

DRAFT NO. 1-5/22/2019    **THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES OF THE REGULAR BUSINESS MEETING**

**May 21, 2019**

**Mantoloking Borough Hall**

**202 Downer Avenue**

**Mantoloking, New Jersey**

The Regular Business Meeting of the Mayor and Council was held this day in the Mantoloking Borough Hall.

1. **CALL TO ORDER:** Mayor White called the meeting to order at 5:30 p.m.

2. **OPEN PUBLIC MEETING STATEMENT:** Mayor 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:**

**Present:** Mayor White, Council President Gillingham, Councilman Amarante, Councilman Batcha, Councilman Ness, Councilman Rzemieniewski  
**Dialed In:** Councilman Nelson  
**Absent:** None  
**Also Present:** Beverley A. Konopada, Borough Clerk, Jean Cipriani, Borough Attorney, Lynne Hazelet, Deputy Clerk, April Yezzi, CFO, CTC, QPA, Robert Oliwa, RMA, Borough Auditor

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

5. **RESOLUTION 2019-77 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED**, the Mantoloking Borough Council approved the following minutes as distributed.

Council Agenda Setting Meeting – April 9, 2019

Council Regular Business Meeting- April 16, 2019

**ROLL CALL VOTE:**

Councilman Amarante moved to approve the minutes. The motion was seconded by Councilman Gillingham and approved by unanimous roll call vote.

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

No comments were made.

7. **FINANCE COMMITTEE,** Councilman Amarante presented the monthly finance report and moved the following resolutions and ordinances.

**RESOLUTION NO. 2019 -78**

**RESOLUTION: THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

**BOROUGH OF MANTOLOKING  
Financial Report for the Month of March 31, 2019**

**Status of the Budget on March 31, 2019**

| FUND                                 | APPROPRIATION      | CURRENT BALANCE    | EXPENDED DURING MONTH | ENCUMBERED DURING MONTH | APPROPRIATION BALANCE |
|--------------------------------------|--------------------|--------------------|-----------------------|-------------------------|-----------------------|
| 2019 TEMPORARY BUDGET                | \$1,920,827        | \$1,920,827        | \$874,053             | \$69,901                | \$976,873             |
| 2018 ADOPTED BUDGET- CURRENT         | \$393,797          | \$393,797          | \$135,969             | \$29,304                | \$228,523             |
| 2019 CAPITAL FUND                    | \$1,950,425        | \$1,950,425        | \$91,591              | \$566,869               | \$1,291,965           |
| SANDY EMERGENCY FUNDS                | \$146,568          | \$146,568          | \$0                   | \$0                     | \$146,568             |
|                                      |                    |                    |                       |                         |                       |
| <b>(Subcategory of Capital Fund)</b> |                    |                    |                       |                         |                       |
| Construction-Municipal Building      | \$5,312,704        | \$450,631          | \$47,784              | \$139,661               | \$263,186             |
|                                      |                    |                    |                       |                         |                       |
| <b>TOTAL</b>                         | <b>\$7,803,494</b> | <b>\$2,941,421</b> | <b>\$275,344</b>      | <b>\$735,835</b>        | <b>\$1,930,242</b>    |

**Receipts, Disbursements and Changes in Cash Balance During the Month of March 31, 2019**

| FUND                  | CASH BALANCE JANUARY 1, 2019 | CASH BALANCE BEGINNING OF MONTH | CASH RECEIVED    | CASH DISBURSED     | CASH BALANCE END OF MONTH |
|-----------------------|------------------------------|---------------------------------|------------------|--------------------|---------------------------|
| 2019 CURRENT FUND     | \$2,586,920                  | \$2,696,845                     | \$182,594        | (\$409,762)        | \$2,469,677               |
| CAPITAL FUND          | \$3,321,882                  | \$3,237,801                     | \$0              | (\$139,661)        | \$3,098,139               |
| ANIMAL CONTROL FUND   | \$183                        | \$234                           | \$5              | (\$20)             | \$219                     |
| OTHER TRUST FUNDS     | \$511,133                    | \$530,747                       | \$1,533          | (\$17,720)         | \$514,559                 |
| PAYROLL ACCOUNT       | \$39,647                     | \$33,153                        | \$176,772        | (\$162,609)        | \$47,316                  |
| UNEMPLOYMENT ACCOUNT  | \$25,533                     | \$25,766                        | \$5              | \$0                | \$25,771                  |
| LAW ENFORCEMENT TRUST | \$2,841                      | \$2,842                         | \$1              | \$0                | \$2,843                   |
|                       |                              |                                 |                  |                    |                           |
| <b>TOTAL</b>          | <b>\$6,488,139</b>           | <b>\$6,527,387</b>              | <b>\$360,910</b> | <b>(\$729,773)</b> | <b>\$6,158,524</b>        |

