



Borough of Mantoloking
Mayor and Council
Caucus-Regular Business Meeting
Steve Gillingham Meeting Room
202 Downer Avenue, Mantoloking, NJ 08738

Dial-In Option:
Number: 425-436-6287
Access Code: 231051

BOROUGH COUNCIL MEETING MINUTES

Tuesday, June 20, 2023

5:30 p.m.

CAUCUS

CALL TO ORDER Mayor White called the meeting to order at 5:34 p.m.

MEETING 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.

ROLL CALL

Present: Mayor White, Councilman Amarante, Councilman Batcha Councilwoman Benz, Councilman Celentano, Councilman Conti, Councilman Nelson
Dialed in: none
Absent: none
Also Present: Beverley A. Konopada, Borough Clerk, Lynne Hazelet, Deputy Clerk, Borough Attorney Jean Cipriani, Esq., Borough Administrator Brett Radi, Larry Plevier, P.E.

Mayor White reported that there would be changes made to the agenda.

- The Curfew Ordinance will be removed
- A resolution to be considered that would restrict beach access tomorrow from 10 pm to 5 am, through Labor Day weekend, with the exception of homeowners on the beach front, including beach access.
- Bulkhead Ordinance is not ready and will be tabled.
- There will be a public discussion during the caucus regarding the bulkhead ordinance.

Councilman Nelson- Bulkhead Ordinance

- Larry and Jean redlined a copy which will be available to the public
- Intention of ordinance- passive flood mitigation over the long term.
- Residents are not required to change the height of their bulkhead unless a new bulkhead that did not exist is installed or if there is significant damage 50% or more, it would need to be replaced.
- Mayor added the \$1,000 number is very low and that will probably be raised.

PUBLIC COMMENT

There was a lengthy discussion regarding the Bulkhead Ordinance. Residents provided comments and feedback to the governing body regarding the ordinance as initially proposed. Borough Engineer, Larry Plevier answered questions from the public.

There were comments made pertaining to curfew resolution being considered. After receiving feedback from the audience and those present on the phone, it was decided that the resolution would be pulled from agenda. The governing body voted in favor of removing resolution 23-96 entitled Establishing Curfew Regulations from the agenda.

ADJOURN CAUCUS: Motion: Councilwoman Benz, Second: Councilman Nelson all in favor - Aye

REGULAR BUSINESS MEETING

CALL TO ORDER Mayor White called the meeting to order

MEETING 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.

ROLL CALL

Present: Mayor White, Councilman Amarante, Councilman Batcha Councilwoman Benz, Councilman Celentano, Councilman Conti, Councilman Nelson
Dialed in: none
Absent: none
Also Present: Beverley A. Konopada, Borough Clerk, Lynne Hazelet, Deputy Clerk, Borough Attorney Jean Cipriani, Esq., Borough Administrator Brett Radi,

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT- On agenda items and general matters

A resident expressed concerns regarding 1314 Ocean Avenue construction and inquired if all permitting had been complied with.

Mayor White noted the following:

- Zoning permit was issued
- Stop work order was lifted
- No construction permit yet
- Fill has been tested
- New fill coming from a good company
- The borough is keeping an eye on this

Chief Ferris added if you see anyone trespassing, call the Police Department.

APPROVAL OF THE MINUTES

RESOLUTION NO. 23-94**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING APPROVAL OF MEETING MINUTES**

RESOLVED, the Mantoloking Borough Council approved the minutes for Caucus-Regular Business Meeting as printed and distributed.

Caucus-Regular Business Meeting May 16, 2023

| COUNCIL MEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|--------|------|------|---------|--------|--------|
| AMARANTE | | X | X | | | | |
| BATCHA | | | X | | | | |
| BENZ | X | | X | | | | |
| CELENTANO | | | X | | | | |
| CONTI | | | X | | | | |
| NELSON | | | X | | | | |
| | | VOTE | 6 | | | | |
| MAYOR WHITE- TIE BREAKER | | | | | | | |
| CONSENT AGENDA | YES | NO | X | | | | |

Ordinance 2023-9 was pulled from Agenda

ORDINANCE-SECOND READING- PUBLIC HEARING (ADOPTION) READING BY TITLE

PUBLIC HEARING- Mayor White opened the floor for comments on Bond Ordinance 2023-7 no comments were made from the public.

Councilwoman Benz had a question as to where the \$288,000 fits in.

Councilman Nelson reported that the \$288,000 was the grant that the Borough received and that it is not in there because it is a grant.

Borough Attorney Cipriani added that it is a reimbursement grant. You have to spend money and they reimburse it. Councilwoman Benz sought clarification that the \$288,000 will be part of the \$980,000.

Borough Attorney Cipriani advised that the total cost of project being floated is \$308,000, bonds originally issued and the \$671,000. Once money has been spent, the borough will be eligible for reimbursement in the amount of \$288,000.

Councilman Amarante, no bonds have been issued yet. Just an authorization.

