

DRAFT NO. 1–8/1/2019    **THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES - REGULAR BUSINESS MEETING**

**August 20, 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 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, Councilman President Gillingham, Councilman Batcha, Councilman Ness, Councilman Rzemieniewski, Councilman Amarante  
**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

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

5. **RESOLUTION 2019-114    MINUTES OF PREVIOUS MEETINGS**

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

Agenda Setting Meeting – July 9, 2019  
Executive Session - July 9, 2019  
Regular Business Meeting - July 16, 2019  
Executive Session – July 16, 2019

**ROLL CALL VOTE:**

Moved by Councilman Rzemieniewski, 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.

Joann Lygas, 970 Barnegat Lane, had a question for the Chief regarding her report of the Police directing patrol for trash, food and alcohol on the beach and why no summons have been issued . Chief Ferris advised that they engage in educating the public regarding ordinance.

Mayor White added that officers will at times write tickets or give warnings.

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

**RESOLUTION NO. 2019 –115**

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

<b>BOROUGH OF MANTOLOKING</b>					
<b>Financial Report for the Month of June 30, 2019</b>					
<b>Status of the Budget on June 30, 2019</b>					
<b>FUND</b>	<b>APPROPRIATIONS</b>	<b>CURRENT BALANCE</b>	<b>EXPENDED DURING MONTH</b>	<b>ENCUMBERED DURING MONTH</b>	<b>APPROPRIATION BALANCE</b>
2019 ADOPTED BUDGET	\$5,283,897	\$5,283,897	\$2,364,672	\$207,558	\$2,711,667
2018 RESERVE BUDGET- CURRENT	\$393,797	\$393,797	\$137,842	\$29,304	\$226,651
2019 CAPITAL FUND	\$1,950,425	\$1,950,425	\$286,949	\$373,636	\$1,289,412
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>\$479,175</b>	<b>\$542,602</b>	<b>\$1,919,217</b>
<b>Receipts, Disbursements and Changes in Cash Balance During the Month of June 30, 2019</b>					
<b>FUND</b>	<b>CASH BALANCE JANUARY 1, 2019</b>	<b>CASH BALANCE BEGINNING OF MONTH</b>	<b>CASH RECEIVED</b>	<b>CASH DISBURSED</b>	<b>CASH BALANCE END OF MONTH</b>
2019 CURRENT FUND	\$2,586,920	\$2,126,875	\$248,548	(\$338,546)	\$2,036,877
CAPITAL FUND	\$3,321,882	\$3,043,483	\$0	(\$8,978)	\$3,034,505
ANIMAL CONTROL FUND	\$183	\$219	\$0	\$0	\$219
OTHER TRUST FUNDS	\$511,133	\$514,125	\$0	\$0	\$514,125
PAYROLL ACCOUNT	\$39,647	\$57,462	\$181,837	(\$162,749)	\$76,549
UNEMPLOYMENT ACCOUNT	\$25,533	\$25,415	\$5	\$0	\$25,420
LAW ENFORCEMENT TRUST	\$2,841	\$2,844	\$1	\$0	\$2,844
<b>TOTAL</b>	<b>\$6,488,139</b>	<b>\$5,770,422</b>	<b>\$430,390</b>	<b>(\$510,273)</b>	<b>\$5,690,540</b>

**RESOLUTION NO. 2019 -116**

**RESOLUTION: PAYMENT OF BILLS**

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$223,211.56 with the recommendation they be paid, and
- A list of bills in the amount of \$134,804.28 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. 2019-117**

**RESOLUTION: RESOLUTION AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$125,000.00 TO COVER THE COSTS OF EXTRAORDINARY LEGAL EXPENSES NOT ANTICIPATED IN THE ADOPTION OF THE 2019 BUDGET FOR THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 40A:4-46**

**WHEREAS**, the Borough of Mantoloking, in the County of Ocean, State of New Jersey (the “Borough”), has an emergency arise with respect to extraordinary legal expenses not anticipated in the adoption of the 2019 budget, and

**WHEREAS**, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

**WHEREAS**, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$125,000 and three percent of the total operations in the budget for the year is \$158,16.91.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY**, with the affirmative concurrence of not less than two-thirds of all members in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for in the amount of \$125,000;
2. That said emergency appropriation shall be provided in full in the 2020 budget;
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency
4. That two certified copies of this resolution be filed with the Director of Local Government Services.

