

**MAYOR AND COUNCIL**

**MINUTES - AGENDA-SETTING MEETING**

**July 9, 2019**

**MANTOLOKING BOROUGH HALL**

**202 DOWNER AVENUE**

**MANTOLOKING, NEW JERSEY**

An agenda-setting meeting of the Mayor and Council was held this day in the Mantoloking Borough Hall.

1. **CALL TO ORDER** Mayor E. Laurence White called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor E. Laurence 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 E. Laurence White, Council President Gillingham, Councilman Amarante, Councilman Batcha, Councilman Nelson, Councilman Ness, Councilman Rzemieniewski

**Dialed In:** none

**Absent:** none

**Also Present:** Beverley A. Konopada, Borough Clerk, Jean Cipriani, Borough Attorney, Lynne Hazelet, Deputy Clerk, April Yezzi, CFO, CTC, QPA
4. **PLEDGE OF ALLEGIANCE** Mayor E. Laurence White led the assembly in the Pledge of Allegiance.
5. **PRIVILEGE OF THE FLOOR:** Mayor E. Laurence White will open the meeting for public comment and questions about agenda items only.
6. **APPROVAL OF MEETING MINUTES**
7. **NEW BUSINESS:** The Mayor and council July 16, 2019 regular business meeting of the council, in the form attached hereto.
  - A. **Finance Committee:** Councilman Amarante
  - B. **Public Safety Committee:** Councilman Gillingham
  - C. **Dune and Beach Committee:** Councilman Nelson
  - D. **Municipal Services Committee:** Mayor White
  - E. **Municipal Relations Committee:** Councilman Rzemieniewski
  - F. **Strategic Planning Committee:** Councilman Nelson
  - G. **Environmental Committee:** Councilman Batcha
8. **MAYOR AND COUNCIL COMMENTS**

Mayor White reported receiving several calls regarding the traffic on Barnegat Lane and East Avenue. Barnegat Lane is a town road. Making a left turn onto Herbert Street is illegal. He discussed this with the Chief who had safety concerns regarding where to pull people over. No changes will be implemented. Mayor and Chief encouraged resident to be patient during these high volume days.

Chief Ferris - If motorists have to make a right, they will go down Bay Avenue by the Yacht Club and Downer Avenue. This is another safety issue. We are back to pre-Sandy volumes.

Councilman Rzemieniewski made a comment regarding children riding bikes without helmets.

Also, that the construction going on at the corner of Bay Avenue lost a lot of soil that wound up the street after a rain storm. The street sweeper cleaned it up. He suggested that maybe contractor should be put up some kind of netting/fencing. Somebody should look into this.

He also agreed with Chief Ferris about changing parking. The engineer worked very hard to get approvals for the parking spaces we have.

## **9. PUBLIC COMMENT PERIOD**

Carol Leone, 1019 Ocean Avenue, has noticed heavy traffic and that it is dangerous for the cars turning off of Ocean Avenue onto Lyman Street. She mentioned that maybe there should be parking on one side of Lyman Street only.

Councilman Nelson suggested to make Lyman only one way - West.

Public Works Manager, Scott Hulse also agreed that that one way would be a good idea.

Linda Flihan, 1105 Barnegat Lane, has noticed several impatient drivers pass from the south.

Chief Ferris reported that these are our two busiest weeks and now things will start to decline. Traffic patterns may change. The speed bumps on Barnegat Lane made a lot of noise. Please call the police department and give us a license plate number.

Carol Leone, 1019 Ocean Avenue, some people do not understand that Barnegat Lane is a two way road and drive up the middle.

Councilman Nelson suggested parking a car at the end of the Barnegat Lane.

Councilman Nelson reported he has a Strategic Planning meeting with borough leadership on Friday and hopes to have the final draft for next Tuesday.

## **10. EXECUTIVE SESSION**

Councilman Gillingham motioned to go into closed session. Councilman Rzemieniewski seconded the motion and was approved by unanimous voice vote at 5:50 p.m.

### **RESOLUTION NO. 2019- 102: 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 the Municipal Building Contract negotiations.

