

DRAFT NO. 1 – 3/22/2017

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES - REGULAR BUSINESS COUNCIL MEETING**

**March 21, 2017**  
**Mantoloking Yacht Club**  
**1224 Bay Avenue**  
**Mantoloking, New Jersey**

The Regular Business Council monthly meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** Councilman Gillingham called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Councilman Gillingham 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:**

<b><u>COUNCIL</u></b>	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	<b><u>LATE</u></b>	<b><u>DIAL -IN</u></b>
Council President White				X
Councilman Gillingham	X			
Councilman Laymon	X			
Councilman Nelson	X			
Councilwoman O'Mealia	X			
Councilman Rzemieniewski	X			
Mayor George C. Nebel		X		
<b><u>ALSO PRESENT</u></b>				
Beverley A. Konopada, Borough Clerk	X			
Edwin J. O'Malley, Jr. Borough Attorney	X			
Lynne Hazelet, Deputy Clerk	X			
April Yezzi, CFO, CTC, QPA		X		
Chief Stacy Ferris	X			

4. **PLEDGE OF ALLEGIANCE:** Councilman Gillingham led the assembly in the Pledge of Allegiance.

5. **RESOLUTION NO. 03/21/2017-01: MINUTES OF PREVIOUS MEETINGS**

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

Agenda setting Pre-Council Meeting, February 14, 2017  
Regular Council Business Meeting, February 21, 2017

Councilman Laymon moved to approve the minutes as distributed. The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote.

6. **PRIVILEGE OF THE FLOOR:** Councilman Gillingham opened the meeting for public comment and questions about the agenda.

Helen Henderson and Julie Shumacher from the American Littoral Society presented a brief information session regarding healthy coasts and ocean programs, sand mining, storm water improvement projects and education programs relating to habitat restoration.

CAM Trust clarification. Councilman Gillingham provided a synopsis regarding the Agreement. Prosecutor's Office Shared Services Agreement and related costs to the borough

7. **MUNICIPAL SERVICES COMMITTEE,** Councilman Gillingham presented the monthly report of the Construction Official and Land Use Officer.

Superintendent Larry Gilman presented the monthly report for the Public Works Department.

Beth Nelson, Co-Chairwoman of the Borough Hall Building Committee presented the monthly building report. She advised that the delay in construction was due to high tension wires meeting OSHA and other standards for safety requirements, concrete and chloride contamination on site.

Councilman Rzemieniewski requested that the Borough Attorney be involved to provide legal advice with the current building issues. He was advised that the Borough Attorney is actively involved.

Councilman Gillingham moved the following resolution. The motion was seconded by Councilman Laymon and approved by unanimous voice vote.

A. **RESOLUTION NO. 03/21/2017-02: INTRODUCTION & PUBLIC HEARING ON APPLICATION FOR CDBG BLOCK GRANT**

**RESOLVED**, the mayor and council approves application for a 2017 Community Development Block Grant (CDBG) to retrofit the existing Mantoloking Firehouse, located at 202 Downer Avenue, with an American with Disabilities Act (ADA) compliant stair lift to assist with current and future municipal demands for public meeting locations. Specifically:

**ADA Compliance Stair Lift**

**Cost Estimate: \$30,000.00**, and be it

**FURTHER RESOLVED** the mayor and council now conduct a **public hearing** and invite citizens and agencies/organizations to comment on the proposed CDBG application which will constitute the first public hearing required by CDBG program rules, and be it

**FURTHER RESOLVED**, a second public hearing be conducted and approval of the application be considered at the regularly scheduled meeting of April 25, 2017.

Councilwoman O'Mealia had a question regarding funding the project prior to the Borough being reimbursed. She advised that the grant would need to be included in the budget. Councilman Gillingham explained that municipal surplus would be used in smaller projects.

Councilman Gillingham moved to approve the following resolution. The motion was seconded by Councilman Chris Nelson and approved by unanimous voice vote.

**B. RESOLUTION NO. 03/21/2017-03: PROVIDING FOR AWARD OF BAY AVENUE AND CARPENTER LANE IMPROVEMENTS (CONTRACT 2017-1) TO SEACOAST CONSTRUCTION, INC.**

**WHEREAS**, the Borough has received three (3) bids for performance of the above described Contract; and

**WHEREAS**, the bid of Seacoast Construction, Inc., the sum of \$291,348.25, is the lowest responsive and compliant bid submitted; and

**WHEREAS**, award of the Contract to Seacoast Construction, Inc. has been recommended by the Borough Engineer, Mott McDonald (Larry Plevier, P. E.); and

**WHEREAS**, the Borough Attorney has reviewed the bid documents and has determined that the bid of Seacoast Construction, Inc., is in compliance with bid requirements and applicable law; and

**WHEREAS**, the Borough has received Grant program awards from the New Jersey Department of Transportation, as follows:

**Grant Program    Fiscal Year    Allocation    Scope of Work Bid Items in Contract No. 2017**

Municipal Aid	FY 2012	\$ 27,000.00	Outfall Replacement	Supplemental Bid A
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Municipal Aid	FY2016	\$200,000.00	Roadway Improvements	Base Bid
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**WHEREAS**, Grant funds may not be utilized for reimbursement for cost of traffic control provided by off-duty police officers or for soil erosion and sediment control; and

**WHEREAS**, a Certificate of Funds Availability has been filed; and



**WHEREAS**, award of the Contract is subject to review and approval by the NJDOT, as to compliance with terms and conditions of the Grant.

**IT IS NOW, THEREFORE**, this 21st day of March, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of Seacoast Construction, Inc. is the lowest responsive and compliant bid;
2. The Contract is awarded to Seacoast Construction, Inc. subject to:
  - a. NJDOT approval as to Grant compliance;
  - b. Contractor's compliance with post award submittals in conformance with bid requirements, as determined by counsel for the Borough;
3. The Mayor and Clerk are authorized to execute the Contract on behalf of the Borough of Mantoloking;
4. The bid surety of the unsuccessful bidders shall be released upon mutual execution of the Contract between the Borough and Seacoast Construction, Inc.

Councilman Gillingham moved to approve the following resolution. The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote.

**C. RESOLUTION NO. 03/21/2017-04: PROVIDING FOR APPROVAL OF SETTLEMENT AGREEMENT CAM TRUST**

**WHEREAS**, CAM Trust appealed from the denial of its variance application by the Mantoloking Planning Board; and

**WHEREAS**, all aspects of the appeal have been resolved by settlement as memorialized in the Settlement Agreement and Release, which has been approved by the Planning Board. See Resolution No.: 2017-001 and the Settlement Agreement and Release attached; and

**WHEREAS**, CAM Trust, by counsel, has accepted the terms of settlement, subject only to approval of the Borough Council; and

**WHEREAS**, the Settlement Agreement and Release have been approved, as to form, by the Borough Attorney; and

**WHEREAS**, it is the desire of the Borough to conclude all aspects of the litigation by and in accordance with the terms of the Settlement Agreement and Release.

**IT IS NOW, THEREFORE**, this 21st day of March, 2017 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mayor (or Acting Mayor) is requested and authorized to sign the Settlement Agreement and Release.
2. Fully executed duplicate originals of the Settlement Agreement and Release shall be exchanged forthwith.

3. The Settlement Agreement and Release and the Planning Board Resolution are incorporated by reference as to substantive components of this Resolution.

Councilman Gillingham moved to approve the following resolution. The motion was seconded by Councilman Nelson and approved by unanimous voice vote.

**D. RESOLUTION NO. 03/21/2017-05: INTRODUCTION TO ORDINANCE NO. 661 COMCAST FRANCHISE AGREEMENT**

<b>Sponsored by:</b>	Council President White
<b>Date Introduced:</b>	March 21, 2017
<b>Adoption:</b>	April 25, 2017
<b>Synopsis:</b>	Renewal of Comcast Franchise Agreement to operate and maintain Cable Television and Communication in the Borough of Mantoloking.

**ORDINANCE NO. 661**

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

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The Borough hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Borough" is the Borough of Mantoloking, County of Ocean, State of New Jersey.



- b. “Company” or “Comcast” is the grantee of rights under this Ordinance and is known as Comcast of Ocean.
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. “FCC” is the Federal Communications Commission.
- e. “Board” or “BPU” is the Board of Public Utilities, State of New Jersey.
- f. “Office” or “OCTV” is the Office of Cable Television of the Board.
- g. “Basic Cable Service” means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. “Application” is the Company’s Application for Renewal of Municipal Consent.
- i. “Primary Service Area” or “PSA” consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company’s Application for Municipal Consent.

#### SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the Borough, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Borough, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company’s operating and construction arrangements are adequate and feasible.

#### SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board as provided by N.J.S.A. § 48:5A-19 and 25, and N.J.A.C. § 14:18-13.6.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

#### SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough or

any higher amount permitted by the Act or otherwise allowable by law, whichever is greater. The current franchise fee amount for the Borough is 3.5% of the gross revenues pursuant to NJSA 48:5A-30(d)

#### SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

#### SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 25 dwellings per linear mile from the nearest active trunk or feeder line.

#### SECTION 8. CONSTRUCTION REQUIREMENTS.

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company prior to approval of the board.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.
- d. Temporary removal of cables: The Company shall, upon request of the Borough, at the company's expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.
- e. Installation of equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

#### SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Borough upon written request of the Borough Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and



regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (“NCTA”).

d. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

#### SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

#### SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

#### SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

#### SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

#### SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.

b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost to one (1) outlet to each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough.

c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time Technology Grant in the amount of \$3,500.00 to meet the technology and/or cable related needs of the community.



d. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

#### SECTION 15. EMERGENCY USES.

a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

#### SECTION 16. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

#### SECTION 17. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

#### SECTION 18. COMPETITIVE EQUITY.

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

#### SECTION 19. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

#### SECTION 20. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 21. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Councilman Rzemieniewski advised that the Borough should be negotiating with Comcast to provide us a number of outlets in each of our municipal buildings.

8. **FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved the following resolutions. The motion was seconded by Councilman Laymon and approved by unanimous voice vote.

A. **RESOLUTION NO. 03/21/2017-06: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2017 temporary Municipal budget as of January 31, 2017; and

**WHEREAS**, that report indicates the following status as of that date:

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2017 TEMPORARY BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2017 Temporary Budget		1,455,384.00	267,947.99	34,751.07	1,152,684.94
2016 Appropriation Reserve	5,789,080.20	501,386.73	59,233.68	71,108.60	371,044.45
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	297,639.01	0.00	59,745.09	237,893.92
Subtotal Sandy Emergency		297,639.01	0.00	59,745.09	237,893.92
Capital		7,195,713.10	196,698.38	0.00	6,999,014.72

B. **RESOLUTION NO. 03/21/2017-07: PAYMENT OF BILLS**

**WHEREAS**, the municipal finance officer has presented

- A list of bills in the amount of \$143,793.79 with the recommendation they be paid, and
- A list of bills in the amount of \$160,010.29 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.

**C. RESOLUTION NO. 03/21/2017-08: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS # 2**

**WHEREAS**, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$2,047,209.83.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Mantoloking, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2017 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

**BE IT FURTHER RESOLVED** that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&amp;W</u>	<u>OE</u>
Municipal Clerk	\$40,000.00	
Finance	\$30,000.00	\$ 5,000.00
Tax Assessor	\$ 5,000.00	
Planning	\$10,000.00	
Construction	\$15,000.00	
Road Repair	\$30,000.00	\$ 10,000.00
Court	\$10,000.00	
Police	\$75,000.00	\$ 15,000.00
Buildings & Grounds		\$ 10,000.00
Ocean County Utilities Authority		\$ 10,000.00
Group Health Insurance		\$ 60,000.00
Fire Hydrants		\$ 7,500.00
Note Interest		\$ 76,885.83
<b>TOTAL</b>	<b>\$ 215,000.00</b>	<b>\$194,385.83</b>
<b>GRAND TOTAL</b>	<b>\$ 409,385.83</b>	

9. **PUBLIC SAFETY COMMITTEE**, Councilman Laymon presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following resolutions. The motion was seconded by Councilman Nelson and approved by unanimous voice vote.

A. **RESOLUTION NO. 03/21/2017-09 : OFFICIAL PERSONNEL DESIGNATION**

**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
Ricky R. Braen	SLEO II	April 1, 2017	\$15.00 per hour

B. **RESOLUTION NO. 03/21/2017-10: IN SUPPORT OF SPECIAL OLYMPICS NEW JERSEY AND THE JERSEY SHORE RUNNING CLUB “JERSEY SHORE RELAY”**

**WHEREAS**, Special Olympics New Jersey and the Jersey Shore running Club have requested permission to utilize roadways in the Borough in conjunction with the “Jersey Shore Relay”, on Saturday, April 22, 2017; and

