

JULY 2, 2018

Regular Meeting of Mayor and Council was convened at 7:02 p.m. on July 2, 2018 in Council Chambers of Borough Hall with Mayor Donovan presiding.

Mayor Edward Donovan read the statement re: Open Public Meetings Act of 1975 and that 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.

Mayor Donovan welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

ROLL CALL: Present: Council Members Jeffrey Lee, James Walsh, Michael Mangan, Gregg Olivera, Joseph Bossone, and Richard Read

Absent: None

Also present were Borough Administrator Tom Flarity and Borough Attorney Mark Kitrick. Also present was Jennifer Beahm Borough Planner.

Council Member Walsh made a motion to remove the regular meeting minutes of June 4, 2018, seconded by Council Member Lee.

Council Member Mangan made a motion to add Bird – Litigation to closed session, seconded by Council Member Olivera. Motion carried unanimously.

Audience Participation

Council Member Walsh made a motion to open the meeting up to the public, seconded by Council Member Read. Motion carried unanimously.

Mary Ryan, 113 Beachfront inquired about the beach box policy and would it allow multiple boxes on the beach.

Council Member Bossone stated that it is to test the concept and could not rule out there being more boxes placed on the beach in the future.

There was discussion on the boxes and storage of equipment.

Council Member Walsh made a motion to close the public portion, seconded by Council Member Olivera. Motion carried unanimously.

Approval of Minutes

Regular Meeting Minutes – May 7, 2018

Regular Meeting Minutes – May 21, 2018

Council Member Lee made a motion to approve the minutes, seconded by Council Member Walsh. Motion carried unanimously. Council Member Read abstained from the May 21, 2018 meeting minutes.

Resolution:

RESOLUTION 192-2018

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on July 2, 2015, the Borough of Manasquan (hereinafter “Manasquan Borough” or the “Borough”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies

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its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Borough simultaneously sought, and ultimately secured, a protective order providing Manasquan Borough immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan, which is still in full force and effect; and

WHEREAS, the trial judge appointed Michael Bolan, P.P., A.I.C.P. as the Special Court Master (hereinafter the "Court Master"), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Court Master, Manasquan Borough and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as Exhibit A; and

WHEREAS, through this process, the Borough and FSHC agreed upon the Borough's affordable housing obligations and the compliance techniques necessary for Manasquan Borough to satisfy its "fair share" of the regional need for low- and moderate-income housing; and

WHEREAS, the Borough and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval at a duly-noticed Mount Laurel Fairness Hearing; and

WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region's low- and moderate-income households; and

WHEREAS, in light of the above, the Borough Council finds that it is in the best interest of Manasquan Borough to execute the attached Settlement Agreement with FSHC and to take various other actions delineated below, which will ultimately result in approval of the Borough's Fair Share Plan which, in turn, will maintain the Borough's immunity from all Mount Laurel lawsuits for the ten-year period set forth in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329.

NOW, THEREFORE, BE IT RESOLVED on this 2 day of July, 2018, by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

1. The Borough Council hereby authorizes and directs the Mayor of Manasquan Borough to execute the Settlement Agreement attached hereto as Exhibit A.
2. The Borough hereby directs its Affordable Housing Counsel to (a) file the fully-executed Settlement Agreement with the Court for review and approval at a duly-noticed Fairness Hearing, (b) take all actions reasonable and necessary to secure an Order approving the Settlement Agreement, and (c) work towards ultimately securing judicial approval of the Borough's Fair Share Plan, after it is drafted, adopted by the Borough's Planning Board and endorsed by the Borough Council.

Council Member Mangan updated the audience on the resolution and the agreement that is on for approval tonight.

Ms. Beahm stated that she is here to offer information and answer questions. She stated that this agreement is the summary of the work that was started after the Supreme Court decision came down in March 2015 mandating obligations for the third round. She stated that this round has been since 1999 and goes out to 2025. She stated that with the execution of this settlement agreement it satisfies the third round obligation out to 2025. She stated that there will be a fairness hearing around the end of August and the process should be completed by the end of this calendar year and will protect the borough through 2025. She went over the process and what COAH actually does for the town and advised that it protects the town from losing its control of zoning. She went over the current case which involves property on Broad Street and property on Union Avenue. She went over the process of the buildings moving forward and changing of the zoning in that specific area. She also advised that both projects are connected and need to be built together which is stated in the agreement.

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Council Member Lee made a motion to open the meeting to the public regarding this resolution, seconded by Council Member Walsh. Motion carried unanimously.

