Wall for Shared Purchasing
- [10.](#) 89-2022 Planning Board Stipend - DiRoma
- [11.](#) 90-2022 Setting 2022 Water Sewer Rates
- [12.](#) 91-2022 Temporary Capital Budget
- [13.](#) 92-2022 Authorizing Mayor to Sign Proposal for Tier A Stormwater Repot - Colliers Engineering
- [14.](#) 93-2022 Change Order #1 First Avenue Improvements Phase I
- [15.](#) 94-2022 Authorizing Mayor to Sign Contract for Geese Control - Geese Police
- [16.](#) 95-2022 Release Portion of Performance Bond - FTHD 236 Second Ave LLC
- [17.](#) 96-2022 Payment of Bills

Ordinances - First Reading

- [1.](#) 2367-22 Bond Ordinance - First Avenue Improvement Project
- [2.](#) 2368-22 Bond Ordinance Curtis Park Improvement Project

Committee Reports

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

Closed Session

1. Contractual

Adjournment

**BOROUGH OF MANASQUAN
RESOLUTION
80-2022**

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: FROM THE HEAVENS REALTY & DEVELOPMENT, LLC
36 OLD FARM ROAD
OAKHURST, NJ 07755

AMOUNT OF REFUND DUE: \$1,000.00

REASON FOR REFUND: STREET OPENING SURETY-1ST RETURN
SO# 67-21- 53 Rogers Ave

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed refunds with said warrant to be charged against the General Ledger.

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| COUNCIL | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|--------------------------------|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| ON CONSENT AGENDA ___YES ___NO | | | | | | |

**BOROUGH OF MANASQUAN
RESOLUTION
81-2022**

BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign and amended contract with Monmouth Telecom for phone services.

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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
82-2022**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
NEW JERSEY, AUTHORIZING THE SALE OF SEASON
PARKING PERMITS**

WHEREAS, fees for the sale of season beach badges are established under Section 12-2.4 (Fees) and fees for the sale of season parking permits are established under section 12-11 (Season Parking Permit) of Chapter 12 (Beaches and Beachfront) of the Code of the Borough of Manasquan; and

WHEREAS, the Borough Council is desirous of authorizing the sale of in person parking permit sales April 9th and 10th, 2022 from 8 am to 10 am at Beach Headquarters, 205 Beachfront; and

NOW, THEREFORE, BE IT RESOLVED, on this 21st day of March, 2022 by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey as follows:

1. In person Parking Pass sales at Beach Headquarters, 205 Beachfront, April 9 and 10, 2022 from 8 am to 10 pm .

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 meeting held on March 21, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|------------------------------------|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| ON CONSENT AGENDA ____ YES ____ NO | | | | | | |

**BOROUGH OF MANASQUAN
RESOLUTION
83-2022**

WHEREAS, Manasquan Fire District #1 wishes to transfer ownership of a 2003 E-150 Ford Van, Vin #1FMRE11233HB93437 which is no longer needed, to the Manasquan Police Department; and

NOW THEREFORE BE IT RESOLVED, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan hereby accepts and acknowledges the transfer of the Ford Van for \$1 from the Manasquan Fire District #1.

CERTIFICATION

I, Barbara Ilaria, Borough 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 March 21, 2022.

BARBARA ILAIA, RMC, CMC
Municipal Clerk

| | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|--|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | |

**BOROUGH OF MANASQUAN
RESOLUTION
84-2022**

BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the contract with Polar Air Of NJ Inc. for HVAC maintenance for the term of March 21, 2022 through March 21, 2023.

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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
85-2022**

WHEREAS, the Borough of Manasquan is desirous to secure services for Mobile Concession Truck at the Sea Watch property located at 95 Beachfront.

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the Municipal Clerk to advertise a Request for Proposal for Mobile Concession Truck at the Sea Watch property.

