

DRAFT #1 10/22/2015

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

MINUTES – REGULAR BUSINESS MEETING

October 20, 2015
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The regular monthly meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** Mayor Nebel called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. Nebel read the following Statement:

In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.
3. **ROLL CALL**

Present: Mayor George C. Nebel, Council President Ann Elizabeth Nelson, Councilmen Peter R. Strohm, Steve Gillingham, Robert S. McIntyre, Chris Nelson
Absent: Alan Laymon
Also Present: Beverley Konopada, Acting Borough Clerk, Edwin J. O'Malley, Jr. Borough Attorney Matthew Jessup, (McManimon) Matthew Sweeney (Phoenix Advisors)
4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.
5. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel opened the meeting for public comments and questions about the agenda.
None
6. **RESOLUTION NO. 10/20/2015-01 MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed:

Regular Council Meeting September 15, 2015

Councilman Strohm moved to approve the minutes as distributed. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

COMMITTEE REPORTS AND RECOMMENDATIONS

7. **PUBLIC WORKS COMMITTEE**: Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moved the following resolutions A-D. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. **RESOLUTION NO. 10/20/2015-02: PAYMENT NO. 8 – HERBERT STREET PUMP STATION RECONSTRUCTION (CONTRACT 2014-04)**

WHEREAS, the Borough has entered into a Contract with JEV Construction, LLC. (Contract 2014-04) to provide Herbert Street Pump Station Reconstruction; and

WHEREAS, the Contractor has submitted Payment Application No.8 in the sum of \$10,396.90 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No. 8 be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment.

B. **RESOLUTION NO. 10/20/2015-03: AWARD OF CONTRACT FOR RESTORATION OF VARIOUS ROADWAYS TO EARLE ASPHALT COMPANY CONTRACT NO. 2015-2**

WHEREAS, the Borough has received a bid from Earle Asphalt Company,

which bid is the lowest responsive, responsible bid submitted for the captioned project; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bid documents submitted and have recommended award of the Contract to Earle Asphalt Company and;

IT IS NOW, THEREFORE, this 20th day of October, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Contract is hereby awarded to Earle Asphalt Company in the sum of \$470,713.14;
2. The award of Contract is subject to the filing of a Certificate of Funds Availability;
3. Upon satisfaction of the forgoing and the bidder's compliance with post-award requirements, as approved by Borough counsel, the Mayor is authorized to execute the Contract with Earle Asphalt Company.
4. The bid security of the unsuccessful bidders shall be released upon mutual execution of the Contract between the Borough and Earle Asphalt Company.

C. **RESOLUTION NO. 10/20/2015-04: INTRODUCTION OF ORDINANCE 652 AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS AND RESCINDING INTRODUCTION OF PROPOSED ORDINANCE 649**

Sponsored by: Council President Nelson

Date Introduced: October 20, 2015

Public Hearing November 17, 2015

& Adoption:

Synopsis: Delete use of “footprint” in calculation of habitable area ratio. Proposed Ordinance 649 is withdrawn from consideration; revised proposed Ordinance 652 follows:

ORDINANCE NO: 652

AN ORDINANCE AMENDING CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS

BE IT ORDAINED as follows:

1. Appendix B (revised June 17, 2013), Bulk Standards, is hereby amended as follows:
Second Floor habitable Area to
First Floor ~~footprint~~ habitable area ratio
2. Appendix B, footnote 6, is amended as follows;
6. See Land Use Ordinance for definition of ~~footprint~~ habitable area.
3. All provisions of Chapter XXX not specifically amended hereby shall remain in full force and effect.
4. This Ordinance shall be effective upon final adoption.

D. RESOLUTION NO. 10/20/2015-05: AMENDMENT OF REGULAR MEETING SCHEDULE

WHEREAS, it is the desire of the governing body to amend the published Regular Meeting schedule.
IT IS NOW, THEREFORE, this 20th day of October, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the published Regular Meeting schedule is hereby amended as follows:

1. The November 24, 2015 Regular Meeting is cancelled.
2. The November Regular Meeting of the governing body will be held at 5:30 p.m. on Tuesday, November 17, 2015, at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, New Jersey.

E. PUBLIC HEARING: Mayor George C. Nebel opened the meeting to the public on Ordinance No. 651.

RESOLUTION NO. 10/20/2015-06: ADOPTION OF ORDINANCE NO. 651 AMENDING ORDINANCE 265

WHEREAS, on the 20th day of October, 2015, a public hearing on Ordinance No. 651 was held and no comments were made by the public, now, therefore, be it

RESOLVED, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance.

Sponsored by: Council President Nelson

Date Introduced: September 15, 2015

Public Hearing

& Adoption: October 20, 2015

Synopsis: Amendment of conditions imposed by street vacation ordinance- Bay Avenue, adopted May 16, 1988, thereby allowing inclusion of vacated area in lot calculation.

WHEREAS, Ordinance No. 265, adopted May 16, 1988, provides for the vacation of a portion of Bay Avenue, north of Herbert Street, subject to conditions; and

WHEREAS, it is the desire of the governing body to delete one of the conditions.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council as follows:

1. Article 3B. of Ordinance 265 is amended by deletion of “area”.
2. All of the provisions of Ordinance No. 265, as hereby amended, shall remain in full force and effect.
3. This amendatory Ordinance shall be effective upon final adoption.

ROLL CALL VOTE:

Ayes: Councilman Steve Gillingham
Councilman Chris Nelson
Councilwoman Ann Elizabeth Nelson
Councilman Robert McIntyre
Councilman Strohm

Nays: None

Absent: Councilman Laymon

8. **PUBLIC SAFETY COMMITTEE:** Councilman McIntyre presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. **RESOLUTION NO. 10/20/2015-07: SHARED SERVICE AGREEMENT WITH OCEAN COUNTY PROSECUTOR’S OFFICE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM**

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Driving While Intoxicated Enforcement Program”; and

WHEREAS, the purpose of this program is to identify and remove intoxicated drivers from the roadway; and

WHEREAS, to the extent officers of the Borough’s Police Department provide services under this Agreement, the County will provide compensation at the rate of \$55.00 per hour; and

WHEREAS, all the terms and conditions of the proposed Shared Services Agreement have been reviewed by

counsel; and

WHEREAS, this agreement shall be retroactive from October 1, 2015 and shall continue in full force and effect until September 30, 2016.

IT IS NOW, THEREFORE, this 20th day of October, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the Shared Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

B. RESOLUTION NO. 10/20/2015-08: SHARED SERVICE AGREEMENT WITH OCEAN COUNTY PROSECUTOR’S OFFICE DRUG RECOGNITION EXPERT CALLOUT PROGRAM

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Drug Recognition Expert Callout Program”; and

WHEREAS, the purpose of this program is to identify and remove drug impaired drivers from the roadway; and

WHEREAS, to the extent officers of the Borough’s Police Department provide services under this Agreement, the County will provide compensation at the rate of \$55.00 per hour; and

WHEREAS, all the terms and conditions of the proposed Shared Services Agreement have been reviewed by counsel; and

WHEREAS, this agreement shall be retroactive from October 1, 2015 and shall continue in full force and effect until September 30, 2016.

IT IS NOW, THEREFORE, this 20th day of October, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the Shared Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

C. RESOLUTION NO. 10/20/2015-09: THE SALE OF MUNICIPAL SURPLUS PROPERTY

WHEREAS, the Council has authorized solicitation of buyers for the purchase of surplus personal property, of one (1) used, 2010 Crown Victoria Vehicle Identification Number 2FABP7BV2AX101510 with 104,195 miles.

And

WHEREAS, the bid return date was 12:00 p.m. on Wednesday September 16, 2015 in the office of the Acting Borough Clerk with the following results:

Bidder	Amount of Bid
Bay Ridge Motors Inc. 1869 Richmond Terrace Staten Island, NY 10310	\$1,157.00
Jersey One Auto Sales Inc. 495 Tonnele Ave. Jersey City, NJ 07307	\$1,888.00
Liberty Motors Inc. 1705 Kennedy Blvd. Jersey City, NJ 07305	\$1,843.99

WHEREAS, the bid submission has been reviewed by the Borough Attorney

RESOLVED, this 20th day of October, 2015, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

The bid submitted by **Jersey One Auto Sales Inc** in the sum of **\$1,888.00**, is hereby accepted

upon the following terms and conditions:

1. The successful bidder shall, within three (3) days of bid acceptance by the Borough, pay The entire purchase price (cash or certified check) payable to the order of the Borough of Mantoloking.
2. The successful bidder shall, within five (5) days of acceptance, remove the 2010 Ford Crown Victoria from the municipality. Failure of removal shall be deemed abandonment.
3. The purchaser shall, upon delivery, execute and deliver to the Clerk a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations or warranties of any nature whatsoever.

D. RESOLUTION NO. 10/20/2015-10: MEMORIALIZATION OF PUBLIC SERVICE - STEPHEN JOSEPH FOLEY

IN MEMORIAM

STEPHEN JOSEPH FOLEY

WHEREAS, Stephen Joseph Foley, a Life and Exempt Member of the New Jersey State Volunteer Fireman’s and Relief Association and a long time and active volunteer member and Trustee of the Mantoloking Volunteer Fire Company, died on October 15, 2015; and

WHEREAS, he was an accomplished and respected attorney, an effective advocate for the constitutional rights of defendants; and

WHEREAS, he was an exemplary model for civility, professional conduct and public service.

IT IS NOW, THEREFORE, this 20th day of October, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey:

1. That the life and public service of Stephen Joseph Foley were exceptionally noteworthy;
2. The Mayor and Council, for themselves and the Mantoloking community, now express sincere appreciation for his service and condolence to his family.
3. A true copy of this Resolution shall be forwarded to his family.

9. **DUNE & BEACH RENOURISHMENT COMMITTEE**: Councilman Strohm stated no action. Councilman Strohm talked about following the storm, bulldozing has started.

10. **MUNICIPAL SERVICES COMMITTEE**: Councilman Laymon - absent

11. **MANTOLOKING COMMITTEE**: Councilman Chris Nelson stated no action. Councilman Nelson stated that Chief Ferris did a great job working with the state to get more sand.

12. **FINANCE COMMITTEE**: Councilman Gillingham presented the monthly finance report and moved the following resolutions. The motions was seconded by Councilwoman Nelson and approved by unanimous voice vote.

A. RESOLUTION NO. 10/20/2015-11: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2015 municipal Budget as of August 31, 2015; and
 WHEREAS, that report indicates the following status as of that date:

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2015 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2015 Adopted Budget		5,703,783.23	2,883,969.61	75,644.98	2,744,168.64
2014 Appropriation Reserve	7,555,401.96	638,758.25	250,120.63	30,055.35	358,582.27
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Subtotal Sandy Emergency		1,030,396.09	170,596.36	4,210.82	855,588.91
Capital		2,983,422.37	0.00	1,013,550.97	1,969,871.40

B. RESOLUTION NO. 10/20/2015-12: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2015

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$ 1,919,003.35 and recommended that they be paid, now, therefore, be it:
 RESOLVED, the Mantoloking Borough Council Approve payment of the above referenced bills and directs that a copy attached to and made part of the minutes of this meeting.

C. RESOLUTION NO. 10/20/2015-13: APPROVAL OF AMENDMENT TO THE ADOPTED 2015 CAPITAL BUDGET

Whereas, the Borough of Mantoloking adopted the 2015 Capital Budget on June 16, 2015; and,
 Whereas, it is desired to amend said adopted 2015 Capital Budget relative to the Construction of a Municipal Building,
 Now, therefore, be it resolved by the Governing Body of the Borough of Mantoloking of the County of Ocean, that the following amendment to the adopted 2015 Capital Budget be made:

Capital Budget of the
Borough of Mantoloking
(Current Year Action)
 2015

<u>Project Title</u>	<u>Project Number</u>	<u>Estimated Total Cost</u>	<u>Capital Improvement Fund</u>	<u>Grants-in-Aid and Other funds</u>	<u>Debt Authorized</u>
Construction of a Municipal Building	2015-05	\$5,500,000.00	\$363.76	\$1,620,636.24	\$3,879,000.00
Totals - All Projects	33-199	\$5,726,750.00	\$11,466.76	\$1,620,636.24	\$4,094,647.00

Capital Budget of the
Borough of Mantoloking
3 Year Capital Program
 Anticipated Project Schedule and Funding Requirements

2015 - 2017

<u>Project Title</u>	<u>Project Number</u>	<u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Budget Year 2015</u>	<u>Budget Year 2016</u>	<u>Budget Year 2017</u>
Construction of a Municipal Building	2015-05	\$5,500,000.00	2016	\$5,500,000.00	-	-
Totals - All Projects	33-299	\$5,726,750.00	-	\$5,726,750.00	-	-

Capital Budget of the
Borough of Mantoloking
3 Year Capital Program
 Summary of Anticipated Funding Sources and Amounts

2015 - 2017

<u>Project Title</u>	<u>Project Number</u>	<u>Estimated Total Cost</u>	<u>Capital Improvement Fund</u>	<u>Grants-in-Aid and Other Funds</u>	<u>Bonds and Notes General</u>
Construction of a Municipal Building	2015-05	\$5,500,000.00	\$363.76	\$1,620,636.24	\$3,879,000.00
Totals - All Projects	33-399	\$5,726,750.00	\$11,466.76	\$1,620,636.24	\$4,094,647.00

The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after adoption of this project for the 2015 Capital Budget.

ROLL CALL:

Ayes: Councilwoman Ann Elizabeth Nelson

Councilman Steve Gillingham
Councilman Chris Nelson
Councilman Robert McIntyre
Councilman Peter Strohm

Nays: None

Absent: Councilman Alan Laymon

D. RESOLUTION NO. 10/20/2015-14: APPROVAL OF CARRYOVER VACATION TIME FOR THE YEAR 2015 FOR NON- CONTRACTUAL EMPLOYEES

WHEREAS, The Employee Manual of the Borough of Mantoloking has a policy not allowing the carryover of vacation time from year to year and requiring the use of said vacation time within the year in which it accrues,

WHEREAS, it is the wish of the Mayor and Council to authorize the carryover of vacation time for the year 2015 for non-contractual employees into 2016;

WHEREAS, said authorization is based on unusual circumstances set forth by Super Storm Sandy and the amount of additional work demanded to ensure the operation of the Borough of Mantoloking,

WHEREAS, it is stipulated that this carryover of 2015 vacation into 2016 be for one year only and must be used by the end of 2016;

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Council of the Borough of Mantoloking authorize the carryover of vacation time for the year 2015 into 2016 for non-contractual employees.

E. RESOLUTION NO. 10/20/2015-15: OFFICIAL PERSONNEL DESIGNATION

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approved the following appointments with the terms and conditions indicated:

Name	Position/Effective Date	Salary
Beverley Konopada	Acting Borough Clerk Assessment Search Officer Public Agency Compliance Officer-PACO Insurance Commissioner Records Project Manager Contract Administrator for Solid Waste Local Registrar of Vital Statistics	\$72,000.00 Effective Date: October 1, 2015

F. RESOLUTION NO. 10/20/2015-16: APPROVING INSERTION OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87— HAZARD MITIGATION GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when

such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, **NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$175,475.00, which is now available from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) (through the New Jersey Office of Emergency Management) in the sum of \$175,475.00.

BE IT FURTHER RESOLVED that a matching sum of \$12,928.00 is to be provided for in the 2015 Municipal Budget from the item entitled “Ordinance 608 Replace Firehouse Doors.”

BE IT FURTHER RESOLVED that the like sum of \$175,475.00 is hereby appropriated under the caption of 2015 Hazard Mitigation Grant and shall be applied in compliance with the terms and conditions as set forth in the grant. **BE IT FURTHER RESOLVED** that the Mayor and Clerk are authorized to execute the Grant/Sub-grantee Agreement.

G. RESOLUTION NO. 10/20/2015-17: APPROVAL OF BEST PRACTICES 2015-2016 CHECKLIST

WHEREAS, the Borough of Mantoloking is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services; and

WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS the inventory results for 2015 are as follows: 31 yes, 8 no, 10 N/A, and 1 prospective for a total percentage of 86% with no State Aid to be withheld,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking accept the Best Practices Check List as required by the State of New Jersey Department of Community Affairs for the 2015 Budget Year.

H. RESOLUTION NO. 10/20/2015-18: PROVIDING FOR INTRODUCTION (FIRST READING) OF BOND ORDINANCE # 653 FOR CONSTRUCTION OF MUNICIPAL BUILDING

WHEREAS, it is the desire of the Mayor and Council to provide for the construction of a municipal building, to appropriate funds and to authorize debt obligations for such purposes.

IT IS NOW, THEREFORE, this 20th day of October, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the attached Bond Ordinance entitled:

“BOND ORDINANCE 653 PROVIDING FOR CONSTRUCTION OF A MUNICIPAL BUILDING IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$5,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,879,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF”.

Is introduced, by title, on first reading.

2. The Ordinance will be considered for final adoption, following a public hearing, at 5:30 p.m. on November 17, 2015, at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, New Jersey.

BOND ORDINANCE 653 PROVIDING FOR CONSTRUCTION OF A
MUNICIPAL BUILDING IN AND BY THE BOROUGH OF
MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY,
APPROPRIATING \$5,500,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$3,879,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$5,500,000, including (i) \$395,985.00 from the Borough reserve for judgments, (ii) \$139,299.09, representing the Reappropriation Amount (as defined in Section 4 hereof), (iii) \$1,100,000.00 in Federal Emergency Management Agency reimbursements and/or insurance proceeds (the "FEMA Proceeds") and (iv) \$1,085,715.91 as the down payment required by the Local Bond Law (including \$1,085,352.15 from the Borough reserve for beach replenishment within the Borough Capital Fund). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,879,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes

are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of a municipal building, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. It is hereby determined that \$139,299.09 (the "Reappropriation Amount") originally made available pursuant to the following bond ordinances of the Borough are no longer necessary for the various purposes for which such amount was previously appropriated and authorized:

<u>Bond Ordinance Number</u>	<u>Improvement Description</u>	<u>Amount to be Reappropriated</u>
518	Back Bay Flap Valve Program	\$ 66.73
534	Borough Yard Garage construction	65,980.91
551	Evaluation of sewer force main	12,462.94
566	Solar panels in Municipal Building	16,883.20
569	Sanitary sewer repairs	2,651.85
582	Evaluation of sewer force main	2,298.33
583	Storm sewer investigation	4,778.18
585	Flap Valve Program	11,000.00
597	Firehouse apron	632.45
599	Flap Valve Program	936.75
600	ADA walkway #4 construction	16,517.65
601	Emergency management radios	1,490.10
611	ADA walkway #4 improvements	<u>3,600.00</u>
Total:		\$139,299.09

As set forth in Section 1 hereof, the Reappropriation Amount is hereby reappropriated for the improvement described in Section 3(a) hereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection

with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is

increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,879,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 8. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 9. Any grant moneys received, including but not limited to the FEMA Proceeds, for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all

the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Council of the Borough of Mantoloking, in the County of Ocean and State of New Jersey held on the 20th day of October, 2015, and said Ordinance will be considered for final passage at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, New Jersey at 5:30 p.m. on the 17th day of November, 2015, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

Beverley A. Konopada
Acting Borough Clerk

13. **MAYOR AND COUNCIL COMMENTS**

Mayor Nebel discussed Casualty Loss claims

Councilwoman Nelson was pleased to announce that the Seeweeder's Club finished the Garden on Bergen Avenue.

14. **PUBLIC COMMENT PERIOD**

Questions on beach replenishment, easements, rockwall revetment and the fence

15. **NEXT MEETING** –

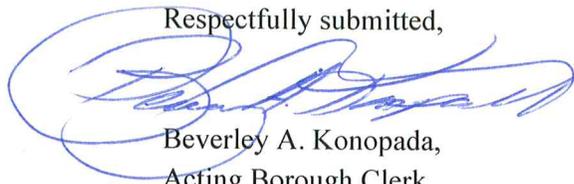
Regular Council Meeting, November 17, 2015 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

Please note: The Regular Scheduled Meeting of November 24, 2015 has been reschedule to the above referenced meeting

16. **ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilman Gillingham and seconded by Councilman McIntyre and approved by unanimous voice vote.

Respectfully submitted,



Beverley A. Konopada,
Acting Borough Clerk