

**BOROUGH OF MANASQUAN AGENDA**  
**September 18, 2023 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)**

**Resolution**

1. 250-2023 Authorizing Retirement of K9 George

**Swearing In**

1. David Baez - Police Officer
2. TAZ - K-9 Police Officer

**Approval of Minutes**

1. Regular Meeting Minutes - September 5, 2023

**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. 248-2023 Authorizing Mayor to Execute PNC Pocket Park Agreement
2. 249-2023 Return Animal House Bond - 583 Brielle Road
3. 251-2023 Authorizing Extended Hours of Work for First Avenue Phase II Project - Black Rock Enterprises
4. 252-2023 Return Planning Board Escrow - Lay
5. 253-2023 Revising Scope of Work 86 Main Street - VHB
6. 254-2023 Supporting Environmental Study - 86 Main Street
7. 255-2023 Payment of Bills

**Ordinances - Second Reading**

1. 2409.23 AMENDING CHAPTER 3 (POLICE REGULATIONS) SECTION 3-17 (MOTOR VEHICLES EXCLUDED CERTAIN AREAS) SECTION 3-17.3 (EXCEPTIONS) AND CREATING A NEW SECTION 3-17.2 (REGULATING MOTORIZED BICYCLES)

**Committee Reports**

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

**Adjournment**

**BOROUGH OF MANASQUAN  
RESOLUTION  
250-2023**

**AUTHORIZING THE RETIREMENT OF K-9  
GEORGE AND RELINQUISHING ALL RIGHTS  
AND RESPONSIBILITES FOR SAID K-9**

**WHEREAS**, K-9 George has been deemed no longer viable to work as a Police K-9; and

**WHEREAS** the K-9 assigned to Lieutenant Nicholas Norcia as Handler cannot be reassigned for safety reason; and

**WHEREAS** the borough agreed to retire K-9 George to his Handler.

**NOW THEREFORE, BE IT RESOLVED**, that K-9 George assigned to Lieutenant Norcia be retired and placed with Lieutenant Norcia and his family and that the Borough of Manasquan relinquishes all rights and responsibilities for said K-9, and transfer of K-9 and Waiver of Liability Agreement has been executed.

**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 September 18, 2023.

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

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
248-2023**

**BE IT RESOLVED** that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and are hereby authorized to sign the License Agreement between the Borough of Manasquan and the PNC Bank, National Association commencing October 1, 2023 and terminating September 30, 2028 for the licensing of a portion of the premises of 107 Main Street known as “Pocket Park”.

**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 September 18, 2023, meeting.

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

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
249-2023**

**WHEREAS**, Borough Ordinance Section 15-2 governs the “Procedure to Handle Complaints against Rental Property Owners,” and

**WHEREAS**, the below listed property owner was ordered to post a bond with the Municipal Clerk’s Office for violating Section 15-2 during the summer of 2021; and

**WHEREAS**, this same property owner did not violate Section 15-2 during the summer of 2022; and

**WHEREAS**, Section 15-2 allows for the return of the bonds under these circumstances.

**THEREFORE BE IT RESOLVED** that the bond funds currently on deposit with the Borough Clerk’s Office shall be returned to the following property owners:

<u>NAME</u>	<u>ADDRESS</u>	<u>\$ AMOUNT</u>
James & Noreen Boz	583 Brielle Road, Manasquan	\$1000.00

**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 September 18, 2023.

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

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
251-2023**

**WHEREAS**, the Mayor and Council of the Borough of Manasquan on August 14, 2023, awarded the First Avenue Improvements Phase II to Black Rock Enterprises; and

**WHEREAS**, the Mayor and Council are desirous to finish the First Avenue Improvements Phase II 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**, Black Rock Enterprises, submitted a request to the Borough of Manasquan to begin construction at 7:00 a.m. Monday through Saturday.

**NOW THEREFORE BE IT RESOLVED** on this 18<sup>th</sup> day of September 2023, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of Jersey that Black Rock Enterprises is authorized to begin their construction at 7:00 a.m. Monday to Saturday.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Black Rock Enterprises.

**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 September 18 2023, meeting.

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

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
252-2023**

**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:           HOWARD & JO ANN LAY  
                  43 ROGERS AVENUE  
                  MANASQUAN, NJ 08736

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND  
APPLICATION #02-2023  
43 ROGERS AVENUE  
BLOCK: 152 LOT: 1  
AMOUNT OF REFUND DUE: \$606.50

**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 September 18, 2023, meeting.

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BARBARA ILARIA, RMC, CMC  
Municipal Clerk

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
253-2023**

**WHEREAS**, on September 5, 2023 the governing body, by resolution 241-2023, authorized the scope of work to Vanasse Hangen Brustlin, Inc. (VHB), 1805 Atlantic Avenue, Manasquan, New Jersey 08736 to provide environmental services related to the Borough's prospective purchase of 86 Main Street; and

**WHEREAS**, both parties have agreed to nullify the approved scope of work as outlined in the proposal dated August 25, 2023 and approved on September 5, 2023; and

**WHEREAS**, the Borough of Manasquan and VHB desire to enter into a new proposed scope of work; and

**WHEREAS**, The New Jersey Department of Environmental Protection warrants that the costs associated with the work detailed in the proposal are fully reimbursable through the Hazardous Discharge Site Remediation Fund.

**THEREFORE BE IT RESOLVED**, that the Scope of work between VHB and the Borough of Manasquan dated August 25, 2023 is hereby declared null and void by mutual agreement of the parties.

**BE IT FURTHER RESOLVED**, that the Borough of Manasquan retains the Professional Engineering services of VHB, 1805 Atlantic Avenue, Manasquan, New Jersey 08736 for HDSRF Application, Preliminary Assessment, Site Investigation, Scope Development, LSRP Retention, and Schedule. The fee is as follows:

* Task 1 – Hazardous Discharge Site Remediation Fund Application	\$ 970.00
* Task 2 – Preliminary Assessment	\$ 8,120.00
* Task 3 – Site Investigation -	\$44,180.00
* Task 4 – Scope Development, LSRP Retention, Schedule	\$ 3,140.00

For a rate not to exceed \$56,410.00 for the services outlined in the proposal dated September 14, 2023.

**CERTIFICATION**

I, Barbara Ilaria, Municipal Clerk, Borough of Manasquan, County of Monmouth, New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Borough Council at the September 18, 2023, meeting.

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BARBARA ILARIA, RMC, CMC  
Municipal Clerk

**CERTIFICATION**

I am the chief municipal financial officer charged with the responsibility of maintaining financial records of the Borough of Manasquan, State of New Jersey, and on this 18<sup>th</sup> day of September 2023 I hereby certify to the Borough Council of the Borough of Manasquan as follows:

Adequate funds in the amount of \$56,41.000 are available to defray the expenditure of money by the Borough under the following proposal, which is pending approval by the governing body:

Vanasse Hangen Brustlin, Inc. (VHB)  
HDSRF Application, Preliminary Assessment, Site Investigation and Scope Development, LSRP Retention, Schedule.

Account: \_\_\_\_\_

\_\_\_\_\_  
Amy Spera  
Chief Financial Officer

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN						
HOLLY						
LEE						
MANAGAN						
OLIVERA						
TRIGGIANO						
ON CONSENT AGENDA ____ YES ____ NO						



**BOROUGH OF MANASQUAN  
RESOLUTION  
254-2023**

**RESOLUTION SUPPORTING ENVIRONMENTAL  
STUDY FOR REDEVELOPMENT AT 86 MAIN  
STREET, MANASQUAN, NEW JERSEY 08736**

**WHEREAS**, the Borough of Manasquan (the Borough) has contracted to purchase, with the intent to redevelop, the property located at 86 Main Street, Manasquan, New Jersey (the Property); and

**WHEREAS**, the Borough suspects that there may have been a discharge of potentially hazardous substances or waste at the Property; and

**WHEREAS**, the New Jersey Department of Environmental Protection (DEP) maintains the Hazardous Discharge Site Remediation Fund (the Fund) which is established to repay expenses associated with conducting a Preliminary Assessment/Site Investigation (PA/SI) to determine the possible presence of hazardous substances and waste in anticipation of the purchase of a property parcel; and

**WHEREAS**, it is the Borough’s desire to apply to the DEP Fund for a financial grant to pay the cost of a PA/SI of the Property in order to evaluate the presence of any hazardous substance or waste; and

**WHEREAS**, the Borough will consider the results of the PA/SI in its decision making as to whether it will pursue the purchase of the Property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Manasquan is committed, contingent on the findings of the PA/SI, to the purchase of 86 Main Street, Manasquan, New Jersey for the purpose of redeveloping the property to aid in overall vehicular and pedestrian traffic safety and finds that a realistic opportunity exists for that redevelopment within a three-year period after the completion of the remediation of this site.

**BE IT FURTHER RESOLVED**, that the Borough will apply for reimbursement of the PA/SI through the DEP-sponsored Hazardous Discharge Site Remediation Fund.

**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 September 18, 2023, meeting.

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

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

**BOROUGH OF MANASQUAN  
RESOLUTION  
255-2023**

**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	\$280,861.06
Water/Sewer Fund	\$344,038.28
Beach Fund	\$19,261.16
Grants	\$900.97
Recreation Trust	\$13,345.22
Misc Trust	\$98,736.55
Animal Control Trust	\$1.20
General Capital	\$2,966.00
E. Virginia Pump Station	\$222,436.00
Beach Capital	\$4,387.96

**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 September 18, 2023.

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

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

**BOROUGH OF MANASQUAN  
ORDINANCE NO. 2409-23**

**ORDINANCE AMENDING CHAPTER 3 (POLICE REGULATIONS) SECTION 3-17 (MOTOR VEHICLES EXCLUDED CERTAIN AREAS) SECTION 3-17.3 (EXCEPTIONS) AND CREATING A NEW SECTION 3-17.2 (REGULATING MOTORIZED BICYCLES) IN 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 3 refers to Police Regulations within the Borough of Manasquan;

**WHEREAS**, the Manasquan Borough Council of the Borough of Manasquan is desirous of amending Section 3-17, Section 3-17.3 and Creating a new section 3-17.2, to regulate motorized bicycles; and

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**Section 1:** Section 3-17 Motor Vehicles Excluded Certain Area is hereby amended as follows:

3-17 Motor Vehicles and Motorized Bicycles Excluded Certain Areas

**Section 2:** Section 3-17.2 Exceptions of the Borough of Manasquan Code is hereby amended as follows:

It shall be unlawful for any person to operate any motorized bicycle upon any public property in the Borough, including but not limited to sidewalks, beach walk, school grounds, recreation areas, and the bicycle path over the former Freehold Jamesburg Agricultural Railroad between the western Line of North Main Street and the western boundary line of the Borough of Manasquan.

A. Prohibited

1. Any motorized bicycle with an electric motor greater than 750 watts is not to be considered a "low-speed" motorized bicycle ("LSMB") and shall be effectively prohibited from operation in the Borough of Manasquan, unless such vehicle is specifically authorized by the New Jersey Motor Vehicle Code, and is properly registered and insured, and operated by a licensed operator.

B. Motorized Bicycle Rules and Regulations

1. Rights and duties of persons on low-speed motorized bicycle: Every person riding a LSMB upon a roadway shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
2. Helmet: Persons are not permitted to operate a LSMB unless they wear a protective helmet.
3. Passengers: It shall be prohibited for a person operating a LSMB to allow another person to ride as a passenger, unless the person is carried in a proper bike seat, trailer or other accessory that complies with current regulations and contains adequate provision for retaining the passenger in place and for protecting the passenger. The Passenger shall also be required to wear a properly fitted and fastened helmet pursuant to N.J.S.A. 39:4-10.1.
4. Lights and Reflectors: When in use during the nighttime, every LSMB shall be equipped with:

- a. A front headlamp emitting a white light visible from a distance of at least 500 feet to the front;
    - b. A rear lamp emitting a red light visible from a distance of at least 500 feet to the rear;
    - c. In addition to the red lamp, a red reflector shall be mounted on the rear.
  5. Audible Signal: A LSMB must be equipped with a bell or other audible device that can be heard at least 100 feet away. However, the LSMB shall not be equipped with a siren or whistle.
  6. Hitching on Vehicle Prohibited: No person operating a LSMB shall attach themselves to any streetcar or vehicle. Nor shall the operator of the LSMB knowingly permit any passenger to do the same.
  7. Feet and Hands on Pedals and Handlebars: All operators of a LSMB shall keep their feet on the pedals and both hands on the handlebars at all times. It shall be prohibited to practice or perform any trick or fancy driving.
  8. Operating Regulations: Every person operating a LSMB on a roadway shall ride as near to the right-side as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. An operator of a LSMB may move left under any of the following conditions:
    - a. To make a left turn from a left turn lane or pocket;
    - b. To avoid debris, drains, or other hazardous conditions on the right;
    - c. To pass a slower moving vehicle;
    - d. To occupy any available lane when traveling at the same speed as other traffic.
  9. Prohibited Locations: No person over the age of 14 shall ride a LSMB upon a sidewalk within the Borough of Manasquan, nor in any location where it is prohibited by sign.
  10. Carrying Items: No person operating a LSMB shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars.
  11. Parking: No person shall park a LSMB upon a street except where an appropriate rack or spots are provided. All LSMB, when parked on sidewalks, shall be parked only in such a manner as to not obstruct or impede the normal movement of pedestrian or other traffic of access to adjacent buildings.
  12. Speed: No person shall operate a LSMB at speeds faster than are reasonable or proper, which in no case shall be in excess of legal speed limits, unless participating in an officially sponsored or sanctioned rally or road race. In no event shall speed of operation exceed 20 miles per hour.
  13. Reckless or careless riding: No person shall ride a LSMB in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of other persons or property.
- C. Enforcement. The Police Department is hereby authorized to promulgate, with the approval of the Borough Council, such further rules and regulations concerning registration, operation, equipment and safety of LSMB as deemed necessary from time to time.
- a. Shall ensure that any employee, agent, or contractor, while utilizing LSMB for hire by, for or on behalf of such person or business, shall wear a reflective vest, and have affixed a tag, license, decal or marking affixed to LSMB clearly identifying such LSMB as being operated for hire buy, for or on behalf of such person or business.

2. For the purposes of this section, to “hire” includes persons or businesses whose employees or agents utilize LSMB to deliver their messages, parcels, food and/or other merchandise or good during the time such LSMB are being used for such purpose, whether or not such LSMB are owned, leased or rented by the person or business.
3. A person’s or businesses’ failure to comply with this section shall be considered a violation of this section.
4. Any violation of this section by an operator of a LSMB while in the hire of a person or business shall be considered a separate violation of this section by such person or business.

D. Penalties for violation. Each person violating any provision of this section shall, upon first conviction, be liable to a penalty of \$50, and upon a second conviction or subsequent alleged offense shall be liable to a penalty of \$100. No court appearance shall be required for a first, second or subsequent alleged offenses.

**Section 3:** Section 3-17.3 is hereby created as follows:

3-17.3 Exceptions.

This section shall not apply to police and emergency vehicles.

**Section 4:** 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 provision 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. 2409-23 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the September 5, 2023, 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 September 18, 2023. 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.

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**Barbara Ilaria, RMC, CMC**  
**Municipal Clerk**

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

Passed on First Reading and Introduction: September 5, 2023  
Approved on Second Reading and Final Hearing: September 18, 2023

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Edward Donovan  
Mayor