**RESOLUTION NO. 2019-118**

**RESOLUTION: RESOLUTION REQUESTING REFUND OF COURT FUNDS MISTAKENLY DEPOSITED INTO THE BOROUGH OF MANTOLOKING BOROUGH CURRENT FUND ACCOUNT IN ERROR TO THE MANTOLOKING BOROUGH COURT BAIL ACCOUNT IN THE AMOUNT OF \$54.00**

**WHEREAS**, the Finance Office of the Borough of Mantoloking has researched the deposit that was mistakenly deposited into the Mantoloking Borough Current Fund account,

**WHEREAS**, the Mantoloking Borough Court Administrator has requested that these funds be refunded to the Mantoloking Borough Court Bail account in the amount of \$54.00, thereby correcting and depositing said funds into the correct bank account, and

**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 balance to the Mantoloking Borough Court Bail account in the amount of \$54.00

**ROLL CALL VOTE RESOLUTIONS 2019- 115-118**

Moved by Councilman Amarante, seconded by Councilman Rzemieniewski and approved by unanimous roll call vote.

**PUBLIC HEARING – Mayor White opened the floor for comments on Ordinance No. 693**

Joann Lygas, 970 Barnegat Lane, \$ 42,000.00 was allocated for police radios, \$18,000.00 for Self -Contained Breathing Apparatus Air Packs. In October of 2016, the borough expended \$ 34,000.00 on police radios. Ms. Lygas sought clarification as to why the borough is looking to expend an additional \$42,000.00.

Capital expenditure was never discussed at a finance meeting

Mayor White explained that the police and fire have a lot of regulations. Airwave bands are being sold to TV stations causing borough to change bands.

Chief Ferris:

Portable radios \$ 8500.00 a piece

Mobile Car Radio need 3 - \$7,000.00 a piece

We are being mandated to move to digital band. Only half of the current radio will comply, therefore, the others will cease to work.

Looked for grant money

Clerk Konopada stated she experienced technical difficulties with the phone system and Councilman Nelson will be called into the record as present at the start of the meeting.

Lynn O’Mealia, 1304 Bay Avenue, the borough allocated funds in 2016 to upgrade radios and asked why this did not come before the Finance Committee. Councilman Amarante apologized that it was put on the agenda without his knowledge and this will never happen again.

Darcy Green, 1530 Runyon Lane, applauds the Safety Committee for their diligence. She further explained it is difficult because of the State and Federal Mandates. There is no grant money available.

**ADOPTION OF 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:

<u>Amount to be</u>	<u>Reappropriated Ordinance &amp; Purpose</u>
\$ 18,000	No. 581 adopted April 19, 2010, providing for road improvements to Bergen Avenue and Lagoon Lane.
<u>\$ 18,000</u>	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:

<u>Amount to be</u>	<u>Appropriated</u>	<u>Purpose</u>
\$ 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.

**ROLL CALL VOTE ORDINANCE NO. 693**

Moved by Councilman Amarante, seconded by Councilman Ness and approve by unanimous roll call vote.

**PUBLIC HEARING – Mayor White opened the floor for comments on Ordinance No. 694**

No comments were made.

**ADOPTION OF 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**

Moved by Councilman Amarante, seconded by Councilman Rzemieniewski 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 resolutions.