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 March 21, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
86-2022**

BE IT RESOLVED that the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, has authorized that the pensionable base salaries of the below listed employees as a result of agreements between Department Heads and the Borough of Manasquan for the calendar Year 2022 Effective January 1, 2022;

Borough of Manasquan Department Heads
Annual Pensionable Base Salaries

| Position | 2022 Salary |
|--|-------------|
| Marie Higgins, Manasquan Court Administrator | \$85,738.01 |
| Brielle Court Administrator | \$13,417.24 |

WHEREAS, the schedule above reflects the annual salary for the employee listed; and

WHEREAS, pensionable base salaries are defined as those regulated by the Public Employees Retirement System (PERS) of New Jersey and the Defined Contribution Retirement Program (DCRP) when applicable and;

NOW THEREFORE BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the above listed Letter of Intent for the calendar year of 2022, which copies are on file in the Municipal Clerk's Office.

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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|------------------------------------|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| ON CONSENT AGENDA ____ YES ____ NO | | | | | | |

**BOROUGH OF MANASQUAN
RESOLUTION
87-2022**

**AUTHORIZATION TO EXECUTE A SHARED
SERVICES AGREEMENT FOR LEAF RECYLING
WITH WALL TOWNSHIP**

WHEREAS, The Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq. authorizes local units as defined in said Act to enter into joint agreements for the provision of government services; and

WHEREAS, the Borough of Manasquan is desirous of entering into a Shared Services Agreement for the Department of Public Works; and

WHEREAS, the Shared Services Agreement will include, but not limited to labor, equipment, material, and recycling and/or disposal services for leaves collected in Manasquan;

NOW THEREFORE, BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign a Shared Service Agreement with Wall Township for Leaf Recycling and Disposal Services.

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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| COUNCIL | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|------------------------------------|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| ON CONSENT AGENDA ____ YES ____ NO | | | | | | |

**BOROUGH OF MANASQUAN
RESOLUTION
88-2022**

**AUTHORIZATION TO ENTER INTO A SHARED
SERVICES AGREEMENT WITH WALL TOWNSHIP
FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, The Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq. authorizes local units as defined in said Act to enter into joint agreements for the provision of government services; and

WHEREAS, Wall Township has agreed to serve as the Lead Agency in conjunction with a shared purchasing Cooperative Pricing Systems with Manasquan and other contracting units to effect substantial savings in the provision and performance of selected public works goods and services as typically provided by a municipal public works department.

NOW THEREFOR BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign a Shared Purchasing Agreement with Wall Township.

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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
89-2022**

BE IT RESOLVED that the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, has authorized that the following employee shall receive the stipend listed below for the calendar year 2022, effective February 22, 2022 through December 31, 2022 as follows:

EMPLOYEE:

Frank DiRoma, Class II Planning Board Member \$110.00 per meeting

BE IT RESOLVED that the Borough Clerk is authorized to notify the employee upon passage of this resolution.

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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
90-2022**

BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan that the following rates be and hereby are set forth effective April 1, 2022:

WATER AND SEWER SERVICE RATE

Pursuant to Chapter 22-2 Base Water and Sewer Service Rate:

The base water and sewer rate for each residential and nonresidential user shall be \$616.88 per year. This charge represents the standby to serve our fixed charges incurred in the operation of the municipal water and sewer system. The fees shall be paid in equal quarterly installments of \$154.22.

The following service rate shall be charged to residential and nonresidential users who are not connected to both the municipal water and sewer systems:

The base water service rate for each residential and nonresidential user shall be \$308.44 per year. The fee shall be payable in equal quarterly installments of \$77.11.

The base sewer service rate for each residential and nonresidential user shall be \$308.44 per year. The fee shall be payable in equal quarterly installments of \$77.11.

WATER AND SEWER USAGE RATE

Pursuant to Chapter 22-3 Water and Sewer Usage Charges:

Water and sewer usage shall be measured by the number of gallons of water use shown on the water meter.

The charge for water and sewer usage shall be \$4.62 per 1,000 gallons or part thereof.

The charge for water usage only shall be \$2.31 per 1,000 gallons or part thereof.

