

SEPTEMBER 17, 2018

Regular Meeting of Mayor and Council was convened at 7:01 p.m. on September 17, 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, Gregg Olivera, and Richard Read

Absent: Council Members Michael Mangan and Joseph Bossone

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

Audience Participation

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

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

Appointment

Mayor Donovan made the following appointment:

Paul Gleitz – Environmental Commission Member – unexpired term (1/1/2016 - 12/31/2018)

Approval of Minutes

Regular Meeting Minutes – September 4, 2018

Council Member Lee made a motion to approve the minutes, seconded by Council Member Read. Motion carried unanimously with Council Member Walsh abstaining.

Use of Borough Property

- Block Party – Gardners Lane – October 6, 2018 – 2 to 9 pm

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

- Block Party – Marcellus Ave. – September 30, 2018 – 3 to 9 pm

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

Request for Luminary Bags along Main Street – November 24, 2018

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

CONSENT AGENDA

RESOLUTION 251-2018

WHEREAS, the Local Finance Board of the State of New Jersey has promulgated a regulation requiring that a Corrective Action Plan be prepared as part of the annual audit process; and

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WHEREAS, Local Finance Notice 92-15 required that this plan be prepared by the Chief Financial Officer and approved by the Governing Body.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, County of Monmouth and State of New Jersey that they hereby approve the Corrective Action Plan for the year 2017, a requirement of the annual audit, prepared by the Chief Financial Officer and which is attached hereto and made part of this resolution.

**CORRECTIVE ACTION PLAN
2017 AUDIT**

Finding 2017-1 Intefunds existed at year end.

Corrective Action: That Interfund Accounts Receivables and Payables be eliminated by the transfer of cash.

**RESOLUTION
252-2018**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the services of Maser Consulting, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, for purposes of providing the preparation and submittal of the 2019 NJDOT Municipal Aid Application for the purpose of the East Main Street Improvements Phase II as follows:

- Phase 2.0 Grant Application Preparation

For a per diem rate not to exceed \$2,200.00 for the services outlined in the proposal dated August 28, 2018.

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the borough authorizes Phase 2.0 of the 2019 NJDOT Municipal Aid Application for the East Main Street Improvements Phase II.

**RESOLUTION
253-2018**

**RESOLUTION AUTHORIZING SCOPE OF
WORK FOR 2018 NJDOT
TRANSPORTATION ALTERNATIVES
GRANT APPLICATION**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the services of Maser Consulting, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, for purposes of providing for the completion of application and submittal of the 2018 NJDOT Transportation Alternatives Grant Application for Main Street/North Main Street Streetscapes as follows:

- Phase 1.0 Grant Application \$3,900.00

for a total amount not to exceed \$3,900.00 for the service outlined in a proposal dated September 4, 2018.

AND BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that the borough authorizes Maser Consulting to proceed with the above proposal for the 2018 NJDOT Transportation Alternatives Grant Application for Main Street/North

Main Street Streetscapes.

**RESOLUTION
254-2018**

BE IT RESOLVED, by the Council of the Borough of Manasquan that:

WHEREAS, on June 18, 2016 the Borough received a grant award in the amount of \$162,500.00 from the Monmouth County Board of Chosen Freeholders to fund a Community Development Block Grant project;

WHEREAS, after careful consideration, the Mayor and Council have decided to decline the 2018 grant from the Community Development Block Grant for Phase II ADA Roadway Infrastructure Improvements;

NOW THEREFORE BE IT RESOLVED, the borough is desirous of declining the 2018 Grant Award from the Monmouth County Community Development in the amount of \$162,500.00.

**RESOLUTION
255-2018**

RESOLUTION AUTHORIZING A CHANGE ORDER EXCEEDING 20 PERCENT FOR INFRASTRUCTURE PROTECTION AND STORMWATER CONVEYANCE PROJECT IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH STATE OF NEW JERSEY

WHEREAS, on October 15, 2016 the Borough of Manasquan awarded a contract through a sealed public bid to the lowest responsible and responsive bidder, J.E. Hannon, Inc T/A Bird Construction in the amount of \$3,379,297.48 for the Infrastructure Protection and Stormwater Conveyance Project by the approval of Resolution 260-2015 and pursuant to the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.), and

WHEREAS, the Borough of Manasquan has secured the approval of financing for the Stormwater Conveyance Project through the New Jersey Environmental Infrastructure Trust and

WHEREAS, J.E. Hannon, Inc T/A Bird Construction and the Borough of Manasquan have requested mediation as part of the contract obligations, and

WHEREAS, the two issues combined require the execution of a change order which exceeds the 20 percent limitation on this contract, and

WHEREAS, the total amount of change orders prior to this resolution is \$1,281,483.78 via Resolutions 49-2016, 227-2018, 237-2017, and 238-2017, and

WHEREAS, now that the mediation process has been completed the contractor requests the amount of this change order to be \$200,000.00 which will cause the total amount of change orders executed for the particular contract to exceed the originally awarded contract price by more than 20 percent, and

WHEREAS, the situation renders the execution of a new contract an unreasonable interference with the efficient completion of the work and,

WHEREAS a mediation settlement resulted in an agreed upon price of \$200,000.00, and

WHEREAS the New Jersey Department of Environmental Protection will require approval of the issuance of the change order in order for reimbursement of monies to Manasquan, and

WHEREAS, the Mayor, in his capacity as chief executive officer has filed a request for the change order with the governing body, and

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NOW THEREFORE BE IT RESOLVED that the Governing Body authorizes:

1. The Borough Attorney to prepare a written amendatory contract to be entered into covering the changes stated above.
2. The Borough Clerk and Chief Financial Officer to execute the change order pursuant to 5:30-11.9.
3. The Chief Financial Officer to certify the availability of funds subject to the adoption of Ordinance 2215-16, a bond ordinance providing supplemental appropriation of \$1,250,000 for an Infrastructure Protection and Stormwater Conveyance Project.
4. Copies of this resolution to be transmitted to the Director of the Division of Local Government Services, the New Jersey Environmental Infrastructure Trust (NJEIT) and the New Jersey Department of Environmental Protection (NJDEP).
5. A certified copy of this resolution be sent to:

J.E. Hannon, Inc
T/A Bird Construction
105 Harbor Inn Road
Bayville, NJ 07016

**RESOLUTION
256-2018**

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.

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|----------------------------|--------------|
| Current Fund | \$411,718.12 |
| Capital Fund | \$207,167.50 |
| Water/Sewer Fund | \$332,213.94 |
| Beach Utility Fund | \$17,200.48 |
| Beach Capital Fund | |
| Recreation Building Trust | \$537.61 |
| Recreation Trust | \$128.96 |
| Reserve for Open Space | \$41,688.60 |
| Tourism | \$37.87 |
| Affordable Housing | \$559.50 |
| Reserve for Animal Control | \$8.40 |

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

COMMITTEE REPORTS

Public Safety Committee – Council Member Olivera reported that the police department will be participating in a the national program "Operation Clear Track" on September 25 which entails railroad safety efforts.

Finance Committee – Council Member Read thanked Amy in the finance office with regards to the corrective action plan and the near perfect audit.

Code Committee – Council Member Walsh reported on the numbers for August in the code/construction/zoning department.

Public Works Committee – Council Member Lee reported that the hydrant flushing will start October 1 and leaf collection will start October 8. He also reported that the Stockton Lake Blvd. project is scheduled to begin around October 1. He thanked everyone who voted for Manasquan for being the best shore town.

Audience Participation

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

Fran Drew, 111 Third Avenue voiced her concerns on how JCP&L has a program regarding cutting the trees and a new control they are looking to put on the wires. She also voiced her concerns and opinion on putting the wires underground.

John Lamacchia, 359 Euclid Avenue inquired about the ordinance or regulations regarding signs on Main Street businesses.

Mayor Donovan stated that according to the ordinance there are no signs allowed on the Borough right of way. He stated that the right of way is a measured distance from the center line of the road towards either side. He also stated that there are different requirements in different areas of town.

Council Member Walsh stated that he will reach out to the Code Official tomorrow.

Michael Norton, 153 S. Street, owns ice cream business on Main Street voiced his concern and opinion on the signs allowed on Main Street to promote the businesses and he also voiced his opinion on how the signs were confiscated without any warning.

Mayor Donovan stated that the Borough will look into the ordinance for a possible change.

Meghan, owner of Main Street Kitchen voiced her concerns regarding the signs and where they can be placed.

Council Member Walsh made a motion to close the public portion, seconded by Council Member Olivera. 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 Read made a motion to close the regular meeting at 7:36 p.m., seconded by Council Member Walsh. Motion carried unanimously.