**RESOLUTION NO. 2019 -119**

**RESOLUTION: AUTHORIZING THE BOROUGH OF MANTOLOKING THROUGH THE MANTOLOKING POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033 PROGRAM TO ENABLE THE MANTOLOKING POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

**WHEREAS**, the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program the Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies; and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

**WHEREAS**, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

**NOW THEREFORE BE IT RESOLVED** that the Borough of Mantoloking is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include office supplies, office furniture, computers, electronic equipment, generators, non-military vehicles, exercise equipment, storage devices and containers, tools, medical and first aid equipment and supplies, bulldozers, personal protection equipment and supplies, construction materials, lighting supplies, sleeping mats, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the next twelve months, based on the needs of the Borough of Mantoloking, without restriction; and

**BE IT FURTHER RESOLVED** that the Borough of Mantoloking Chief of Police shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

**BE IT FURTHER RESOLVED** that the Borough of Mantoloking shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately shall be valid to authorize requests to acquire “DEMIL A” property that may be made available through the 1033 Program until August 20, 2020 and requests to acquire “DEMIL B through Q” property that may be made available through the 1033 Program until February 20, 2020.

**RESOLUTION NO. 2019-120- TABLED**

**RESOLUTION: OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY SUPPORTING THE LAWSUIT BY THE OCEAN COUNTY BOARD OF FREEHOLDERS, CHALLENGING THE ATTORNEY GENERAL’S IMMIGRATION TRUST DIRECTIVE**

**WHEREAS**, Attorney General Gurbir S. Grewal issued the “Immigration Trust Directive” (“Directive”) last November, 2018, which went into effect in March, 2019 statewide; and

**WHEREAS**, under the Directive, Local, County and State law enforcement personnel are ordered not to stop, search or detain immigrants at the request of U.S. Immigration and Customs Enforcement (ICE), except in cases of serious or violent crimes, or final deportation orders; and

**WHEREAS**, the Directive has led to increased concerns by governmental entities and police forces due to the lack of information sharing and cooperation with ICE; and

**WHEREAS**, the Ocean County Board of Chosen Freeholders (“Board”) has announced its intention to file a lawsuit to challenge the legality of the Directive in Federal Court, as the Board does not agree with the Directive; and

**WHEREAS**, several local Ocean County departments, such as the Ocean County Jail, have continued to provide information to ICE, despite the Directive, leaving them susceptible to reprimand from the State; and

**WHEREAS**, the Township wishes to authorize its Police Department to continue cooperating and sharing information with ICE but will refrain from ordering the department to disobey the Directive, in fear that such individuals would be subject to retaliation; and

**WHEREAS**, the Governing Body supports the Board and its decision to fight the Directive and further believe that this course of action is the most proper, as it will insulate its employees from retaliation; and

**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 the Governing Body supports the Ocean County Board of Chosen Freeholders’ decision to file a lawsuit to challenge the legality of the Directive; and
2. That a certified copy of this Resolution shall be sent to the Ocean County Board of Chosen Freeholders, the Mayors of the Ocean County towns and Attorney General Grewal.

**RESOLUTION NO. 2019-121**

**RESOLUTION: IN SUPPORT OF MA DEUCE DEUCE 22- KILOMETER WALK ON SEPTEMBER 21, 2019**

**WHEREAS**, Ma Deuce Deuce, a nonprofit local veteran’s organization, has requested permission to utilize roadways in the Borough in conjunction with a 22-Kilometer walk fundraiser called Operation: Ruck It, on Saturday, September 21, 2019; and

**WHEREAS**, the Mayor and Council wish to endorse and support the Operation: Ruck It

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

1. The request to utilize Bergen, Barnegat Lane, Bay Avenue, Downer and Princeton is hereby granted subject only to endorsement by the Chief of Police.
2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to Ma Deuce Deuce, Attention: Dennis Adesso, President.
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

**RESOLUTION NO. 2019-122**

**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>
John Lucciola	Lifeguard	8/1/19-9/15/19	\$13.00

**ROLL CALL VOTE RESOLUTIONS 2019- 119,121,122**

Moved by Councilman Gillingham, seconded by Councilman Amarante and approved 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.
- 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.

