



BOROUGH COUNCIL MEETING MINUTES

Tuesday, September 19, 2023

5:30 p.m.

CAUCUS

CALL TO ORDER Council President Nelson called the meeting to order at 5:30 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: Councilman Amarante, Councilman Batcha (will be late), Councilwoman Benz, Councilman Celentano, Councilman Nelson
Dialed in: none
Absent: Mayor White, Councilman Conti
Also Present: Beverley A. Konopada, Borough Clerk, Lynne Hazelet, Deputy Clerk, Borough Attorney Jean Cipriani, Esq., Matthew Donohue, Esq., Borough Administrator Brett Radi

- Discussion Item: Recodification and Executive Summaries

Councilwoman Benz-

- On Friday an email went out providing a link to the website where people could download and look at the executive summary of what had occurred in each chapter that we made available.
- The plan is that all of the recodification chapters will be introduced in an ordinance in November giving the public ample time to take a look.
- Only chapters that are not available, Cable (being introduced tonight), Land Use and Flooding. We will make those chapters available during our October meeting and field questions at that time.

Matthew Donohue, Esq.

- Make sure we are transparent
- Recodification is like any other ordinance, needs an introduction at one meeting and an adoption at 2nd meeting.
- 20 chapters have been released to the public (222 pages)
- Available to answer any questions. This will be a 4 month process. More ordinances will be added in October and November.
- If everything goes well and passes in December, they would be effective January 1st.
- Councilwoman Benz also noted that chapter numbers are not as they will be presented in November. We do not want to change some of the numbers particularly: beaches and boating
- Matthew Donohue, Esq. any subtenant changed, the public will be made aware.

- Councilwoman Benz please read the executive summary that falls after the Q&A's on that document that is on the website.
- Councilman Nelson-“ Barbara and her team have done an unbelievable job which is beyond belief. Everyone who has been involved in this, thank you very much”.

J.O. Bay Avenue: asked if questions comments should be sent in advance of the public hearing and if so, how should they be disseminated. Matthew Donohue, Esq, noted as soon as possible and to email Beverley.

PUBLIC COMMENT- On agenda items only

J.O. Bay Avenue: Comcast ordinance, Section 3 public hearings having been held. Could not find any record of that since 2016. Borough Attorney Cipriani responded that the 2016 hearings count. 10 year contract. We will be doing this again in two years.

C.B. Barnegat Lane: Comcast Ordinance 2023-11 encourages council to investigate alternatives to Comcast. Thinks better options such as fiber optics should be considered. Borough Attorney Cipriani advised that nothing is prohibiting fiber optics from coming in.

J..L. Barnegat Lane: Thanked the council for re-evaluating the proposed bulkhead ordinance. Thinks this is the right decision by looking at it further.

ADJOURN CAUCUS: Motion: Councilman Celentano, Second: Councilwoman Benz All in Favor: Aye

REGULAR BUSINESS MEETING

CALL TO ORDER Council President Nelson called the meeting to order at 5:42 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: Councilman Amarante, Councilman Batcha, Councilwoman Benz, Councilman Celentano, Councilman Nelson
 Dialed in: none
 Absent: Mayor White, Councilman Conti
 Also Present: Beverley A. Konopada, Borough Clerk, Lynne Hazelet, Deputy Clerk, Borough Attorney Matthew Donohue, Esq., Borough Administrator Brett Radi

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT- On agenda items only – no comments were made.

APPROVAL OF THE MINUTES

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 of the following meeting as printed and distributed.

Caucus-Regular Business Meeting August 15, 2023

| COUNCILMEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|--------|---------|------|------|---------|--------|
| AMARANTE | | | X | | | |
| BATCHA | | | X | | | |
| BENZ | | X | X | | | |
| CELENTANO | X | | X | | | |
| CONTI | | | | | | X |
| NELSON | | | X | | | |
| | | VOTE | 5 | | | |
| MAYOR WHITE-TIE BREAKER | | | | | | |
| CONSENT AGENDA | YES | NO X | | | | |

- Councilman Nelson reported that Ordinance 2023-10 “Bulkheads” would be postponed due to the need for further review and edits. The Ordinance will be reintroduced at a later date. Comments received from residents and Councilman Conti urging the Borough to take a better look at this in the context of overall flood Mitigation Plan. The Flood Mitigation Plan report that Larry Plevier put together with Lynn O’Mealia was comprehensive. It laid out all the things that should be done including raising the bulkheads. They waited a long and finally said it is time to introduce the bulkhead ordinance. They received some reaction to it.
- Councilman Amarante thought maybe they should look at the whole Flood Mitigation Plan and update it including bulkheads. Place a time frame on it and then move forward with a more actionable plan. He further noted that they have done some things already which are pretty impressive like the Barnegat Lane and Pumpstation project which will be a win, win and help everyone south of the bridge on Bay Avenue. We need to look at a lot of other things here too.
- Councilman Nelson- Form a task force which will be made up and led by Councilman Batcha and Councilman Conti and hopefully involved some citizens and the Bay Head Mayor. Hopefully that is a start of something that can expand the whole barrier island. This is the barrier islands number one challenge. We have to come back in six months with a report and move forward.
- Clerk Konopada reported that Councilman Conti had prepared a statement for the public hearing which was cancelled.
- Councilman Batcha echoed Councilman Nelson’s thoughts. Critically important thing to do on the barrier island. Mantoloking needs to lead by example. Bulkhead ordinance does not cost anything, it is just something we have to do.

TABLED

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

2023-10 AN ORDINANCE BY THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING LAND USE CHAPTER 30, BULKHEADS

PUBLIC HEARING – CANCELLED

ORDINANCE-FIRST (INTRODUCTION) READING BY TITLE-

2023-11 AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF OCEAN. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY

| COUNCILMEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|--------|---------|------|------|---------|--------|
| AMARANTE | X | | X | | | |
| BATCHA | | | X | | | |
| BENZ | | | X | | | |
| CELENTANO | | X | X | | | |
| CONTI | | | | | | X |
| NELSON | | | X | | | |
| | | VOTE | 5 | | | |
| MAYOR WHITE-TIE BREAKER | | | | | | |
| CONSENT AGENDA | YES | NO X | | | | |

Once ordinances have been introduced by the governing body, they will be posted to the website within two business days. You may also email boroclerk@mantoloking.org for a copy. To access the ordinances on the website you will need to do so from your computer. The mobile app is limited, therefore, does not provide all the data and functionality that the desktop version does. Click on the Mayor and Council tab at the top of the webpage. Once the page has loaded, you will see items listed on the left side panel. Select Public Hearings Scheduled (the next meeting date will be listed).

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.

Councilman Amarante commented on the Emergency Vehicle Authorization.

- Issue with new vehicles and computer chip shortages
- We ordered two vehicles last year, one which just went into service a Tahoe and the other one was an Explorer hybrid which we ordered on September 6, 2022. That vehicle is still on order it has no production date scheduled yet.
- Other situation that has occurred is because they are producing less vehicles, the manufacturers are severely eliminating the amount of fleet vehicles that they are building because they make less money on fleet vehicles.

- The understanding is that there will be an ability to place an order for 2024 vehicles sometime in late September or early October. This vehicle will not be produced or get here before the end of this year. It will be funded in next year's budget.

RESOLUTIONS

- 23-114 Authorizing Acceptance of the Report of the Municipal Finance Officer
 23-115 Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on Municibid Online Government Auction Website
 23-116 Authorizing an Emergency to Purchase a Police Vehicle
 23-117 Authorizing the Preparation of Bid Specifications for Downer Avenue Pump Station Connection

RESOLUTION NO. 23-114

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.

| COUNCILMEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|----------|--------|------|------|---------|--------|
| AMARANTE | X | | X | | | |
| BATCHA | | | X | | | |
| BENZ | | X | X | | | |
| CELENTANO | | | X | | | |
| CONTI | | | | | | X |
| NELSON | | | X | | | |
| | | VOTE | 5 | | | |
| MAYOR WHITE-TIE BREAKER | | | | | | |
| CONSENT AGENDA | YES X | NO | | | | |

RESOLUTION 23-115

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON MUNICIBID ONLINE GOVERNMENT AUCTIONS WEBSITE

WHEREAS, the Borough of Mantoloking has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Mantoloking intends to utilize the online auction services of Municibid Online Government Auctions at www.municibid.com; and

WHEREAS, The online bidding period will open on October 2, 2023 and termination will begin at 2:00 p.m. EST on October 6, 2023; and

WHEREAS, The Borough reserves the right to reject any bid or all bids if deemed to be in the best interest of the Borough; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9,

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 Borough, is hereby authorized to sell the surplus personal property as indicated on Schedule A on the online auction website entitled www.municibid.com

2. The Borough reserves the right to reject any bid or all bids if deemed to be in the best interest of the Borough.

Schedule A:

2013 Chevrolet Silverado 3GCPKPEA3DG130214

2015 Chevrolet Caprice 6G3NS5U21FL140626

| COUNCILMEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|----------|--------|------|------|---------|--------|
| AMARANTE | X | | X | | | |
| BATCHA | | | X | | | |
| BENZ | | X | X | | | |
| CELENTANO | | | X | | | |
| CONTI | | | | | | X |
| NELSON | | | X | | | |
| | | VOTE | 5 | | | |
| MAYOR WHITE-TIE BREAKER | | | | | | |
| CONSENT AGENDA | YES X | NO | | | | |

RESOLUTION 23-116

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY RESOLUTION IN ACCORDANCE WITH NJSA 40A:4-48 FOR THE PURCHASE OF POLICE VEHICLES

WHEREAS, an emergency has arisen with respect to additional funds being required to fund the purchase of police vehicles due to production delays and limited availability of vehicles previously ordered and police needs; and adequate provision was not made in the 2023 budget for the aforesaid purposes, and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purposes mentioned above; and,

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$75,000.00 and three (3) percent of the total operating appropriations in the budget for 2023 is \$200,298.81; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2023.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-48;

1. An emergency appropriation is hereby made for the following:
Purchase of Police Vehicles - \$75,000.00
2. That said emergency appropriation shall be provided for in full in the 2024 budget.
3. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Governmental Services.

| COUNCILMEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|--------|--------|------|------|---------|--------|
| AMARANTE | X | | X | | | |
| BATCHA | | | X | | | |
| BENZ | | X | X | | | |
| CELENTANO | | | X | | | |
| CONTI | | | | | | X |
| NELSON | | | X | | | |
| | | VOTE | 5 | | | |
| MAYOR WHITE-TIE BREAKER | | | | | | |
| CONSENT | YES | NO | | | | |
| AGENDA | X | | | | | |

RESOLUTION NO. 23-117

**RESOLUTION OF THE BOROUGH OF
MANTOLOKING, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING THE PREPARATION
OF BID SPECIFICATIONS FOR THE BAY AVENUE
AND ARNOLD STREET IMPROVEMENTS PROJECT,
CONTRACT NO. 2023-1**

WHEREAS, the Borough will be rehabilitating the existing roadway surface for a section of Bay Avenue and for Arnold Street along with a proposed new municipal storm sewer interconnection to the NJDOT storm sewer infrastructure within Downer Avenue in the Borough of Mantoloking under Contract No. 2023-1; and

WHEREAS, since the estimated construction costs for the Bay Avenue and Arnold Street Improvements project, Contract No. 2023-1, exceeds \$17,500.00, the project must be publicly bid in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, specifically N.J.S.A. 40A:11-21; and

WHEREAS, it is the desire of the governing body to advertise for and receive bids for the proposed roadway and storm sewer improvements under Contract No. 2023-1 and further to authorize the Borough Engineer to prepare the Contract Documents, including the bid specifications and construction drawings, for the receipt of bids for same.

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 does hereby authorize the preparation of Contract Documents and the subsequent receipt of bids for the proposed roadway and storm sewer improvements under Contract No. 2023-1 to be performed by the Borough Engineer and/or other appropriate Borough personnel. The Borough shall determine the time, date, and place for the receipt of said bids.

2. That the Borough Engineer and/or other appropriate Borough personnel are hereby authorized to prepare the Contract Documents, including the bid specifications and construction drawings, for the Bay Avenue and Arnold Street Improvements project.

3. That a notice to bidders shall be published in regard to the receipt of bids for
Contract No. 2023-1 in accordance with the specifications prepared by the Borough Engineer.

4. That a certified copy of this resolution shall be forwarded to the Chief

Financial Officer, Borough Administrator, and the Borough Engineer.

| COUNCILMEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|----------|--------|------|------|---------|--------|
| AMARANTE | X | | X | | | |
| BATCHA | | | X | | | |
| BENZ | | X | X | | | |
| CELENTANO | | | X | | | |
| CONTI | | | | | | X |
| NELSON | | | X | | | |
| | | VOTE | 5 | | | |
| MAYOR WHITE-TIE BREAKER | | | | | | |
| CONSENT AGENDA | YES X | NO | | | | |

RESOLUTIONS TO BE VOTED ON SEPARATELY- none

BILL LIST

23-118 Authorizing the payment of bills

RESOLUTION NO. 23-118

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 \$156,024.91 with the recommendation they be paid, and
- A list of bills in the amount of \$149,563.28 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.

| COUNCILMEMBER | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|-------------------------|----------|---------|------|------|---------|--------|
| AMARANTE | X | | X | | | |
| BATCHA | | | X | | | |
| BENZ | | | X | | | |
| CELENTANO | | X | X | | | |
| CONTI | | | | | | X |
| NELSON | | | X | | | |
| | | VOTE | 5 | | | |
| MAYOR WHITE-TIE BREAKER | | | | | | |
| CONSENT AGENDA | YES X | NO X | | | | |

COUNCIL REPORTS

Administration-Chairwoman Barbara Benz

- Recodification has taken up a great deal of time over last several months, coming to fruition.
- Records management progress has slowed down. 5 more boxes have been gone through verifying what is in them, verifying that it is listed on the online data base, so we can go forward and destroy these boxes as appropriate
- Working on professional services RFP's. On schedule for a resolution in October introducing those RFP's.
- Environmental Commission -we do have another showing of Drift planning. Drift is Save Barnegat Bay's 50th anniversary film Friday, October 20th at the Mantoloking Yacht Club. This is an important film. This is open to the community.
- Beach clean-up with Clean Ocean Action schedule for Saturday, October 21st. Meets at Lyman Street.

Finance-Chairman Anthony Amarante

- Preparing to start the 2024 budget
- 2023 budget- Doing well and is on pace expense wise in most categories. The only revenue item we are little bit short on is construction fees.
- Once we get bids out for Downer Avenue Pump Station, we will discuss how we will finance this project.
- Audit review with outside auditors. Everything look good. We introduced our budget early last year and we fully intend to do this again this year.

Land Use-Chairman Brad Batcha

- Council President Nelson has been a major part of this committee. He has handled all the flood work, and he put in so much work and accomplished a lot on the Land Use Committee, specifically with the Flood Mitigation efforts. This is his last meeting here. We wish him well and thank him for all his efforts. We all appreciated it.

Public Safety-Chairman Doug Nelson

- We made it through another summer. This is a compliment to all the police force and everybody that supports them.
- We had no major accidents, no major incidents on the beach. This has to do with so much of your leadership Chief Ferris and also by having a really great lifeguard crew out there and people that care. Congratulations on another season.

