

DRAFT NO. 1 – 4/26/2017

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES – REGULAR BUSINESS COUNCIL MEETING**

**April 25, 2017**  
**Mantoloking Yacht Club**  
**1224 Bay Avenue**  
**Mantoloking, New Jersey**

The Regular Business Council 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:**

<b><u>COUNCIL</u></b>	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	<b><u>LATE</u></b>	<b><u>DIAL -IN</u></b>
Council President White	X			
Councilman Gillingham	X			
Councilman Laymon	X			
Councilman Nelson				X
Councilwoman O'Mealia	X			
Councilman Rzemieniewski	X			
Mayor George C. Nebel	X			
<b><u>ALSO PRESENT</u></b>				
Beverly A. Konopada, Borough Clerk	X			
Edwin J. O'Malley, Jr. Borough Attorney	X			
Lynne Hazelet, Deputy Clerk	X			
April Yezzi, CFO, CTC, QPA	X			
Chief Stacy Ferris	X			

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.

5. **RESOLUTION NO. 04/25/2017-01: MINUTES OF PREVIOUS MEETINGS**

**RESOLVED**, the Mantoloking Borough Council approves the following minutes as printed and distributed.

Regular Council Business Meeting, March 21, 2017

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

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

Joann Lygas had questions regarding the proposed Traffic Ordinance. Mayor Nebel explained she could address any questions about that Ordinance at the public hearing in May.

7. **MUNICIPAL SERVICES COMMITTEE,** Council President White presented the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and moved the following resolutions, A, B and C. The motion was seconded by Councilman Laymon and approved by unanimous voice vote.

Superintendent Larry Gilman presented the monthly report for the Public Works Department.

A. **RESOLUTION NO. 04/25/2017-02: ADOPTION & PUBLIC HEARING TO SUBMIT 2017 APPLICATION FOR CDBG BLOCK GRANT**

**WHEREAS**, the Borough has been notified that funding availability from the Ocean County Community Development Block Grant program for 2017 is now available; and

**WHEREAS**, the Community Development Block Grant (CDBG) funds are distributed to municipalities through applications; and

**WHEREAS**, the CDBG Local Representative and Committee advertised two public hearings for comment and submission of project applications for housing and community development needs of the Borough of Mantoloking; and

**WHEREAS**, two comments were made at the first public hearing held on Tuesday, March 21, 2017 at 5:30 p.m.; and

**WHEREAS**, no comments were made at the second public hearing held on Tuesday, April 25, 2017 at 5:30 p.m.; and

**WHEREAS**, the Local Representative and the Ocean County Block Grant Committee of the Borough of Mantoloking have determined that there is a need to retrofit the existing Mantoloking Firehouse, located at 202 Downer Avenue, with an American with Disabilities Act (ADA) compliant stair lift to assist with current and future municipal demands for public meeting locations. The cost estimate is \$30,000.00.

**THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey to approve the submission of an application for 2017 CDBG funds for a ADA compliant stair lift at a cost estimate of \$30,000.00.

**FURTHER RESOLVED**, that the Local Representative, Borough Engineer Larry Plevier, P.E. is authorized to execute the application.

**B. RESOLUTION NO. 04/25/2017-03: IN SUPPORT OF POINT PLEASANT BEACH PROJECT GRADUATION 2018 SPRING TOWN-WIDE GARAGE SALE SATURDAY, JUNE 3, 2017- RAIN DATE SUNDAY, JUNE 4, 2017**

**WHEREAS**, Lynn Bottrell has requested the Mayor and Council support a Spring Town-Wide Garage Sale in support of Point Pleasant Beach Project Graduation 2018.

**WHEREAS**, the Project Graduation Committee has requested that the Borough waive the required fee for Mantoloking participants.

**WHEREAS**, a \$20.00 donation will be made by participating Mantoloking households to support Project Graduation 2018.

**IT IS NOW, THEREFORE**, this 25th day of April, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, to support Project Graduation 2018.

