

**BOROUGH OF MANASQUAN AGENDA**  
**March 04, 2024 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.

As a courtesy to the public this meeting may be attended via zoom. If for any reason the zoom portion of this meeting fails or is disconnected the in-person meeting will continue and action can/will be taken. After signing in you will be put into a meeting room and the Municipal Clerk will allow you access just before the meeting time.

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

**ID# 883 004 6931**

**Moment of Silent Prayer**

**Pledge of Allegiance**

**Roll Call**

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

**Workshop Discussion:**

**Other Items**

1. Engineer's Monthly Report

**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. 74-2024 Appoint Recreation Staff - Multiple
2. 77-2024 Refund Boat Slip Fees - McDonald & Farkas
3. 78-2024 Return Dumpster Permit Security - 103 S. Jackson Avenue
4. 79-2024 Amending Resolution 46-2024 Correcting Refund Check Payee - CVS Project
5. 80-2024 Release Performance Bond Fernandes Construction Co., Inc. - Mount Lane/Euclid Ave Project
6. 81-2024 Return Performance Bond Fernandes Construction Co., Inc. - South Street Parking Lot Project
7. 82-2024 Refund Overpayment Water Sewer - 492 Brielle Road
8. 83-2024 Appoint Permanent Payroll Clerk - Lang
9. 84-2024 Authorizing Grant Submission - Spotted Lanternfly Population Reduction
10. 85-2024 Appointing SLEO IPT Dispatcher - Mason
11. 86-2024 Change Order #2 Sea Watch Project - Imperial Construction & Electric
12. 87-2024 Opposing Bill A4 Affordable Housing Changes
13. 88-2024 Payment of Bills

**Committee Reports**

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

**Closed Session**

1. Personnel - Human Resources

**Adjournment**

## Borough of Manasquan Engineering Status Report Through February 2024

### A. ACTIVE ENGINEERING CAPITAL PROJECTS

#### 1. Sea Watch Recreational Improvements Final Design

This project consists of the final design for improvements at the Sea Watch Recreational Area. It is our understanding that the Borough would like to construct a raised one-story structure and improve the property for the purpose of providing multiple recreational uses for the community.

Anticipated facilities for beach goers include locker rentals, a sundries store, public restrooms, and a concession stand with an area for informal dining. We believe that to better enhance the recreational area, site improvements will also be needed for this project. Site improvements that have been discussed are improved ADA accessibility where needed within the site, the addition of sufficient bicycle parking, and reconfiguration of the existing parking lot.

**Status:** A proposal was authorized on December 2, 2019 and a kickoff meeting took place on December 20, 2019. Programming and feasibility are underway. Topographic and Boundary Survey have been completed. A meeting with Green Acres took place on March 12, 2020 to review uses within the property limits. A programming meeting took place with the project team on March 27, 2020. Further discussion between the Borough and the Project Team has been ongoing. Currently, the programming exercise for the building is ongoing to determine the necessary square footage based on the Borough's requested building uses. A conceptual plan of the building consisting of footprints and elevation views of the proposed building was provided to the Borough on June 12, 2020. An MCAC meeting occurred July 1, 2021. The conceptual site plan was provided to the Borough on July 23, 2021. A public meeting was held on August 12, 2021 and also discussed on August 17, 2021. A follow up public meeting was held on September 21, 2021 to discuss a revised concept. An NJDEP CAFRA Pre-Application meeting occurred in late January. The Conceptual Site Plan was provided to the Borough. The CAFRA package was submitted to NJDEP in June of 2021. Colliers Engineering & Design (CED) responded to comments received by NJDEP in late August and is awaiting the application to be deemed Administratively Complete. This project has entered the Public Comment Period which ran until December 17, 2021. A decision from NJDEP is expected 60 days after that date. CED has received comments from NJDEP and responded in January 2022. NJDEP has approved the technical modification to the previously approved Individual Permit. The project received certification from the Freehold Soil Conservation District. Bids were received in May of 2023 and rejected. The project was awarded to Sea Wolf Construction on July 24, 2023. A Pre-Construction meeting occurred in August 2023. **Construction started in Mid-September. Demolition of the existing buildings is complete and all piles have been installed. Utility, site work, and building construction are underway.**

