

DRAFT NO. 1-7/10/2019 **THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES OF THE REGULAR BUSINESS MEETING**

**July 16, 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 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 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, Robin LaBue, Borough Attorney, Lynne Hazelet, Deputy Clerk, April Yezzi, CFO, CTA, QPA

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

Mayor White asked for a motion to go into executive session.  
Councilman Amarante motioned to go into executive session. The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote at 5:34 p.m.

Borough Attorney, Cipriani advised that there will be another item added to the executive session regarding personnel salary matters.

**EXECUTIVE SESSION**

**RESOLUTION NO. 2019-113**

**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 borough hall construction contract, litigation- Vilamoura Application and police 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. Contract Negotiations- Borough Hall Construction N.J.S.A. 10:4-12(b)(4)
2. Litigation pertaining to Vilamoura Application- Brick Board of adjustments  
N.J.S.A 10:4-12(b)(4)
3. Police Contract Negotiations- N.J.S.A. 10:4-12(b)(4)
4. Personnel salary for certain employees – N.J.S.A. 10-4-12 (b)(8)

The council adjourned closed session and returned to open session at 6:21 p.m .

Mayor White explained that there was a last minute schedule conflict and that is why the executive session was held before the regular business meeting. Executive sessions will be held at the end of the meetings as they have been in the past.

#### **5. RESOLUTION 2019-103 MINUTES OF PREVIOUS MEETINGS**

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

Executive Session- February 12, 2019  
Agenda Setting Meeting – June 11, 2019  
Executive Session- June 11, 2019  
Regular Business Meeting- June 18, 2019  
Executive Session- June 18, 2019

#### **ROLL CALL VOTE:**

Councilman Gillingham moved to approve the minutes. The motion was seconded by Councilman Amarante 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.

Mayor White asked April Yezzi, CFO, CTC, QPA to talk about the tax rate. She explained that she has been in contact with the State and at this time we have not received our certified tax rate. The State is backed up and they did not hire enough staff to handle the volume for reviewing budgets. She is asking the Council to approve the August 23<sup>rd</sup> date. If you pay your taxes after the grace period, the interest will go back to August 1<sup>st</sup>. Everyone needs to understand this.

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

**RESOLUTION NO. 2019 -104**

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

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

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

FUND	APPROPRIATION	CURRENT BALANCE	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2019 ADOPTED BUDGET	\$5,283,897	\$5,283,897	\$1,788,642	\$334,962	\$3,160,292
2018 RESERVE BUDGET- CURRENT	\$393,797	\$393,797	\$136,542	\$29,304	\$227,950
2019 CAPITAL FUND	\$1,950,425	\$1,950,425	\$91,591	\$566,647	\$1,291,759
SANDY EMERGENCY FUNDS	\$146,568	\$146,568	\$6,600	\$0	\$139,968
<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>\$282,517</b>	<b>\$735,612</b>	<b>\$1,922,863</b>

**Receipts, Disbursements and Changes in Cash Balance During the Month of May 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	\$1,140,305	\$1,585,329	(\$598,759)	\$2,126,875
CAPITAL FUND	\$3,321,882	\$3,070,990	\$1,216	(\$28,723)	\$3,043,483
ANIMAL CONTROL FUND	\$183	\$219	\$0	\$0	\$219
OTHER TRUST FUNDS	\$511,133	\$514,650	\$1,672	(\$2,196)	\$514,125
PAYROLL ACCOUNT	\$39,647	\$46,066	\$162,766	(\$151,370)	\$57,462
UNEMPLOYMENT ACCOUNT	\$25,533	\$25,409	\$5	\$0	\$25,415
LAW ENFORCEMENT TRUST	\$2,841	\$2,843	\$1	\$0	\$2,844
<b>TOTAL</b>	<b>\$6,488,139</b>	<b>\$4,800,482</b>	<b>\$1,750,987</b>	<b>(\$781,048)</b>	<b>\$5,770,422</b>

**RESOLUTION NO. 2019 -105**

**RESOLUTION: PAYMENT OF BILLS**

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$1,775,245.67 with the recommendation they be paid, and
- A list of bills in the amount of \$95,603.39 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.

**RESOLUTION NO. 2019 –106**

**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 –107**

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

**MEMORIALIZING THE EXTENSION OF THE GRACE PERIOD TO AUGUST 23, 2019, 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 August 23, 2019, 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 August 23, 2019 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. 2019-108**

**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. 2019-109**

**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; and

**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	\$1,027.50

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

**RESOLUTION NO. 2019-110:**

**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.

**ROLL CALL VOTE RESOLUTIONS 2019- 104- 110 :**

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

**INTRODUCTION TO ORDINANCE NO. 693**

**BOND ORDINANCE NO. 693**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF CAPITAL EQUIPMENT, APPROPRIATING \$60,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$57,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AND REAPPROPRIATING \$18,000 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE ACQUISITION OF SELF-CONTAINED BREATHING APPARATUS AIR PACKS, AUTHORIZED IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY**

**WHEREAS**, the Borough of Mantoloking, in the County of Ocean, New Jersey (the “Borough”) finally adopted Bond Ordinance No. 581 on April 19, 2010 (the “Ordinance”); and

**WHEREAS**, following the effective date of the Ordinance, the Borough issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

**WHEREAS**, the Borough has determined that the improvements set forth in the Ordinance have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinance, as applicable; and

**WHEREAS**, there currently remains on deposit in the Borough capital accounts excess bond proceeds in the amount of \$18,000, which excess bond proceeds are allocable to such project improvements in the Ordinance (the “Excess Proceeds”), but are no longer necessary to complete such improvements or purposes authorized therein; and

**WHEREAS**, in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”), the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds to finance improvements for which bonds may be issued, thereby, decreasing the amount of additional Borough debt to finance such current capital needs; and

**WHEREAS**, the Borough Council now desires to reappropriate the Excess Proceeds to undertake the cost of purchasing self-contained breathing apparatus (SCBA) air packs for the Borough; and

**WHEREAS**, the Borough Council also seeks to appropriate additional monies and authorize the issuance of additional bonds or notes to finance the acquisition of police radios.

**THEREFORE, BE IT ORDAINED** by the BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. It is hereby determined that the aggregate amount of \$18,000 of the balance of the total appropriation for capital purposes originally made available pursuant to the following Ordinance of the Borough is no longer necessary for the purposes for which the obligations previously were authorized:

Amount to be

Reappropriated Ordinance & Purpose

\$ 18,000 No. 581 adopted April 19, 2010, providing for road improvements to Bergen Avenue and Lagoon Lane.

\$ 18,000 Total to be reappropriated to other capital purposes

Section 2. The appropriation for the purposes in the amount set forth in Section 1 hereof is hereby canceled and reappropriated pursuant to N.J.S.A. 40A:2-39 to other capital purposes as set forth in Section 3 hereof.

Section 3. The aggregate amount of \$18,000, representing the amount referred to in Section 1 hereof, is hereby reappropriated to provide for the following capital improvement purposes, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough, and the estimated cost the project is as follows:

Amount to be

Appropriated

Purpose

\$ 18,000 Acquisition of SCBA air packs.

Section 4. The improvements described in Section 3 and Section 6(a) of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough. For the improvements or purposes described in Section 6(a) hereof, there is hereby appropriated the sum of \$60,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$3,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 5. In order to finance the costs of improvements or purposes described in Section 6(a) hereof which are not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$57,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance the improvements or purposes described in Section 6(a) hereof, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 6. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the acquisition of police radios, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 6(a) hereof is \$57,000, as stated in Section 5 hereof.

(c) The estimated cost of the improvements or purposes described in Section 6(a) hereof is \$60,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of

\$60,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$3,000 down payment.

Section 7. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 and Section 6(a) of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is five (5) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$57,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$7,800 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 9. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 10. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 6(a) hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 12. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bond proceeds reappropriated by this bond ordinance.

Section 13. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor White explained what SCBA means – Self-Contained Breathing Apparatus

#### **ROLL CALL VOTE ORDINANCE NO. 693**

Councilman Amarante motioned to approve bond ordinance no. 693. The motion was seconded by Councilman Gillingham and approve by unanimous roll call vote.

#### **INTRODUCTION TO ORDINANCE NO. 694**

**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 2, ENTITLED “ADMINISTRATION” SO  
AS TO ESTABLISH FEES FOR FLAGS AND MAGNETS AND  
AMEND CERTIFIED COPY ISSUANCE 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 2-72 of Article IX of Chapter 2 of the Borough Code of the Borough of Mantoloking, entitled, “Administration” is hereby amended and supplemented so as to read in its entirety as follows:

**Article IX Fees for Various Municipal Services and Permits**

**2-72 ADMINISTRATIVE FEES.**

**2-72.1 Fees Charged.**

The fees charged and collected by the Borough of Mantoloking shall be as noted below:

a. Copy of Zoning and Land Use Ordinance	\$35.00
b. Copy of other ordinance, per page	Per N.J.S.A. 47:1A-5(b)*
c. Certified copy of Birth, Marriage or Death Certificate	\$10.00
d. Copy of miscellaneous documents (per page)	Per N.J.S.A. 47:1A-5(b)*
e. Charge for returned/dishonored check (per check)	(Per N.J. statute)
f. Certified List of Property Owners	\$10.00
g. Property Tax Search	\$10.00
h. Property Assessment Search	\$10.00
i. Mailing of Notice of Tax Sale	\$25.00 per property, per mailing
J. CD copies of records (per CD)	Actual cost
K. Copies of large documents (larger than 11" x 17") (per sheet)	Actual cost
<b>l. Mantoloking flag (small)</b>	<b>\$30.00</b>
<b>m. Mantoloking flag (large)</b>	<b>\$60.00</b>
<b>n. Mantoloking magnet</b>	<b>\$5.00</b>

\*[\$.05 per letter size page or smaller, and \$.07 per legal and ledge size page]

**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 ORDINANCE NO. 694**

Councilman Amarante motioned to approve bond ordinance no. 693. The motion was seconded by Councilman Gillingham and approve 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.

**RESOLUTION NO. 2019- 111**

**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</b>	<b>Salary</b>
Aidan Hendricks	Crossing Guard	7/15/19-9/15/19	\$11.25

**ROLL CALL VOTE RESOLUTION 2019-111**

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

9. **DUNE & BEACH COMMITTEE**: Councilman Nelson stated no reports of the Dune & Beach Committee and Ocean County Block Grant Program.

Chief Ferris reported that Fish and Wild Life have been in town and there are shore nesting birds on one property north of Herbert Street and Sea Beach Amaranth. These are protected and have been flagged. At this point, they are not affecting access to the beach.

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 will moved the following ordinance.

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

One comment was made regarding pools and if they were counted in lot coverage. Councilman Gillingham explained that this ordinance only deals with astro-turf. Borough Attorney, LaBue advised that the ordinance includes all synthetic material, that are not permitted. Councilman Rzemieniewski sought clarification regarding a pool counting as coverage. Borough Attorney, LaBue will have an answer at the next council meeting.

**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 OF 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 exemption 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.

**ROLL CALL VOTE ORDINANCE NO. 691:**

Councilman Nelson moved to approve Ordinance 691. 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 will present the report of the Strategic Planning Committee and moved the following resolution.

**RESOLUTION NO. 2019-112**

**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

-----  
**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.

**ROLL CALL VOTE RESOLUTION 2019-112**

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

Councilman Nelson reported to the council and residents the strategic planning outcome.

He met with the consultant, council leadership and department heads while planning the document. It still needs some work and is not a finished document. He read the mission statement and objectives – people, beach, and independence. There will be a lot of work coming in the next couple of months and at the end of the year.

Mayor White thanked Councilman Nelson. He said this has been a long time coming. It is good that we are doing this.

13. **ENVIRONMENTAL COMMITTEE** Councilman Batcha stated no report of the Environmental Committee and moved the following ordinance.

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

No comments were made.

**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.

**ROLL CALL VOTE ORDINANCE NO. 692:**

Councilman Batcha moved to approve Ordinance 692. The motion was seconded by Councilman Rzemieniewski and approved by unanimous roll call vote.

**14. MAYOR AND COUNCIL COMMENTS**

Councilman Rzemieniewski reiterated his concern regarding children not wearing helmets while riding bikes. Mayor White said this is important and needs to be said more than once or twice. Councilman Nelson asked Chief Ferris if the officers are speaking to the children. Chief Ferris responded that they had classes for the children and met with the sailing instructors. The children just don't care.

Councilman Nelson suggested that a police car be parked at the yacht club entrance and write names on a list. Chief Ferris explained that we have to work with the parents and the Yacht Club and she agrees with Councilman Rzemieniewski concerns.

Chief Ferris reported:

A car was stolen from Barnegat Lane. Everyone needs to lock vehicles and homes.

There were 3 rescues today, two at Downer and one at Lyman. Lifeguards are doing a fantastic job.

She is working the Borough Engineer, Larry Plevier on strategies regarding with one way streets.

**15. PUBLIC COMMENTS PERIOD**

Carol Leone – 1019 Ocean Avenue, a former Nurse, explained that you can break any bone in your body except your head. This was in response to the discussion regarding the importance of wearing a helmet while riding a bike.

Linda Flihan, 1105 Barnegat Lane, some adults do not have reflectors on their bikes. Chief Ferris explained that we do have bike lights at the police department that were donated by a resident.

Priscilla Hiby, 907 Barnegat Lane, wearing reflective clothing is important.

Lynn O'Mealia, 1304 Bay Avenue, suggested that on Sailing Awards Night that the Mayor should speak about bike safety. Chief Ferris reported that Wade Bredin and his team will talk about bike safety at the Junior Olympics on the 27<sup>th</sup>.

Nancy Ness, 1057 Barnegat Lane, thanked Public Works Manager, Scott Hulse for helping out during the open house. She said we have a real treasure here, Mayor White responded that many people agree with you.

**16. NEXT MEETING:**

Agenda Setting Council Meeting , August 13, 2019 at 5:30 p.m. at the Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, NJ, 08738

**17. ADJOURNMENT**

There being no further business for the meeting, it was motioned by Councilman Rzemieniewski to adjourn the meeting. The motion was seconded by Councilman Amarante and approved by unanimous voice vote at 6:58 p.m.

Respectfully submitted,

Beverley A. Konopada  
Borough Clerk