

Manasquan Borough Council Meeting
In- Person at Borough Hall and Virtual Zoom Meeting
October 18, 2021 7pm

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

IN-PERSON MEETING

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

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

Zoom Meeting

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

ID# 883 004 6931

Participant Instructions
Meeting will be recorded

Instructions:

Join meeting via Zoom video:

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

Join meeting via Zoom dial in (phone):

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

Mayor's Instructions

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

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

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

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

BOROUGH OF MANASQUAN AGENDA
October 18, 2021 7:00 PM

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

Moment of Silent Prayer

Pledge of Allegiance

Roll Call

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

Workshop Discussion:

Use of Borough Property

1. E65-21 Jersey Shore Running Club - April 2, 2022 - 9 am to 12 pm
2. E66-21 Tree Decorating for Halloween - Parker Avenue - October 28, 2021 - 6 pm to 9 pm
3. E67-21 Big Blue Boosters Annual Parade and Bon Fire - November 24, 2021 - 5:30 to 7:30 pm
4. E68-21 Manasquan Chamber Request to Amend Candy Cane Hunt to Include North side of Plaza - 12/10/21 - 5:00 to 7:00 pm

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

- [1.](#) 253-2021 Appointing Special Law Enforcement Officer II - Kimak
- [2.](#) 254-2021 Refund Tax Exempt Disabled Veterans - Various
- [3.](#) 255-2021 Chapter 159 - Body Worn Camera Grant
- [4.](#) 256-2021 Authorizing State Contract Purchase - Police Vehicle
- [5.](#) 257-2021 Authorizing Clerk to Advertise for Professional RFP - Various
- [6.](#) 258-2021 Authorizing Electronic Tax Sales
- [7.](#) 259-2021 Authorizing Fee to Be Charged for Tax Sale Notice
- [8.](#) 260-2021 Authorizing Mayor to Enter Into Agreement with MC Park System for Use of Overflow Parking in Pompano Parking Lot
- [9.](#) 261-2021 Payment of Bills

Ordinances - First Reading

- [1.](#) 2364-21 Amending Chapter 15 Animal House Hearing Fee

Committee Reports

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

Closed Session

1. St. Denis - Contractual

Adjournment

**BOROUGH OF MANASQUAN
RESOLUTION
253-2021**

WHEREAS, the Borough of Manasquan is desirous of appointing two Special Law Enforcement Officers Class II for the year 2021; and

WHEREAS, the Police Captain has submitted the following individuals for appointment as Special Law Enforcement Officers Class II for the Borough of Manasquan effective October 18, 2021, at the current contractual rate of \$17.59 per hour:

Matthew Kimak, Point Pleasant, NJ
Steven Schocket, Brick, NJ

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on October 18, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
254-2021**

WHEREAS, pursuant to N.J.S.A. 54:4-3.30a Disabled Veterans are exempt from taxation; and

WHEREAS, the Tax Collector shall be and is hereby discharged from collecting 2021 taxes from the following, as he/she is a Disabled Veteran as per NJ Statute 54:4-3.30a and exempt from all taxes as of the effective date noted for an assessment listed,

WHEREAS, 2021 property taxes based on the assessment listed in the 2021 Tax Duplicate are to be cancelled and any monies showing a credit should be immediately refunded to the appropriate property owner stated.

WHEREAS, the Borough Tax Assessor and Tax Collector have reviewed the circumstances surrounding this exemption and refund and have recommended to the Borough Council that the appropriate Borough officials be authorized to issue said exemption and refund,

NAME: MADIA, JOSEPH A SR & CONSTANCE L
43 WOODLAND AVENUE
MANASQUAN, NJ 08736
BLOCK 63 / LOT 19

PRORATED REFUND: \$349.80

NAME: BLORE, MARSHALL E. & BLORE, JANICE
521 LONG AVENUE
MANASQUAN, NJ 08736
BLOCK 175 / 80

PRORATED REFUND: \$1277.64

NAME: FEELEY, EDWARD & ELIZABETH
115-1 CURTIS AVENUE
MANASQUAN, NJ 08736
BLOCK 871/ LOT 170.03 QUAL – C1151

PRORATED REFUND: \$603.90

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Manasquan that the appropriate Borough officials be and are hereby authorized to issue the cancellation in accordance with N.J.S.A. 54:4-3.30a.