## 2. First Avenue Improvements – FY 2022 Local Aid

First Avenue is an essential roadway that provides access to the beach for the entire Borough. We understand that the Borough wishes to proceed with the road improvements in an expedited manner after the summer season concludes on Labor Day, and we have structured our services to accommodate the Borough's desired schedule. The Borough recently received an FY 2021 NJDOT Municipal Aid Grant in the amount of \$250,000.00 for the roadway project and will be looking at alternative funding to get the most value in this contract. The current project limits are from Main Street to Riverside Drive.

**Status:** Authorization took place on February 22, 2022. Design is complete. This project was awarded to Black Rock Construction. A Pre-Construction meeting took place and construction has commenced. All concrete work has been completed, as well as drainage improvements. Remaining items are water valve and hydrant work, as well as sanitary improvements. All concrete, water, and sanitary improvements have been completed. **The project is on winter shut down and will resume this Spring with milling and paving operations.**

## 3. East Virginia Avenue and South Street Pump Station Improvements

This project includes proposed upgrades to the South Street Pump Station and East Virginia Avenue Pump Station in the Borough. Based on that initial investigation and discussion with Borough representatives, the following improvements to these pump stations are proposed: Replace dry well pumps with wet well submersible pumps at both pump stations; install new piping in wet well and new valve chamber at both pump stations; upgrade controls at both pump stations and replace level sensing equipment in wet wells; clean and epoxy coat wet wells; modify wet wells to increase diameter of upper sections for pump removal and add hatches; install bypass connection on the South Street Pump Station force main and add mixers or appropriate pumps to wet wells of both pump stations to mitigate grease buildup issues.

**Status:** Authorization took place in April 2022. Design was completed. Bids were received on June 30, 2022. The Borough has awarded this project and a Pre-Construction meeting took place in October 2022. Construction is underway at both sites. Both systems have been started up and are being monitored with the expectation that this project will be completed by the end of the year. **This project is significantly completed and on punchlist. Project closeout will follow.**

## 4. Water Storage Tank Painting and Repairs

This project involves the repair and painting of the 300,000-gallon elevated finished water storage tank located at the Water Treatment Facility. Painting and repairs included in the project documents will be as recommended in the Suez report from the October 2020 inspection. With water demand being significantly higher during the summer months, the project documents will limit repairs and painting such that the tank can remain in service between Memorial Day and Labor Day. This project is in conjunction with another task involving the interconnection study that the Borough is looking to develop when the water tank goes offline.

**Status:** Authorization took place in February 2023. **Design is ongoing.**

## 5. Euclid Avenue Improvements – Phase II

This project will aim to reduce the Borough's concern of chronic nuisance flooding at the intersections of South Jackson Avenue and Euclid Avenue, as well as South Jackson Avenue and Cedar Avenue. This project will address these issues by utilizing the installation of concrete curb and gutter along South Jackson Avenue the existing drainage system at the Pine Avenue intersection. Throughout the project limits, deteriorated sidewalk will be replaced, where needed, and ADA improvements will be made at the intersection curb ramps. These improvements will include upgrading all fire hydrants in the area, replacement of water valves, as well as sanitary improvements. At this time, the Borough is acquiring CCTV inspections of the sanitary lines, and a final assessment of require improvements will be provided to the Borough.

**Status:** Authorization took place in February 2024. **Survey has been completed and design is underway.**

## B. GRANTS & FUNDING

### 1. NJHT Grant Management Assistance for Squan Beach Life Saving Station

The Borough was awarded a \$75,000.00 New Jersey Historic Trust (NJHT) Level I Capital Preservation Grant for Exterior Repairs at the Squan Beach Life Saving Station. The grant will be used to partially reimburse the Borough for the exterior repairs at the Squan Beach Life Saving Station project, part of which was completed. Our office is assisting with management and implementation of the grant. A kickoff meeting was held April 18, 2018.