2023-7 BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$671,515 FOR THE BAY AVENUE AND ARNOLD STREET IMPROVEMENTS PROJECT IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$671,515 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$671,515, such sum being in addition to the \$308,485 appropriated therefor by bond ordinance number 731 of the Borough, finally adopted May 17, 2022 (the "Original Bond Ordinance"), including a \$288,485 New Jersey Department of Transportation grant expected to be received (the "NJDOT Grant"). No down payment is required for the purpose described in Section 3(a) pursuant to N.J.S.A. 40A:2-11(c) due to the funding available from the NJDOT Grant.

Section 2. In order to finance the additional cost of the improvement or purpose and in anticipation of the receipt of the NJDOT Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$671,515 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the Bay Avenue and Arnold Street Improvements Project, together with all purposes necessary, incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the chief financial officer of the Borough, as finally approved by the governing body of the Borough, as described in the Original Bond Ordinance, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$691,515, including the \$20,000 authorized by the Original Bond Ordinance and the \$671,515 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$980,000, including the \$308,485 appropriated by the Original Bond Ordinance and the \$671,515 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued

pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation 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 the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the 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 \$671,515, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$133,100 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$20,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$113,100 is estimated therefor herein.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or, if other than the NJDOT Grant, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. 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 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 of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

| COUNCIL MEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|--------|------|------|---------|--------|--------|
| AMARANTE | | | X | | | | |
| BATCHA | | | X | | | | |
| BENZ | | | X | | | | |
| CELENTANO | | | X | | | | |
| CONTI | | X | X | | | | |
| NELSON | X | | X | | | | |
| | | VOTE | 6 | | | | |
| MAYOR WHITE- TIE BREAKER | | | | | | | |
| CONSENT AGENDA | YES | NO | | | | | |
| | | X | | | | | |

2023-8 AN ORDINANCE BY THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING LAND USE CHAPTER 30, BULKHEADS

For lack of a motion and second, Ordinance 2023-8 dies.

CONSENT AGENDA

All items listed are considered to be routine by the governing body and will be approved by one motion. If separate discussion is desired, the item will be removed from the Consent Agenda and considered separately.

RESOLUTIONS

- 23-95 Authorizing Acceptance of the Report of the Municipal Finance Officer
- 23-96 **Removed**
- 23-97 Authorizing the Appointment of Personnel- Seasonal Part Time

RESOLUTION NO. 23-95

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER

RESOLVED, by the governing body of the Borough of Mantoloking accepting the report of the Municipal Finance Officer.

“SEE ATTACHED REPORT

| COUNCIL MEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|--------|------|------|---------|--------|--------|
| AMARANTE | X | | X | | | | |
| BATCHA | | | X | | | | |
| BENZ | | | X | | | | |
| CELENTANO | | | X | | | | |
| CONTI | | | X | | | | |
| NELSON | | X | X | | | | |
| | | VOTE | 6 | | | | |
| MAYOR WHITE- TIE BREAKER | | | | | | | |
| CONSENT AGENDA | YES | NO | | | | | |
| | X | | | | | | |

RESOLUTION NO. 23-97

RESOLUTION: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP

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

| Name | Position | Effective Date | Salary |
|-------------------|--|----------------|---------|
| Karen Cinkus | Badge Checker | 6/1/23-9/15/23 | \$14.25 |
| Ryland Raynolds | Badge Checker | 6/1/23-9/15/23 | \$14.25 |
| Gabrielle Delano | Badge Checker | 6/1/23-9/15/23 | \$14.00 |
| Lauren Hoffman | Badge Checker | 6/1/23-9/15/23 | \$14.50 |
| Amanda Luccarelli | Badge Checker | 6/1/23-9/15/23 | \$14.25 |
| Cassandra Kurtz | Badge Checker | 6/1/23-9/15/23 | \$14.50 |
| Jamie Brue | Badge Checker | 6/1/23-9/15/23 | \$14.25 |
| Gabriel Huerta | Badge Checker | 6/1/23-9/15/23 | \$14.00 |
| Thomas D’Elia | Mobile Badge Checker/Crossing Guard | 6/1/23-9/15/23 | \$14.00 |
| | | | |

| COUNCIL MEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------------|----------|--------|------|------|---------|--------|--------|
| AMARANTE | X | | X | | | | |
| BATCHA | | | X | | | | |
| BENZ | | | X | | | | |
| CELENTANO | | | X | | | | |
| CONTI | | | X | | | | |
| NELSON | | X | X | | | | |
| | | VOTE | 6 | | | | |
| MAYOR WHITE- TIE BREAKER | | | | | | | |
| CONSENT AGENDA | YES X | NO | | | | | |

RESOLUTIONS TO BE VOTED ON SEPARATELY- none

BILL LIST

23-98 Authorizing the payment of bills

RESOLUTION NO. 23-98

**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF BILLS**

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$201,502.14 with the recommendation they be paid, and
- A list of bills in the amount of \$301,718.19 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.

| COUNCIL MEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|---------|------|------|---------|--------|--------|
| AMARANTE | X | | X | | | | |
| BATCHA | | | X | | | | |
| BENZ | | | X | | | | |
| CELENTANO | | | X | | | | |
| CONTI | | X | X | | | | |
| NELSON | | | X | | | | |
| | | VOTE | 6 | | | | |
| MAYOR WHITE- TIE BREAKER | | | | | | | |
| CONSENT AGENDA | YES | NO X | | | | | |