**RESOLUTION NO. 2019 -79**

**RESOLUTION: PAYMENT OF BILLS**

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$147,331.15 with the recommendation they be paid, and
- A list of bills in the amount of \$111,039.14 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.

**ROLL CALL VOTE RESOLUTIONS 2019- 78-79:**

Councilman Amarante moved to approve the resolutions. The motion was seconded by Councilman Batcha and approved by unanimous roll call vote.

**PUBLIC HEARING** – Mayor White opened the floor for comments on Ordinance No. 685

No comments were made.

**ADOPTION OF ORDINANCE NO. 685**

**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 SO AS TO ADD STIPEND FOR SPECIFIC BEACH DUTIES**

**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:

|  |                    |
|--|--------------------|
| Beach Duties   | \$3,000.00 stipend |
| (Advertising, staffing, scheduling, logistics, purchasing, regulatory inspections and seven-day-a-week availability or calls before 9:00 AM and between 4:00 PM and 6:30 PM) |                    |

**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:**

Councilman Amarante moved to approve Ordinance 685. The motion was seconded by Councilman Gillingham and approved by roll call vote, Councilman Rzemieniewski abstained.

Borough Attorney, Jean Cipriani, reminded the council to read the title of the ordinances for the record.

**RESOLUTION NO. 2019-80**

**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF A STIPEND TO KELLY BURDGE FOR SPECIFIC BEACH DUTIES**

**WHEREAS**, the Borough of Mantoloking is in need of additional time and duties from an existing employee for beach duties for the 2019 summer season; and

**WHEREAS**, Kelly Burdge will be performing the additional beach duties, consisting of advertising, staffing, scheduling, logistics, purchasing, regulatory inspections, seven-day-a-week availability and calls before 9:00 AM and between 4:00 PM and 6:30 PM; and

**WHEREAS**, the Borough Council wishes to authorize the payment of a stipend to Kelly Burdge for the Additional Beach Duties.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey as follows:

1. That a stipend in the amount of \$3,000 is hereby authorized for Kelly Burdge for Additional Beach Duties for the 2019 season, effective June 1, 2019.
2. That the stipend shall be payable in three installments of \$1,000.00 payable on June 1, 2019, July 1, 2019 and August 1, 2019.
3. That a copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer the Chief of Police and Kelly Burdge.

**ROLL CALL VOTE:**

Councilman Amarante moved to approve the resolution. The motion was seconded by Councilman Gillingham and approved by roll call vote, with Councilman Rzemieniewski voting no.

**PUBLIC HEARING** – Mayor White opened the floor for comments on Ordinance No. 686

No comments were made.

**ADOPTION OF ORDINANCE NO. 686**  
**TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A**  
**CAP BANK**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit an increase in said budget to 2.50%, or the cost of living adjustment, whichever is less, unless authorized by ordinance to increase it to 3.50% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.50% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Mayor and Council of the Borough of Mantoloking in the County of Ocean finds it advisable and necessary to increase its CY 2019 budget by up to 3.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Mayor and Council hereby determined that a 3.50% increase in the budget for said year, amounting to \$146,529.04 of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Mantoloking in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.50% amounting to \$146,529.04 and the CY 2019 municipal budget for the Borough of Mantoloking be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

**ROLL CALL VOTE:**

Councilman Amarante moved to approve ordinance 686. The motion was seconded by Councilman Gillingham and approved by roll call vote, with Councilman Rzemieniewski voting no.

**PUBLIC HEARING** – Mayor White opened the floor for public comments on the 2019 Municipal Budget

No comments were made.

Mayor White announced that Robert Oliwa, Borough Auditor, was in the audience and happy to answer any questions regarding the 2019 Budget.

Councilman Rzemieniewski- How does this year's appropriation compare to last year appropriation in total. Mr. Oliwa explained that Appropriations are down 16%. On the recap sheet - the bond anticipation note was paid off in full in 2018, off set by FEMA revenues. Up about \$175,000. It is up and funded by revenue structure.

**RESOLUTION NO. 2019 –81**  
**RESOLUTION FOR ADOPTION OF MUNICIPAL BUDGET 2019**

BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, County of Ocean that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$3,844,276.00 for municipal purposes.

**Recorded Vote**

AYES: Councilman Gillingham  
Councilman Amarante  
Councilman Batcha  
Councilman Nelson  
Councilman Ness

NAYS: none

ABSTAINED: Councilman Rzemieniewski

ABSENT: none

**SUMMARY OF REVENUES**

|   |                |
|---|----------------|
| 1. General Revenues                                       |                |
| Surplus Anticipated                                       | \$700,000.00   |
| Miscellaneous Revenues Anticipated                        | 700,621.00     |
| Receipts from Delinquent Taxes                            | 39,000.00      |
| 2. Amount to be Raised by Taxation for Municipal Purposes | 3,844,276.00   |
| TOTAL REVENUES  | \$5,283,897.00 |

**SUMMARY OF APPROPRIATIONS**

|   |                |
|---|----------------|
| 5. General Appropriations:                              |                |
| Within "CAPS"   |                |
| Operations Including Contingent                         | \$3,998,386.00 |
| Deferred Charges and Statutory Expenditures - Municipal | 416,947.00     |
| Excluded from "CAPS"                                    |                |
| Operations - Total Operations Excluded from "CAPS"      | 150,886.00     |
| Capital Improvements                                    | 27,500.00      |
| Municipal Debt Service                                  | 347,650.00     |
| Judgments   | 40,000.00      |
| Reserve for Uncollected Taxes                           | 302,528.00     |

TOTAL GENERAL APPROPRIATIONS

\$5,283,897.00

IT IS HEREBY CERTIFIED that the within budget is a true copy of the budget finally adopted by resolution of the governing body on the 21st day of May, 2019. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2019 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

\_\_\_\_\_  
Municipal Clerk

Certified by me this 21st day of May, 2019

**ROLL CALL VOTE:**

Councilman Gillingham moved to approve the 2019 budget. The motion was seconded by Councilman Amarante and approved by roll call vote, with Councilman Rzemieniewski abstaining.

Councilman Amarante thanked the Finance Committee and gave a special thanks to April Yezzi, CFO, and Councilman Gillingham who supplied all the work sheets to do the budget.

**RESOLUTION NO. 2019-82**

**RESOLUTION AUTHORIZING SELF-EXAMINATION OF BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Mantoloking has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Mantoloking that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption

**ROLL CALL VOTE:**

Councilman Amarante moved to approve the Self-Examination of 2019 budget. The motion was seconded by Councilman Gillingham and approved by unanimous roll call vote.

8. **PUBLIC SAFETY COMMITTEE**, Councilman Gillingham presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following Resolution and Ordinance.

**RESOLUTION NO. 2019 -83**

**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:

| Name              | Position      | Effective Date/End Date | Salary  |
|-------------------|---------------|-------------------------|---------|
| Jeanmarie Villata | Badge Checker | 6/1/19 - 9/15/19        | \$10.50 |
| Nicole Scardilli  | Badge Checker | 6/1/19 – 9/15/19        | \$10.75 |
| Casey Gotta       | Badge Checker | 6/1/19 – 9/15/19        | \$11.00 |
| Erin Hoffman      | Badge Checker | 6/1/19 – 9/15/19        | \$10.75 |
| Aidan Hendricks   | Badge Checker | 6/1/19 – 9/15/19        | \$10.75 |
| Brooke Stoner     | Badge Checker | 6/1/19 – 9/15/19        | \$10.75 |
| Jenna Dzuna       | Badge Checker | 6/1/19 – 9/15/19        | \$10.75 |
| Monica Musto      | Badge Checker | 6/1/19 – 9/15/19        | \$10.75 |
| Lisa D’Antoni     | Badge Checker | 6/1/19 – 9/15/19        | \$10.75 |
| Sarah McCuiston   | Badge Checker | 6/1/19 – 9/15/19        | \$11.00 |
| Sarah Brune       | Badge Checker | 6/1/19 – 9/15/19        | \$10.50 |

|                    |                          |                  |         |
|--------------------|--------------------------|------------------|---------|
| Jenna Cunningham   | Badge Checker            | 6/1/19 – 9/15/19 | \$10.50 |
| Samantha Urso      | Badge Checker            | 6/1/19 – 9/15/19 | \$10.50 |
| Coral Cooper       | Badge Checker            | 6/1/19 – 9/15/19 | \$10.50 |
| Flavia Cornejo     | Badge Checker            | 6/1/19 – 9/15/19 | \$10.50 |
| Kristina Weinstein | Badge Checker            | 6/1/19 – 9/15/19 | \$10.50 |
| Kristie Crisafi    | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Ryan Gotta         | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Anthony Urso       | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Megan Musto        | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Ryerson Shippee    | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Jillian Noonan     | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Mikayla Schultz    | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Gwendolyn Attridge | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Sarah Hazuka       | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Leah Amici         | Badge Checker            | 6/1/19 – 9/15/19 | \$10.00 |
| Wade Bredin        | Head Lifeguard           | 5/1/19           | \$18.50 |
| Patrick Donald     | Beach<br>Maintenance/DPW | 5/22/19          | \$18.00 |

**ROLL CALL VOTE:**

Councilman Gillingham moved to approve the resolution. The motion was seconded by Councilman Amarante and approved by unanimous roll call vote.

**INTRODUCTION OF ORDINANCE NO. 690**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 7, ENTITLED “TRAFFIC” SO AS TO ADD REQUIREMENT THAT VEHICLES BE PARKED WITHIN THE LINES OF MARKED PARKING SPACES**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** Chapter 7 of the Borough Code of the Borough of Mantoloking, entitled, “Beach Regulations” is hereby amended and supplemented so as to add § 7-1.12.1, which shall read in its entirety as follows:

**§ 7-12.1 Parking Within Lines Required.**

It shall be unlawful to park any vehicle across any line or marking designating a parking space, or to park said vehicle in any way that the same shall not be wholly within a parking space as designated by said markings.

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

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law.

**ROLL CALL VOTE:**

Councilman Gillingham moved to approve ordinance 690. The motion was seconded by Councilman Amarante and approve by unanimous roll call vote.

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

**PUBLIC HEARING** – Mayor White opened the floor for comments on Ordinance No. 687

No comments were made.

**ADOPTION OF ORDINANCE NO. 687**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 10, ENTITLED “BEACH REGULATIONS” SO AS TO ADJUST HOURS FOR CERTAIN ACTIVITIES ON BEACH**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** Section 10-5.10 of Chapter 10 of the Borough Code of the Borough of Mantoloking, entitled, “Beach Regulations” is hereby amended and supplemented so as to read in its entirety as follows:

**10-4.10 Animals.**

- a. Unless otherwise permitted by this chapter, no person who owns, keeps or harbors any dog or other

animal shall suffer or permit such animal upon any premises, public or private, other than those owned or occupied by such person or upon which private premises the owner shall have a right of presence, unless, leashed, and under the direct and immediate control of a responsible person.

b. No dogs or other animals shall be permitted upon Borough-owned beaches or upon beaches under Borough jurisdiction, i.e. lands below the mean highwater line; except however:

1. Leashed dogs and other animals when accompanied by a responsible person shall be permitted on beaches between May 15th and October 1st, only between sunrise and 10:00 a.m. and from **6:00** p.m. to sunset, however no dog or other animal shall be suffered or permitted to be in or upon the area known as North Lagoon (adjacent to Bergen Avenue) between May 15th and October 1st. This ban and prohibition shall and does extend to and include the entire area from the northerly edge of the street pavement to the water's edge and on the east and west by the lines formed by the extension of the bulkheads, southerly, to the points of intersection with the northern edge of pavement.

2. From October 2nd to May 14th dogs and other animals shall be permitted upon beaches and access ways unleashed, but only when under the direct and immediate control of a responsible person.

3. An owner, tenant or occupant of oceanfront property shall not be deemed in violation of the chapter, at any time, while in the act of permitting his or her dog or other animal to transit from the lot to or from the ocean abutting the upland lot. Owners, tenants or occupants of private property (beaches) shall not be required to leash their animals while on said property.