**Status:** The grant agreement has been executed and our office is assisting with this request for reimbursement. **Our office is working with the NJHT, the Borough, and Architect on reporting, reimbursement, and closeout activities. An extension to June 2024 was requested.**

### 2. 2023 NJDOT Local Transportation Projects Fund (LTPF)

An application is in progress for NJDOT's discretionary grant program to fund the Stockton Lake Bulkhead project due by June 2, 2023.

**Status: An Application was submitted. Award announcements are pending and were expected in Summer 2023. The Application has not yet been denied or awarded funding and NJDOT will not indicate when that is expected. The FY 2024 round is open and we are proactively re-applying to that round.**

### 3. Monmouth County 2023 Municipal Park Improvement Grant Program

An application was submitted for Winterstella Park Playground Improvements due July 13, 2023. A public hearing was held July 10, 2023.

**Status: An Application was submitted and approved. The Borough was notified of a grant award on December 20, 2023 in the amount of \$174,000.**

4. **NJDCA Boardwalk Preservation Fund**

An application is in progress for Stockton Lake bulkhead and promenade due October 31, 2023.

**Status: An Application was submitted. Award announcements were expected January 2, 2024. A press release on February 23, 2024 does not list the Borough as a selected recipient.**

5. **2024 NJDOT Local Transportation Projects Fund (LTPF)**

An application is in progress for NJDOT's discretionary grant program to fund the Stockton Lake Bulkhead project.

**Status: An Application was submitted on December 13, 2023.**

6. **FY24 Local Recreation Improvement Grant**

An application is in progress for the NJDCA Local Recreation Improvement 2024 grant for the Community and Senior Center project. The anticipated grant request amount is \$75,000. The grant application deadline was extended from February 27, 2024 to April 16, 2024; however, we will submit as soon as feasible.

**Status: An Application is in progress.**

JJR/KH/sab

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**BOROUGH OF MANASQUAN  
RESOLUTION  
74-2024**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Assistant Recreation Supervisors on an as needed basis.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 4<sup>th</sup> day of March 2024 appoint the following:

Name	Address	Title	Rate of Pay (Hourly/ Salary/ Seasonal)	Effective Date	Hours (Part Time/ Seasonal)
Caitlen Whalen	Manasquan	Assistant Recreation Supervisor (Borough Title-Recreation Program Coordinator)	\$24.50/hour	02/20/2024	Part-Time as needed
Anthony Esdaile	Manasquan	Assistant Recreation Supervisor (Borough Title-Recreation Program Coordinator)	\$24.50/hour	02/20/2024	Part-Time as needed
Kyle Quigley	Wall Township	Assistant Recreation Supervisor (Borough Title-Recreation Program Coordinator)	\$24.50/hour	02/20/2024	Part-Time as needed

**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 4, 2024.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA	___ YES		___ NO			

**BOROUGH OF MANASQUAN  
RESOLUTION  
77-2024**

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

**WHEREAS**, a refund of monies is due to the following:

NAME: Marshall McDonald  
25 Parker Avenue  
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$900.00

Scott Farkas  
2403 Sycamore Street  
Manasquan, NJ

AMOUNT OF REFUND DUE \$900.00

**REASON:** Boat Lessees paid for their boat slips and then downsized to smaller boat slip at a lower cost.

**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 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 4, 2024, meeting.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGIANO						
VIDREIRO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
78-2024**

**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: JACOBS DEMOLITION AND CARTING LLC  
PO BOX 9  
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$150.00

REASON FOR REFUND: DUMPSTER PERMIT FEE  
RETURN –

103 S. JACKSON 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.

**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 4, 2024, meeting.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						



**BOROUGH OF MANASQUAN  
RESOLUTION  
79-2024**

**WHEREAS**, at the February 5, 2024 meeting of the Borough Council of the Borough of Manasquan, approved Resolution 46-2024 releasing the Performance Guarantee in the amount of \$1,347.38 to Manasquan Holding LLC. /Levin Management for the CVS Construction Project in accordance with the Municipal Land Use Law.