Councilman Rzemieniewski requested that the council vote on resolutions 123 and 124 separately. Borough Attorney Cipriani requested that resolution 124 be removed from consent agenda and voted on separately as there may be some comments on settlement for Wallace.

**RESOLUTION NO. 2019-123**

**RESOLUTION: OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN SUPPORT OF THE PROPOSED OCEAN COUNTY WATER QUALITY MANAGEMENT (“WQM”) PLAN AMENDMENT**

**WHEREAS**, the Borough of Mantoloking desires to provide for the orderly development of wastewater facilities within Ocean County, New Jersey; and

**WHEREAS**, the New Jersey Department of Environmental Protection (“NJDEP”) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment services areas, as well as related subjects, be in conformance with an approved WQM plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

**WHEREAS**, a proposed WQM plan amendment noticed in the New Jersey Register on April 15, 2019 for the Ocean County Wastewater Management Plan has been prepared by Ocean County.

**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 the governing body hereby consents to the amendment entitled Ocean County Wastewater Management Plan, and publicly noticed on April 15, 2019, prepared by Ocean County, for the purpose of its incorporation into the applicable WQM plan(s).

2. That this consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.5 and 4.
3. That copies of this resolution shall be forwarded to the Administrator and Steven J. Simone of the Ocean County Department of Planning.

**RESOLUTION NO. 2019-124**

**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENT WITH WALLACE BROTHERS FOR VARIOUS CONTRACT DISPUTES CONCERNING PROPOSED MANTOLOKING MUNICIPAL BUILDING**

**WHEREAS**, the Borough and Wallace Brothers previously entered into a contract for the construction of the Proposed Mantoloking Municipal Building dated September 7, 2016; and

**WHEREAS**, a contractual dispute exists between the parties concerning certain aspects of the work done by contractor and/or done by others; and

**WHEREAS**, without admission of any kind, and solely to avoid the costs, efforts and delays of litigation, the Parties desire to resolve amicably and in good faith certain disputes between them by entering into this Agreement; and

**WHEREAS**, the upon completion of all terms of the settlement agreement, a final change order will be authorized incorporating the \$100,00000 credit to the Borough established by the settlement agreement and release the performance bond upon furnishing of the required maintenance bond; and

**WHEREAS**, it is the desire of the governing body to authorize the execution of the parties' settlement agreement and accept the building on the terms set forth in the settlement agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Mantoloking as follows,

1. That the governing body does hereby approve and authorize the settlement of the all claims as embodied in the Settlement Agreement, attached hereto and accept the building on the terms set forth in the settlement agreement.
2. That the Mayor and Municipal Clerk are hereby authorized to execute Settlement Agreement in order to effectuate the Settlement of litigation in accordance with the terms and conditions.
3. A copy of this resolution shall be provided to Wallace Brothers, B.L.D.G Architecture, LLC and the Chief Financial Officer.

**ROLL CALL VOTE RESOLUTIONS 2019 – 123**

Moved by Councilman Gillingham, seconded by Councilman Amarante and approved by unanimous roll call vote.

**ROLL CALL VOTE RESOLUTIONS 2019 – 124**

Moved by Councilman Gillingham, seconded by Councilman Batcha and approved by roll call vote, Councilman Amarante voting no.

\$100,000.00 credit from Wallace

Councilman Amarante had questions regarding the settlement agreement and release and the difference between agreements and removal of architect, change in numbers and lien. He requested an address change to the

document, clarification regarding the punch list and why contractor would sign something that was not completed. To pay \$75,000.00 for the little items left does not protect the town adequately.

Borough Attorney Cipriani discussed a structured payment schedule to ensure the final payment is not pay until project is completed.

Lien is addressed by resolution which determines the trigger date that the clock starts for 60 day period. Borough has made no payment since January.