**C. RESOLUTION NO. 04/25/2017-04: RE-APPOINTMENT OF GARY R. DALCORSO, TAX ASSESSOR (TENURE)**

**WHEREAS**, the term of office of Gary R. DalCorso, Tax Assessor, will expire on June 30, 2017; and **WHEREAS**, Mayor Nebel has nominated Gary R. DalCorso, for re-appointment as Tax Assessor; and

**WHEREAS**, in the event of re-appointment, he will attain tenure in the position of Tax Assessor.

**IT IS NOW, THEREFORE**, this 25th day of April, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the re-appointment of Gary R. DalCorso, as Tax Assessor, upon expiration of his current term, is hereby approved.

**D. RESOLUTION NO. 04/25/2017-05: BOROUGH HALL PROJECT CONTRACT ADMINISTRATION**

**WHEREAS**, during the course of construction of the Borough Hall, circumstances will, upon occasion, militate in favor of expedited response, by the Borough, to construction exigencies which involve decisions concerning change order requests, recommended by the Architect and Project Manager; and

**WHEREAS**, it is in the interest of the Borough to enable prompt decisions concerning change orders and attendant expense or credit to the Borough in a timely manner to reduce or avoid project delay or delay claims; and

**WHEREAS**, the Building Committee has acknowledged the potential utility of an available expedited decision process.

**IT IS NOW, THEREFORE**, this 25th day of April, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Whenever, during the course of the Borough Hall project, it is manifest that delay in the Municipal approval of any desired or negotiated change orders or architect's directive

will, or may, impose project delays and/or expense which would be reduced or eliminated by the timely issuance of approvals, prior to consideration by the Mayor and Council at a scheduled Council Meeting, the Committee Chairman and the Mayor are hereby authorized to approve such desired or requested change orders on behalf of the Borough, following informal Committee/Council consultation. Any approval issued, pursuant to this delegation of authority, shall be memorialized by Resolution at the next meeting of Council.

2. The foregoing procedure may be utilized for change orders which do not exceed \$25,000.00 each or which may result in a net credit to the Borough. In the event of proposed change orders which exceed \$25,000.00 each, the Mayor or Council President shall convene a Special Meeting of Council to consider such issues.

Councilman White explained the two different kinds of change orders, (Change Order and CCD Construction Change Directive)

Councilman Laymon proposed an amendment to this resolution to limit the number of change orders during a month, Councilman Rzemieniewski seconded the amendment and a roll call vote was taken.

**ROLL CALL VOTE:**

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White				X			
Councilman Gillingham				X			
Councilman Laymon	X		X				
Councilman Nelson				X			
Councilwoman O'Mealia				X			
Councilman Rzemieniewski		X	X				
		<b>VOTE:</b>	2	4			
Mayor Nebel- TIE ONLY							

Councilman White motioned to approve Resolution D as written. Councilwoman O'Mealia seconded the motion and a roll call vote was taken.

**ROLL CALL VOTE:**

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White	X		X				
Councilman Gillingham			X				
Councilman Laymon				X			
Councilman Nelson			X				
Councilwoman O'Mealia		X	X				
Councilman Rzemieniewski				X			
		<b>VOTE:</b>	4	2			
Mayor Nebel- TIE ONLY							

8. **FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved to approve Resolutions A,B, and C. The motion was seconded by Councilwoman O’Mealia and approved by unanimous voice vote.

**A. RESOLUTION NO. 04/25/2017-06: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2017 temporary Municipal budget as of February 28, 2017; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2017 TEMPORARY BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
<b>2017 Temporary Budget</b>		1,637,824.00	499,182.71	308,094.96	830,546.33
<b>2016 Appropriation Reserve</b>	5,789,080.20	501,386.73	117,128.98	48,939.51	335,318.24
<b>2012 Emergency Appropriations</b>					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	297,639.01	50,120.09	10,834.90	236,684.02
<b>Subtotal Sandy Emergency</b>		297,639.01	50,120.09	10,834.90	236,684.02
<b>Capital</b>		7,195,713.10	749,482.35	0.00	6,446,230.75

**B. RESOLUTION NO. 04/25/2017-07: PAYMENT OF BILLS**

**WHEREAS**, the municipal finance officer has presented

- A list of bills in the amount of \$1,730,078.08 with the recommendation they be paid, and
- A list of bills in the amount of \$484,005.45 that have been paid with the approval of the municipal clerk and the mayor, now, therefore, be it

**RESOLVED**, the council approves 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. 04/25/2017-08: 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 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$2,328,209.83.

**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 2017 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&amp;W</u>	<u>OE</u>
Auditing		\$ 7,000.00
Municipal Clerk		\$ 5,000.00
Construction	\$15,000.00	\$ 5,000.00
Engineering		\$ 25,000.00
Sub-Code Plumbing Official	\$ 3,000.00	
Sub-Code Fire Official	\$ 3,000.00	
Sub-Code Electrical Official	\$ 3,000.00	
Emergency Management		\$ 3,000.00
Fire		\$ 7,000.00
Uniform Fire Official	\$ 1,500.00	
Police	\$75,000.00	\$ 15,000.00
Beach Guard		\$ 1,500.00
Beach Maintenance		\$ 60,000.00
Electricity		\$ 10,000.00
Telephone		\$ 7,000.00
Ocean County Utilities Authority		\$ 25,000.00
Social Security		\$ 10,000.00
TOTAL	\$ 100,500.00	\$ 180,500.00
GRAND TOTAL	\$ 281,000.00	

Councilman Gillingham moved to approve Resolution E. The motion was seconded by Councilman White and approved by unanimous voice vote.

**E. RESOLUTION NO. 04/25/2017-09: DETERMINING THE FORM AND OTHER DETAILS OF \$5,590,000 GENERAL IMPROVEMENT BONDS, SERIES 2017 OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY AND PROVIDING FOR THEIR SALE**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY AS FOLLOWS:

Section 1. (a) The \$5,590,000 General Improvement Bonds, Series 2017 of the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough"), referred to and described in a resolution of the Borough adopted on April 25, 2017, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds, Series 2017 of the Borough of Mantoloking, in the County of Ocean, New Jersey Into a Single Issue of Bonds Aggregating \$5,590,000 in Principal Amount" and in the bond ordinances referred to therein, each in all respects duly approved and published as required by law, shall be issued as "General Improvement Bonds, Series 2017" (the "Bonds").

(b) The Bonds shall mature in the principal amounts on June 1 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2018	\$170,000	2028	\$300,000
2019	\$185,000	2029	\$300,000
2020	\$200,000	2030	\$300,000
2021	\$215,000	2031	\$300,000
2022	\$305,000	2032	\$300,000
2023	\$315,000	2033	\$300,000
2024	\$300,000	2034	\$300,000
2025	\$300,000	2035	\$300,000
2026	\$300,000	2036	\$300,000
2027	\$300,000	2037	\$300,000

(c) The actual principal amounts may be adjusted by the Borough, at its option, in accordance with N.J.S.A. 40A:2-26(g). Any such adjustment shall not exceed 10% of the principal for any maturity with the aggregate adjustment to maturity not to exceed 10% of the principal for the overall issues.

(d) The Bonds shall be subject to redemption prior to their stated maturity in accordance with the Notice of Sale attached hereto as Exhibit A.

(e) The Bonds shall be 20 in number, with one certificate being issued for each year of maturity, and shall be numbered GI-1 to GI-20, inclusive.

(f) The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the first day of June and December in each year until maturity or earlier redemption, commencing on December 1, 2017, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein.

(g) The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 2. (a) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in any integral multiple of \$5,000 through book-entries made on the books and the records of the Securities Depository and its participants.



(b) The principal of and the interest on the Bonds will be paid to the Securities Depository by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of each next preceding May 15 and November 15 (the "Record Dates" for the Bonds).

Section 3. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, including in accordance with the requirements of the Securities Depository:

[Form of Bond begins on next page]

REGISTERED  
NUMBER GI- \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF OCEAN

BOROUGH OF MANTOLOKING

GENERAL IMPROVEMENT BOND, SERIES 2017

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DATED DATE:

MATURITY DATE:

RATE OF INTEREST PER ANNUM:

INTEREST PAYMENT DATES:

INITIAL INTEREST PAYMENT DATE:

RECORD DATES:

CUSIP NUMBER:

BOROUGH OF MANTOLOKING, a body politic and corporate of the State of New Jersey (the “Borough”), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER, or registered assigns, on the MATURITY DATE, upon presentation and surrender of this bond, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE until it matures at the RATE OF INTEREST PER ANNUM specified above semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Principal of and interest due on this bond will be paid to the REGISTERED OWNER by the Borough or its designated paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the RECORD DATES next preceding the respective INTEREST PAYMENT DATES (the “Record Dates”). The principal of and interest on this bond are payable in lawful money of the United States of America.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to June 1, 2028, are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after June 1, 2028 are redeemable at the option of the Borough in whole or in part on any date on or after June 1, 2027 at 100% of the principal amount

outstanding (the “Redemption Price”) plus interest accrued to the date of redemption upon notice as required herein.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed Bond Registrar. Any failure of the depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Borough; the bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

So long as Cede & Co., as nominee of DTC, is the registered owner of the Bonds, the Borough shall send redemption notices only to Cede & Co.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Borough adopted on April 25, 2017, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds, Series 2017 of the Borough of Mantoloking, in the County of Ocean, New Jersey Into a Single Issue of Bonds Aggregating \$5,590,000 in Principal Amount" and the bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such constitution or statutes.



Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, including in accordance with the requirements of the Securities Depository and PARITY. The Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit C with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, including in accordance with the requirements of the Securities Depository and PARITY. The Borough Clerk is hereby directed to arrange for the publication of the Short Notice of Sale authorized in Exhibit B in the form provided herein in The Ocean Star or such other authorized newspaper of the Borough and any actions taken by the Clerk prior to the date of adoption of this resolution in connection with the publication of the Short Notice of Sale are hereby ratified, confirmed and approved. McManimon, Scotland & Baumann, LLC, is hereby directed to arrange for the publication of the Summary Notice of Sale authorized in Exhibit C in the form provided herein in The Bond Buyer, a financial newspaper published and circulating in the Borough of New York, New York, such publications to be not less than seven days prior to the date of sale.

Section 6. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date.

Section 7. The law firm of McManimon, Scotland & Baumann, LLC is authorized to arrange for the printing of the Bonds and is authorized to arrange for the printing of the Official Statement to be prepared by McManimon, Scotland & Baumann, LLC and Borough officials. The Mayor and the Chief Financial Officer are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Borough by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds.

Section 8. The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 9. (a) The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository, as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

(b) In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 10. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31 of the year in which the Bonds are issued, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Data Port (the "MSRB"), annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial

statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (i) the Borough and overlapping indebtedness including a schedule of outstanding debt issued by the Borough, (ii) property valuation information, and (iii) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the MSRB;

(b) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB notice of any of the following events with respect to the Bonds (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets

or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) In a timely manner to the MSRB notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Borough shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 11. The firm of Phoenix Advisors, LLC, Bordentown, New Jersey is hereby retained to provide specialized financial advisory services necessary in connection with the authorization and the issuance of the Bonds by the Borough.

Section 12. This resolution shall take effect immediately.

Councilman Rzemieniewski had questions regarding the details of bond and what was included such as removal of concrete and utility company work.  
Councilman Gillingham explained the \$500,000 contingency and soft costs.



Councilman Gillingham moved to approve Resolution D. The motion was seconded by Councilman White and approved by unanimous voice vote.

**D. RESOLUTION NO. 04/25/2017-10: PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS, SERIES 2017 OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$5,590,000 IN PRINCIPAL AMOUNT.**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds, Series 2017, in the principal amount of \$5,590,000 (the "Bonds").

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

<b>Number of Ordinance</b>	<b>Principal Amount of Bonds</b>	<b>Description of Improvement and Date of Adoption of Ordinance</b>	<b>Useful Life</b>
#569	\$52,000	Sanitary sewer repairs, finally adopted May 18, 2009.	40 years
#581	\$147,000	Providing for Bergen and Lagoon Lane Road improvements, finally adopted April 19, 2010.	20 years
#582	\$39,000	Sanitary force main investigation and evaluation, finally adopted April 19, 2010.	10 years
#586	\$38,000	Bergen and Channel Road improvements, finally adopted April 19, 2010.	20 years
#595	\$7,000	Old Bridge Street and Bay Avenue Road construction, finally adopted April 18, 2011.	20 years

<b>Number of Ordinance</b>	<b>Principal Amount of Bonds</b>	<b>Description of Improvement and Date of Adoption of Ordinance</b>	<b>Useful Life</b>
#597	\$5,000	Replacement of Firehouse apron, finally adopted April 18, 2011.	15 years
#598	\$6,000	Improvements to sanitary sewer system facilities, finally adopted April 18, 2011.	40 years
#599	\$10,000	Flap valve program, finally adopted April 18, 2011.	40 years
#607	\$61,000	Old Bridge Street and Bay Avenue Road construction, finally adopted March 26, 2012.	20 years
#609	\$66,000	Purchase of police cameras, finally adopted April 23, 2012.	10 years
#610	\$15,000	Bay area drainage improvements, finally adopted April 23, 2012.	40 years
#626	\$226,837	Herbert Street pump station reconstruction, finally adopted August 20, 2013.	40 years
#627	\$57,000	Purchase of emergency service radio system, finally adopted August 20, 2013.	10 years
#628	\$52,697	Structural repairs to Mantoloking Firehouse, finally adopted September 17, 2013.	10 years
#639	\$158,393	Various road and sidewalk improvements, finally adopted July 15, 2014.	10 years
#640	\$285,714	Preliminary expenses in connection with the construction of a new municipal building, finally adopted July 15, 2014.	20 years
#643	\$95,235	Acquisition Sport Utility Vehicle, finally adopted April 21, 2015.	5 years
#644	\$120,412	Various capital improvements, finally adopted May 19, 2015.	12.98 years
#656	\$3,872,712	Construction of a new municipal building, finally adopted May 17, 2016.	30 years
#658	\$275,000	Various capital improvements, finally adopted September 20, 2016.	10.07 years
<b>TOTAL</b>	<b>\$5,590,000</b>		<b>26.46 years</b>

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 26.46 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds, Series 2017" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

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

**A. RESOLUTION NO. 04/25/2017-11: 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:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Logan LaRue	SLEO II	May 17, 2017	\$14.00
David Molhem	SLEO II	May 17, 2017	\$14.00
Jeffery Bruder	SLEO II	May 17, 2017	\$14.00

Stephen Bailey	SLEO II	May 17, 2017	\$14.00
Brandon Kieslor	Crossing Guard	May 17, 2017	\$11.00

**B. RESOLUTION NO. 04/25/2017-12: AMENDMENT TO SHARED SERVICES AGREEMENT-DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM**

**WHEREAS**, As a result of changes to the 2016/2017 Driving While Intoxicated Enforcement Program, the DWI Shared Services Agreement has been amended to indicate that officers called upon to assist in DWI programs will be reimbursed at a rate of seventy dollars(\$70.00) per hour.

**WHEREAS**, Paragraph number 4 of the agreement passed on November 22, 2016 by Mayor and Council is amended as follows.

**COMPENSATION.** The County shall pay the officer’s department at a rate of seventy dollars (\$70.00) per hour for their performed hereunder. It is the responsibility of the individual officer’s department to pay and income tax and other taxes required to be paid from their salary received pursuant to this agreement.

**WHEREAS**, except as set forth in this amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier Amendment, the terms of this Agreement will prevail.

**IT IS NOW, THEREFORE**, this 25<sup>th</sup> day of April, 2017, **RESOLVED** by Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the borough shall amend the compensation of its officer’s at a rate of seventy dollars (\$70.00) per hour per the shared service agreement.

Councilman Laymon moved to approve the resolution below. The motion was seconded by Councilman Gillingham and a roll call vote was taken.

**C. RESOLUTION NO. 04/25/2017-13: INTRODUCTION TO ORDINANCE 662 CHAPTER VII (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007**

**Sponsored by:** Councilman Alan Laymon  
**Date Introduced:** April 25, 2017  
**Public Hearing & Adoption**  
**Consideration:** May 16, 2017

**Synopsis:** The Ordinance is being modified to adhere to the access requirements implemented by the USACE for the upcoming beachfill project while addressing other various concerns of the Department; enforcement of yellow curbing, merge of the parking regulating requirements into one concise section.

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

1. Chapter VII of the Revised General Ordinances of the Borough of Mantoloking, 2007, is deleted.

2. Proposed revision of Chapter VII, 25 pages attached, is hereby introduced. This amendatory Ordinance shall be effective upon publication and final adoption.
3. (Notice of Hearing should be deferred pending Council review and comment).

**ROLL CALL VOTE:**

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White			X				
Councilman Gillingham		X	X				
Councilman Laymon	X		X				
Councilman Nelson			X				
Councilwoman O'Mealia			X				
Councilman Rzemieniewski			X				
		<b>VOTE:</b>					
Mayor Nebel- TIE ONLY							

It was determined that this ordinance should be reintroduced at the May 16, 2017 meeting and a public hearing scheduled for the June 20, 2017 meeting. At this time, the Ordinance is on the Website for public comment.

10. **DUNE & BEACH COMMITTEE:** Councilman White presented the reports of the Dune & Beach Committee and Ocean County Block Grant Program moved the following resolution. The motion was seconded by Councilman Laymon a Roll Call Vote was taken.

**A. RESOLUTION NO. 04/25/2017-14: INTRODUCTION TO ORDINANCE 663 PROVIDING FOR AMENDMENT OF CHAPTER XI (PROTECTION OF BEACHES AND DUNES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007**

**Sponsored by:** Councilman Chris Nelson  
**Date Introduced:** April 25, 2017  
**Public Hearing & Adoption Consideration:** May 16, 2017

**Synopsis:** As the Borough’s dune and beach system will be significantly altered by the upcoming USACE beach replenishment program, it was determined the Ordinance needed to be modified to include more dune preservation language rather than exclusively controlling the existing dune building concept; with various sections requiring modification to address the USACE project revised dune profile and address other USACE project requirements; and to address other regulatory issues that require update to accommodate revised NJDEP standards and easement conditions

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

1. Chapter XI of the Revised General Ordinances of the Borough of Mantoloking, 2007, is deleted.
2. Proposed revision of Chapter XI, 16 pages attached, is hereby introduced. This amendatory Ordinance shall be effective upon publication and final adoption.
3. (Notice of Hearing should be deferred pending Council review and comment).

**ROLL CALL VOTE:**

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White	X		X				
Councilman Gillingham			X				
Councilman Laymon		X	X				
Councilman Nelson			X				
Councilwoman O'Mealia			X				
Councilman Rzemieniewski			X				
		<b>VOTE:</b>	6				
Mayor Nebel- TIE ONLY							

Councilwoman O'Mealia was seeking more information regarding the Ordinance. The Borough Clerk read the synopsis of this Ordinance.

- 11. ENVIRONMENTAL COMMITTEE** Councilwoman O'Mealia stated no report of the Environmental Committee.

Councilwoman O'Mealia discussed suggested meeting dates for Finance Committee, Beach and Dune Committee and Taxpayer Committee

- 12. MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski stated no report of the Mantoloking Relations Committee.

Councilman Rzemieniewski advised that he would like to have look into implementing a Property Maintenance Code Ordinance.

Advertise for a part- time Health Officer 1 day a week.

**13. MAYOR AND COUNCIL COMMENTS**

Councilman Rzemieniewski questioned beach badge fee amount and calculation.  
Councilman White advised that the pre-construction meeting will be June 30, 2017.  
Downer Avenue will not be closed for the Summer  
Chief Ferris- Beach Badge Trailer location- municipal parking lot  
National Prescription Drug “Take Back Day” Saturday April 29, 2017  
Access to beach  
Dune Decks removal determination  
Apology to April

**14. PUBLIC COMMENTS PERIOD**

Cost for Beach Badge- covering operating costs  
Excess revenue to purchase sand  
Parking times  
Traffic ordinance needs to be reworked  
Public nuisance- House on Ocean Avenue  
Refreshing to hear the interchange at public meetings  
Need for better amplification system  
Brick Township Property Maintenance Ordinance

**15. NEXT MEETING:**

Agenda Setting Pre-Council Meeting, May 9, 2017 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

**16. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilman Laymon to adjourn.  
The motion was seconded by Councilman White and approved by unanimous voice vote at 6:48 p.m.

Respectfully submitted,

Beverley A. Konopada  
Borough Clerk