The charge for sewer usage only shall be \$2.31 per 1,000 gallons or part thereof.

Any user found to be receiving water service that is not being metered shall be charged at the rate of \$2.31 per day.

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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|--|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | |

TEMPORARY CAPITAL BUDGET

2022

RESOLUTION 91-2022

WHEREAS, the Division of Local Government Services requires adoption of a local capital budget; and,
 WHEREAS, the local capital budget for the year 2022 has not been adopted; and
 WHEREAS, it is desired to adopt a temporary capital budget for the year 2022,
 NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manasquan , County of Monmouth, that the following capital appropriations be made:

| | | | | | | | |
|--------------------------------------|---|--------|---|--------|---|-----------|---|
| Recorded Vote (Insert last names) | (| Ayes (| (| Nays (| (| Abstain (| (|
| | (| (| (| (| (| (| (|

TEMPORARY CAPITAL BUDGET (Current Year Action)
 2022

PLANNED FUNDING SOURCES FOR CURRENT YEAR 2022
 5 (d)

| 1 PROJECT | 2 PROJECT NUMBER | 3 ESTIMATED TOTAL COST | 4 AMOUNTS RESERVED IN PRIOR YEARS | 5 (a) 2022 Budget Appropriations | 5 (b) Capital Improvement Fund | 5 (c) Capital Surplus | 5 (d) Grants in Aid and Other Funds | 5 (e) Debt Authorized | 6 TO BE FUNDED IN FUTURE YEARS |
|---|------------------------|------------------------------|--|--|--------------------------------------|-----------------------------|--|-----------------------------|--------------------------------------|
| First Ave Phase II Road Reconstruction | 1 | 1,500,000.00 | | | 75,000.00 | | | 1,425,000.00 | |
| Curtis Park/Playground Improvements | 2 | <u>1,200,000.00</u> | | | <u>60,000.00</u> | | | <u>1,140,000.00</u> | |
| TOTAL ALL PROJECTS | | <u>\$2,700,000.00</u> | | | <u>135,000.00</u> | | | <u>2,565,000.00</u> | |

3 YEAR CAPITAL PROGRAM 2022 - 2024
 ANTICIPATED PROJECT SCHEDULE
 AND FUNDING REQUIREMENT

| 1 PROJECT | 2 Project Number | 3 Estimated Total Cost | 4 Estimated Completion Time | 5 FUNDING AMOUNTS PER YEAR | | |
|---|------------------------|------------------------------|-----------------------------------|-------------------------------|-------------|-------------|
| | | | | Budget Year <u>2022</u> | <u>2023</u> | <u>2024</u> |
| First Ave Phase II Road Reconstruction | 1 | 1,500,000.00 | End of Yr. | 1,500,000.00 | .00 | .00 |
| Curtis Park/Playground Improvements | 2 | <u>1,200,000.00</u> | End of Yr. | <u>1,200,000.00</u> | .00 | .00 |
| TOTAL ALL PROJECTS | | <u>\$2,700,000.00</u> | | <u>2,700,000.00</u> | <u>.00</u> | <u>.00</u> |

3 YEAR CAPITAL PROGRAM 2022 - 2024
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

| 1 PROJECT | 3 Budget Appropriations | | | 4 Capital Improvement Fund | 5 Capital Surplus | 6 Grants in Aid And Other Funds | | | 7 BONDS AND NOTES | |
|---|------------------------------|-----------------------------|-----------------|-------------------------------------|-------------------------|--|---------------------|----------------------------|----------------------|--|
| | 2 Estimated TOTAL COST | Current YEAR <u>2021</u> | Future Years | | | General | Self Liquidating | Assessment | School | |
| First Ave Phase II Road Reconstruction | 1,500,000.00 | | | 75,000.00 | | | | 1,425,000.00 | | |
| Curtis Park/Playground Improvements | <u>1,200,000.00</u> | | | <u>60,000.00</u> | | | | <u>1,140,000.00</u> | | |
| TOTAL ALL PROJECTS | <u>\$2,700,000.00</u> | | | <u>135,000.00</u> | | | | <u>2,565,000.00</u> | | |

BE IT FURTHER RESOLVED, that the above items will be included in the 2022 Capital Budget as adopted.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution adopting a temporary capital budget adopted by the governing body on the 21st day of March, 2022.