**WHEREAS**, it has been determined that Resolution 46-2024 should be amended to read that the Performance Bond should be released to Allstate Construction Corporation/CVS.

**NOW THEREFORE BE IT RESOLVED** that the Borough of Manasquan authorizes the amendment to this resolution to reflect the correct name of Allstate Construction.

**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 4, 2024.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA ____ YES ____ NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
80-2024**

**RESOLUTION OF THE BOROUGH COUNCIL OF  
THE BOROUGH OF MANASQUAN, COUNTY OF  
MONMOUTH, NEW JERSEY, RELEASING THE  
PERFORMANCE BOND/GUARANTEE TO  
FERNANDES CONSTRUCTION COMPANY INC**

**WHEREAS**, Fernandes Construction Company Inc. posted a performance guarantee in the amount of \$367,303.20 for the 2023 Mount Lane and Euclid Avenue Improvements Project; and

**WHEREAS**, a review of the bonded items, shows that all bonded items are installed and are acceptable; and

**WHEREAS**, the Governing Body of the Borough of Manasquan is desirous of releasing the performance guarantee in the amount of \$367,303.20; and

**WHEREAS**, the release of this performance guarantee is specifically conditioned upon Fernandes Construction Company posting a two (2) year maintenance bond in the amount of \$55,713.55 in accordance with the Municipal Land Use Law.

**NOW, THEREFORE BE IT RESOLVED** on the 4<sup>th</sup> day of March 2024, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The performance guarantee in the amount of \$367,303.20 posted by Fernandes Construction Company Inc. may be released.
2. The Chief Financial Officer is authorized to return the bond in the sum of \$367,303.20 to Fernandes Construction Co.
3. A certified copy of this Resolution shall be sent to:

Fernandes Construction Co. Inc.  
25 Stonegate Drive  
Monroe, NJ 08834

**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 4, 2024.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN,  
RESOLUTION  
81-2024**

**RESOLUTION OF THE BOROUGH COUNCIL OF  
THE BOROUGH OF MANASQUAN, COUNTY OF  
MONMOUTH, NEW JERSEY, RELEASING THE  
PERFORMANCE BOND/GUARANTEE TO  
FERNANDES CONSTRUCTION COMPANY INC**

**WHEREAS**, Fernandes Construction Company Inc. posted a performance guarantee in the amount of \$218,384.70 for the 2023 South Street Parking Lot Improvements Project; and

**WHEREAS**, a review of the bonded items, shows that all bonded items are installed and are acceptable; and

**WHEREAS**, the Governing Body of the Borough of Manasquan is desirous of releasing the performance guarantee in the amount of \$218,384.70; and

**WHEREAS**, the release of this performance guarantee is specifically conditioned upon Fernandes Construction Company posting a two (2) year maintenance bond in the amount of \$32,049.64 in accordance with the Municipal Land Use Law.

**NOW, THEREFORE BE IT RESOLVED** on the 4<sup>th</sup> day of March 2024, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The performance guarantee in the amount of \$218,384.70 posted by Fernandes Construction Company Inc. may be released.
2. The Chief Financial Officer is authorized to return the bond in the sum of \$218,384.70 to Fernandes Construction Co.
3. A certified copy of this Resolution shall be sent to:

Fernandes Construction Co. Inc.  
25 Stonegate Drive  
Monroe, NJ 08834

**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 4, 2024.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
82-2024**

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

**WHEREAS** a refund of monies is due for the 1st quarter, 2023 water sewer billing to the following:

NAME: ROBERT & DIANA JASPAN  
75 WORDSWORTH ROAD  
BRICK, NJ 08724

PROPERTY: 492 BRIELLE ROAD

AMOUNT OF REFUND DUE: \$344.94

REASON FOR REFUND: OVERPAYMENT/PROPERTY  
SOLD

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough Of Manasquan hereby ratify the refunds in the said amount to the above listed homeowners.