Pat Connolly, Ocean Avenue inquired about the Exhibit "A" as it was not included with the online agenda.

Council Member Mangan stated that it was not included as it is still a draft until the council approves the resolution to have it executed.

Council Member Lee made a motion to close the public portion, seconded by Council Member Walsh. Motion carried unanimously.

Council Member Mangan made a motion to approve the resolution, seconded by Council Member Olivera. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Mangan, Olivera, Bossone, and Read. "No" none.

Use of Borough Property

- Valentines Plunge – Main Beach - February 2, 2019 (blizzard date 2/9/19)

Council Member Lee made a motion to approve this request, seconded by Council Member Walsh. Motion carried unanimously.

- Rec Music Class – Main Beach – Thursday in July & August – 6-7 pm

There was discussion on the location as it relates to the Thursday concerts.

Council Member Bossone made a motion to approve this request with the condition that it does not interfere with Thursday night concerts on Main Beach, seconded by Council Member Lee. Motion carried unanimously.

Street Opening Request – 369 River Place

There was discuss on the request and the procedure.

Council Member Walsh made a motion to approve the request, seconded by Council Member Lee. Motion carried unanimously.

Department of Public Works – Update

Kevin Thompson, Superintendent of Public Works updated the council and the audience with items that the department is working on as well as the new recycling restrictions. He also went over the projects that the Engineering and Construction Committee is working on. He went over the water system and the filtration process and the backwash that occurs where the water was not being recovered. He stated moving forward there should be 80% of the water from the backwash going back into the system and possibly saving \$40,000.

Council Member Lee went over Mallard Park, Stockton Lake, and East Main Street Projects as to the timeline.

Engineer's Monthly Report

Mr. Robert Mannix went over the Engineer's monthly report for June.

Council Member Lee clarified that the TAP grant is \$1,000,000 and the County CDBG program is for \$162,500.

Sea Watch Redevelopment – Discussion

Council Member Mangan stated that the council is committed to keeping this issue up for discussion once a month moving forward. He stated that a committee was established at the last meeting and they have not met yet and therefore do not have a formal update at this time.

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CONSENT AGENDA

RESOLUTION

190-2018

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate records, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2017 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Manasquan Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan that Manasquan Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Kevin Thompson to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION

191-2018

TAX CERTIFICATION

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of Manasquan that Borough of Manasquan hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2017 in the amount of \$10,027.00. Documentation supporting this submission is available at 201 East Main Street, Manasquan, NJ 08736 and shall be maintained for no less than five years from this date.

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**RESOLUTION
193-2018**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the retirement of Arthur Blair from the position of Department of Public Works Heavy Equipment Operator effective June 29, 2018 be and is hereby accepted.

**RESOLUTION
194-2018**

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: Alan Mintz
53 Farmstead Road
Short Hills, NJ 07078-1291

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #19-2016
Mintz, Alan
BLOCK: 165 – LOT: 10.06 –ZONE: R-4
AMOUNT OF REFUND DUE: \$375.00

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.

**RESOLUTION
195-2018**

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: Lewis Monetti
14 Spring Brook Road
Morristown, NJ 07960-6320

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND
APPLICATION #07-2014
MONETTI, LEWIS
BLOCK: 157 – LOT: 20.01 –ZONE: R-4
AMOUNT OF REFUND DUE: \$484.79

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.

**RESOLUTION
197-2018**

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

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WHEREAS, a refund of monies are due to the following:

NAME: HENRIETTA MAHON
135 ROTARY DRIVE
SUMMIT, NJ 07901

AMOUNT OF REFUND DUE: \$10.00

REASON FOR REFUND: GARAGE SALE PERMIT REFUND

Applicant did not participate in town-wide sale, address was not advertised

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.

**RESOLUTION
198-2018**

WHEREAS, the Borough of Manasquan is desirous of appointing Seasonal Beach Employee for the 2018 Season; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 21st day of May, 2018 appoint the following Seasonal Beach Employees to work during the 2018 Season.