Certified by me

3/21/2022
(Date)

B. Ilaria
Municipal Clerk - Barbara Ilaria

**BOROUGH OF MANASQUAN
RESOLUTION
92-2022**

BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign a proposal for the 2021 MSRP Tier A Annual Stormwater Report & SPPP Update dated March 3, 2022 not to exceed \$3,800 with Colliers Engineering for the Borough of Manasquan.

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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| COUNCIL | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|------------------------------------|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| | | | | | | |
| ON CONSENT AGENDA ____ YES ____ NO | | | | | | |

**BOROUGH OF MANASQUAN
RESOLUTION
93-2022**

CHANGE ORDER NO. 1

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

TITLE OF JOB: First Avenue Improvements – Phase I

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

CONTRACTOR: Fernandes Construction Inc.
25 Stonegate Drive
Monroe, NJ 08831

CHANGE ORDER NO. 1

AMOUNT OF CHANGE FOR THIS RESOLUTION: \$40,636.40

TOTAL ORIGINAL CONTRACT PRICE \$882,944.05

REVISED CONTRACT PRICE \$923,580.45

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 March 21, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|--|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | |

CERTIFICATION

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

MARK G. KITRICK

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

CERTIFICATION

I am the financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 21st day of March, 2022, 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

**BOROUGH OF MANASQUAN
RESOLUTION
94-2022**

BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the contract with Geese Police for control of the Canadian Geese at Stockton Lake and Mac’s pond on an as needed basis for the year 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 March 21, 2022 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| COUNCIL | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|------------------------------------|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| ON CONSENT AGENDA ____ YES ____ NO | | | | | | |

**BOROUGH OF MANASQUAN,
RESOLUTION
95-2022**

**RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, REFUNDING THE
CASH PERFORMANCE BOND/GUARANTEE FOR
236 SECOND AVENUE**

WHEREAS, FTHD 236 Second Ave LLC, posted a cash performance guarantee in the amount of \$15,797.40 with the Borough of Manasquan as a guarantee for site work for a project located at 236 Second Avenue, also known as Block 178, Lot 1.01 in the Borough of Manasquan; and

WHEREAS, a Performance Bond was posted with The Borough from Great Midwest Insurance Company in the amount of \$14,218.00; and

WHEREAS, FTHD 236 Second Ave LLC is due back the amount of \$14,218.00 from the cash bond posted.

NOW, THEREFORE BE IT RESOLVED, on the 21st day of March, 2022, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The portion of the cash performance guarantee in the amount of \$14,218.00 posted by FTHD 236 Second Ave LLC, may be released.
2. The Chief Financial Officer is authorized to return the bond in the sum of \$14,218.00 FTHD 236 Second Ave LLC.
3. A certified copy of this resolution shall be sent to:

FTHD 236 Second Ave LLC
36 Old Farm Road
Oakhurst, NJ 07755

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 March 21, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

| | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|--------------------------------|------------|----------|-----|-----|---------|--------|
| HOLLY | | | | | | |
| LEE | | | | | | |
| MANGAN | | | | | | |
| OLIVERA | | | | | | |
| READ | | | | | | |
| TRIGGIANO | | | | | | |
| | | | | | | |
| ON CONSENT AGENDA ___YES ___NO | | | | | | |

**BOROUGH OF MANASQUAN
RESOLUTION
96-2022**

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 | \$2,897,515.99 |
| Current Capital Fund | \$3,287.79 |
| Water/Sewer Fund | \$23,900.42 |
| Beach Utility Fund | \$27,855.32 |
| Beach Capital | \$797.00 |
| Recreation Trust-Building | \$657.98 |
| Recreation Trust | \$3,574.90 |
| Reserve For Open Space | \$3,732.25 |
| Miscellaneous Trust II | \$400.00 |
| Street Openings | \$500.00 |
| Developer's Bond | \$14,218.00 |
| Developer's Escrow | \$4,733.25 |