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 4, 2024, meeting.

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BARBARA ILARIA, RMC, CMC  
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
83-2024**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey appoints Patricia Lang from provisional to permanent Senior Payroll Clerk/Account Clerk after the appointee has met all the civil service requirements for the position. No salary changes.

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 4, 2024.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA    ___ YES    ___ NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
84-2024**

**WHEREAS**, the Borough of Manasquan desires to apply to the State of New Jersey Department of Agriculture Division of Plant Industry for Spotted Lanternfly Program 2024 – 2026 Spotted Lanternfly Population Reduction/Chemical Control Treatment Grant.

**NOW THEREFORE BE IT RESOLVED**, by the Brough Council of the Borough of Manasquan, Monmouth County, New Jersey on this 4<sup>th</sup> day of March 2024 does hereby authorize the application for such a grant.

**BE IT FURTHER RESOLVED** that upon receipt of the grant agreement from the New Jersey Department of Agriculture Division of Plant Industry, Borough Council does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Manasquan and the New Jersey Department of Agriculture Division of Plant Industry.

**BE IT FURTHER RESOLVED** that the Mayor and Administrator are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

**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 4, 2024, meeting.

\_\_\_\_\_  
Barbara Ilaria, RMC, CMC  
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
85-2024**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Special Law Enforcement Officer Class I / Part Time Dispatch for the year 2024; and

**WHEREAS**, the Police Captain has submitted the below individual for appointment as Special Law Enforcement Officer/Part Time Dispatch for the Borough of Manasquan effective March 5, 2024, at the current contractual rate per hour.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 5<sup>th</sup> day of March 2024 appoint the below individual as SLEO Class I Officer/Part Time Dispatch in Manasquan Police Department:

Name	Title	Rate of Pay (Hourly/Salary/Seasonal)	Effective Date From and To	Hours (Part Time/ Seasonal)
Gabriella A Mason	Class I	\$16.27	3/05/2024	Part Time
	Dispatch	\$19.07	3/05/2024	Part Time

**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 5, 2024.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA <u>    </u> YES <u>    </u> NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
86-2024**

**CHANGE ORDER NO. 2**

**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: Sea Watch Recreation Building

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

CONTRACTOR: Imperial Construction & Electric  
505 North Broad Street  
Elizabeth NJ 07208

CHANGE ORDER NO. 2

AMOUNT OF CHANGE FOR THIS RESOLUTION: \$ 24,150.00  
TOTAL ORIGINAL CONTRACT PRICE \$3,588,000.00  
REVISED CONTRACT PRICE \$3,614,163.65

**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 4, 2024.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERIA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA			___ YES ___	___ 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.

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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 5<sup>th</sup> day of March 2024, 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.
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: Z-08-99-612-551

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Amy Spera  
Chief Municipal Financial Officer

**BOROUGH OF MANASQUAN  
RESOLUTION  
87-2024**

**RESOLUTION OF THE BOROUGH OF MANASQUAN OF,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50,  
WHICH PROPOSES TO OVERHALL THE FAIR HOUSING  
ACT (“FHA”) IN A WAY THAT IMPOSES UNREALISTIC  
OBLIGATIONS WITH UNREALISTIC DEADLINES  
BASED UPON ONEROUS STANDARDS**

**Mount Laurel II**

**WHEREAS**, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

**WHEREAS**, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 (“FHA”); and

**The Fair Housing Act of 1985**

**WHEREAS**, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

**WHEREAS**, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder’s remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder’s remedies to try to compel them to capitulate their zoning demands; and

**WHEREAS**, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need “based on development and growth which is reasonably likely to occur” and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

**WHEREAS**, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

**The New Jersey Council on Affordable Housing**

**WHEREAS**, the FHA created COAH and conferred “primary jurisdiction” on COAH to administer the FHA and to implement the affordable housing policies of our State; and

**WHEREAS**, all acknowledge -- even Fair Share Housing Center (“FSHC”) -- that COAH functioned just fine in Rounds 1 and 2; and

**WHEREAS**, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

**Mount Laurel IV**

**WHEREAS**, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH’s failure to adopt valid regulations; and

**WHEREAS**, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

**WHEREAS**, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH

would be effective so that towns could comply once again through the administrative process created by the FHA; and

**WHEREAS**, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

**WHEREAS**, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

**WHEREAS**, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

**WHEREAS**, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

**WHEREAS**, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable units and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

**WHEREAS**, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

#### **The 354 Settlements with FSHC**

**WHEREAS**, FSHC reports that it entered 354 settlements in Round 3; and

**WHEREAS**, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

**WHEREAS**, many of those Round 3 settlements will result in development during the Round 4 period; and

**WHEREAS**, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

**WHEREAS**, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

**WHEREAS**, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

#### **A-4/S-50**

**WHEREAS**, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

**WHEREAS**, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

**WHEREAS**, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

**WHEREAS**, the perception that the Legislature designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

**WHEREAS**, consequently, the Legislature did not ram the bill through in the lame duck session; and

**WHEREAS**, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

**WHEREAS**, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

**WHEREAS**, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

**WHEREAS**, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

**WHEREAS**, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

**WHEREAS**, despite elimination of just some of the gross excesses of the prior version of the bill, the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

**WHEREAS**, the Bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called “The Program”, which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

**WHEREAS**, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH’s response to their comments; and

**WHEREAS, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and**

**WHEREAS**, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

**WHEREAS**, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

**WHEREAS**, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

**WHEREAS**, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

**WHEREAS**, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

**WHEREAS**, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

**WHEREAS**, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

**WHEREAS**, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

**WHEREAS**, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and

**WHEREAS**, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

**WHEREAS**, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

**WHEREAS**, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

**WHEREAS**, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

**WHEREAS**, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

**WHEREAS**, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

**WHEREAS**, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

**WHEREAS**, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

**WHEREAS**, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

**WHEREAS**, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

**WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and**

**WHEREAS**, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

**WHEREAS**, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

**WHEREAS**, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

**WHEREAS, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units**

**can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and**

**WHEREAS**, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

**WHEREAS**, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

**WHEREAS**, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

**WHEREAS**, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

**WHEREAS** A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

**WHEREAS**, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

**WHEREAS, the Bill suffers from a myriad of additional flaws; and**

**WHEREAS**, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

**WHEREAS**, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus.; and

**WHEREAS**, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be "onerous"; A4/S50 applies the 1,000-unit cap only to a component of the municipality's fair share -- the prospective need -- and authorizes the imposition of an obligation that is onerous; and

**WHEREAS**, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

**WHEREAS**, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

**WHEREAS**, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

**WHEREAS**, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

**WHEREAS**, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

1. The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;
2. The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;
3. The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

**WHEREAS**, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

**WHEREAS**, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

**NOW, THEREFORE, BE IT RESOLVED**, that for all of the above reasons, the Council of the Borough of Manasquan, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the Legislators in the State Assembly and Senate representing our District immediately.

**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 4, 2024.

\_\_\_\_\_  
 BARBARA ILARIA, RMC, CMC  
 Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERIA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA ___ YES ___ NO						

**BOROUGH OF MANASQUAN  
RESOLUTION  
88-2024**

**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	\$214,583.93
Water/Sewer Fund	\$22,621.53
Beach Fund	\$7,113.94
Grants	\$900.97
Recreation Trust	\$12,811.37
Misc Trust	\$15,850.91
General Capital	\$4,412.00
Grand Total	\$278,294.65

**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 4, 2024.

\_\_\_\_\_  
BARBARA ILARIA, RMC, CMC  
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
BRYANT						
HOLLY						
OLIVERA						
TRIGGIANO						
VIDREIRO						
ON CONSENT AGENDA ___ YES ___ NO						