Beach Crew

Sean Dugan	647 Borrie Avenue, Brielle	8.50
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**RESOLUTION
199-2018**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH,
NEW JERSEY, APPOINTING ZACHARY KOCHES AS
FULL TIME LABORER IN THE DEPARTMENT OF
PUBLIC WORKS IN THE BOROUGH OF MANASQUAN**

WHEREAS, the Borough of Manasquan ("Manasquan") is in need of a Full-Time Laborer in the Department of Public Works; and

NOW, THEREFORE BE IT RESOLVED on the 2nd day of July, 2018, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Zachary Koches is appointed Full Time Laborer in the Department of Public Works.
2. Salary rate shall be Full Time Laborer Base Salary of \$36,809.93 per contract in affect at time of appointment.
3. The effective date of this appointment is July 3, 2018.
4. A certified copy of this resolution shall be sent to:

Zachary Koches
35 Clark Street
Manasquan, NJ 08736

**RESOLUTION
200-2018**

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BE IT RESOLVED, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Agreement Between The Borough of Manasquan and Mark White, Ph.D. at the contractual retainer of \$1800.00 for EAP services and the fee-for-service charge of \$175.00 per hour for Supervisor-Imposed referrals and Fee-for-service of \$595.00, plus computer scoring fees for pre-employment, or pre-promotional evaluations for the term July 15, 2018 through July 14, 2019.

**RESOLUTION
201-2018**

WHEREAS, the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, is desirous of implementing a Pilot Policy governing placement and use of a storage box on the beach in the Borough of Manasquan; and

WHEREAS, the Beach and Recreation Committee has drafted a Beach Storage Box Policy attached hereto and on file in the Clerk's office; and

WHEREAS, the beach box will be located on the south end of the beach as to not obstruct or hinder any beach front resident's view; and

WHEREAS, upon application and approval from Mayor and Council, use of the beach box will be permissible for recreation sponsored programs and stored for the winter; and

WHEREAS, the beach box will be removed no later than October 31, 2018.

WHEREAS, the costs and benefits of this Pilot Policy will be assessed by the beach and recreation committee and reported to the full Borough Council once the season is concluded.

NOW, THEREFORE, BE IT RESOLVED the Borough is desirous of implementing a pilot program for placement and use of a storage box on the beach in the Borough of Manasquan per the attached policy.

**RESOLUTION
202-2018**

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	3,257,427.49
Water/Sewer Fund	23,867.52
Beach Fund	11,913.54
General Capital Fund	3,513.50
Beach Capital Fund	15,285.16
Recreation Comm	1,104.99
Recreation Bldg Trust	2,992.57

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Tourism Trust	4,736.00
Junior Lifeguards	749.97
Affordable Housing	4,709.11
Developer Trust	2,093.75

Council Member Walsh made a motion to approve the Consent Agenda, seconded by Council Member Mangan. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Mangan, Olivera, Read, and Bossone. "No" none.

Resolutions:

**RESOLUTION
196-2018**

WHEREAS, application has been made to the Borough Council, Borough of Manasquan, County of Monmouth, State of New Jersey, from C. Jung, LLC., t/a Manasquan Liquors for renewal of the Plenary Retail Distribution Liquor License No. 1327-44-002-006 to cover premises at 139 Main Street, Manasquan, New Jersey; and

WHEREAS, the governing body makes the following findings with respect to the Plenary Retail Distribution License to be issued by it;

1. The submitted application form is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B. C. Laws and Regulations.
3. The applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed premises and/or any additional financing obtained in the previous licensed term for use in the licensed business.

WHEREAS, the governing body of the Borough of Manasquan has determined that C. Jung LLC., t/a Manasquan Liquors is entitled to a Plenary Retail Distribution License.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough Clerk is hereby designated, authorized and instructed to issue and deliver a Plenary Retail Distribution License to C. Jung LLC., t/a Manasquan Liquors to sell at 139 Main Street, Manasquan, New Jersey for consumption off the licensed premises of any alcoholic beverages in their original containers until midnight, June 30, 2019.

Council Member Walsh made a motion to open the hearing to the public, seconded by Council Member Mangan. Motion carried unanimously.

There being comment Council Member Olivera made a motion to close the public portion, seconded by Council Member Walsh. Motion carried unanimously.

Council Member Mangan made a motion to approve the resolution, seconded by Council Member Walsh. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Mangan, Olivera, and Read. "No" none. Council Member Bossone abstained.

COMMITTEE REPORTS

Recreation/Beach Committee – Council Member Bossone reported that the beach is in full operation and revenue so far this year is \$1,128,000 compared to \$1,045,000 in 2017 at the same date. He thanked the lifeguards for the great job over the weekend where they had 109 pulls out of the water. He reported that the badge checkers and beach patrol will be reminding beachgoers that have coolers that alcohol and glass

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containers are prohibited on the beach. He advised that the movies on the beach start tonight and tomorrow will be the bike decorating contest sponsored by the MBIA followed by a parade, ceremony, concert, and fireworks to follow. He advised that there are a lot of recreation programs available this summer and anyone interested should look on the website for a list. He wished everyone a happy and safe Fourth of July holiday.