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 March 21, 2022.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2367-22**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL
APPROPRIATION OF \$1,500,000, INCLUDING AN
ADDITIONAL \$251,900 NEW JERSEY DEPARTMENT
OF TRANSPORTATION GRANT, FOR THE FIRST
AVENUE ROAD RECONSTRUCTION PROJECT IN
AND BY THE BOROUGH OF MANASQUAN, IN THE
COUNTY OF MONMOUTH, NEW JERSEY, AND
AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS
OR NOTES OF THE BOROUGH TO FINANCE PART
OF THE ADDITIONAL COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been 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 supplemental amount of \$1,500,000, including an additional New Jersey Department of Transportation grant in the amount of \$251,900, such sum being in addition to the \$1,500,000 appropriated therefor by bond ordinance 2356-21 of the Borough, finally adopted June 21, 2021 (the "Original Bond Ordinance"), and including the sum of \$75,000 as an additional down payment under the Local Bond Law. The additional 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 additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,425,000 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 heretofore authorized and the purpose for the financing of which the bonds are to be issued is the First Avenue Road Reconstruction Project involving milling, paving, drainage structures and piping, ADA upgrades, sidewalks, concrete curb and gutter installation, driveway aprons, fire hydrant and water valve replacement, striping, signage, site restoration and incidental or related work and costs, as described in the Original Bond Ordinance.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$2,545,900, including the \$1,120,000 authorized by the Original Bond Ordinance and the \$1,425,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$3,000,000, including the \$1,500,000 appropriated by the Original Bond Ordinance and the \$1,500,000 appropriated herein.

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 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 20 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 \$1,425,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$600,000 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. Of this amount, \$300,000 was estimated for these items of expense in the Original Bond Ordinance, and \$300,000 is estimated therefor herein.

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 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 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. 2367-22 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 21st day of March, 2022, 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 4th day of April, 2022. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except on legal holidays.

Barbara Ilaria, RMC, CMC
Municipal Clerk

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

Passed on First Reading and Introduction: March 21, 2022
Approved on Second Reading and Final Hearing: April 4, 2022

EDWARD G. DONOVAN
Mayor

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2368-22**

**BOND ORDINANCE PROVIDING FOR
IMPROVEMENT OF CURTIS PARK AND
PLAYGROUND IN AND BY THE BOROUGH OF
MANASQUAN, IN THE COUNTY OF MONMOUTH,
NEW JERSEY, APPROPRIATING \$1,200,000
THEREFOR, INCLUDING A \$240,000 MONMOUTH
COUNTY OPEN SPACE GRANT AND A \$55,000 NEW
JERSEY DEPARTMENT OF COMMUNITY
AFFAIRS LOCAL RECREATION GRANT, AND
AUTHORIZING THE ISSUANCE OF \$1,140,000
BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Manasquan, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,200,000, including a \$240,000 Monmouth County Open Space grant and a \$55,000 New Jersey Department of Community Affairs Local Recreation grant, and also including the sum of \$60,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,140,000 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 improvement of Curtis Park and playground involving installation of playground equipment, rubber surface area with curbing, lighting, picnic tables and benches, fencing, walking pathways, irrigation, landscaping, acquisition of materials and equipment, and work and costs necessary therefore or incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond

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

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 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 \$1,140,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$240,000 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 other grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that those other grant funds are so used.

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

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

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

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2368-22 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 21st day of March, 2022, 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 4th day of April, 2022. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except on legal holidays.

Barbara Ilaria, RMC, CMC
Municipal Clerk

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

Passed on First Reading and Introduction: March 21, 2022
Approved on Second Reading and Final Hearing: April 4, 2022

EDWARD G. DONOVAN
Mayor