

DRAFT NO. 1 –03/14/2018 **THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES - COUNCIL AGENDA SETTING MEETING**  
**March 13, 2018**  
**Mantoloking Yacht Club**  
**1224 Bay Avenue**  
**Mantoloking, New Jersey**

The Council Agenda Setting Meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** Council President White called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Council President White 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 Amarante	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			
Robin Labue, Esq.	X			
Lynne Hazelet, Deputy Clerk	X			
April Yezzi, CFO, CTC, QPA	X			
Chief Stacy Ferris	X			

4. **PLEDGE OF ALLEGIANCE:** Council President White led the assembly in the Pledge of Allegiance.

**5. RESOLUTION: MINUTES OF PREVIOUS MEETINGS**

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

Council Agenda Setting Meeting- February 13, 2018

Council Regular Business Meeting- February 20, 2018

**6. PRIVILEGE OF THE FLOOR:** Council President White will open the meeting for public comment and questions about the agenda.

**7. MUNICIPAL SERVICES COMMITTEE,** Council President White will present the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and moves the following resolutions:

**A. RESOLUTION: IN SUPPORT OF POINT PLEASANT BEACH PROJECT GRADUATION AND PTO SENIOR SCHOLARSHIPS 2018 TOWN-WIDE GARAGE SALE SATURDAY, JUNE 2, 2018- RAIN DATE SUNDAY, JUNE 3, 2018**

**WHEREAS**, Mary Ellen Savage has requested the Mayor and Council support a Town-Wide Garage Sale for Point Pleasant Beach Project Graduation 2018 and PTO Senior Scholarships; and

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

**WHEREAS**, a \$25.00 donation will be made by participating Mantoloking households to support Project Graduation 2018 and PTO Scholarships.

**IT IS NOW, THEREFORE**, this 20th day of March, 2018, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, hereby support Project Graduation 2018 and PTO Scholarships.

**B. RESOLUTION: INTRODUCTION TO ORDINANCE NO. 677**

**Sponsored by:** Councilman White

**Date Introduced:** March 20, 2018

**Public Hearing and Adoption**

**Consideration:** April 24, 2018

**Synopsis:** Amendment needed to insert fee violations and designation of person(s) responsible for enforcement.

**ORDINANCE NO. 677**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO ADD CHAPTER 25, ENTITLED “PROPERTY MAINTENANCE.”**

BE IT ORDAINED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

**SEE ATTACHMENT**

**PUBLIC HEARING:** Council President White will open the meeting to the public on Ordinance No. 675

**C. RESOLUTION: ADOPTION OF ORDINANCE NO. 675**

**Sponsored by:** Councilman White  
**Date Introduced:** February 20, 2018  
**Public Hearing and Adoption Consideration:** March 20, 2018  
**Synopsis:** To create the position and salary range for a Code Enforcement Officer.

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ORDINANCE OF THE BOROUGH OF MANTOLOKING, FIXING AND DETERMINING SALARIES AND WAGES OF CERTAIN OFFICIALS AND EMPLOYEES**

BE IT ORDAINED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Section 1 of the Ordinance of the Borough of Mantoloking, Fixing and Determining Salaries and Wages of Certain Officials and Employees be amended and supplemented so as to include the following position and salary range:

Code Enforcement Officer \$20.00 per hour to \$40.00 per hour

**SECTION 2.** All ordinances or parts or ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect after second reading and publication as required by law.

**ROLL CALL VOTE:**

**D. RESOLUTION: APPOINTMENT OF PERSONNEL**

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

Name	Position/Effective Date	Salary
Vincent Tinervia	Deputy Plumbing Subcode Official and Plumbing Inspector <b>Effective Date:</b> 03/06/2018	\$35.00 per hour
Scott Loftus	Code Enforcement Officer <b>Effective Date:</b> 03/20/2018	\$25.00 per hour

8. **FINANCE COMMITTEE**, Councilman Gillingham will present the monthly finance report and moves the following resolutions:

**A. RESOLUTION: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

<b>BOROUGH OF MANTOLOKING</b>					
<b>Financial Report for the Month of January 31, 2018</b>					
<b>Status of the Budget on January 31, 2018</b>					
FUND	APPROPRIATIONS	BALANCE LAST MONTH	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2018 TEMPORARY BUDGET- CURRENT	\$1,406,600	\$1,406,600	\$198,223	\$135,868	\$1,072,509
2018 CAPITAL FUND	\$4,563,899	\$2,184,732	\$208,099	\$0	\$1,976,632
2017 Appropriation Reserves	\$525,079	\$525,079	\$62,842	\$76,099	\$386,138
SANDY EMERGENCY FUNDS	\$198,091	\$198,091	\$51,523	\$0	\$146,568
<b>(Subcategory of Capital Fund)</b>					
Construction-Municipal Building	\$5,500,000	\$3,459,383	\$200,452	\$2,217,083	\$1,041,849
<b>TOTAL</b>	<b>\$12,193,668</b>	<b>\$7,773,885</b>	<b>\$721,139</b>	<b>\$2,429,050</b>	<b>\$4,623,696</b>
<b>Receipts, Disbursements and Changes in Cash Balance During the Month of January 31, 2018</b>					
FUND	CASH BALANCE JANUARY 1, 2018	CASH BALANCE BEGINNING OF MONTH	CASH RECEIVED	CASH DISBURSED	CASH BALANCE END OF MONTH
2017 CURRENT FUND	\$6,057,796	\$6,057,796	\$538,552	(\$1,815,076)	\$4,781,271
CAPITAL FUND	\$4,862,225	\$4,862,225	\$0	(\$208,099)	\$4,654,126
ANIMAL CONTROL FUND	\$139	\$139	\$19	\$0	\$158
OTHER TRUST FUNDS	\$501,673	\$501,673	\$3,000	\$0	\$504,673
PAYROLL ACCOUNT	\$14,240	\$14,240	\$199,853	(\$181,700)	\$32,392
UNEMPLOYMENT ACCOUNT	\$29,756	\$29,756	\$258	\$0	\$30,014
LAW ENFORCEMENT TRUST	\$2,837	\$2,837	\$0	\$0	\$2,837
<b>TOTAL</b>	<b>\$11,468,666</b>	<b>\$11,468,666</b>	<b>\$741,682</b>	<b>(\$2,204,876)</b>	<b>\$10,005,472</b>
<b>(a) Balances encumbered were cancelled thereby increasing the available balance.</b>					
<b>(b) This information is specific to Ordinance #656 Construction of Municipal Building. The encumbrance amount is not paid but reserved for future payment based on contractual obligations.</b>					

**B. RESOLUTION: PAYMENT OF BILLS**

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

- A list of bills in the amount of \$332,151.60 with the recommendation they be paid, and
- A list of bills in the amount of \$130,143.07 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: TO ADOPT TEMPORARY EMERGENCY APPROPRIATION #2**

**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 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$2,023,500.00.

**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 2018 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.

Account/Project	Previous Temporary Appropriations	New Temporary Appropriations Approved	Temporary Appropriations to Date
Current Fund Expense			
Municipal Clerk SW	\$ 80,000.00		\$ 80,000.00
Municipal Clerk OE	35,000.00		35,000.00
Finance SW	60,000.00		60,000.00
Finance OE	24,000.00		24,000.00
Auditing Services	15,000.00		15,000.00
Tax Collector OE	1,500.00		1,500.00
Tax Assessor SW	15,000.00		15,000.00
Tax Assessor OE	1,000.00		1,000.00
Legal OE	125,000.00		125,000.00
Engineering OE	65,000.00		65,000.00
Planning Board SW	27,000.00		27,000.00
Planning Board OE	10,000.00		10,000.00
Construction SW	35,000.00		35,000.00
Construction OE	4,000.00	2,500.00	6,500.00
Sub-Code Plumbing SW	3,000.00		3,000.00
Sub-Code Fire Protect Off SW	3,000.00		3,000.00
Sub-Code Electrical SW	3,000.00		3,000.00
Liability Insurance OE	75,000.00		75,000.00