4. Dogs and other animals may be permitted to swim unleashed when under the direct and immediate control of a responsible person.

c. Notwithstanding the foregoing, no person owning, harboring, keeping or in charge of any dog or other animal upon any oceanfront lot owned or occupied by such person shall fail to remove from the beach and to dispose of in a sanitary manner, any feces deposited by any such animal.

d. Any person in charge of and accompanying a dog or other animal in the Borough except on private property owned or occupied by the owner of the animal shall have, in his or her immediate possession, a container suitable for removal of any feces which may be deposited by the animal.

**SECTION 2.** Section 10-4.18 of Chapter 10 of the Borough Code of the Borough of Mantoloking, entitled, "Beach Regulations" is hereby amended and supplemented so as to read in its entirety as follows:

**10-4.18 Other Prohibited Acts; Sleeping; Smoking.**

a. No person shall sleep upon the beach between the hours of **6 p.m.** and 10 a.m.

b. Smoking is not permitted on the beach or access ways.

**SECTION 3.** Section 10-5.1 of Chapter 10 of the Borough Code of the Borough of Mantoloking, entitled, "Beach Regulations" is hereby amended and supplemented so as to read in its entirety as follows:

**10-5.1 Date and Time Limitations.**

Surfing regulations shall be enforced during the same dates and times that the Borough enforces **beach**

regulations regarding bathers and swimmers, i.e., from the third Saturday in June to Labor Day of each year, inclusive, between the hours of 10:00 a.m. and 6:00 p.m.

**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6.** This ordinance shall take effect after second reading and publication as required by law.

**ROLL CALL VOTE:**

Councilman Amarante moved to approve ordinance 687. The motion was seconded by Councilman Rzemieniewski and approved by unanimous roll call vote.

10. **MUNICIPAL SERVICES COMMITTEE**, Mayor White presented the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and Councilman President Gillingham moved the following resolution and ordinances.

Scott Hulse, Public Works Manager - Clean Communities funds were used to purchase 4 garbage can stations and pet waste bag stations located at Downer, Lyman, Princeton and Carrigan. Grant monies were also obtained for moby mats for 3 walkways in the north end of town. He will be putting up a split rail fence.

**RESOLUTION NO. 2019-84**

**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING RONALD S. GASIOROWSKI, ESQUIRE, OF THE FIRM OF GASIOROWSKI & HOLOBINKO, AS SPECIAL COUNSEL FOR THE BOROUGH OF MANTOLOKING**

**WHEREAS**, there exists a need for legal services as Special Counsel for the Borough of Mantoloking as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Mayor has recommended that Ronald S. Gasiorowski, Esquire, be appointed as Special Counsel for the representation of the Borough at the Brick Township Zoning Board; and

**WHEREAS**, the performance of the services requires knowledge of an advanced type in a field of learning pursuant to N.J.S.A. 40A:11-2 and the Borough has determined that Ronald S. Gasiorowski, Esquire of the firm Gasiorowski & Holobinko has the ability and expertise to perform the legal services required by the Borough; and

**WHEREAS**, Ronald S. Gasiorowski, Esquire, of the firm of Gasiorowski & Holobinko, has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit Ronald S. Gasiorowski, Esquire,

and the firm of Gasiorowski & Holobinko from making any reportable contributions to a political or candidate committee in the Borough of Mantoloking through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed hereto; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” and requires that the resolution and contract be made available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

1. That Ronald S. Gasiorowski, Esquire, of the firm of Gasiorowski & Holobinko, is hereby appointed as Special Counsel for the Borough of Mantoloking for the representation of the Borough at the Brick Township Zoning Board of Adjustment through December 31, 2019. The Special Counsel and his firm shall be compensated at the rate of Three Hundred Twenty-Five (\$325.00) Dollars per hour for services rendered to the Borough, for a total amount not to exceed \$17,500.00.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the attached agreement with Ronald S. Gasiorowski, Esquire of the firm of Gasiorowski & Holobinko in accordance with the provisions of this resolution.

3. That this contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law because it is for services to be performed by a person or persons authorized by law to practice a recognized profession.

4. That the Business Disclosure Entity Certification be placed on file with this resolution.

5. That a notice of this action shall be printed once in the official newspaper of the Borough of Mantoloking.

6. That a copy of the written determination of value by the Borough shall be placed on file with this resolution.

7. That this resolution shall become effective immediately.

8. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract: 9-01-20-155-001-203 Legal Services – Special Counsel.

9. That a certified copy of this resolution, together with a copy of the Agreement, shall be forwarded to the Chief Financial Officer and Ronald Gasiorowski, Esquire of Gasiorowski & Holobinko.

Councilman Amarante – revise resolution the legal affair committee language needs to be removed from the resolution.

Mayor white advised that an amendment handout was in front of room. This is an administrative change.

Councilman Amarante was concerned by lack of council member involvement with the survey and the process to hire this attorney. He would have like to have had input. He inquired as to who made the decision to hire the attorney, to send out the survey and how the survey was worded.

Mayor White replied that he spoke with Councilman Gillingham and Borough Attorney, Jean Cipriani. The wording was done by himself and the borough attorney. Before spending tax payer money we wanted to get a sense of how our residents feel about the venue across the bay. Beverley worked hard to accumulate as many emails as possible. The idea was to set up the survey in a simple way – opposed, unopposed. If opposed, do you feel it appropriate that borough hire legal counsel on behalf of the residents. Even if people are opposed the project it doesn’t mean that they want the borough to spend money.

Councilman Amarante – In response to the survey, roughly ½ of the taxpayers received the survey. Who will determine the scope of the work with the attorney and will the Borough hire additional professionals?

Mayor White –

First step- vote to hire Mr. Gasiorowski. I sought advice from several attorneys. He is considered one of the experts in this kind of litigation in this part of the state.

Step 2- Hire Mr. Gasiorowski and listen to what he has to say.

He has a planner and traffic person he has work with before.

Traffic study. After consulting with Robert Mainberger he advised that we really do not want to do that, it is very expensive.

Get a traffic survey expert who can analyze all the numbers.

Council needs to be involved in every facet of the process.

Borough Attorney, Jean Cipriani, it would be advisable for the governing body to hire Mr. Gasiowioski. Set up a meeting with the Mayor, Borough Attorney and others individuals from council without a quorum to sit with Mr. Gasiowioski and find out litigation strategy.

Councilman Amarante – Mantoloking Road is a county road and highway 35 is a state road. Request that both entities do a traffic study.

Borough Attorney, Jean Cipriani – County would have had to be put on notice for Mantoloking Road. No requirement for the State because lack of proximity.

Councilman Rzemieniewski – what is the property presently zoned for?

Borough Attorney, Jean Cipriani – I believe neighborhood/commercial but I don't know for a fact. It is before the zoning board on the height variance, not as a use variance.

Councilman Rzemieniewski – request a copy of the application and pass on to the council and new attorney.

Councilman Amarante – I don't fully agree with approach we are taking here.

Councilman Rzemieniewski – no formal notice was given to the Borough , they ignored us, and we are here at the last minute rushing around.

Councilman Batcha – in fairness the applicant needs to send the notice, not the town.

Councilman Nelson - I agree with Councilman Amarante with the process being more organized. Council needs to be more involved.

Councilman Batcha – I support hiring Ron, we need to be advised of our rights. He is an expert in the field. I have worked with him before when these kinds of things come up and he is a go to guy.

Councilman Rzemieniewski – He and I were municipal judges in Sommerset County. I respect him and he is very good at what he does.

**ROLL CALL VOTE:**

Councilman Gillingham moved to approve the resolution. The motion was seconded by Councilman Rzemieniewski and approved by roll call vote. Councilman Amarante and Councilman Nelson abstained.

**PUBLIC HEARING** – Mayor White opened the floor for comments on Ordinance No. 688

Mayor White explained that we will be raising sewer rates a little. Borough is \$54,000 in arrears last year. We have not raised sewer rates in many years.

Jan O'Malley – inquired if a statistical study was done on the Yacht Club

Mayor White – charge by fixtures not by flow

**ADOPTION OF ORDINANCE NO. 688**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 20, ENTITLED “SEWERS” SO AS TO UPDATE SEWER FEES**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** Section 20-3 of Chapter 20 of the Borough Code of the Borough of Mantoloking, entitled, “Sewers” is hereby amended and supplemented so as to read in its entirety as follows:

**20-2.3 Connection Fees and Costs.**

- a. All costs shall be borne by the owner of the premises served.
- b. The fee for connecting to the sanitary sewerage system shall be **one hundred (\$100.00)** dollars. This fee includes the fee for inspection of this connection.