**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 Negotiations N.J.S.A. 10:4-12(b)(4)

**11. NEXT MEETING:** Council Meeting, Tuesday, July 16, 2019  
Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, NJ 08738

**12. ADJOURNMENT:**

There being no further business for this meeting, it was motioned by Councilman Rzemieniewski to adjourn executive session and return to open session at 6.25 p.m. The motion was seconded by Councilman Amarante and approve by unanimous voice vote at 6.25 p.m.

Councilman Rzemieniewski motioned to adjourn the meeting at 6.25 p.m. The motion was seconded by Councilman Amarante and was approved by unanimous voice vote.

**ANTICIPATED ACTION ITEMS FOR MEETING OF JULY 16, 2019:**

**REPORT OF THE FINANCE COMMITTEE**

Committee Chairperson Amarante proposes the following for this month's regular business meeting:

**MONTHLY REPORTS** of the Finance Officer.

**RESOLUTION NO. 2019 –**  
**RESOLUTION: THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

Reconciliation and balances of Mantoloking Borough Bank Account

**RESOLUTION NO. 2019 –**  
**RESOLUTION: PAYMENT OF BILLS**

Municipal finance officer requests approval from mayor and council to pay a listing of bills from the prior month, and a list of bills that have been paid between meetings with the approval of the mayor and municipal clerk.

**RESOLUTION NO. 2019 –**  
**RESOLUTION: DEDICATION BY RIDER**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
MANTOLOKING, OCEAN COUNTY, NEW JERSEY PROVIDING FOR  
ACCEPTANCE AND DEDICATION BY RIDER OF FUNDS RECEIVED (DONATIONS)  
IN SUPPORT OF HISTORICAL AND CELEBRATORY EVENTS OF THE BOROUGH  
OF MANTOLOKING AND CREATION OF A TRUST FUND FOR SUCH PURPOSE  
PURSUANT TO AND UNDER THE AUTHORITY**

**OF N.J.S.A. 40A:5-29 AND 40A:4-39**

**WHEREAS**, the Borough has received donations from the citizens in support of the Historical and Celebratory Program of the Borough of Mantoloking; and

**WHEREAS**, it is the desire of the governing body to dedicate such revenues, as received in 2019, and thereafter, to the Borough of Mantoloking Historical and Celebratory Events Trust Fund, to be expended, from time to time, at the direction of the governing body, to promote and celebrate historical events and projects in the Borough of Mantoloking; and

**WHEREAS**, the amount of revenue (donations) is not reasonably susceptible to accurate advance estimate; and

**WHEREAS**, it is the desire of the governing body that the receipt and deposit of such revenue into the Trust Fund shall be considered a "Dedication by Rider" to the budget of the Borough for the sole purposes set forth above, pursuant to N.J.S.A. 40a:4-39.

**IT IS NOW, THEREFORE**, this 16th of July, 2019, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All donations received in 2019 for historical and celebratory events and in succeeding years shall be accepted and placed in the Trust Fund and such Trust Fund shall be considered a Dedication by Rider to the municipal budget for the purposes set forth in this Resolution.
2. The Borough's Chief Financial Officer shall take all such action necessary to implement the purposes of this Resolution.

**RESOLUTION NO. 2019 –**

**RESOLUTION: EXTENSION OF GRACE PERIOD TAX RATE**

**MEMORIALIZING THE EXTENSION OF THE GRACE PERIOD TO (date to be determined), FOR THE AUGUST 1<sup>ST</sup>, 2019 TAX QUARTER DUE TO DELAY IN MAILING THE TAX BILLS**

**WHEREAS**, State Statute provides that the Grace Period must be extended to allow for 25 days from the date of the mailing of the tax bills for payments of the August 1, 2019 tax quarter to be made without interest, and;

**WHEREAS**, The Tax Collector has set the last day to pay the August 1<sup>st</sup>, 2019 tax quarter at (date to be determined), being the next business day after the 25 calendar days from the date the tax bills were mailed, and;

**WHEREAS**, The extension only applies to the August 1, 2019 tax quarter. The normal Borough grace period will apply to all other tax quarters on the bill.

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

1. The Governing Body of Mantoloking Borough memorializes the extension of the grace period to (date to be determined) for the August 1, 2019 tax quarter and recognizes that the normal Borough grace period will apply to all other quarters on the tax bill.

**RESOLUTION NO. 2019-**

**RESOLUTION APPROVING OF ITEMS OF REVENUE AND APPROPRIATION**

**N.J.S.A. 40A:4-87**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$5,500.00, which is now available from the New Jersey Highway Traffic Safety Administration, 2019 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown;

**BE IT FURTHER RESOLVED**, that the like sum of \$5,500.00 is hereby appropriated under the caption of, 2019 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown, and shall be applied in compliance with the terms and conditions as set forth in the grant.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are authorized to execute the grant agreement.

**RESOLUTION NO. 2019-**  
**RESOLUTION REQUESTING REFUND OF ESCROW FEES**

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following escrow account which has been completed,

WHEREAS, the Borough Engineer and Zoning Officer has been consulted and confer that the following account is completed as far as they are concerned and

WHEREAS, the balance left on the account is due back to the escrow applicant

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and the Council of the Borough of Mantoloking authorize the Chief Financial Officer to refund the following escrow balance:

<u>Escrow Applicant</u>	<u>Amount</u>
Susan Anne Lucas c/o William T. Gage, Esq. 536 Lake Avenue Bay Head, NJ 08742	\$1,080.00

RE: 974 Barnegat Lane  
Mantoloking, NJ  
a/k/a Block 21, Lot 19

**RESOLUTION NO. 2019-:**  
**RESOLUTION: ACCEPTANCE OF 2018 MUNICIPAL AUDIT REPORT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual

audit of its books, accounts and financial transactions, and,

**WHEREAS**, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and,

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

And,

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

As evidenced by the group affidavit form of the governing body (original attached), and,

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**WHEREAS**, the audit of the Borough’s financial records for the period ending December 31, 2018, did not have any “findings” and, therefore, the Borough is not obliged to adopt a Corrective Action Plan, now, therefore be it

**FURTHER RESOLVED**, the Mayor and Council direct the municipal clerk to submit a certified copy of this resolution, the required affidavit of municipal governing body review, and any other documents required to comply with law and regulation.

**INTRODUCTION TO ORDINANCE NO. CAPITAL PROJECTS SCBA AIR PACKS AND POLICE RADIO**

**INTRODUCTION TO ORDINANCE NO. REPURPOSING OF FUNDS TO FUND AIR PACKS**

**INTRODUCTION TO ORDINANCE NO. ESTABLISHING FEES FOR MANTOLOKING  
FLAGS AND MAGNETS**

**REPORT OF THE PUBLIC SAFETY COMMITTEE**

Committee Chairperson Gillingham proposes the following for this month's regular business meeting:

**REPORT OF THE MUNICIPAL SERVICES COMMITTEE**

Committee Chairperson Mayor White proposes the following for this month's regular business meeting:

**MONTHLY REPORTS** of the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee.

**PUBLIC HEARING** – Mayor White opens the floor for comments on Ordinance No. 691

**ADOPTION OF ORDINANCE NO. 691**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH O MANTOLOKING, SO AS TO AMEND CHAPTER 30 ENTITLED "LAND USE REGULATIONS."**

**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.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use Regulations," so as to amend § 30-2.2, entitled "Definitions," so as to add and arrange alphabetically the following definition:

**SYNTHETIC SUBSTITUTES FOR NATURAL VEGETATION** - Any man-made surface, product, material or combination thereof produced and used as an artificial substitute for permanent ground cover.

**SECTION 2.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use Regulations," so as to amend § 30-4.10, entitled "Swimming pools." so as to amend subsection h. in its entirety so that it shall read as follows:

h. All pools shall be constructed within the applicable accessory structure setbacks, with the exception of Bayfront or lagoon lots, where pools may be constructed not less than eighteen (18) feet from the mean high water line or bulkhead line.

**SECTION 3.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use Regulations," so as to amend § 30-4.19, entitled "Hardscaping," so as to amend subsection a. in its entirety so that it shall read as follows:

a. For the purpose of this section, the term "hardscaping" is deemed to include any non-living components of a yard or landscape, including paver walkways or patios and the like, asphalt, concrete, and all else placed on or in the surface of the land. Synthetic substitutes for natural vegetation shall not be considered a permissible hardscape or softscape material for utilization in any yard area in the Borough of Mantoloking.

