

AUGUST 20, 2018

Regular Meeting of Mayor and Council was convened at 7:02 p.m. on August 20, 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, Richard Read, and Joseph Bossone  
Absent: None

Also present were Borough Administrator Tom Flarity and Borough Attorney Mark Kitrick.

**Public Hearing – Monmouth County Municipal Open Space Grant Program – Axel P. Carlson Improvements Project**

Chris Tucker presented the Axel P. Carlson Improvements Project to the governing body and the audience.

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

There being no public comment Council Member Walsh made a motion to close the public hearing, seconded by Council Mangan. Motion carried unanimously.

Council Member Mangan made a motion to amend the consent agenda to include 242-2018, seconded by Council Member Bossone. Motion carried unanimously.

**Audience Participation**

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

There being no comment Council Member Bossone made a motion to close the public portion, seconded by Council Member Read. Motion carried unanimously.

**Approval of Minutes**

Regular Meeting Minutes – August 6, 2018

Council Member Lee made a motion to approve the minutes, seconded by Council Member Walsh. Motion carried unanimously. Council Members Olivera and Bossone abstained.

**Use of Borough Property**

- Halloween Festival – Miller Preston Way 10/27/18 - 10-5pm rain date 10/28

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

The Municipal Clerk pointed out that the request included the Pocket Park to be decorated is not owned by the Borough and they would need to reach out to the PNC Bank to get permission.

- Electric Car Show – South Street Parking Lot 6/2/19 12 – 3pm

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

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- Manasquan Bank Customer Day – Squan Plaza 10/13/18 9 – 6pm

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

- Meters for Mike - One Mile Swim – Main Beach 9/15/18 8:30 am

A representative from the organization was present to discuss the event and answer questions from council.

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

## **CONSENT AGENDA**

### **RESOLUTION 232 -2018**

**AUTHORIZING MUNICIPAL TAX COLLECTOR TO  
SUBSTITUTE UP TO THREE (3) MAILINGS IN LIEU OF  
ADVERTISIEMENT FOR TAX SALE AT A COST NOT TO  
EXCEED \$25.00 (TWENTY-FIVE DOLLARS) FOR EACH  
MAILING WHICH MAY BE ADDED TO THE COST OF THE SALE**

**WHEREAS**, The Borough of Manasquan must advertise for four (4) consecutive weeks for Tax Sale;  
and

**WHEREAS**, The Tax Collector may send two (2) mailings in lieu of any two (2) publications  
of the notice of Tax Sale; and

**WHEREAS**, N.J.S.A. 54:5-26 states that the cost of the mailing is not to exceed \$25.00 (twenty-five  
dollars) per tax sale notice which shall be added to the cost of the Tax Sale;

**WHEREAS**, the Pilot Program for Electronic Tax Sale allows for an additional mailing in lieu of  
publications,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Committee of the Borough of  
Manasquan and the State of New Jersey, that the Tax Collector may charge up to \$25.00 (twenty-five dollars)  
for each set of the three (3) tax sale notices mailed for a particular property for an upcoming tax sale.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Borough  
Treasurer and Tax Collector.

### **RESOLUTION 234-2018**

**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: Deirdre Sheeran  
65 Mystic Drive  
Ossining, New York 10562

REASON FOR REFUND: PLANNING BOARD ESCROW REFUND  
APPLICATION #07-2017  
DEIRDRE SHEERAN  
BLOCK: 150 – LOT: 5 –ZONE: R-3  
AMOUNT OF REFUND DUE: \$1300.00

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**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  
236-2018**

**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 20<sup>th</sup> day of August, 2018 appoint the following Seasonal Beach Employees to work during the 2018 season.

Life Guards

Sam Lynch	15 Oak Knoll Road, Ocean Twp.	\$13.00
Andrew Robinson	22 Mill Road, Manalapan	\$13.00

**RESOLUTION  
237-2018**

**AUTHORIZING THE BOROUGH OF MANASQUAN  
TRANSPORTATION ALTERNATIVES SET-ASIDE PROJECT  
AND THE APPLICATION FOR TRANSPORTATION  
ALTERNATIVES SET-ASIDE PROGRAM FUNDING TO MAKE  
INFRASTRUCTURE IMPROVEMENTS THAT WILL ENHANCE  
THE SAFETY AND AESTHETIC QUALITIES OF THE  
MANASQUAN CENTRAL BUSINESS DISTRICT**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) is accepting applications through August 23, 2018 for the 2018 Transportation Alternatives Set-Aside Program, which is being funded with federal funds;