**SECTION 2.** Section 20-5 of Chapter 20 of the Borough Code of the Borough of Mantoloking, entitled, “Sewers” is hereby amended and supplemented so as to read in its entirety as follows:

**20-2.5 User Rates and Charges.**

a. All owners of improved premises subject to connection and who have not connected and paid shall pay a pro rated annual sewer charge. The pro rated charge shall be due and payable from the expiration of the six (6) month period and shall be paid in full not later than seven (7) months from the announcement of availability of connection.

b. 1. There are hereby established the following annual rates and charges to be imposed by the Borough for the use and service of the sanitary sewerage system:

The minimum charge per unit shall be **two hundred twenty-five dollars and sixty cents (\$225.60)** annually. In addition to the minimum charge each user shall pay a fee of **\$9.33 (nine dollars and thirty-three cents)** per fixture for all fixtures over four (4) exclusive of the laundry facility and one (1) dishwasher.

2. The annual sewer charge based on the type of property shall be as follows: (“X” indicates one (1) unit)

|  | Annual<br><u>Rental Charge</u> |
|--|--------------------------------|
| (a) Single-family dwelling, apartment unit, (an apartment unit will be deemed any living unit having cooking facilities) | 1X                             |
| (b) Commercial Establishments-Retail stores  | 1X                             |
| (c) Churches   | 1X                             |
| (d) Yacht Clubs  | 1.5                            |

3. In addition to the foregoing charges, any user who discharges toxic pollutants into the system which causes increased operations and maintenance costs shall be responsible for such increased operation and maintenance costs.

c. Each user shall be provided with an annual statement of the sewer charges. The annual sewer charges shall be due and payable on May 1st of each year and shall become delinquent unless paid on or before the expiration of the grace period allowed for payment of third quarter property taxes. Failure to timely pay the sewer charges will expose the property to a municipal lien sale. Delinquent sewer accounts shall accrue interest at the rate of twelve (12%) percent per annum.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

**ROLL CALL VOTE:**

Councilman Gillingham moved to approve ordinance 688. The motion was seconded by Councilman Amarante and approved by unanimous roll call vote.

**PUBLIC HEARING** – Mayor White will open the floor for comments on Ordinance No. 689

No comments were made.

**ADOPTION OF ORDINANCE NO. 689**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE DONATION OF BLOCK 23, LOT 57.01, BLOCK 26, LOT 11.01, BLOCK 35, LOT 11.01, AND BLOCK 36, LOT 11.01 BY THE MANTOLOKING BEACH ASSOCIATION IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)**

**WHEREAS**, the Mantoloking Beach Association is the assessed owner of Block 23, Lot 57.01, Block 26, Lot 11.01, Block 35, Lot 11.01, and Block 36, Lot 11.01 located in the Borough of Mantoloking; and

**WHEREAS**, the Mantoloking Beach Association wishes to donate the subject property to the Borough of Mantoloking subject to a deed restriction acknowledging the property is subject to an existing Deed of Dedication and Perpetual Storm Damage Reduction Easement and ensuring that the property shall remain in a natural state free of any development or structures except for access walkways and/or crossovers and activities undertaken pursuant to the Deed of Dedication and Perpetual Storm Damage Reduction Easement; and

**WHEREAS**, N.J.S.A. 40A:12-5(a)(1) authorizes a municipality to accept property as a gift by the adoption of an ordinance authorizing the acquisition of the same.

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

**SECTION 1.** That the governing body does hereby authorize the acquisition of Block 23, Lot 57.01, Block 26, Lot 11.01, Block 35, Lot 11.01, and Block 36, Lot 11.01 from the Mantoloking Beach Association. This property is being acquired by the Borough of Mantoloking pursuant to N.J.S.A. 40A:12-5(a)(1) as a gift from the Mantoloking Beach Association, subject to a deed restriction acknowledging the property is subject to an existing Deed of Dedication and Perpetual Storm Damage Reduction Easement and ensuring that the property shall remain in a natural state free of any development buildings or structures except for access walkways and/or crossovers and activities undertaken pursuant to the Deed of Dedication and Perpetual Storm Damage Reduction Easement; or if any development buildings or structures are required by State or Federal Law.

**SECTION 2.** That the Mayor and Municipal Clerk are hereby authorized to execute and attest to, respectively, any and all documents necessary for the acquisition of the subject property from the Mantoloking Beach Association.

**SECTION 3.** Upon the effective date of this ordinance accepting donation, unpaid taxes owed by the Mantoloking Beach Association, the value of which have been confirmed by the Tax Assessor to be less than the value of the assessed property, will be canceled by the Borough of Mantoloking.

**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6.** This ordinance shall take effect after second reading and publication as required by law.

**ROLL CALL VOTE:**

Councilman Gillingham moved to approve ordinance 689. The motion was seconded by Councilman Rzemieniewski and approved by unanimous roll call vote.

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

12. **STRATEGIC PLANNING COMMITTEE** Councilman Nelson presented the report of the Strategic Planning Committee.

Councilman Nelson - Met a couple of weeks ago with some council members and Department Head. Discussed:

Mission of the Borough, goals and objections and values.

Establish accountabilities and time lines to tie in with Sandy Diehl's long term committee plan as well.

Mission – best place to live, values, integrity, ethics, trust, cooperation , service and respect.

Objective – people, beach, independence.

13. **ENVIRONMENTAL COMMITTEE** Councilman Batcha presents the report of the Environmental Committee.

Councilman Batcha advised the public that the Barnegat Bay Blitz is on June 7<sup>th</sup> at 10 a.m. They are looking for volunteers to clean up the beaches. Governor Murphey signed a law – Public Right of Access to Waterways. It has gone too far and impinges on private rights to private land and may be unconstitutional.

Claudia Larsen has stepped down as Chairwoman of the Environmental Commission. We thank her for her service.

14. **MAYOR AND COUNCIL COMMENTS**

Mayor White- long range planning committee important to have a functioning viable committee. We need to be proactive and be prepared to move in the right direction in the years ahead. Sandy Diehl has set up this committee .He is thrilled and happy to do this. The goal is to think 3 to 5 years out, think about changes, population will change and the needs for our community. There will be a first meeting before the next council meeting.

Councilman Rzemieniewski – Tired of seeing police parking on the street in front of the municipal building. Signs should be removed. A number of people have complained on why they do that. They can walk across a street. Asking that the council pass this onto the Chief so she can look into why police get privileged parking and everything else.

**15. PUBLIC COMMENTS PERIOD**

Darcy Green – thanked Councilman Rzemieniewski and Councilman Amarante for bringing a voice to the issue of the project in Brick Town . We have to be Mantoloking strong. Thank you for what you are doing.

Councilman Rzemieniewski got a call from someone in the north east section of town. This resident has no objection whatsoever to the project. People don't really care. Not a universal situation here in this town.

Borough Attorney, Jean Cipriani – believes the requirement to have police parking at that access level is part of the Department of Corrections requirements.

Peter Green inquired if the borough has reached out to our Freeholder Representatives

Mayor White reported he had lunch with Freeholders and Tom Kean.

Lori Slack– All municipalities have police parking in front of the building.

Councilman Rzemieniewski – not sure how much time is lost crossing a street. Not fair to have old people not have parking out front.

Councilman Nelson – will confirm with Robert Mainberger if those spots were included in the beach access plan.

Mayor White – DEP had been contacted on the venue and has written a letter where it stands.

Darcy Green – concerned about what governing body is doing to combat what could be a negative effect on quality of life.

**16. EXECUTIVE SESSION**

Councilman Rzemieniewski motioned to go into closed session. Councilman Amarante seconded the motion and was approved by unanimous voice vote at 6:16. p.m.

**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AUTHORIZING AN EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act authorizes the Borough Council to enter into executive session to discuss certain matters pursuant to N.J.S.A. 10:4-12; and

**WHEREAS**, the Borough Council desires to go into executive session to discuss matters related to Municipal Building Contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Council shall go into executive session to discuss the following items:

1. Municipal Building Contract

**17. NEXT MEETING:**

Agenda Setting Council Meeting , June 11, 2019 at 5:30 p.m. at the Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, NJ, 08738

**18. ADJOURNMENT**

There being no further business for this meeting it was motioned by Councilman Gillingham to adjourn executive session, return to open session and adjourn the meeting. The motion was seconded by Councilman Amarante and approved by unanimous voice vote at 7:36.

Respectfully Submitted,

Beverley A. Konopada  
Borough Clerk