Public Works-Chairman Joseph Celentano

- Tree wrapping clarification from Darrin Terrizzi, Code Enforcement Officer - Brick allows individual trees to be wrapped only. 6' maximum height. They pose a safety risk to the public. When trees are wrapped together, it becomes an issue.

- Incredible job of breaking down of the beach, completed with lifeguard chairs, portable bathrooms, walkways. They have done an exceptional job this summer, especially being shorthanded.
- October operations will begin soon which involves cleaning the catch basins. Please be cognizant they will be working on narrow streets please slow down.
- November 3rd, Dune Grass will be happening through Public Works.
- Scott Hulse hoping BTMUA can schedule us for October to do the sewer cleaning up on 35 past Herbert Street to Lyman.

Recreation-Chairman John Conti – No Report- Absent

MAYOR , COUNCIL AND ADMINISTRATOR COMMENT

Council President Nelson

- Made parting comments: bittersweet moment for him
- Associated with Mantoloking for 73 years
- His grandfather was a Councilman in the 1950's
- Since 2008 a number of Nelson's involved in local politics
- Betsey Nelson has 13 years on Planning Board
- Chris Nelson came post Sandy. He did a great deal for the town.
- Highlights on Council:

1. We got a Business Administrator. This has helped this town move into the future

2. Really proud of the flooding projects. Looking forward to seeing what happens with the pump station. If it works, we set a precedent for the whole barrier island

One of his biggest accomplishments is learning how to operate in the public environment. It is slow and tedious and necessary and he also learned patience. A great pleasure to work with great people, who are absolutely dedicated to this town. Council members your devotion and commitment is amazing.

Mayor White, never seen a man more dedicated and involved. The town owes him more than he can express. We support him and thank you for supporting us.
Residents, we support you and thank you for supporting us, and understanding what we go through here trying to get things done.

Get involved early and often. It will help the town and council to do a better job.

Councilman Amarante

Councilman Nelson headed important initiatives in the past few years. He has always been the moderating and steadying factor that has created consensus and allowed us to move forward. Will miss your humor, leadership, and guidance.

Councilman Amarante read Mayor White's comments.

Councilman Nelson served on several committees over the years, including Land Use, Department of Public Works, and Public Safety. It is the issue of back bay flooding that took the majority of your efforts over the last two years. This is an issue that affects everyone who lives in the barrier island towns. You , as Councilman and Council President worked tirelessly in many ways to help to mitigate this problem. Betsey served on the

Planning board and Board of Adjustment for many years and this also takes tremendous effort and time. We wish you the very best in your Bay Head. You will be missed. Thank you for your efforts in Mantoloking for so many years.

Councilman Amarante presented Council President Doug Nelson with an award.

PUBLIC COMMENT

J.O. Bay Avenue: Happy to hear about the pause on the bulkhead ordinance and creating a task force. She encourages the task force to think about other methods to tackle flood mitigation in this town – look at having people raise their grade.

L.O. Bay Avenue: Councilman Nelson when we presented the Floor Mitigation Report, you were the first person to say excellent job and I will take it from here. This was so helpful at the time because we needed someone to carry the ball forward. Since then, we are on our way. Bay Head looking into applying the same application that we did to apply to the DOT to tie into their pump station. We try to lead the way. Enjoyed working with you. You provided a lot of guidance and counsel and mediation and it worked we got to where we needed to go in many areas. Thank you for that leadership.

L.O. Bay Avenue: Thought we had approved funding for the tie in project. Councilman Amarante responded we did, it is just a matter of exactly how we will raise the money.

NEXT MEETING October 17, 2023 at 5:30 p.m. in the Steve Gillingham Meeting Room

ADJOURNMENT

There being no further business for the meeting, it was motioned by Councilman Celentano, seconded by Councilman Amarante and approved by unanimous voice vote at 6:18 p.m. to adjourn the meeting.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk