

MARCH 4, 2019

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on March 4, 2019 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 Joseph Bossone, Jason Bryant, Jeffrey Lee, Michael Mangan, Richard Read, and James Walsh

Absent: None

Also present was Borough Attorney Jilian McLeer and Borough Administrator Thomas Flarity.

Certificate of Achievement – Jilian George – Tri County Wrestling Championship

Mayor Donovan presented a Certificate of Achievement to Jilian George for his outstanding achievements.

Council Member Bossone made a motion to amend the agenda to add resolution 79-2019 to the Consent Agenda, second by Council Member Bryant. Motion carried unanimously.

Audience Participation

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

Mark Kinn-Gurzo, 35 Newark Avenue inquired as to where he could get copies of the ordinances that are on the agenda tonight.

The Municipal Clerk stated that they are posted online and he can request them through her office also.

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

Approval of Minutes

Regular Meeting Minutes – February 4, 2019

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

Use of Borough Property

- **MBLL Parade – April 13, 2019; 10 am**

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

- **Stomp the Monster Run – October 19, 2019; 11 am start**

There was discussion on this request and it was recommended that the committee reach out to the organizer to discuss the request.

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

- **PBA Fishing Contest – Mac's Pond – May 4, 2019; 8 am to 1 pm**

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

- **Stoke House Retro Surf Board Contest – June 22, 2019; 8 am to 5 pm**

Larry Schmidt, 100 Wyckoff Avenue spoke on behalf of the organizer regarding this request.

There was discussion on the request and whether it should be approved conditionally.

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

Item #2: Director of Engineering – Update

Chris Tucker updated the council on the NJ Back Bays and Coastal Risk Management Interim Feasibility Study. He reported that this study was authorized post Sandy under the Disaster Relief Appropriations Act of 2013 and the study began in late 2015. He stated that the purpose of the study is to identify long term large scale coastal risk storm management features along the coast and the study covers from approximately Deal to Cape May, New Jersey. He stated that the study looked at the instances of coastal flooding and it was found that in the last 10 years the instances of coastal flooding has doubled due to sea level rise. He also stated that it shows that over the next 10 years the instances will double again. He reported that there was a range of solutions looked at and there were 3 for this area. First was non-structural which is home elevations, second solution was a structural flood wall which would line portions of the Inlet and some of the properties on the inside of Manasquan, and third would be a storm surge barrier at the Inlet also known as a flood gate. He stated that all 3 of these solutions are under consideration for funding. He stated that the study should take about 2 years to complete and following approvals and construction would be no sooner than 2030.

There was discussion on the study and the timeframe of construction.

CONSENT AGENDA

**RESOLUTION
74-2019**

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: Jennifer Fitzgerald
29 Clark Street
Manasquan, NJ 08736

AMOUNT OF REFUND DUE: \$30.00

REASON FOR REFUNDS: Manasquan Rec indoor soccer cancelled

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
75-2019**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that Manasquan Hook & Ladder Co. No. 1 has submitted the members that qualify under Ordinance 2005-07 Section 7 for "Exemption from the Payment of Permit Fees" these Members

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responded to 30% or more of the calls of the Unit or are Life Members of Manasquan Hook & Ladder Co. No. 1.

**RESOLUTION
76-2019**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that Manasquan Hook and Ladder Company No. 1 has submitted the members that qualify under Ordinance 2005- 07 "Free Season Beach Badge and Parking Permit for Certain Members of the Volunteer Fire Companies". These Members responded to 30% or more of the calls of the Unit or are Life Members of Manasquan Hook and Ladder Company No. 1.

**RESOLUTION
77- 2019**

WHEREAS, the Mental Health Association of Monmouth County have committed themselves to change to conversation around mental health; and

WHEREAS, the fundraising campaign "Swell Week" is designated to unite communities and raise awareness and financial support for a local Mental Health Initiative; and

WHEREAS, the Borough of Manasquan is committed to raising the awareness and fully support the Fundraising campaign "Feeling Swell Week" between May 25th and June 2, 2019.

**RESOLUTION
79-2019**

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 M & W Communications, Inc., 361 Quakerbridge Road, Flemington, New Jersey 08822 for the purpose of relocating and tuning of the Office of Emergency Management radios.

For a total amount not to exceed \$5,869.51 for the services outlined in the proposal dated February 21, 2019.

**RESOLUTION
78-2019**

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	\$151,510.56
Capital Fund	\$15,948.00
Water/Sewer Fund	\$30,822.94
Water/Sewer Utility Fund	
Beach Utility Fund	\$11,430.92
Beach Capital Fund	
Recreation Building Trust	\$6,850.00

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Recreation Trust	\$738.86
Affordable Housing	\$885.00

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

Ordinances – Second Reading

The Borough Attorney read the title of ordinance 2279-19 for second reading and final hearing.

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER/SEWER UTILITY IN AND BY THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

Council Member Walsh 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 hearing, seconded by Council Member Read. Motion carried unanimously.

Council Member Lee made a motion to pass and publish ordinance 2279-19 accordingly to law, seconded by Council Member Walsh. Motion carried by the following vote: “yes” Council Members Bossone, Bryant, Lee, Mangan, Read, and Walsh. “No” none.

Ordinances – First Reading

The Borough Attorney read the title of ordinance 2278-19 for introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20 (STREETS AND SIDEWALKS), SECTION 20-2 (EXCAVATION OF STREETS) OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Council Member Lee made a motion to introduce ordinance 2278-19, seconded by Council Member Read. Motion carried by the following vote: “yes” Council Members Bossone, Bryant, Lee, Mangan, Read, and Walsh. “No” none.

The Borough Attorney read the title of ordinance 2281-19 for introduction.

Ordinance Replacing Chapter 35 (Zoning), Section 35-5.17 Entitled “Affordable Housing Overlay Zone” with a section entitled “PR Affordable Housing Overlay Zone”

Council Member Mangan made a motion to introduce ordinance 2281-19, seconded by Council Member Walsh. Motion carried by the following vote: “yes” Council Members Bossone, Bryant, Lee, Mangan, Read, and Walsh. “No” none.

The Borough Attorney read the title of ordinance 2282-19 for introduction.

ORDINANCE AMENDING CHAPTER 35 (ZONING) SECTION 35-36 (AFFORDABLE HOUSING REGULATIONS) IN THE BOROUGH OF MANASQUAN, BOROUGH CODE, WHICH WILL STILL BE ENTITLED “AFFORDABLE HOUSING REGULATIONS”, AND WILL

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ADDRESS THE REQUIREMENTS OF THE FAIR SHARE HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS AND REPEALING SECTION 35-37 (AFFIRMATIVE MARKETING FOR AFFORDABLE HOUSING) AND SECTION 35-38 (MUNICIPAL HOUSING LIAISON) OF THE BOROUGH CODE

Council Member Mangan made a motion to introduce ordinance 2282-19, seconded by Council Member Bryant. Motion carried by the following vote: "yes" Council Members Bossone, Bryant, Lee, Mangan, Read, and Walsh. "No" none.

The Borough Attorney read the title of ordinance 2283-19 for introduction.

Ordinance Replacing Chapter 35 (Zoning), Section 35-38A Entitled "Inclusionary Zoning Provisions" with a section entitled "Affordable Housing Mandatory Set-Aside"

Council Member Lee made a motion to introduce ordinance 2283-19, seconded by Council Member Bryant. Motion carried by the following vote: "yes" Council Members Bossone, Bryant, Lee, Mangan, Read, and Walsh. "No" none.

The Borough Attorney read the title of ordinance 2284-19 for introduction.

AN ORDINANCE REPLACING SECTION 35-38B OF CHAPTER 35 (ZONING) OF THE MUNICIPAL CODE TO UPDATE THE ACCESSORY APARTMENT PROGRAM IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH

Council Member Read made a motion to introduce ordinance 2284-19, seconded by Council Member Mangan. Motion carried by the following vote: "yes" Council Members Bossone, Bryant, Lee, Mangan, Read, and Walsh. "No" none.

The Borough Attorney read the title of ordinance 2285-19 for introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 35 (ZONING) OF THE BOROUGH OF MANASQUAN CODE TO ESTABLISH AN AH-O AFFORDABLE HOUSING OVERLAY ZONE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Council Member Walsh made a motion to introduce ordinance 2285-19, seconded by Council Member Mangan. Motion carried by the following vote: "yes" Council Members Bossone, Bryant, Lee, Mangan, Read, and Walsh. "No" none.

Committee Reports

Finance Committee – Council Member Walsh stated that he has nothing to report at this time.

Administration Committee – Council Member Read reported that the boat slip lottery is due March 6, 2019 with the lottery being held next week and he advised that there is a feature on the website for residents to report a concern. He reported that there will be a special election on Tuesday March 12, 2019 from noon to 8 pm. He advised where each district will be voting.

Beach/Recreation Committee – Council Member Mangan reported that the position for Chief Lifeguard was advertised and closed last Friday and the staff will be reviewing and putting forth a recommendation to the committee. He stated the first public Sea Watch meeting will take place in April and the information for the meeting will be blast out. He updated everyone on the work that has been going on at the bungalows and

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that it was approved to have the water damage remediated as it was a health concern. He reported that Mallard Park is on the schedule to be repaired this year and should be a fall/spring project.

Public Works Committee – Council Member Lee reported that approved tonight was a \$500,000 bond ordinance addressing the borough's utility asset management plan which addresses a lot of water plant and sewer related improvements and operating and maintenance accountability act for the water accountability and also soon to be our sanitary sewer accountabilities with the goal of reducing costs from SMRSA. He reported that the committee met with the Sea Lavender Club and the Shade Tree Commission to get on board for the spring and some of the improvements that are being worked on. He stated when the weather cooperates the public works staff is working on potholes.

Code Committee – Council Member Bryant reported on the February numbers for the code/construction with 21 building permits, 26 electrical permits, 25 plumbing permits, 13 fire permits, 2 demolition permits, 18 zoning permits which amounts to a little over \$25,000. He also reported that there were 30 rental transfers and 1 garage sale.

Public Safety Committee – Council Member Bossone reported that the OEM will be conducting a quarterly test of the emergency alert system at 11 am on Wednesday and they will also be conducting a high water response drill with the Fire Department, Police Department, and First Aid at 7 pm on Thursday which will in and around Pompano parking lot.

Audience Participation

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

Robert Geisler, 79 Wyckoff Avenue inquired about the amount of traffic on Wyckoff Avenue and asked for assistance with speeding cars and the amount of traffic on the road.

Mike Shaheen, 128 Morris Avenue inquired about Morris Avenue being designated as being one of the overlay zones for affordable housing.

Council Member Mangan explained how Morris Avenue is designated as an overlay zone. He stated that an overlay zone of 10 units per acre and there are no properties that are an acre on that street. He stated that this has already been approved, generally speaking, in this area so it is not in excessive of what already exists.

There was discussion on this overlay zone and how it came about.

Mark Kinn-Gurzo, 35 Newark Avenue inquired about the settlement agreement regarding Broad Street and Union Avenue and the amount of density in the agreement.

Mayor Donovan stated that there is an upper limit on the number of units to be built on the sites.

Council Member Mangan stated that it is not a negotiable number but it could be less and that other bodies such as the DEP could restrict the number of units.

There was discussion on the agreement and the court order.

Mr. Kinn-Gurzo voiced his concerns on the density of the two projects.

Brett Kaplan, 34 Beams Terrace echoed what Mr. Kinn-Gurzo stated and implored council to protect the existing residences that are around the proposed project.

Andrew Tuite, 96 Broad Street inquired about dates for meetings regarding the projects going up on Broad Street and Union Avenue.

Robert Olson, 12 Meadow Avenue voiced his concern with the paving of Stockton Lake Boulevard and wanted to make sure that the project is not closed out until the paving is corrected.

Mayor Donovan and Council Member Mangan updated Mr. Olson on the bidding process and how it is very restrictive.

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Director of Engineering Chris Tucker stated he agrees with Council Member Mangan and agrees that residents need to speak up because the borough cannot improve without knowing the problems that are out there. He stated that the issues regarding Stockton Lake Boulevard paving will be addressed and he advised that the project is not closed out as there is still concrete work to be done in the spring.

Mary Ryan, 113 Beachfront inquired about the bidding process and what companies can be chosen for the work.

Council Member Mangan stated that moving forward the borough will be putting together a tighter oversight program to make sure that the town gets the work being bid and the quality of work required.

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

Council Member Mangan made a motion to close the regular meeting at 8:09 p.m., seconded by Council Member Read. Motion carried unanimously.

Respectfully submitted,



Barbara Ilaria
Municipal Clerk

DATE APPROVED 3/18/19