**WHEREAS**, the Mayor and Council wish to endorse and support Special Olympics New Jersey and the Jersey Shore Running Club Jersey Shore Relay; and

**IT IS NOW, THEREFORE**, this 21st day of March, 2017,

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize East Avenue as part of the “Jersey Shore Relay”, 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 Special Olympics New Jersey and the Jersey Shore running Club, Attention: Joe Freeman, Race Logistics Coordinator.
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

C. **RESOLUTION NO. 03/21/2017-11: PROVIDING FOR PARTICIPATION IN SHARED SERVICE AGREEMENT WITH THE COUNTY OF OCEAN SPECIAL OFFENDERS UNIT**

**WHEREAS**, it is the desire of the governing body to cooperate with the Ocean County Prosecutor, pursuant to the terms of the annexed Shared Service Agreement whereby an officer (Member of the Department) will participate one (1) day per week, in the Special Offenders Unit; and

**WHEREAS**, the compensation for such salary and overtime duty will be paid by the Borough; and

**WHEREAS**, the term of the Agreement is one (1) year and may be terminated upon written notice, by either party; and

**WHEREAS**, the proposed Agreement has been reviewed, at to form, by counsel.

**IT IS NOW, THEREFORE**, this 21st day of March, 2017 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:



1. The Borough shall participate in the Shared Service Agreement, attached;
2. The Mayor (or Acting Mayor) may execute the Agreement on behalf of the Borough.

**10. DUNE & BEACH COMMITTEE:** Councilman Nelson presented the reports of the Dune & Beach Committee and Ocean County Block Grant Program.

Starting June 30<sup>th</sup> 2017 (mobilization begins 2 weeks before)

Weekly construction meetings and web updates- see: Mantoloking Borough Website.

Using Cutter Head Dredge – a stationary barge that continuously pumps sand from sand borrow site through pipeline and onto the beach.

Pipe from Borrow site scheduled to land at Downer (Working with Contractor /DEP/ USACE to move to alternative site).

North of Downer to be completed first then to the South.

Pipe buried under Berm and as project moves, pipe removed.

100-200 feet per day (1000 feet project work zone)

Work will be 24 hours a day

Beach access points to be built shortly after project is completed in front of the particular access points (Hard Structure points may take longer (Eg: ADA/vehicle access points).

Two adjacent crossovers cannot be worked on at the same time. Crossovers must be completed within 14 days of the completed beach fill template.

Beach will be “overbuilt” because of initial erosion

Scheduled for re-nourishment every four years

Beach tapered at project start/end. They will come back and refill as other areas begin.

Dune Planting scheduled for the Fall of 2017.

**Things to Consider:**

Beach will be a work in progress this summer

Access points will be closed at certain times

Caution should be used at all times (ex: pipe may be exposed)

Beach front owners will have a short window to remove/re-install/build dune decks – more info to follow

Be supportive of the project and implementation team.

**11. ENVIRONMENTAL COMMITTEE** Councilwoman O’Mealia stated no report of the Environmental Committee.

In reference to the brief information session provided by Helen Henderson and Julie Shumacher, Councilwoman O’Mealia praised the American Littoral Society for the excellent work they do.

Committees are open to the public. All interested parties wishing to join a committee should contact Councilwoman O’Mealia or Councilman Nelson.

Meeting schedule for all critical committees to be determined and a resolution memorializing the schedule to be drafted.

**12. MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski stated no report of the Municipal Relations Committee

Councilman Rzemieniewski requested that a Property Maintenance Ordinance be prepared.  
A motion was made for the Borough Attorney to draft an Ordinance.  
The motion was seconded by Councilman Nelson and approved by unanimous voice vote.  
Councilman Gillingham advised a study is needed for a potential form of an ordinance.  
Appointment of a Part-Time Code Enforcement Officer  
Garbage cans with no tops are attracting animals

**13. MAYOR AND COUNCIL COMMENTS**

No comments we made

**14. PUBLIC COMMENTS PERIOD**

The Borough needs to monitor contractors closely- garbage being left on various work sites  
Fences needed by Herbert Street to keep sand back from the sidewalk  
Concerns regarding home by Lyman not being remediated since the storm and possibly subject to mold

**15. NEXT MEETING:**

Agenda Setting Pre-Council Meeting, April 18, 2017 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

**16. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilman Nelson to adjourn. The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote at 6:38 p.m.

Respectfully submitted,



Beverley A. Konopada  
Borough Clerk