I, Barbara Ilaria, 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 the October 18, 2021 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
255-2021**

WHEREAS, N. J. S. A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Manasquan has received a grant for Body Worn Cameras and wishes to amend its 2021 Current Fund Budget to include this additional amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Manasquan hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget for the year 2021 in the sum of \$81,520.00 which is now available as a revenue from:

Grants – Body Worn Cameras
Special Items of General Revenue Anticipated with Prior Written Consent
of the Director of Local Government Services:

BE IT FURTHER RESOLVED that a like sum of \$81,520.00 be and the same is hereby appropriated in the Current Fund budget under the caption of:

Grants – Body Worn Camera
General Appropriations
Operations excluded from “CAPS” – Public and Private Programs off Set by Revenues:

BE IT FURTHER RESOLVED that the Municipal Clerk forward two copies of this resolution to the Director of Local Government Services

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 October 18, 2021 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
256-2021**

**RESOLUTION AUTHORIZING CONTRACTS WITH
CERTAIN APPROVED STATE CONTRACT
VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Borough of Manasquan, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Manasquan has the need on a timely basis to purchase goods or services utilizing State contracts for the purpose of the acquisition of a 2021 Ford Utility Interceptor Base Vehicle; and

WHEREAS, the Borough of Manasquan intends to enter into contracts with: CHERRY HILL WINNER FORD, located at 770 Cuthbert Blvd., Cherry Hill, NJ 08034 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the Purchasing Agent to purchase certain goods or services from said contractor by approved New Jersey State Contract # 20-FLEET-01189 pursuant to all conditions of the individual State contracts, in the amount of \$35,888.44; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Manasquan pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on October 18, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

CERTIFICATION

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

 MARK G. KITRICK

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

CERTIFICATION

I am the financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 18th day of October, 2021 I hereby certify to the Borough Council of the Borough of Manasquan as follows:

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

Cherry Hill Winner Ford
 770 Cuthbert Blvd.
 Cherry Hill, NJ 08034
 State Contract # 20-FLEET-01189

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

 AMY SPERA
 Chief Financial Officer

Accounts: _____

Amount \$ _____

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

**BOROUGH OF MANASQUAN
RESOLUTION
257-2021**

WHEREAS, the Borough of Manasquan is desirous to advertise Request for Proposals for Professional Services in the Borough of Manasquan.

NOW THEREFORE BE IT RESOLVED, that the Borough of Manasquan authorizes the Municipal Clerk to advertise Request for Proposals for the following Professional Services:

- Borough Attorney
- COAH Attorney
- Labor Attorney
- Borough Auditor
- Financial Advisor
- Borough Planner
- Borough Engineer
- Prosecutor
- Public Defender
- Hearing Officer
- COAH Administrator
- Planning Board Engineer/Planner
- Planning Board Attorney

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 October 18, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
258-2021**

**RESOLUTION AUTHORIZING THE BOROUGH TO
PARTICIPATE IN THE STATE OF NEW JERSEY
ELECTRONIC TAX SALES**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Borough of Manasquan wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Manasquan, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

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 October 18, 2021 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
259-2021**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of Government Services; and

WHEREAS, the rules and regulations require a municipality to send three (3) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Manasquan wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the greater tax base.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Manasquan, New Jersey, that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the tax sale.

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 October 18, 2021 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
260-2021**

BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and are hereby authorized to enter into an agreement with Monmouth County Park System for the use of the overflow parking of Pompano Parking Lot for the storage of boats for municipal winter storage.

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 October 18, 2021 meeting.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
261-2021**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	\$128,676.97
Capital Fund	\$101,645.19
Water/Sewer Fund	\$12,652.97
Beach Utility Fund	\$19,467.65
Beach Capital Fund	\$42,771.75
Recreation Building Trust	\$300.00
Recreation Trust	\$1,138.81
Open Space	\$7,671.75
Developer's Escrow	\$8,846.75
Animal Trust	\$24.60

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 October 18, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

§ 15-2.3. Hearing, Posting of Bond. [1972 Code § 82A-3; Ord. No. 1617-93; Ord. No. 2101-11; amended 4-5-2021 by Ord. No. 2344-21]

- a. If in any one year, three complaints, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character.
- b. The Borough Council or any officer or employee designated by the Borough Council shall cause to be served upon the landlord, in person or by certified mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court or such other public place as designated by the Borough Council, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.
- c. ~~At the hearing convened pursuant to paragraph b above, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. The landlord shall be required to pay a hearing fee 1 week prior to the date of the hearing convened pursuant to paragraph b above as stated in Chapter 16, Fees. The hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present.~~ At the conclusion of the hearing, the hearing office shall determine whether the landlord shall be required to post a bond in accordance with the terms of this section.
- d. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
 1. Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises; and
 2. Securing the payment of fines and penalties likely to be levied for such offenses; and
 3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided however, no such bond shall be in an amount less than \$500 nor more than \$5,000. The municipality may enforce a bond thus required by action in the Superior Court, and shall be entitled to an injunction

prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

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

**BOROUGH OF MANASQUAN
ORDINANCE NO. 2364-21**

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 15 (RENTAL
PROPERTY), SECTION 15-2.3 (HEARING,
POSTING OF BOND) AND ESTABLISHING
CHAPTER 16 (FEES) SECTION 15-2.3 (POSTING OF
BOND) OF THE BOROUGH OF MANASQUAN,
COUNTY OF MONMOUTH, STATE OF NEW
JERSEY**

WHEREAS, pursuant to the Revised General Ordinance of the Borough of Manasquan Code Chapter 15, Section 15-2.3 (Hearing, Posting of Bond); and

WHEREAS, the Borough of Manasquan, County of Monmouth is desirous of amending and supplementing Chapter 15, Section 15-2.3; and

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1: Chapter 15, Section 15-2.3 of the Borough of Manasquan Code shall be amended and shall read as follows:

15-2.3 Hearing, Posting of Bond

- a. If in any one year, three complaints, on separate occasions, of disorderly, indecent, tumultuous, or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incident of the same character.
- b. The Borough council or any officer or employee designated by the Borough Council shall cause to be served upon the landlord, in person or by certified mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court, or such other public place as designated by the Borough Council, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.
- c. The landlord shall be required to pay a hearing fee 1 week prior to the date of the hearing convened pursuant to paragraph b above as stated in Chapter 16, Fees. The hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. At the conclusion of the hearing, the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this section.
- d. Any bond required to be posted shall be in accordance with the judgement of the hearing officer, in light of the nature and extent of the offences indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

1. Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises; and
 2. Securing the payment of fines and penalties likely to be levied for such offenses; and
 3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided however, no such bond shall be in an amount less than \$500 nor more than \$5,000. The municipality may enforce a bond thus required by action in the Superior Court and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
- e. Any bond or other security deposited in compliance with paragraph d above shall remain in force for a period deemed appropriate by the hearing officer for a period of up to four years. Failure to post the bond as required by this Ordinance is in violation of this Ordinance and the landlord shall be subject to any and all penalties prescribed by law. Upon the lapse of the prescribed bond period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under subsection 15-2.4 below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property may void a requirement for continuing the security imposed under this section. The landlord scheduled to transfer ownership of the property shall petition the Borough in writing to have the bond released and returned upon proof of the transfer. The Borough Council may by resolution then return the bond to the transferor landlord or mandate that the bond be maintained for the remainder of the prescribed period despite the intervening transfer of ownership.

Section 2: Chapter 16 fees, 15-2.3 of the Borough of Manasquan Code shall be amended and shall read as follows:

16-1.1 Fee Schedule Established:

15-2.3 Hearing, Posting of Bond			
Administrative Fees for Rental Property Hearing	a.	Fee to be paid by Landlord 1 week prior to the date of the hearing	\$250.00

Section 3: Construction and effective date

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

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No.2364-21 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 18th day of October 2021 and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 1st day of November 2021. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.

Barbara Ilaria, RMC, CMC
Municipal Clerk

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

Passed on First Reading and Introduction: October 18, 2021
Approved on Second Reading and Final Hearing: November 1, 2021

Edward Donovan
Mayor