Councilman Amarante stated for the record he will not be supporting this resolution for the following reasons:

1. Goes against the recommended course of action of our hired professional and the building committee who has been intimately involved in project
2. Building committee did not suggest that we get involved with a legal situation
3. Contractor was deficient in performing work that was specified in the bid specification

Councilman Batcha inquired if the punch list is officially attached to the agreement and requested that it should be attached, initialed and memorialized. He also noted if it is premature for borough to sign until it is fully comprehensive and complete.

Councilman Rzemieniewski advised the project has been challenging from the beginning that the borough needs to get out of this as cheaply and quickly as possible and supports the resolution.

Lynn O’Mealia, 1304 Bay Avenue, had a question regarding the \$100,000.00 credit

Joann Lygas, 970 Barnegat Lane, the borough hire professional to oversee the project and they should be responsible for the errors made, powerlines, etc. Councilman Rzemieniewski advised that would cost a lot of money to do what is suggested.

11. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski stated no report of the Mantoloking Relations Committee.
12. **STRATEGIC PLANNING COMMITTEE** Councilman Nelson stated no report of the Strategic Planning Committee.
13. **ENVIRONMENTAL COMMITTEE** Councilman Batcha will present the report of the Environmental Committee and moved the following resolution.

Councilman Batcha reported that the borough and Republics are working together to resolve some recycling issues. They will now be using OOPS stickers to notify residents who are not meeting the recycling requirements.

**RESOLUTION NO. 2019-125**  
**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF**  
**NEW JERSEY, PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF BARBARA**  
**BENZ AS AN ENVIRONMENTAL COMMISSION MEMBER**

**WHEREAS**, due to the resignation of Doreen Duggan, a vacancy exists in the Environmental Commission;  
and

**WHEREAS**, at the recommendation of the Environmental Commission Chairwoman, Mayor White hereby appoints Barbara Benz to fulfill the unexpired term until 12/31/2021.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the appointment of Barbara Benz to the Environmental Commission is hereby confirmed.

Mayor White thanked Ms. Benz for stepping up and volunteering.

#### **ROLL CALL VOTE RESOLUTION 2019- 125**

Moved by Councilman Batcha, seconded by Councilman Amarante and approved by unanimous roll call vote.

#### **14. MAYOR AND COUNCIL COMMENTS**

Mayor White

Borough Hall has been a difficult project

The borough built a multi-generation building.

The priority of the borough is that the town and its residents be fully protected from legal and financial issues.

Meeting in Brick Borough Hall on August 21<sup>st</sup> at 7:00 p.m. to discuss variance

Councilman Rzemieniewski

Bike safety, male caring a three year old on a bike with no helmet.

Dog feces was left in his garbage bin

Chief Ferris

Brick Township sent out a flyer to Mantoloking residents in error, the borough numbers have not changed.

Drug arrest

Do not engage with someone doing something wrong, call an officer

No Mantoloking residents showed up to National Night out

Partner with Joe Celentano from Yacht Club

Lifeguards: Albertson ended Sunday, Lyman will end on the 22<sup>nd</sup> and Downer on the 31st

Councilman Amarante

Partner with Chief Ferris on Bike safety

Councilman Ness

Schedule a Mantoloking Night Out here in town next year

**15. PUBLIC COMMENTS PERIOD**

Carole Leone, 1019 Ocean Avenue, expressed concerns regarding bicyclists following the rules of the road and residents should not be riding 3 and 4 across on Barnegat Lane.

Rory Joyce, 107 Carrigan Place, \$125,000.00 legal expenditure clarification

Mayor White, not spent, appropriated if needed to cover legal expenses due to venue across bay.

April Yezzi, CFO, if not expended it goes back in surplus

Barbara Benz, 1012 East Avenue, people backing up on East Avenue, Police Blotter

**16. NEXT MEETING:**

Agenda Setting Council Meeting, September 10, 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, seconded by Councilman Amarante and approved by unanimous voice vote at 6:58 p.m. to adjourn the meeting.

Respectfully submitted,

Beverley A. Konopada  
Borough Clerk