**WHEREAS**, funds under the Transportation Alternatives Program are to be used for “non-traditional” projects designed to strengthen the cultural, aesthetic and environmental aspects of the nation’s intermodal system;

**WHEREAS**, projects must fall into one or more of the seven (7) eligible Transportation Alternatives Program categories that are described in a brochure developed by the NJDOT on the program;

**WHEREAS**, two (2) of the categories eligible for funding under the Transportation Alternatives Program are entitled “Facilities for pedestrians and bicycles” and “Community improvement activities”;

**WHEREAS**, the Borough of Manasquan desires to improve the aesthetics, safety, and comfort for pedestrians and business/property owners within the Central Business District by constructing further improvements to the streetscape, intersections and sidewalks in accordance with the 2018 Transportation Alternatives Set-Aside Program;

**WHEREAS**, the proposed Business District Streetscape Improvements Phase 2 project will complement and be consistent with existing streetscape features within the Borough, including that along Main Street, East Main Street, and within Squan Plaza and those proposed in the Business District Streetscape Improvements Phase 1, which was selected for a 2016 Transportation Alternatives Program (TAP) grant through NJDOT;

**WHEREAS**, the Borough of Manasquan is applying for funding to construct streetscape

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improvements along Main Street extending west from NJ State Highway 71 (Taylor Avenue/ Union Avenue) and along North Main Street extending to County Route 524 SPUR (Atlantic Avenue); and

**WHEREAS**, the Borough of Manasquan proposes to install streetscape features and pedestrian safety improvements, which may include concrete and decorative paver sidewalk, concrete curb, ADA curb ramps, crosswalks, pedestrian street lights, street trees, signage, street furniture, landscaping, decorative intersection signal improvements, traffic calming bump-outs, bike racks and other appropriate streetscape improvements within the proposed project area; and

**WHEREAS**, the grant application is identified as TA-2018-Manasquan Borough-00087; and

**WHEREAS**, maintenance of the improvements, once constructed, will be assumed by the Borough of Manasquan with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those improvements on State or County Highways that are not subject to a jurisdictional or interlocal maintenance agreement;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manasquan that it hereby supports the submission of a grant application for the Transportation Alternatives Set-Aside Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Administrator and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

**RESOLUTION  
238-2018**

**RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE  
MALLARD BALLFIELD & RECREATION IMPROVMENTS  
PROJECT IN THE BOROUGH OF MANASQUAN, COUNTY OF  
MONMOUTH STATE OF NEW JERSEY**

**WHEREAS**, public bids were advertised for and received pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) for Mallard Park Ballfield and Recreation Improvements Project; and

**WHEREAS**, the two bids for this project were:

Earthwork, Inc.	Base Bid	\$835,530.00
Down to Earth	Base Bid	\$1,300,898.00

**WHEREAS**, the Borough of Manasquan reserved the right to reject all bids for any reason; and

**WHEREAS**, the borough engineer provided a report to the Borough of Manasquan regarding the above referenced bids and set forth their recommendation; and

**WHEREAS**, the low bidder was Earthworks, Inc., it was found that the options that could be awarded exceeded the funds that the Borough appropriated for this project; and

**WHEREAS**, Borough Council of the Borough of Manasquan wishes to perform all improvements at the same time and the Borough Engineer has recommended that all bids be rejected; and

**WHEREAS**, the Borough Council is desirous of rejecting all bids pursuant to N.J.S.A. 40A11-13.2 et seq.

**NOW, THEREFORE BE IT RESOLVED** on the 20<sup>th</sup> day of August, 2018, by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey, as follows:

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1. In the best interest of the Borough of Manasquan all bids be rejected and the project be re-bid after modifications are made to the contract documents and Bond Ordinance.
2. A certified copy of this resolution shall be sent to:

Earthworks, Inc.  
13 Morello Court  
Farmingdale, NJ 07727

Down to Earth, Inc  
705 Wright Debow Road  
Jackson, NJ 08527

**RESOLUTION  
239-2018**

**RESOLUTION AUTHORIZING THE BOROUGH OF  
MANASQUAN TO APPLY FOR A 2018 MONMOUTH COUNTY  
MUNICIPAL OPEN SPACE GRANT FOR AXEL CARLSON PARK  
IMPROVEMENTS PHASE 1 PROJECT**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Governing Body of the **Borough of Manasquan** desires to obtain County Open Space Trust Funds in the amount of **\$250,000.00** to fund the **Axel Carlson Park Improvements – Phase 1 project, located at Stockton Lake Boulevard and Minerva Avenue, Block 99, Lot 12, Block 100.01, Lot 1, Block 100, Lot 1, and Block 101, Lot 1**; and

**WHEREAS**, the total cost of the project including all matching funds is **\$1,265,000.00**; and

**WHEREAS**, the **Borough of Manasquan** is the owner of and controls the project site.

**NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of the Borough of Manasquan that:**

1. **Thomas F. Flarity, Borough Administrator** or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The **Borough of Manasquan** is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. **Thomas F. Flarity, Borough Administrator** or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

**RESOLUTION**

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240-2018

**CHANGE ORDER NO. 1**

Be it resolved by the Mayor and Council of the Borough of Manasquan of Monmouth County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Stockton Lake Boulevard Improvements Phases I & II  
CONTRACTOR: Fiore Paving Co., Inc.  
ENGINEER: Maser Consulting, PA  
331 Newman Springs Road  
Red Bank, NJ 07701

Change Order No. 1

AMOUNT OF CHANGE FOR THIS RESOLUTION: \$97,011.80  
TOTAL AMOUNT OF CHANGE: \$97,011.80  
TOTAL ORIGINAL CONTRACT PRICE \$615,344.60  
REVISED CONTRACT PRICE \$712,356.40

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

**RESOLUTION  
242-2018**

**RESOLUTION CONFIRMING REAPPOINTMENT OF  
MUNICIPAL CLERK**

**WHEREAS**, Barbara Ilaria was duly appointed and confirmed to the position of Municipal Clerk on November 1, 2016 for a (3) year term in accordance with N.J.S.A. 40A:9-133 et seq.; and

**WHEREAS**, Barbara Ilaria is and has been certified as Registered Municipal Clerk since October 14, 2009 and has satisfied the continuing education requirements for said certification; and

**WHEREAS**, the Borough of Manasquan is desirous of reappointing Barbara Ilaria, RMC as Municipal Clerk of the Borough of Manasquan; and

**NOW THEREFORE BE IT RESOLVED** that the Borough Council of the Borough of Manasquan as follows:

1. Barbara Ilaira, RMC is hereby reappointed to the position of Municipal Clerk in the Borough of Manasquan; and
2. Barbara Ilaira, RMC is and has upon this reappointment attained tenure pursuant to N.J.S.A. 40AA:9-133 et seq.

**RESOLUTION  
241-2018**

**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	\$125,527.67
Capital Fund	\$ 1,245.00
Water/Sewer Fund	\$ 17,783.99
Beach Utility Fund	\$ 25,588.65
Recreation Trust	\$ 11,172.87
Tourism	\$ 8,970.50
Junior Lifeguard	\$ 4,437.50
Affordable Housing	\$ 5,677.39
Public Defender	\$ 250.00

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

#### **Resolution: Hearing**

### **RESOLUTION 235-2018**

**WHEREAS**, application has been made to the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey by G.B.M., Inc., t/a Maria's Colonial Inn, for the renewal of Plenary Retail Consumption Liquor License No. 1327-33-006-005 to cover premises at 165 Main Street in the Borough of Manasquan, New Jersey; and

**WHEREAS**, the Governing Body makes the following findings with respect to Plenary Retail Consumption Liquor Licenses 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 business and/or the additional financing obtained in the previous license term for use in the licensed business.

**WHEREAS**, the said G.B.M., Inc., t/a as Maria's Colonial Inn, is adjudged to be entitled to a Plenary Retail Consumption Liquor 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 to G.B.M., Inc., a Plenary Retail Consumption Liquor License to sell any alcoholic beverages at 165 Main Street in the Borough of Manasquan and also include the outdoor walk in box to be used for storage purposes until midnight, June 30, 2019, subject, however, to the following condition:

1. At any time the licensed premises offers live entertainment or amplified music, all doors shall remain closed except for access to and from the licensed premises and all windows shall be closed. Exterior doors shall not be left open continuously.

Mayor Donovan asked if there was anyone in the audience that wanted to comment on this hearing.

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There being no comment 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.

### **Ordinances – Second Reading**

The Borough Attorney read the title of ordinance 2266-18 for second reading and final hearing.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 (ADMINISTRATION) SECTION 2-19 (ADDITIONAL POSITION CREATED) CREATING NEW SECTION 2-19.3 FOR THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

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

There being no comment Council Member Mangan made a motion to close the public hearing, seconded by Council Member Walsh. Motion carried unanimously.

Council Member Walsh made a motion to pass and publish ordinance 2266-18 according to law, seconded by Council Member Lee. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Mangan, Olivera, Read, and Bossone. "No" none.

The Borough Attorney read the title of ordinance 2267-18 for second reading and final hearing.

**BOND ORDINANCE PROVIDING FOR THE RADIO REPEATER PROJECT IN AND BY THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

There being no comment Council Member Walsh made a motion to close the public hearing, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Olivera made a motion to pass and publish ordinance 2267-18 according to law, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Mangan, Olivera, Read, and Bossone. "No" none.

The Borough Attorney read the title of ordinance 2268-18 for second reading and final hearing.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 22 (WATER AND SEWER UTILITY), SECTION 22-53 (TIME LIMITS FOR INSTALLATION), AMENDING SECTION 22-57.1 (METER READING), AMENDING SECTION 22-58 (TESTS), AND AMENDING SECTION 16-1 (TEST FEES) OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

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

There being no comment Council Member Walsh made a motion to close the public hearing, seconded by Council Member Lee. Motion carried unanimously.

Council Member Lee made a motion to pass and publish ordinance 2268-18 according to law, seconded by Council Member Bossone. Motion carried by the following vote: "yes" Council Member Lee, Walsh, Mangan, Olivera, Read, and Bossone. "No" none.



The Borough attorney advised that resolution 233-2018 should have been pulled out of the Consent Agenda as Council Member Read would like to abstain from voting on the resolution,

**Resolution:**

**RESOLUTION  
233-2018**

**BE IT RESOLVED**, that the Hon. Edward G. Donovan, Mayor of the Borough of Manasquan, Chief of Police, Michael Bauer & Detective Kenneth Hamill be and are hereby authorized to sign the Agreement with Manasquan School District to Provide Police Presence to the Manasquan Elementary School for the 2018-2019 School Year.

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

**COMMITTEE REPORTS**

Public Works Committee – Council Member Lee reported that with the heavy rain public works was out unclogging storm drains and putting up barricades. He also thanked the Chief and his staff along with the DPW. He reported that the Shade Tree Commission is donating 3 trees in honor of the Sea Lavender Club on their 25<sup>th</sup> Anniversary in the Squan Plaza in September. He also mentioned a Girl Scout project that will be coming to the Council for approval shortly for the painting of the gazebo and other items.

Code/Construction Committee – Council Member Walsh went over the construction/zoning/code July numbers as compared to last July.

Administration Committee – Council Member Mangan reported on items that the Clerk's office is working on and continue to move forward on. He reported on why the Mallard Park Bid was rejected and advised that there should be an update at the next meeting regarding the phase II portion which includes the pickle ball court. He reported on some of the Stockton Lake Blvd. phase II project which would include run off water.

Public Safety Committee – Council Member Olivera reported on the police actions and tickets issued since Memorial Day weekend. He stated that jumping off the bridges is dangerous and is prohibited by the town. He also stated that the Police Department is encouraging pedestrians in town to use the crosswalks.

Finance Committee – Council Member Read reported that there was a Bond sale last week for the Beach Utility in the amount of \$382,000 and he will have a more detailed report at the next meeting after the sale closes and the interest rate is 2.64% which is up a little bit from last year.

Beach/Recreation Committee – Council Member Bossone reported on the events that have occurred along with some rain dates. He stated that with the rainy days the Tourism fireworks have been postponed 6 times this year so far. He reported on the beach revenues as compared to last year and stated that they are about \$96,000 behind last year. He stated that the beach closes September 3 as it relates to beach badges and he advised that limited lifeguards will be on duty every day through September 23. He thanked the MBIA and the Manasquan High School AP Studio Art Class for a mural that was donated and mounted over the weekend on the Inlet wall as you enter the beach.

**Audience Participation**

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

Mary Ryan, 113 Beachfront thanked everyone for the recognition for the work that the students did on the mural.

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

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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 8:17 p.m., seconded by Council Member Mangan. Motion carried unanimously.