Insurance-Workers Comp OE	65,000.00		65,000.00
Insurance – Group Health OE	155,000.00		155,000.00
Police SW	340,000.00	75,000.00	415,000.00
Police OE	73,000.00		73,000.00
Emergency Mngmt OE	3,500.00		3,500.00
Fire OE	7,000.00		7,000.00
Uniform Fire SW	1,500.00		1,500.00
Municipal Prosecutor	3,000.00		3,000.00
Road Repair SW	75,000.00		75,000.00
Road Repair OE	7,000.00		7,000.00
Garbage OE	100,000.00		100,000.00
Buildings & Grounds OE	25,000.00		25,000.00
Sewer System OE	7,500.00		7,500.00
Dog Account OE	4,000.00		4,000.00
Beach Guard OE	2,000.00		2,000.00
Beach Maint. OE	45,000.00		45,000.00
Electric OE	7,000.00		7,000.00
Telephone OE	6,000.00		6,000.00
Water OE	1,500.00		1,500.00
Fire Hydrants OE	15,000.00		15,000.00
Natural Gas OE	4,500.00		4,500.00
Gasoline	7,500.00		7,500.00
Ocean Cty Utilities Auth OE	70,000.00		70,000.00
Stat. Charges – PERS	76,800.00		76,800.00
Social Security OE	35,000.00		35,000.00
Stat. Charges –PFRS	199,300.00		199,300.00
Court SW	25,000.00		25,000.00
Court OE	3,000.00		3,000.00
Public Defender OE	1,000.00		1,000.00
Note Interest		2,250.00	2,250.00
Note Principal		781,000.00	781,000.00
Capital Outlay-Police SUV	0.00	34,563.00	34,563.00
Capital Outlay-Fingerprint Machine	0.00	30,617.00	30,617.00
<b>Total Current Fund</b>	<b>\$1,946,600.00</b>	<b>\$ 925,930.00</b>	<b>\$2,875,530.00</b>

**D. RESOLUTION: TO ADOPT APPROPRIATION RESERVE TRANSFER # 3**

**WHEREAS**, N.J.S.A. 40A: 4-59 provides that in the first 3 months of the fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopted by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

**WHEREAS**, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2017 Appropriation Reserves exists; and

**WHEREAS**, it is recommended that these appropriation reserve transfers be made;

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Borough of Mantoloking that the following budget transfers be made for the 2017 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Finance	OE	\$ 3,000.00	\$
Police	OE	4,000.00	
Planning	OE		3,000.00
Construction	OE		4,000.00
Total		\$ 7,000.00	\$ 7,000.00

**E. RESOLUTION: APPROVAL OF EMPLOYEE DENTAL PLAN POLICY ENDORSEMENT**

**WHEREAS**, on March 17, 2003 the Mayor and Council approved the Borough’s participation in a dental health insurance plan with Monumental Life Insurance Company, formally known as Peoples Benefit Life Insurance Company, effective April 1, 2003, and;

**WHEREAS**, the Borough employees have benefited from their participation in the plan partially, at their own cost, and;

**WHEREAS**, the Monumental Life Insurance Company has notified the Borough of Mantoloking that the monthly premium rates are stable. Therefore the rate in all categories as outlined, policy endorsement effective April 1, 2018:

\$74.77 Single  
 \$149.57 Parent/Child  
 \$149.57 Husband/Wife  
 \$ 199.41 Family

and therefore, be it

**RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the afore mentioned schedule of the Monumental Life Insurance Company Master Policy No. GD3138 is hereby approved and, be it

**FURTHER RESOLVED**, that the Policy Endorsement be executed by the Mayor and made a part of the Master Policy.

9. **PUBLIC SAFETY COMMITTEE**, Councilman Rzemieniewski will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moves the following resolutions.

**A. RESOLUTION: IN SUPPORT OF THE KATE SHEA FOUNDATION ANNUAL BAY HEAD 5 K MEMORY RUN**

**WHEREAS**, the Kate Shea Foundation, have requested permission to utilize roadways in the Borough in conjunction with the Annual Bay Head 5K Memory Run, on Saturday, May 19, 2018; and

**WHEREAS**, the Mayor and Council wish to endorse and support the Kate Shea Foundation and the Annual Head 5K Memory Run.

**IT IS NOW, THEREFORE**, this 20th day of March, 2018,

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize East Avenue, Lyman Street, and Barnegat Lane, is hereby granted subject only to endorsement by the Chief of Police.
2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to The Kate Shea Foundation, Attention: Edward Shea Event Director
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

**B. RESOLUTION: IN SUPPORT OF THE 12<sup>TH</sup> ANNUAL BAY HEAD SHARK RUN 5K**

**WHEREAS**, the Bay Head Home & School Association, have requested permission to utilize roadways in the Borough in conjunction with the 12<sup>th</sup> Annual Bay Head Shark Run 5K, on Saturday, September 29, 2018; and

**WHEREAS**, the Mayor and Council wish to endorse and support the Bay Head Home & School Association and the 12<sup>th</sup> Annual Bay Head Shark Run 5K

**IT IS NOW, THEREFORE**, this 20th day of March, 2018, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize East Avenue to Lyman Street and Barnegat Lane, is hereby granted subject only to endorsement by the Chief of Police.
2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to The Bay Head Home & School Association, Attention: Allison Feehan Event Director
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

**C. RESOLUTION: IN SUPPORT OF THE SPECIAL OLYMPICS NEW JERSEY AND THE JERSEY SHORE RUNNING CLUB “JERSEY SHORE RELAY”**

**WHEREAS**, Special Olympics New Jersey and the Jersey Shore Running Club have requested permission for participants in the Jersey Shore Relay to utilize roadways in the Borough in conjunction with the “Jersey Shore Relay”, on Saturday, April 21, 2018; and

**WHEREAS**, the Mayor and Council wish to endorse and support the Special Olympics New Jersey and the Jersey Shore Running Club.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of March, 2018,

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize East Avenue and Mathis Place within the Borough, as part of the “Jersey Shore Relay”, is hereby granted subject only to endorsement by the Chief of Police.

2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to JSRC, P.O. Box 1743, Belmar, N.J. 07719 Attention: Joe Freeman, Race Logistics Coordinator.
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

**D. RESOLUTION: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP**

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

<b>Name</b>	<b>Position</b>	<b>Effective Date/End Date</b>	<b>Salary</b>
Jesse Lyon	SLEO I	4/1/18 - 9/15/18	\$12.50 per hour
Evan Feldman	SLEO I	4/1/18 - 9/15/18	\$11.50 per hour
Sarah Nelson	SLEO I	4/1/18 - 9/15/18	\$11.50 per hour
Kerry Butler	SLEO I	4/1/18 - 9/15/18	\$11.00 per hour
Cameron Connor	SLEO I	4/1/18 - 9/15/18	\$11.00 per hour

**E. RESOLUTION: IN SUPPORT OF THE 2018 DISTRACTED DRIVER STATEWIDE CRACKDOWN APRIL 1- APRIL 21, 2018**

**WHEREAS**, distracted driving is a dangerous epidemic on America's roadways. In 2015 alone, 3,477 people were killed in distracted driving crashes. An estimated 391,000 people were injured in motor vehicle crashes involving a distracted driver; and

**WHEREAS**, In New Jersey, driver inattention remains the most significant cause of fatal and incapacitating crashes. Driver inattention was listed as a contributing circumstance in 52 percent of the state's crashes in 2015. Driver inattention was in fact listed as a contributing factor in crashes at a rate nine times higher than that if the next highest contributing factor (speed); and

**WHEREAS**, the State of New Jersey will participate in the Distracted Driving 2018 Statewide crackdown from April 1 – April 21, 2018 in an effort to raise awareness about the dangers of distracted driving, to offer deterrence through visible enforcement, and issue summonses for relevant motor vehicle violations; and

**WHEREAS**, the grant will pay for 120 hours of overtime enforcement during the crackdown period, with a maximum rate to be reimbursed of \$55.00 per hour.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of March, 2018, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, declares it's support for the Distracted Driving 2018 Statewide Crackdown from April 1 – April 21, 2018.

10. **DUNE & BEACH COMMITTEE**: Councilman Nelson will present the reports of the Dune & Beach Committee and Ocean County Block Grant Program and moves the following resolution.

**PUBLIC HEARING**: Council President White will open the meeting to the public on Ordinance No. 676

**A. RESOLUTION: ADOPTION OF ORDINANCE NO. 676 AMENDING AND SUPPLEMENTING CHAPTER XI OF THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, ENTITLED “PROTECTION OF BEACHES AND DUNES”**

**Sponsored by:** Councilman Nelson  
**Date Introduced:** February 20, 2018  
**Public Hearing and Adoption Consideration:** March 20, 2018

**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 governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

**SEE ATTACHED ORDINANCE**

**ROLL CALL VOTE:**

11. **ENVIRONMENTAL COMMITTEE** Councilwoman O’Mealia will present the report of the Environmental Committee and moves the following resolution:

**A. RESOLUTION: RECYCLING ENHANCEMENT ACT TAX IDENTIFICATION STATEMENT 2017**

**WHEREAS**, The Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS**, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW THEREFORE BE IT RESOLVED** by the Borough of Mantoloking that the Borough of Mantoloking certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2017 in the amount of \$420.63. Documentation supporting this submission is available at 340 Drum Point Road, Brick, New Jersey and shall be maintained for no less than five years from this date.

Councilwoman O'Mealia advised the public that garbage collection will change starting April 2<sup>nd</sup>.

12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Amarante will present the report of the Mantoloking Relations Committee.

13. **MAYOR AND COUNCIL COMMENTS**

Councilman Gillingham stated for the record the following:

“For more than 100 years Mantoloking has operated its beaches according to a convention that is memorialized in municipal law. Here’s what the law says:

*The Borough of Mantoloking does not provide lifeguard protection for its oceanfront beaches. Furthermore, the Borough does not limit activities in the ocean due to conditions of wind, wave or weather. Persons using the ocean for bathing, swimming, surfing, kayaking or any other recreational use are strongly cautioned that they perform such activities at their own risk, with the understanding that they place no reliance on the availability or expectation of aid or rescue from the Borough.*

Current circumstances including obligations associated with replenishing the beach and the consequences of the recent dissolution of the private Mantoloking Beach Association (MBA) which provided lifeguard services for its members, has resulted in the borough exploring **if and how** it should assume responsibility for lifeguard services.

The municipality assuming responsibility for lifeguard services on its 2.2 miles of beach has long-term and significant implications. I urge my fellow elected officials and constituents to consider all the consequences of initiating municipal beach protection and discuss them thoroughly before proceeding. Here’s where the project stands now.

At the suggestion of the Beach Access Committee appointed by the mayor, an early draft of the 2018 municipal budget includes an appropriation for beach access and operation of \$203,000, more than twice the 2017 budget. The proposed budget anticipates Mantoloking providing two lifeguard stations, beach badge checkers at all of the towns’ 13 access points, and crossing guards and parking enforcers. To offset these costs it anticipates revenue of \$135,000 based on beach badge costs of \$75 - \$100 each.

I personally believe that municipal lifeguard services are desirable and inevitable. BUT:

- There is no way that two lifeguard stations are or will ever be adequate to protect the persons who use Mantoloking’s 2.2 miles of beach. Without adequate lifeguard coverage, here will be sections of beach accessible to beach badge purchasers from which a lifeguard cannot be seen in either direction.

- There will be more out-of-town beach goers who will be purchasing badges, parking according to the more liberal rules the borough has been required to establish and going onto the restored beach at any of the 14 beach access points at which the borough plans to station beach badge checkers.
- The two-lifeguard station plan is an invitation to a lawsuit for negligence if someone is knocked down in the surf, caught in a rip tide or undertow, or drowns where there are no nearby lifeguards to provide assistance or the lifeguards arrive too tired to be effective after running  $\frac{3}{4}$  of a mile in soft sand.
- In assuming responsibility for ocean safety, Mantoloking has to consider the experience of oceanfront communities like Sea Girt, which has 1.75 miles of beach and maintains 16 lifeguard stations; Spring Lake, which has two (2) miles of beach and 25 lifeguard stands; and Lavallette which has nine (9) stations for 1.25 miles of beach.

I urge the mayor and council to carefully consider **when and how** Mantoloking should begin providing municipal lifesaving services for its public ocean beaches and I urge Mantoloking's taxpayers to advise us of your positions on the matter."

Councilman White advised that the borough is trying to find solutions.

Chief Ferris advised that the insurance company representative and aquatic expert will be in the borough at the end of March.

Councilman Rzemieniewski stated that based on what Chief Ferris said we will have a short time period to establish Beach Badge fees.

Councilwoman O'Mealia asked when the Beach Committee will be making their recommendation to council.

Councilman White advised that the borough put out an RFP in the Ocean Star and on the borough website. RFP is due March 23<sup>rd</sup>. He also advised the public that the base bid up to 1071 Ocean will be done within 2 weeks. The contractor will leave and return early to mid- July until everything is finished.

#### 14. **PUBLIC COMMENTS PERIOD**

One resident felt that Councilmen Gillingham and Rzemieniewski made excellent points, and expressed it would be a mistake for the Council rush to a decision.

There was a question regarding what the borough is obligated to provide.

Chief Ferris advised that the borough only needs to provide access points, not lifeguards.

Councilman White asked for the public feedback.

Councilwoman O'Mealia wanted to provide clarification to the public regarding Lifeguards. She advised that all issues have been discussed, the committee had been meeting since October and Bud D'Avella had given a presentation last month.

Councilman Nelson said he and Councilman Amarante sat on the Beach Committee. The borough's insurance carrier covers 14 access points. The town has to provide changes to the beach badge fees to the Board of Health along with a plan. Explore every option available.

**15. NEXT MEETING:**

Council Regular Business Meeting, Tuesday, March 20, 2018 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 Rzemieniewski to adjourn. The motion was seconded by Councilman Amarante and approved by unanimous voice vote at 6:07 p.m.

Respectfully submitted,

Beverley A. Konopada  
Borough Clerk