

NOVEMBER 18, 2019

Regular Meeting of Mayor and Council was convened at 7:00 p.m. on November 18, 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 Mark Kitrick and Borough Administrator Thomas Flarity.

Council Member Bryant made a motion to carry second reading on ordinances 2299-19, 2300-19, 2301-19, and 2302-19 until the December 16, 2019 meeting, seconded by Council Member Lee. Motion carried unanimously.

Audience Participation

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

CERTIFICATE OF APPRECIATION

Mayor Donovan presented a Certificate of Appreciation to Council Member Joseph Bossone for his dedicated service to the Borough since 2008.

Approval of Minutes

Regular Meeting Minutes – October 21, 2019
Regular Meeting Minutes – November 4, 2019

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

Use of Borough Property

- SBLSPC Request to Host Lighthouse Challenge – October 17 & 18, 2020

Pat Connolly, SPLSPC representative stated that they would like to request that there be no other events that day or on Sunday of that weekend.

There was discussion on the event and Stomp the Monster event which takes place that same weekend.

Mayor Donovan stated that they cannot guarantee that there will no other events going on that weekend.

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

Presentation – Commercial Utility Consultants (on behalf of IDT energy)

Stacia Scaduto gave an update on the energy aggregation program and answered questions from Mayor and Council regarding the costs compared to JCP&L.

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

Dick Meincke, 36 N. McClellan inquired about the rates and if they change.

Ms. Scaduto went over the rates and how and why they change.

There was discussion on the program, rates, and the comparison to neighbors.

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

CONSENT AGENDA

**RESOLUTION
293-2019**

BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, accepts the resignation of Nicholas H. Steele from the position of Special Law Enforcement Officer II from the Manasquan Police Department effective November 11, 2019.

**RESOLUTION
294-2019**

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

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

NAME: ✓ STEPHEN R BIANCHI
C/O CORELOGIC ESCROW REPORTING
257 FIRST AVE
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$2,592.75

REASON FOR REFUND: REFUND DUPLICATE TAX PAYMENT
BLOCK 182.01 / LOT 18
257 FIRST AVE

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
295-2019**

BE IT RESOLVED, that the Hon. Edward G. Donovan , Mayor of the Borough of Manasquan, and Borough Clerk Barbara Ilaria be and are hereby authorized to sign the Animal Control Contract with the Associated Humane Societies, Inc for the term commencing January 1, 2020 through December 31, 2020.

**RESOLUTION
296-2019**

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 2018, 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
2018 AUDIT**

Finding 2018-1 Interfunds existed at year end.

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

**RESOLUTION
297-2019**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R. S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations," and,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Manasquan, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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**RESOLUTION
298-2019**

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

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

NAME: KEVIN & KENDRA PHILIPS
523 PERRINE BLVD
MANASQUAN, NJ 08736

AMOUNT OF REFUND DUE: \$3,349.00

REASON FOR REFUND: REFUND DUPLICATE TAX PAYMENT
BLOCK 177 / LOT 8
523 PERRINE BLVD

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
299-2019**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW
JERSEY, AUTHORIZING THE SALE OF SEASON BEACH
BADGES AND SEASON PARKING PERMITS**

WHEREAS, fees for the sale of season beach badges are established under Section 12-2.4 (Fees) and fees for the sale of season parking permits are established under section 12-11 (Season Parking Permit) of Chapter 12 (Beaches and Beachfront) of the Code of the Borough of Manasquan; and

WHEREAS, the Borough Council is desirous of authorizing the sale of season beach badges and parking permits in the month of December starting Wednesday, December 4th through Sunday, 15th; and

WHEREAS, the Borough Council is desirous of establishing fees at the 2019 rate for the sale of season beach badges and parking permits; and

WHEREAS, the charge for these items may increase during the 2020 calendar year;

NOW, THEREFORE, BE IT RESOLVED, on this 18th day of November, 2019 by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey as follows:

1. Season beach badges and parking permits shall be available for purchase in the month of December, starting December 4th through December 15th.
2. A copy of this resolution shall be posted on the bulletin board in the municipal building.
3. The Borough Council shall announce at each regular business meeting during the month of December that season beach badges and parking permits are available for purchase at the 2019 rate.
4. A maximum of up to 800 season parking permits will be sold during this period.

**RESOLUTION
300-2019**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, NEW**

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JERSEY, AUTHORIZING THE RELEASE OF A BOND POSTED BY JOSEPH & PATRICK LAMB PURSUANT TO SECTION 15-2 OF CHAPTER 15 (RENTAL PROPERTY) OF THE MUNICIPAL CODE

WHEREAS, Joseph & Patricia Lamb posted a bond on May 16, 2016 in the amount of \$750.00 pursuant to Section 15-2 et seq. of Chapter 15 (Rental Property) of the Municipal Code for property at 209 Second Avenue, Manasquan, New Jersey; and

WHEREAS, the \$750.00 bond was deposited pursuant to a Consent Agreement with a four year term; this agreement was signed in 2016; and

WHEREAS, the Borough Council has determined that due to sale of the said property 209 Second Avenue the bond in the amount \$750.00 be returned to Joseph & Patricia Lamb; and

NOW, THEREFORE BE IT RESOLVED on the 18th day of November, 2019, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. The Chief Financial Officer, is hereby authorized to return the bond proceeds in the amount of \$750.00 to Joseph & Patricia Lamb.
2. The check shall be sent to:

Mr. Joseph Lamb
774 Tall Oaks Drive
Brick, NJ 08724

**RESOLUTION
301-2019**

WHEREAS, the Borough of Manasquan and Brielle are desirous to enter into a Interlocal Agreement for the acquisition by purchase and use of a combination Sewer Jet and Catch Basin Cleaner, and

WHEREAS, the Interlocal Service Agreement shall be in effect for a three (3) year term from November 1, 2019 through October 31, 2022 and may be renewed for one (1) additional 2 year period.

NOW THEREFORE BE IT RESOLVED that the Boroughs enter into an Interlocal Agreement under the provisions of N.J.S.A. 40:8A-1 in order to provide for the joint acquisition by purchase and use of a combination Sewer Jet and Catch Basin Cleaner for the term November 1, 2019 through October 31, 2022 with option to be renewed for one (1) additional 2 year period.

BE IT RESOLVED, by the Governing Body of the Borough of Manasquan, Monmouth County, New Jersey that the Mayor and Municipal Clerk be authorized to sign the Interlocal Agreement for the acquisition and use of a combination Sewer Jet and Catch Basin Cleaner.

**RESOLUTION
302-2019**

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

WHEREAS, refunds for NJ State Tax Court Appeals for the following properties are due on the below described properties in the amount designated as follows:

BLOCK: 47 LOT: 23.05 NAME: S&B ASSOCIATES, LP C/O BEACHTREE

PROPERTY LOCATION: 187 PARKER AVE

AMOUNT: \$14,604.98

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REASON FOR REFUND: 2018 & 2019 STATE TAX COURT APPEAL JUDGEMENTS

REFUND CHECK TO BE MADE PAYABLE TO:

BRACH & EICHLER, LLC
101 EISENHOWER PKWY
ROSELAND, NJ 07068

WHEREAS, the Tax Collector has certified that the current homeowner is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Borough Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION
303-2019**

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	\$1,690,175.97
Capital Fund	\$4,640.00
Water/Sewer Fund	\$18,249.87
Water/Sewer Utility Fund	
Beach Utility Fund	\$38,492.67
Beach Capital Fund	
Recreation Building Trust	\$1,598.22
Recreation Trust	\$3,982.10
Tourism Trust	\$438.25
Miscellaneous Trust I	\$1,000.00
Miscellaneous Trust II	\$400.00
Dev Trust	\$1,664.92
Animal Reserve	\$465.20

Council Member Bryant made a motion to approve the Consent Agenda, seconded by Council Member Walsh. 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 2303-19 for second reading and final hearing.

BOND ORDINANCE AMENDING THE TITLE AND SECTION 3(a) OF BOND ORDINANCE #2260-18 AND PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$855,000 FOR IMPROVEMENTS TO EAST MAIN STREET AND RELATED ROADS IN AND BY THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$855,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

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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 Read made a motion to close the hearing, seconded by Council Member Bryant. Motion carried unanimously.

Council Member Mangan made a motion to pass and publish ordinance 2303-19 according 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.

The Borough Attorney read the title of ordinance 2304-19 for second reading and final hearing.

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE BEACH UTILITY IN AND BY THE BOROUGH OF MANASQUAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,170,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,170,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

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

Pat Connolly, Ocean Avenue inquired about the \$170,000 that will be used for Sea Watch.

Council Member Mangan stated that this amount is for planning such as engineering services to apply for the permits. He stated that this is just to get the borough through to the design phase. He stated that this authorizes the engineer to obtain and submit permits. He also stated that it is for the design.

Ms. Connolly asked if this amount would include the demolition of the bungalows on Sea Watch.

Council Member Mangan stated that it does not and he does not know at this time when that would take place.

Mary Ryan, 113 Beachfront inquired about the kiosks and overnight parking.

Council Member Mangan stated that it is status quo for 2020 and advised that this allows for the money to be in place so the borough can contract with a vendor and the vendor would be able to give a timeline.

Ms. Ryan inquired about overnight parking and seasonal parking passes.

Council Member Mangan stated that the goal is to have some type of system that would work with seasonal parking passes for overnight parking.

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

Council Member Mangan made a motion to pass and publish ordinance 2304-19 according to law, seconded by Council Member Read. 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 2305-19 for introduction.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11 (DOCKS AND BULKHEADS) SECTION 11-1.2 (TERM OF LEASE), SECTION 11-1.3 (RENTAL FEES) AND AMENDING CHAPTER 16 (FEES) OF THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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Council Member Read made a motion to introduce ordinance 2305-19, seconded by Council Member Walsh. 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 read a statement from the CFO Amy Spera that the Borough recently held a bond anticipation note sale on November 5, 2019 in the amount of \$1,002,250 for ordinance 2295-19 for the acquisition of property located at 27 Osborn Avenue. He stated that the successful bid was awarded to Oppenheimer & Co. on November 13, 2019 bearing an interest of 2%. He also stated that the Borough received a \$3,170 premium bringing the net interest rate down to 1.6837 and the note will come due on November 13, 2020.

Administration Committee – Council Member Read stated that he has nothing to report at this time.

Beach & Recreation Committee – Council Member Mangan reported that the committee met and they are looking into a review of the salaries to be in compliance the NJ Minimum Wage Act. He also reported that the December Pre-Season badge/parking passes can be purchased and it will be at the 2019 rate. He stated that there is a committee that has been formed within Recreation to review the need for a special needs park in town and to try and establish funding raising for that effort. He also stated that there is another committee that has been formed which would be for the skate park and try and get private funds.

Public Works Committee – Council Member Lee reported that public works has been working on leaf pickup, cleaning out sewer drains, and getting ready for the Thanksgiving Day Parade. He reported that there is a project on Broad Street by the County and they are committed to paving from Sea Girt Avenue to Main Street. He thanked the Mayor for his work on getting some drainage issues taken care of by the County in that area by talking to the Freeholders.

Mayor Donovan stated that the drainage problem by the intersection of Atlantic, Broad, and Woodland should be started shortly and the paving project has been delayed until the spring 2020.

Code & Zoning Committee – Council Member Bryant stated that he has nothing to report at this time.

Public Safety Committee – Council Member Bossone thanked everyone for the acknowledgement of his service and he stated that it has been a pleasure being involved. He thanked the administrator and the clerk for their hard work. He reported that this will be his last public meeting and that he will still be working hard until the end of the year. He stated that the kiosks at the beach have been talked about for years and he is looking forward to this moving forward as well as Sea Watch and the Community Center. He reported on the public safety committee and stated that the new police vehicle has been delivered and on November 9 Officer Ringo and Sergeant Stopera responded to a fire call at the address of Dr. T. Shirt and the fire company was on scene shortly after and the fire was contained to a small room in the back. He reported that the 15 minute time zone signs for the post office have been delivered and will be put up shortly. He reported that Officer Gavan has completed a 3 day grant writing training class and will be applying for grants to upgrade some of the technology in the police department.

Audience Participation

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

Dan Hippe, 19 McGreevey Drive inquired about the number of parking passes available in December and how that number of 500 was established.

Council Member Mangan stated that this number came to be over the last few years to make sure that there is enough spots available for everyone. He stated that there is no real science behind the number of passes that are for sale in December.

PJ Yasenchak, 10 Acpoan Place, inquired about a street light that is not pointing in the correct direction. He stated that it is pointing into his bedroom and he inquired about the rusting of the water tower.

Council Member Lee stated that at his next meeting they will be discussing the possibility of raising money by increasing the water/sewer rates to have the issue fixed.

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Council Member stated that fixing the water tower is no easy task and it will cost lots of money.

Council Member Lee stated that some of the preliminary estimates were around \$500,000.

Susan Belding, 66 N. Main Street thanked Administrator Flarity for working on her concerns about the field and parking in the area. She wanted to know if there is an update on the issues with the BOE.

Council Member Mangan stated that the committee is looking at all the different suggestion that were made.

Council Member Bossone stated that he has no concrete answers right now and there should be an update at the next meeting.

Ms. Belding also inquired about noise and lighting and wanted to know who she should reach out to.

Ben Schreck, 58 N. Main Street inquired about the parade and the possibility of flooding and the location of the bonfire.

Council Member Mangan stated that he was not aware of the possibility of flooding for the parade. He also stated that the committee will be reaching out to the school regarding the location and length of the parade and will bring up the possibility of flooding also.

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 8:34 p.m., seconded by Council Member Lee. Motion carried unanimously.

Date Approved 12/2/2019