Finance Committee – Council Member Read reported that the mural that the school is working on in conjunction with the MBIA is now complete and it should be installed at the Inlet within the next couple of weeks.

Public Safety Committee – Council Member Olivera reported that the police department will be working in conjunction with the North Jersey Transportation Planning Authority to make Manasquan more pedestrian friendly through the program “Summer Street Smart”. He went over some of what is being taught through the program. He stated that there is no jumping off the bridges in Manasquan per ordinance and stated it is dangerous to the jumpers, boaters, jetski, paddleboards and other people who might be passing under the bridge.

Administration Committee – Council Member Mangan stated that the COAH court case is wrapping up and will start being presented to the public moving forward. He stated that he is hoping that the balance of contract negotiations will be closed out soon as negotiations are ongoing. He thanked the Clerk’s and Administrator’s office for trying to keep everything on schedule as it relates to increasing efficiency in handling and responding to the public requests and getting information out to the public. He wished everyone a happy fourth.

Code/Construction Committee – Council Member Walsh stated that he has nothing to report at this time. He wished everyone a wonderful holiday.

Public Works Committee – Council Member Lee thanked the Superintendent of Public works and his team. He congratulated the beach and the beach committee for getting a ranking of 5th or 6th spot on the best state beaches.

Audience Participation

Council Member Walsh made a motion to open the meeting to the public, seconded by Council Member Mangan. Motion carried unanimously.

Kevin Egan, 14 Second Avenue inquired about the rebuild of Sea Watch.

Council Member Mangan stated that the property has just been turned into the public hands again after various leases have expired. He stated that the borough needs to decide what is going to happen to the property as the building was damaged in Sandy which needs to be rehabilitated, the bungalows sit empty, parking lot is borough owned and rented at this time. He advised that there needs to be a discussion on what is going to happen with the property.

Barbara Cooper, 10 Second Avenue inquired about Sea Watch property and have the neighbors been contacted and if council has actually read the laws on the property.

Council Member Mangan stated that he is aware and has read the laws on the property.

Jack Drew, 111 Third Avenue inquired about the power outage last night in the beach area and wanted to know what the council is doing about it and if they are requiring JCP&L do something to prevent this from happening.

Mayor Donovan stated that there were wires down and JCP&L has since repaired the wires and he does not know what the borough can do to require JCP&L to prevent this from happening.

Ryan Budisak, 77 Beachfront – 76 First Avenue inquired about Sea Watch and liquor license at the site.

Council Member Mangan stated that everything is open right now and this is a project that is 2 or 3 years out. He advised that the committee has not met yet to discuss any options for the site. He stated that this is going to be a long process and as with every big project there will be homeowner input solicited.

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Fran Drew, 111 Third Avenue stated that she believes that the power companies could put the wires underground. She inquired about the Sea Watch Committee being formed yet.

Council Member Mangan stated that the committee was just formed at last meeting.

Mayor Donovan stated that the council committee has been formed but there will be a larger committee that will meet to discuss the Sea Watch property.

Ms. Drew stated that she hopes that Sea Watch won't be a bar like the Opsrey or Leggetts.

Council Member Olivera stated that there is no intention of putting a night club at Sea Watch.

Ms. Drew inquired about the meetings be televised on the local cable station.

There was discussion on this request and that this has been looked into in the past and it did not work out.

Andrew Hrechak, 420 Euclid Avenue voiced his concerns about 424 Euclid and a fence that is blocking their garage. He is requesting that one fence panel be removed.

Council Member Walsh stated that the fence has been put up properly and is on the neighbor's property legally.

Mr. Flarity stated that the solution for this issue lies with the neighbor as the fence was put up properly.

Bob Grunder, 416 Perrine Blvd. inquired about the Stockton Lake Blvd. project and the displacement of water and the water into the storm drain. He stated that the project should be put on hold until the new bulkhead is put in.

Mark Andrews, 66 & 50 First Avenue inquired about Sea Watch and a business plan.

Mayor Donovan stated that this will not be discussed for a long time as the plans have not even started yet. He stated that there are a few options that could be approached.

Mr. Andrews stated that the town should get involved and lean on JCP&L as the conductor going down the street is so old.

Council Member Walsh made a motion to close the public portion, seconded by Council Member Lee. Motion carried unanimously.

The closed session portion of the minutes begins on the next page. The signature and approval date are located on the last page following the closed session meeting minutes.

Council Member Walsh made a motion to close the regular meeting at 9:02 p.m., seconded by Council Member Mangan. Motion carried unanimously.