**SECTION 4.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use Regulations," so as to amend § 30-6.8, entitled "Lot Coverage," so as to amend subsection 3 so as to add a new subsection (e) which shall read as follows:

(e) Synthetic substitutes for natural vegetation shall not be utilized for permanent surface coverage on any property in any zone within the Borough of Mantoloking.

**SECTION 5.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 6.** 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 7.** This ordinance shall take effect after second reading and publication as required by law.

## **REPORT OF THE STRATEGIC PLANNING COMMITTEE**

Committee Chairperson Councilman Nelson proposes the following for this month's regular business Meeting.

**RESOLUTION NO. 2019-**  
**ADOPTION OF AMENDMENTS TO THE BOROUGH EMPLOYEE MANUAL TO REFLECT**  
**UPDATES TO THE ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES AND**  
**RELATED PROCEDURES**



**WHEREAS**, the Borough has in place an Employee Manual dated 2006, Section III(a) of which sets forth the Borough's Anti-Discrimination and Anti-Harassment Policies; and

**WHEREAS**, the Borough desires to revise and update the Employee Manual with regard to Workplace Violence, Anti-Discrimination and Anti-Harassment Policies and procedures.

**NOW THEREFORE BE IT RESOLVED** that the Borough hereby adopts the Workplace Violence, Anti-Discrimination and Anti-Harassment Policies and procedures attached hereto as Exhibit A; and

**BE IT FURTHER RESOLVED**, that the 2006 Employee Manual be amended to delete Section III (a) thereof and that it be replaced, in kind with the text from Exhibit A.

#### **EXHIBIT A**

#### **Amendments to Section III(a) of the Borough of Mantoloking 2006 Employee Manual: Workplace Violence, Anti-Discrimination and Anti-Harassment Policies and Procedures**

The following policies and procedures fully replace, in kind, Section III (a) of the 2006 Borough Employee Manual

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#### **Workplace Violence Policy:**

The Borough will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Borough property, at Borough events or under other circumstances that may negatively affect the Borough's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile or intimidating behavior that creates a reasonable fear of injury or loss to another person or to personal property or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough property or while on Borough business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, harassment or domestic violence.

Any potentially dangerous situations must be immediately reported to the employee's department head or to the Clerk. All reported incidents will be investigated and appropriate action taken in an expeditious manner. The Borough will actively intervene in any potentially hostile or violent situation.

Any employee found to have committed violent acts as defined hereunder shall be subject to discipline up to and including immediate termination of employment. Non-employees engaged in violent acts on Borough premises will be reported to the proper authorities and fully prosecuted.

## **Anti-Harassment Policy:**

The Borough will not tolerate harassment in the work place including harassment motivated by sex, sexual or affectional orientation, pregnancy, childbirth, or medical condition related to pregnancy or childbirth, gender or gender identity or expression, race, creed, color, religion, national origin, ancestry, age, marital or political status, atypical hereditary or cellular blood trait, disability or handicap, domestic partnership or civil union status, sexual orientation, genetic information or refusal to submit to a genetic test, or any other class protected by federal, state or local law or regulation. Borough officials, appointees, managers, supervisors, employees, volunteers and outside contractors alike must comply with this policy and take appropriate measures to insure that such conduct does not occur. Violations of this policy will result in disciplinary action up to and including discharge or, in the event non-employees are found to be at fault, other appropriate action. Employees who feel they have been subject to harassment must report the harassment to their supervisor and the supervisor will report the harassment claim to the Clerk. If an employee does not feel comfortable reporting the harassment to their supervisor, he/she can report it directly to the Borough Clerk. Harassment consists of unwelcome conduct, whether verbal, physical or visual that is based on a person's protected status. Harassment involves behavior that is personally offensive, fails to respect the rights of others, lowers morale and interferes with work effectiveness. Harassment may take many different forms. Whatever form it takes, harassment is insulting and demeaning to the recipient and will not be tolerated in the workplace.

The Borough will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance or that creates an intimidating, hostile or offensive working environment.

### Sexual Harassment

- One type of harassment is sexual harassment. The Borough prohibits sexual harassment of or by its employees in any form. Sexual harassment is unwelcome, unsolicited conduct of a sexual nature or because of one's sex, which an employee reasonably regards as undesirable or offensive. It includes unwelcome sexual advances, requests for sexual favors and any other conduct of a physical nature where:
  - Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or
  - Submission to or rejection of such conduct is used as a factor in decisions affecting that individual's employment; or
  - That conduct has the purpose or effect of substantially or unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive working environment.

### Complaint Procedure

What you should do if you are a victim of harassment:

- (1) Employees who believe that they have been subject to harassment should report the incident directly to their immediate supervisor, Department Head, or the Borough Clerk. The

complaining party should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Completion of a written Complaint form is preferred but not required. The harassment does not have to occur on Borough property during regular work hours for an employee to file a complaint under this policy.

(2) Any individual uncomfortable reporting an incident to their Department Head, or Clerk should feel free to go to the Borough Attorney to relay the problem. Under no circumstances shall an employee be required to make a report of harassment to the person he/she is accusing of harassment.

The Borough encourages employees who witness conduct which they believe violates the Borough's Anti-Harassment Policy to report the violation pursuant to this complaint procedure. All supervisory personnel are required to ensure adherence to and compliance with this policy. Upon being informed of and/or witnessing possible harassment, supervisory employees are required to inform the Clerk and take appropriate remedial action to stop the harassment.

The Borough encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. However,

due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

#### Investigation Procedure

The Borough shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

(1) The investigation will, at a minimum, include separate interviews with the employee bringing the complaint and the accused. Under no circumstances shall an employee be required to make a report of harassment to the person he/she is accusing of harassment. If the Borough determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective negotiations agreements and applicable due process safeguards.

(2) All employees have a responsibility to cooperate fully with the investigation of harassment. Although the extent of each investigation will vary, discretion and cooperation are crucial at all levels.

#### Privacy and Confidentiality

To the extent possible, all complaints will be kept confidential. However, investigation of the complaint will necessitate disclosure to those involved in the investigation. In addition, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Borough will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

#### Responsibility of Supervisory Personnel

Supervisors are to monitor the work environment to ensure that all subordinates comply with this Anti-Harassment Policy. When a supervisor learns of a violation of this policy, the supervisor

shall assist the employee in reporting the alleged incident(s) of harassment. Alternatively, the supervisor shall report the matter to the Clerk.

Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Clerk for resolution.

#### Retaliation Prohibited

The Borough encourages victims of harassment to bring their complaints in writing to the Borough Clerk by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. It is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure.

Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

Any retaliatory conduct or recurrence of the offensive behavior should be reported immediately to the Clerk.

### **REPORT OF THE ENVIRONMENTAL COMMITTEE**

Committee Chairperson Councilman Batcha proposes the following for this month's regular business meeting:

**PUBLIC HEARING** – Mayor White opens the floor for comments on Ordinance No. 692

#### **ADOPTION OF ORDINANCE NO. 692**

#### **AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 3 ENTITLED "POLICE REGULATIONS."**

**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.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 3, entitled "Police Regulations," so as to create § 3-9, which shall be entitled "Telephone Directories, Central Location." which shall read as follows:

a. Purpose. Telephone directories are distributed to individual homeowners by the incumbent local exchange carrier, pursuant to regulations adopted by the Board of Public Utilities. Many of the residents of the Borough of Mantoloking are not full-time residents and are unable to receive their directory when it is delivered, leaving the directories vulnerable to the elements creating a rubbish and safety hazard. This section requires the carrier to deposit all of the directories for the customers in Mantoloking at a protected central location, so that residents may retrieve intact directories, and the directories are destroyed by the elements before they can be received by the homeowners.

b. Telephone directories that are required to be published and distributed to all customers within a service area pursuant to N.J.A.C. 14-10-1A.4 shall not be delivered door-to-door, but shall be delivered in bulk to the Borough Department of Public Works for retrieval by the individual homeowners.

**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.

Respectfully submitted,

Beverley A. Konopada  
Borough Clerk