

DRAFT NO.1 – 04/27/2016

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING

APRIL 26, 2016

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 George C. 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 Alan Laymon, Steve Gillingham, Chris Nelson, Lance White

Absent: Councilman Peter Strohm

Also Present: Beverley Konopada, Borough Clerk, Edwin J. O'Malley, Jr., Tom McIntyre, David Rosenblatt, DEP Assistant Commissioner and David Apy, Assistant Attorney General

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.
5. **RESOLUTION NO. 04/26/2016-01: MINUTES OF PREVIOUS MEETINGS**

Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed.

Regular Council Meeting March 15, 2016

Special Meeting March 29, 2016

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

Councilman Chris Nelson moved the following resolution. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. RESOLUTION NO. 04/26/2016-02: PROVIDING FOR GRANT OF EASEMENTS TO THE STATE OF NEW JERSEY

WHEREAS, Superstorm Sandy caused extensive damage to life and property in the municipalities along much of the Atlantic Coast of New Jersey, including the Borough of Mantoloking; and

WHEREAS, the damage caused to the Borough of Mantoloking and the State of New Jersey (“the State”) by Superstorm Sandy included, among other things, significant erosion of coastal sand dunes and shorelines resulting in near total destruction of the coastal properties and significant damage to properties facing the bay area, as well as damage to public infrastructure owned and maintained by the State of New Jersey; and

WHEREAS, in response to the devastation from Superstorm Sandy, the United States Congress has appropriated funds for the creation, improvement, and reconstruction of flood hazard risk reduction measures across New Jersey’s coastline, including in the Municipality; and

WHEREAS, the Municipality is in the process of a shore protection project in conjunction with the New Jersey Department of Environmental Protection (“DEP”), and/or other federal/state entities, the purpose of which is the creation, improvement, and/or reconstruction of flood hazard risk reduction measures in the Municipality for the protection of the Municipality and the property and citizens thereof; and

WHEREAS, as part of the design of these flood hazard risk reduction measures, governmental entities have identified all property interests that must be obtained for construction of the flood hazard risk reduction measures; and

WHEREAS, Superstorm Sandy has compromised, damaged and/or destroyed existing flood hazard risk reduction measures that have previously protected the Borough from flooding caused by tidal waters; and

WHEREAS, the Borough’s governing body has decided that repairing, restoring, replacing, and/or constructing the flood hazard risk reduction measures at, upon, and/or around the Properties is necessary for the protection of the public health, safety, and welfare, as well as the protection of the Properties, the surrounding properties, the affected residences, and the subject neighborhood, and that the flood hazard risk reduction measures will allow the Borough and the region as a whole to be more resilient and better able to withstand the next storm and its aftermath; and

WHEREAS, federal and/or state entities intend to begin construction of the flood hazard risk reduction measures in the Borough; and

WHEREAS, that project cannot proceed until the Municipality provides to the State of New Jersey perpetual easement(s) for the publicly owned street ends and ocean access walkways as set forth in the attached Exhibit A.

IT IS NOW, THEREFORE, this 26th day of April, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Conveyance of the required easements upon public property, street ends and more particularly described in Exhibits attached to the proposed easement (ocean beach access way and streets east of Route 35) is hereby authorized and approved.
2. The Mayor is hereby authorized to execute the Deed of Dedication and Perpetual Storm Damage Reduction Easement, subject to approval of counsel.

6. **Councilman Nelson introduced Mr. David Rosenblatt, DEP Assistant Commissioner and Mr. David Apy, Assistant Attorney General to discuss the beach nourishment project status.**

The installation of the Steel wall protected Mantoloking from Hurricane Joaquin and Jonas. In order for the Army Corp. of Engineers to finalize their plans, the state needs to acquire all easements.

Appraisals for each property take on average 6 to 9 months.

Army Corp. of Engineers should go out to bid in August (Seaside through Mantoloking).

They are unable to do smaller portions of the project due to contracting issues and sand volume.

South west winds will return some of the winter sand that naturally moves offshore.

The replenishment project will get done. It is estimated to begin toward the end of 2016 into 2017.

7. **REVISED BOROUGH HALL COMMITTEE PRESENTATION**- Tom McIntyre

30 Foot reduction in length

Less expensive – Estimated \$700,000.00 cost reduction

Maintain aesthetic of neighborhood

Expedite project to reduce the risk of losing FEMA funding

Cost estimates

Funding

See attached presentation

8. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel opened the meeting for public comment and questions about the agenda.

Building

Bonds

April 30th 10-2 p.m. Police Headquarters- Turn in unused or expired medication safely.

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

- A. **RESOLUTION NO. 04/26/2016-03: PROVIDING FOR THE APPOINTMENT OF A PART-TIME CONSTRUCTION OFFICIAL AND BUILDING SUBCODE OFFICIAL AND PART-TIME DEPUTY BUILDING SUBCODE INSPECTOR**

RESOLVED, Mantoloking Borough Council approves the following appointments with the terms and conditions indicated:

WHEREAS, Joseph Ehrhardt has resigned from the Office of Construction Official and Building Subcode Official; and will serve as part-time Deputy Building Subcode Inspector; and

WHEREAS, it is the desire of the Mayor and Council to appoint Todd Morgano as the part-time Construction Official and Building Subcode Official (20 hours per week).

IT IS NOW, THEREFORE, this 26th day of April, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Todd Morgano is, with immediate effect, appointed as part-time Construction Official and Building Subcode Official, 20 hours per week at the annual salary of \$40,000.00.
2. Joseph Ehrhardt is appointed as part-time Deputy Building Subcode Inspector, at the hourly rate of \$35.00 per hour (not to exceed 20 hours per week).

B. RESOLUTION NO. 04/26/2016-04: IN SUPPORT OF REQUEST FOR EXTENSION OF TIME FOR COMPLIANCE WITH REQUIREMENTS FOR GROUNDWATER REMEDIATION PROJECT – DPW BAY AVENUE YARD PI #G000025988 – Case No.: 89-05-23-1151

WHEREAS, in compliance with the New Jersey DEP Notice of Deficiency dated February 19, 2009, the Borough installed off-site monitoring wells in 2010; and

WHEREAS, the appointed LSRP was evaluating groundwater sampling results for horizontal determination of the groundwater contamination plume, including evaluation of groundwater sample results for the down-gradient Lindholm sites monitoring wells (PI# 018575; Case No.: 89-05-23-1511) as were provided to the Borough in accordance with the Site Access Agreement in 2011; and

WHEREAS, Superstorm Sandy made landfall on October 29, 2012, with Mantoloking as the epicenter of impact; and

WHEREAS, the storm devastation within the Borough included destruction of the sanitary pump station, major damage to both public and private sanitary and storm sewer systems, municipal roadway infrastructure and wide spread destruction of and damage to a significant majority of residential dwellings; and

WHEREAS, the Mantoloking Borough Hall and Police Station (202 Downer) was rendered useless and ultimately razed as a result of Superstorm Sandy; and

WHEREAS, to reestablish the critical police facility within the Borough, a double- wide trailer was placed on the only available open space owned by the Borough, a small lot formerly utilized by the Department of Public Works and which is the site of the then ongoing groundwater monitoring project; the temporary police station is located over the existing monitoring wells; and

WHEREAS, the damage to residential property and associated municipal facilities has caused a reduction in the aggregate assessed value, with an attendant reduction in revenue: the aggregate assessed value in 2013 was only 67.24% of the 2012 aggregate assessed value. In 2015, the aggregate assessed value was 81.85% of the 2012 value; and

WHEREAS, upon completion of the replacement Borough Hall, the temporary double-wide Police Station (Winter, 2018) will be removed from the subject site; and

WHEREAS, in 2015 the Borough received bids for construction of a new municipal building which were rejected as unacceptably expensive; and

WHEREAS, it is anticipated that the redesigned project will be re-bid in the summer of 2016, with construction to commence in late fall of 2016; and

WHEREAS, it is anticipated that RI, including any required new off-site monitoring wells for horizontal delineation of plume and necessary site access will be completed by late spring of 2018, followed by completion of RIR and submission to the New Jersey DEP by late summer of 2018; and

WHEREAS, the May 7, 2016 deadline for compliance with the requirements of the Site Remediation Reform act (SRRA) is not feasible due to the foregoing facts and circumstances; and

WHEREAS, the Borough will submit a completed RIR as soon as possible.

IT IS NOW, THEREFORE, this 26th day of April, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall and hereby does petition the New Jersey DEP for an extension of time for compliance with the SRRA deadline;
2. The Borough will resume its efforts to provide the required information as expeditiously as possible, consistent with the exigencies imposed by Superstorm Sandy;
3. A copy of this Resolution shall be forwarded to the New Jersey DEP Site Remediation Program.

C. RESOLUTION NO. 04/26/2016-05: ACKNOWLEDGING RECEIPT OF THE REPORT OF THE BOROUGH HALL BUILDING COMMITTEE FOR THE BOROUGH HALL CONSTRUCTION PROJECT AND AUTHORIZING COMMENCEMENT OF THE BIDDING PROCEDURE

WHEREAS, the Borough Hall Building Committee has endorsed the final plans for the Borough Hall project as prepared by BLDG, LLC and presented to Council on April 23, 2016, entitled Revised Borough Hall Final Plans dated April 21, 2016; and

WHEREAS, the Local Public Contracts Law mandates that proposals for this public works construction projects be solicited by advertised notice.

IT IS NOW, THEREFORE, this 26th day of April, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. BLDG Architecture, LLC is authorized to prepare such plans specifications and bid documents as shall be necessary to solicit project bids;
2. Upon review of the documents as to form by legal counsel, the Borough Clerk shall publish the required Notice to Bidders.

10. FINANCE COMMITTEE, Councilman Gillingham presented the monthly finance report and moved the following resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

A. RESOLUTION NO. 04/26/2016-06: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2016 temporary municipal budget as of February 29, 2016; and

WHEREAS, that report indicates the following status as of that date:

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2016 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2016 Temporary Budget		1,719,744.00	521,608.67	27,269.73	1,170,865.60
2015 Appropriation Reserve	5,683,083.23	384,922.49	60,314.04	45,351.58	279,256.87
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		834,812.90	12,593.56	11,120.00	811,099.34
Capital		1,822,809.40	79,153.45	571,259.42	1,172,396.53

B. RESOLUTION NO. 04/26/2016-07: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$166,393.01 with the recommendation they be paid, and
- A list of bills in the amount of \$2,007,150.95 that have been paid with the approval of the municipal clerk and the mayor, now, therefore, be it

RESOLVED, the council approved the payment of all the bills and directs that a copy of these lists be attached to and made part of the minutes of this meeting.

C. RESOLUTION NO. 04/26/2016-08: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #3

WHEREAS, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

WHEREAS, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$2,447,547.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2016 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&W</u>	<u>OE</u>
Municipal Clerk	\$24,000.00	
Municipal Clerk		\$10,000.00
Finance	\$24,000.00	
Finance		\$10,000.00
Auditing Services		\$ 5,000.00
Planning	\$ 7,000.00	
Construction	\$ 5,000.00	
Construction		\$ 2,000.00
Sub-Code Plumbing	\$ 2,491.00	
Sub-Code Fire	\$ 2,491.00	
Sub-Code Electrical	\$ 2,491.00	
Liability Insurance		\$16,000.00
Workers' Compensation		\$10,000.00
Group Health Insurance		\$75,000.00

Police	\$75,000.00	
Police		\$35,000.00
Uniform Fire Safety Official	\$ 1,600.00	
Road	\$ 25,000.00	
Garbage		\$ 25,000.00
Sewer System		\$ 5,000.00
Dog Account		\$ 2,000.00
Beach Access	\$ 3,000.00	\$ 1,200.00
Electricity		\$ 10,000.00
Telephone		\$ 5,000.00
Fire Hydrants		\$ 5,000.00
Gasoline		\$ 10,000.00
Social Security		\$ 20,000.00
Court	\$ 10,000.00	\$ 2,000.00
TOTAL	\$182,073.00	\$ 248,200.00
GRAND TOTAL	\$ 430,273.00	

D. RESOLUTION NO. 04/26/2016-09: OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-11(c) AND N.J.S.A. 40A:2-7(d)

WHEREAS, the Borough of Mantoloking, in the County of Ocean, New Jersey (the “Borough”), desires to make application to the Local Finance Board for its review and approval of the following bond ordinance pursuant to N.J.S.A. 40A:2-11(c) and N.J.S.A. 40A:2-7(d):

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW 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 \$5,500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF;

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes are for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said purposes are not unreasonable; and
- (d) the proposals are an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE

BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Bond Counsel and financial advisor, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of this resolution and the introduced bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

E. RESOLUTION NO. 04/26/2016-10: AMENDMENT TO THE TEMPORARY CAPITAL BUDGET

Whereas, the 2016 Temporary Capital Budget of the Borough of Mantoloking was introduced and approved on January 19, 2016; and,

Whereas, it is desired to amend said approved temporary capital budget,

Now, therefore, be it resolved by the Governing Body of the Borough of Mantoloking, in the County of Ocean, that the following amendment to the approved 2016 temporary capital budget be made:

Construction of a New Municipal Building

Now, therefore, be it resolved by the Governing Body of the Borough of Mantoloking in the County of Ocean, that the 2016 Temporary Capital Budget shall be constituted as follows:

Temporary Capital Budget of the
Borough of Mantoloking
(Current Year Action)
2016

	<u>Project</u>	<u>Estimated</u>	<u>Grants-in Aid</u>	<u>Debt</u>	
<u>Project Title</u>	<u>Number</u>	<u>Total Cost</u>	<u>and Other Funds</u>	<u>Authorized</u>	
Construction of a New Municipal Building	2016-02	\$5,500,000.00		\$5,500,000.00	
Totals - All Projects		\$5,700,000.00	\$200,000.00	\$5,500,000.00	

Temporary Capital Budget of the
Borough of Mantoloking
3 Year Capital Program
Anticipated Project Schedule and Funding Requirements
2016 - 2018

				Estimated	Funding Amount
Project Title	Project Number	Estimated Total Cost	Completion Time		Budget Year 2016
Construction of a New Municipal Building	2016-02	\$5,500,000.00	2017		\$5,500,000.00
Totals - All Projects		\$5,700,000.00	-		\$5,700,000.00

Temporary Capital Budget of the
Borough of Mantoloking
3 Year Capital Program
Summary of Anticipated Funding Sources and Amounts
2016 – 2018

				Bonds and Notes General
Project Title	Project Number	Estimated Total Cost	Grants-in-Aid and Other Funds	
Construction of a New Municipal Building	2016-02	\$5,500,000.00	-	\$5,500,000.00
Total - All Projects		\$5,700,000.00	\$200,000.00	\$5,500,000.00

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 2016 Temporary Capital Budget, to be included in the 2016 Permanent Capital Budget as adopted.

F. RESOLUTION NO. 04/26/2016-11: PROVIDING FOR INTRODUCTION (FIRST READING) OF BOND ORDINANCE FOR # 656 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 26th day of April, 2016, **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 PROVIDING FOR THE CONSTRUCTION OF A NEW 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 \$5,500,000 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 May 17, 2016, at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, New Jersey.

BOND ORDINANCE 656 PROVIDING FOR THE CONSTRUCTION
OF A NEW 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 \$5,500,000 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 \$1,100,000 in Federal Emergency Management Agency reimbursements and/or insurance proceeds (the "FEMA Proceeds"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of receipt of the FEMA Proceeds, negotiable bonds are hereby authorized to be issued in the principal amount of \$5,500,000 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 new 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. 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 5. 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 6. 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 \$5,500,000, 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.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public

improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

Section 7. 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 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof, including the FEMA Proceeds, 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 9. 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 “Rule”) 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 10. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

11. PUBLIC SAFETY COMMITTEE, Councilwoman Nelson 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 Laymon and approved by unanimous voice vote.

A. RESOLUTION NO. 04/26/2016-12: POLICE ACADEMY RECRUITS SPECIAL LAW ENFORCEMENT OFFICER I (SLEO I)

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

Name	Position		Effective Date
Jeffrey Bruder	Police Academy Recruit SLEO I	\$11.00 per hour	4/1/2016
Brett Blank	Police Academy Recruit SLEO I	\$11.00 per hour	4/1/2016
David Molhem	Police Academy Recruit SLEO I	\$11.00 per hour	4/1/2016

B. RESOLUTION NO. 04/26/2016-13: FIRE SUPPRESSION SYSTEM DEFICIENCY AGREEMENT

WHEREAS, as a result of a recent inspection of Fire House, the Kitchen Fire Suppression Systems yielded deficiencies that must be corrected before certification can be issued.

WHEREAS, the Protex II L-3000 Fire Suppression Cylinder is due for Hydrostatic testing and recharged ever (12) years and a wet chemical Fire Extinguisher is required to be installed.

WHEREAS, Allied Fire & Safety Equipment, Inc. will correct the deficiencies in the amount of \$600.00. All work will be performed as per code and applicable addition of NFPA.

RESOLVED, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby approves payment.

C. RESOLUTION NO. 04/26/2016-14: PROVIDING FOR EXECUTION OF TRAFFIC SIGNAL AGREEMENT

WHEREAS, a traffic condition exists at the intersection of Route 35 and Lyman Street, in the Borough of Mantoloking, in the County of Ocean, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons, and areas of presence detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to operation and maintenance of said traffic signal;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk of the said Borough of Mantoloking, be and are hereby authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Borough of Mantoloking, be and hereby are authorized to execute said Agreement.

D. RESOLUTION NO. 04/26/2016-15: PROVIDING FOR APPROVAL OF STREET LIGHT MODIFICATION AND TRAFFIC SIGNAL AGREEMENT JERSEY CENTRAL POWER AND LIGHT COMPANY

WHEREAS, it is deemed necessary and in the public interest to enter into an Agreement with Jersey Central Power and Light Company for street light and traffic signal modifications as are more particularly described on the attached schedule; and

WHEREAS, Chief Ferris has recommended implementation of the proposed modifications.

IT IS NOW, THEREFORE, this 26th day of April, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Mayor is requested to execute such documents as may be necessary to complete the project.

- 12. DUNE & BEACH RENOURISHMENT COMMITTEE:** Councilman Nelson stated in the beginning of the meeting that David Rosenblatt, DEP Assistant Commissioner and David Apy, Assistant Attorney General would be discussing the Beach Nourishment Project. No report of the Ocean County Block Grant Program. Councilman Nelson moved the following resolution. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. RESOLUTION NO. 04/26/2016-16: INTRODUCTION OF ORDINANCE NO. 655 PROVIDING FOR AMENDMENT OF CHAPTER X, THE BEACH ORDINANCE, SUB-ARTICLE 10-3.2

RESOLVED, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following ordinance:

Sponsored by: Councilman Chris Nelson

Date Introduced: April 26, 2016

Public Hearing: May 17, 2016

& Adoption:

Synopsis: The proposed beach badge increase and daily badge option will help offset the increase in beach expenditures.

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR AMENDMENT OF
CHAPTER X, THE BEACH ORDINANCE, SUB-ARTICLE 10-3.2**

BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking, as follows:

1. Sub-article 3.2. Application and Fee, is deleted and replaced with the following:

“Section 3.2 Application and Fee:

Badges may be obtained at temporary facilities on Downer Avenue, or such other location as may be advertised, during regular office hours. Badges shall be issued to all applicants, upon registration. No badge will be issued unless the applicant or his agent completes the application form in a responsive and accurate manner. Applicants shall pay a fee of \$20.00 per badge for a seasonal badge. The beach badge shall be valid for the entire summer season of the year it is issued. Applicants may obtain a daily badge for a fee of \$5.00 per badge. No replacement badges will be issued without payment of the entire, then current, badge fee.”

2. All other provisions of Ordinance 403 shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption according to law.

13. MUNICIPAL SERVICES COMMITTEE, Councilman White stated no report of the Municipal Services Committee.

14. MANTOLOKING COMMITTEE Councilman Laymon stated no report of the Mantoloking Committee.

15. MAYOR AND COUNCIL COMMENTS

No comments were made.

16. PUBLIC COMMENTS PERIOD

Beaches open where bulldozers have pushed sand
Mosquito spraying
Contractors parking on Barnegat Lane
Debris on properties
No Trespassing signs should be displayed to discourage trespassing on private properties

17. EXECUTIVE SESSION

RESOLUTION: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor George C. Nebel motioned to go into closed session at 6:50 the motion was seconded by Council President Nelson and approved by unanimous voice vote

WHEREAS, the Open Public Meetings Act, N.J.S.A.10: 4-11, permits municipal governing bodies to meet in closed session to discuss certain matters, now, therefore be it

RESOLVED, the Mayor and Council adjourns to closed session to discuss:

- a collective bargaining agreement and/or negotiations related to it

FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.

18. OPEN SESSION

Council President Nelson motioned to go back into open session as required. The motion was seconded by Councilman White and approved by unanimous voice vote at 8:15 p.m.

19. NEXT MEETING:

Regular Council Meeting, Tuesday, May 17, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

20. ADJOURNMENT

There being no further business for this meeting, it was motioned by Council President Nelson to adjourn. The motion was seconded by Councilman Chris Nelson and approved by unanimous voice vote at 8:16 p.m.

Respectfully submitted,

Beverley A. Konopada, RMC
Borough Clerk

