

Manasquan Borough Council Meeting
In- Person at Borough Hall and Virtual Zoom Meeting
November 1, 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
November 01, 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)

Approval of Minutes

1. Regular Meeting Minutes - October 4, 2021

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.](#) 262-2021 Accepting Resignation Special Law Enforcement Officer II - Textor
- [2.](#) 263-2021 Return Dumpster Security - 131 First Avenue
- [3.](#) 264-2021 Accepting Resignation Special Law Enforcement Officer II - Dietrick
- [4.](#) 265-2021 Authorizing Extending Hours of Work - Fernandes Construction - First Avenue Project
- [5.](#) 266-2021 Appoint Electrical Sub-Code Inspector - Brown
- [6.](#) 267-2021 Appointing Account Clerk in Finance Department - Pompilio
- [7.](#) 268-2021 Approving Fire Commissioner Annual Salary
- [8.](#) 269-2021 Return Planning Board Escrow - Various
- [9.](#) 270-2021 Authorizing Veteran Tax Deduction - Lund
- [10.](#) 271-2021 Payment of Bills

Ordinances - Second Reading

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

Committee Reports

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

Adjournment

**BOROUGH OF MANASQUAN
RESOLUTION
262-2021**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Michael Texter from the position of Special Law Enforcement Officer II from the Manasquan Police Department effective as of October 19, 2021.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was adopted by the Borough Council at the November 1, 2021 meeting.

BARBARA I LARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
263-2021**

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: GML CONSTRUCTION LLC
1250 CATTUS ISLAND BLVD
TOMS RIVER, NJ 08753

AMOUNT OF REFUND DUE: \$1,000.00

REASON FOR REFUND: Dumpster Security 131 First Avenue

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 November 1, 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
264-2021**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Sydney Dietrick from the position of Special Law Enforcement Officer II from the Manasquan Police Department effective as of October 16, 2021.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing resolution was adopted by the Borough Council at the November 1, 2021 meeting.

BARBARA I LARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
265-2021**

WHEREAS, The Mayor and Council of the Borough of Manasquan on August 16, 2021 awarded the First Avenue Improvement Project to Fernandes Construction, Inc.; and

WHEREAS, The Mayor and Council are desirous to finish the First Avenue Improvement Project in the most expeditious and effective manner; and

WHEREAS, Chapter 3-28.3e of the Manasquan Borough Code permits Construction between the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday; and

WHEREAS, Fernandes Construction Inc., submitted a request to the Borough of Manasquan to begin construction at 7:00 a.m. Monday through Saturday.

NOW THEREFORE BE IT RESOLVED, that Borough of Manasquan authorizes Fernandes Construction Inc. to begin their construction from Monday to Saturday at 7:00 a.m.

BE IT FURTHER RESOLVED a copy of this resolution be presented to the Fernandes Construction Inc.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the November 1, 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
266-2021**

WHEREAS, the Borough of Manasquan is desirous of appointing a part time Electrical Sub-Code Official; and

WHEREAS, the Code/Construction Supervisor has reviewed the candidates for the position of Electrical Sub-Code Official; and

WHEREAS, THE Code/Construction Supervisor has recommended that the Borough of Manasquan hire Glen R. Brown effective November 1, 2021.

NOW, THEREFORE BE IT RESOLVED on the 1st day of November, 2021 by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Glen R. Brown is appointed to the position of Electrical Sub-Code Official of the Borough of Manasquan.
2. The effective date of this appointment is November 1, 2021.
3. The salary for this position is \$9,000 per year for 4 hours a week.
4. \$50 an hour for hours worked over the 4 hours a week.
5. A certified copy of this resolution shall be sent to:

Glen R. Brown

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 November 1, 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
267-2021**

**RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF MANASQUAN, COUNTY OF
MONMOUTH, NEW JERSEY, APPOINTING KEVIN
POMPILIO FULL TIME ACCOUNT CLERK IN THE
FINANCE DEPARTMENT**

WHEREAS, due to a vacancy, the Borough of Manasquan (“Manasquan”) is in need of a full time Account Clerk in the Finance Department; and

WHEREAS, CMFO, Amy Spera has reviewed the candidates for the position of Account Clerk; and

WHEREAS, CMFO, Amy Spera has recommended that the Borough of Manasquan appoint Kevin Pompilio Account Clerk at the annual salary rate of \$35,000 with the addition of \$7,500 upon obtaining the Qualified Purchasing Agent Certification.

NOW, THEREFORE BE IT RESOLVED on the 1st day of November 2021, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Kevin Pompilio appointed to full-time Account Clerk.
2. The annual salary of \$35,000 with the addition of \$7,500 upon obtaining the Qualified Purchasing Agent Certification.
3. The effective date of this appointment is November 15, 2021.
4. A certified copy of this resolution shall be sent to :

Kevin Pompilio

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at their regular meeting held on November 2, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

**BOROUGH OF MANASQUAN
RESOLUTION
268-2021**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY,
REVIEWING AND APPROVING THE BOROUGH OF
MANASQUAN BOARD OF FIRE COMMISSIONERS OF
FIRE DISTRICT No. 1 FIRE COMMISSIONER SALARY
FOR 2022**

WHEREAS, via attached Resolution No. 2021, Borough of Manasquan Fire District No. 1 authorized and approved the 2022 annual compensation for the Board of Fire Commissioners; and

WHEREAS, N.J.S.A. 40A:14-88 requires the salaries of members of Board of Commissioners of Fire Districts to be reviewed and approved annually by the governing body; and

WHEREAS, the Mayor and Borough Council of the Borough of Manasquan have reviewed Board of Fire District No. 1 Resolution 2021 and the proposed annual compensations for each of the Board Commissioners as \$2000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, hereby approve the 2022 annual compensation of the Board of Fire Commissioners of the Borough of Manasquan Fire District No. 1.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk of the borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at their meeting held on November 1, 2021.

BARBARA ILARIA, RMC, CMC
Municipal Clerk

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

Resolution No. 2021

**RESOLUTION SETTING COMPENSATION FOR COMMISSIONERS PURSUANT TO
N.J.S.A. 40A:14-88 AND THE MANNER OF PAYMENT THEREOF**

WHEREAS, N.J.S.A. 40A:14-88, authorizes commissioners to receive compensation for their offices conditioned upon same being reviewed by the governing body of the municipality; and

WHEREAS, the Board has budgeted for said compensation in the 2022 budget, subject to introduction, a public hearing and adoption by the Board and the Department of Community Affairs, Division of Local Government Services, Local Finance Board; and

WHEREAS, the amount of the compensation is reflective of the time, work and dedication necessary to accommodate the rapid growth and expansion of not only the fire service, but the Borough as a whole; and

WHEREAS, the Board finds and determines that said compensation should be effective retroactive to January 1, 2022; and

WHEREAS, the Board further finds and determines that the compensation should be in the amount of two thousand dollars (\$2,000.00) per commissioner for each year served or pro rata for a portion of any year of service; and

WHEREAS, the Board has determined that payment shall be made in accordance with Board policy.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of Fire District No. 1, Borough of Manasquan, County of Monmouth, State of New Jersey, that the compensation for each commissioner shall be set in the amount of two thousand dollars (\$2,000.00) per year under the terms and conditions set forth above and that the Board's practice in future fiscal years shall be modified to reflect that a copy of the District budget will be forwarded annually to the Business Manager of the Borough of Manasquan for the governing body's reference and comments relative to the commissioners' compensation, if any, prior to the Board's public hearing on the budget and final adoption; and

BE IT FURTHER RESOLVED, that the sums as set forth above appear in the 2022 budget under the caption of Administration – Personnel; Commissioners and is hereby appropriated under the said caption of the operating section of the 2022 budget; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds shall be certified as of the date of the within Resolution and shall be chargeable to the above said line item as incurred to the maximum amount of same unless otherwise increased as

permitted by law and a separate certification of availability of funds is made by the Board Treasurer; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall be forwarded to the governing body and, if no objections or other concerns are received within ten (10) days, the Board shall proceed as set forth in this Resolution; and

BE IT FURTHER RESOLVED, that the within Resolution shall be effective immediately upon passage; and

BE IT FURTHER RESOLVED, that any resolution or part of a resolution inconsistent herewith are hereby repealed or otherwise revoked; and

BE IT FURTHER RESOLVED, that if any section, paragraph, sentence, clause or phrase in this Resolution is for any reason held or determined to be unconstitutional or invalid, same shall not affect the remainder of this Resolution; and

BE IT FURTHER RESOLVED, that notwithstanding anything set forth herein to the contrary, the Board shall be permitted to amend, modify, repeal or otherwise act as to those topics which are the subject of this Resolution provided said acts are consistent with public policy, Board bylaws, township ordinances, local, state and federal laws and rules and regulations promulgated thereunder; and

BE IT FURTHER RESOLVED, that an original signed, conformed and compared copy of this Resolution be accessible and maintained as an official Board record pursuant to and in accordance with the "Open Public Records Act"; N.J.S.A. 47:1A-1, *et seq.* and the "Destruction of Public Records Law (1953)"; N.J.S.A. 47:3-8.1, *et seq.* as set forth by the State of New Jersey Municipal Agency Record Retention Schedule promulgated by the Division of Archives and Record Management.

CERTIFICATION

I, **CARMEN G. TRIGGLIANO**, Clerk of the Board of Fire Commissioners of Fire District No. 1, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true conformed and compared copy of an original Resolution now on file and of record in the District office which was duly adopted at a public meeting held on the 20th day of October, 2021.

I do further certify that the said Board of Fire Commissioners of Fire District No. 1, Borough of Manasquan, County of Monmouth, State of New Jersey, is composed of - 5 - members,

and that 3 members were present and 3 members voted affirmatively for the adoption of the Resolution and 0 members voted against the adoption of the Resolution.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Board of Fire Commissioners of Fire District No. 1, Borough of Manasquan, County of Monmouth, State of New Jersey, on this 20th day of October, 2021.



CARMEN G. TRIGGIANO, CLERK
Board of Fire Commissioners
Fire District No. 1
Borough of Manasquan

**BOROUGH OF MANASQUAN
RESOLUTION
269-2021**

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: RICHARD & BARBARA MULLARKEY
327 FIRST AVENUE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #14-2021
327 FIRST AVENUE
BLOCK: 184.01 LOT: 10 ZONE: R-5
AMOUNT OF REFUND DUE: \$643.00

NAME: STACEY SIMON
415 EUCLID AVENUE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #13-2021
415 EUCLID AVENUE
BLOCK: 142 LOT: 39 & 40 ZONE: R-2
AMOUNT OF REFUND DUE: \$130.50

NAME: THOMAS & DEIRDRE HOWARD
329 EUCLID AVENUE
MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #12-2021
329 EUCLID AVENUE
BLOCK: 119 LOT: 21 ZONE: R-2
AMOUNT OF REFUND DUE: \$184.96

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

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the November 1, 2021 meeting.

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

BARBARA ILARIA, RMC, CMC
Municipal Clerk

**BOROUGH OF MANASQUAN
RESOLUTION
270-2021**

WHEREAS, pursuant to N.J.S.A. 54:4-8.10 et seq. two hundred fifty dollars (\$250) may be deducted each year from taxes due on the real or personal property of qualified active duty veterans or their unremarried surviving spouses; and

WHEREAS, 2021 property taxes based on the assessment listed in the 2021 Tax Duplicate, are to be deducted \$250.00; all 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 deduction and have recommended to the Borough Council that the appropriate Borough officials be authorized to issue said deduction; and

WHEREAS, the Tax Collector shall be and is hereby authorized to deduct 2021 property taxes \$250.00, as he/she is a veteran as per NJ Statute 54:4-8.10 et seq.

NAME: LUND, THEODORE L & BARBARA
BLOCK 113
LOT 11

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 deduction in accordance with N.J.S.A. 54:4-8.10 et seq.

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the November 1, 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
271-2021**

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

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

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

Current Fund	\$2,877,079.69
Capital Fund	\$205,180.44
Water/Sewer Fund	\$9,893.62
Beach Utility Fund	\$32,338.84
Recreation Building Trust	\$1,268.33
Recreation Trust	\$13,962.81
Unemployment	\$534.00
Affordable Housing	\$463.50
Animal Trust	\$265.00

CERTIFICATION

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey do hereby certify that the foregoing resolution was duly adopted by the Council at their regular meeting on November 1, 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
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, an 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