COUNCIL REPORTS

Administration-Chairwoman Barbara Benz

- There has been a lot of progress with records management this month. Since last meeting 16 ½ boxes have been reviewed. 7.25 boxes were approved for destruction and shredded, the remainder are being shredded this week.
- Records Intern, Ms. Emma Hazelton, started June 5th. The focus has been cleaning in-house records first and then moving to storage the units. During Emma's first 2 weeks she has gone through 22 boxes and 2 filing cabinets to determine what can be destroyed, apply to the state for destruction, reorganized and re-labeled boxes. She has done a phenomenal job.
- There is a recodification schedule and spread sheet. The committee will receive 14 final drafts on the 22nd. A meeting is scheduled the same day where comments will be provided on the last 6 chapters for which council has not yet commented. The Land Use chapter will be handled separately from the bulk of the other chapters. The Land Use Chapter is currently in the hands of the Planning Board. If no major changes are requested, it will be available to the public mid- July. Once Land Use is completed it is anticipated that sometime in August the bulk of the remaining chapters will be made available for public comment.

Finance-Chairman Anthony Amarante

- Continuing to be on pace with budget numbers
- Committee meetings held to discuss RFP's for next year
- Continue to progress nicely with the Borough's investments.

Land Use-Chairman Brad Batcha

- Land Use Committee will be working diligently revising the Bulkhead Ordinance with the hopes of placing it back on the agenda in the next few months.

Chairman Doug Nelson

- Flood mitigation – Bay and Arnold Street Project
- Larry put together a schedule, design and completion submission to DOT right after 4th of July,
- Advertise for bids 4th of August
- Receive bids in September
- Award contract at September council meeting.
- Pre construction meeting with DOT contractor October
- Start construction October 10th
- Completion date anticipated late in 2023 or spring of 2024

Public Safety Chairman Doug Nelson

- Summer population has increased from the normal 500 people to 5,000
- Chief Ferris and her crew are busy, doing a great job.
- Badge Checker received a lot of abuse, police went in and rectified the situation
- Signs out saying Barnegat Lane is congested, stay on Route 35

Public Works-Chairman Joseph Celentano

- Scott and his crew have been diligent, portable sanitary facilities are out, baskets for clean-up placed on the beach, doggy bags for people who walk dogs
- Beach looks fantastic, Pat is out doing his sweeps
- Everything in place for the influx of people
- Darren, Code Enforcement Officer, had an issue regarding lack of permits pertaining to 919 East Avenue
- Engineering, Larry is non-stop busy, he is a great asset to the town and is a wealth of knowledge
- Darren in 2 days a week with varying hours

Councilwoman Benz would still like to pursue the lighting ordinance, bring some form of a modification of the current ordinance to council.

Recreation-Chairman John Conti

- No report

MAYOR , COUNCIL AND ADMINISTRATOR COMMENT

Mayor White congratulated Officer Hatchett's and his wife on the birth of their son.

PUBLIC COMMENT

Councilman Conti requested an executive session regarding personnel issues.

Borough Administrator Brett Radi

He will be meeting next week with Councilwoman Benz, Borough Attorney Cipriani and April Yezzi to review the RFP process for next year and get them out earlier so they can work on reviewing the proposals.

Municipal Aid program for the DOT - The Borough received money for Barnegat, Bay and Arnold. Larry always consults with Scott to see what roads in town qualify. This year the project will be East Avenue. Project scope of work will include milling and repaving the surface, adjusting any utility issues, re-striping cross walks and stop bars and replacing curbs, sidewalks and aprons. This is an application and we may or may not get the money. That will be our application for 2024.

NEXT MEETING July 18, 2023 at 5:30 p.m. in the Steve Gillingham Meeting Room

Borough Attorney Cipriani read the following resolution into the record which was added at the table.

RESOLUTION NO. 23-99

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 enter into executive session to discuss Personnel matters ; and

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 enter into executive session to discuss:

1. Personnel- N.J.S.A. 10:4-12(b)(8)

No action to be taken

A motion was made by Councilman Amarante, seconded by Councilman Nelson and approved by unanimous voice vote to enter into executive session at 7:28 p.m.

EXECUTIVE SESSION BEGAN: 7:30 p.m

| COUNCILMEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|--------|---------|------|------|---------|--------|
| AMARANTE | | | | | | |
| BATCHA | | | | | | |
| BENZ | | | | | | |
| CELENTANO | | | | | | |
| CONTI | | | | | | |
| NELSON | | | | | | |
| | | VOTE | | | | |
| MAYOR WHITE-TIE BREAKER | | | | | | |
| CONSENT AGENDA | YES | NO X | | | | |

ADJOURNMENT

Councilwoman Benz motioned to adjourn closed session and return to open, seconded by Councilman Amarante and approved by unanimous voice vote.

There being no further business for the meeting it was motioned by Councilman Nelson to adjourn the meeting, seconded by Councilman Nelson and approved by unanimous voice vote at 8:10 p.m.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk