

DRAFT NO. 1 – 09/21/2016

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING

September 20, 2016
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

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

1. **CALL TO ORDER:** Mayor George C. Nebel called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. Nebel 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 George C. Nebel, Council President Ann Elizabeth Nelson, Councilmen Steve Gillingham, Chis Nelson and Lance White

Absent: Councilman Alan Laymon

Also Present: Beverley Konopada, Borough Clerk, Edwin J. O'Malley, Jr., Borough Attorney

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.

5. **RESOLUTION NO. 09/20/2016-01: MINUTES OF PREVIOUS MEETINGS**

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

Regular Council Meeting August 16, 2016

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

6. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel opened the meeting for public comment and questions about the agenda.

Grant question was referred to the Public Hearing section of the meeting.

Determination of salary increase for non-contractual employees -performance driven or across the the board.

7. **PUBLIC WORKS COMMITTEE,** Councilwoman Nelson presented the reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moved the following resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote. Councilman White abstained from voting on his own appointment (resolution B), however, voted on all other items.

A. **RESOLUTION NO. 09/20/2016-02: APPOINTMENT OF PERSONNEL**

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

Name	Position	Effective Date	Salary
Stuart Safeer	Deputy Electrical Sub-Code Official	September 20, 2016	\$35.00 per hour

B. **RESOLUTION NO. 09/20/2016-03: APPOINTMENT OF SUB-COMMITTEE MEMBER**

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

Name	Committee	Effective Date
E. Laurence White	Utility Services	September 20, 2016

C. **RESOLUTION NO. 09/20/2016-04: PROVIDING FOR THE ENGAGEMENT OF ACOUSTICAL CONSULTANT FOR THE BOROUGH HALL PROJECT**

WHEREAS, it is deemed to be in the public interest for the Borough to engage a qualified acoustical consultant in conjunction with the project; and

WHEREAS, Ostergaard Acoustical Associates has been identified as qualified and is willing to provide such services; and

WHEREAS, Ostergaard Acoustical Associates has submitted a comprehensive proposal for Mechanical Sound Emissions Evaluation services dated August 1, 2016, in the amount of \$4,500.00; and

WHEREAS, Daniel Lynch, R.A. of BLDG Architecture, LLC has recommended the engagement of Ostergaard Acoustical Associates to provide a Mechanical Sound Emissions Evaluation; and

WHEREAS, it is the desire of the Borough to minimize any potentially adverse impact upon neighboring property as a result of the operation of mechanical facilities; and

WHEREAS, residents potentially impacted have raised concerns regarding noise; and

WHEREAS, Daniel Lynch, R.A. of BLDG Architecture, LLC, has suggested the engagement of an acoustical consultant to provide enhanced technical guidance; and

WHEREAS, proposals for such specialized services have been obtained; and

WHEREAS, a Certificate of Funds Availability is on file.

IT IS NOW, THEREFORE, this 20th day of September, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The Borough shall engage Ostergaard Acoustical Associates to provide a Mechanical Sound Emissions Evaluation, subject to and in accordance with the services proposal dated August 1, 2016, for the sum of \$4,500.00.
2. This Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a).
2. The Contract shall be executed by the Mayor and Council upon approval of counsel as to form.

D. RESOLUTION NO. 09/20/2016-05: PROVIDING FOR SALE OF SURPLUS MUNICIPAL PERSONAL PROPERTY VIA ONLINE AUCTION – MUNICIBID

WHEREAS, it has been demonstrated by experience of other entities that sale of surplus municipal public property by utilization of online auction has yielded significantly greater returns than traditional methods; and

WHEREAS, three (3) proposals were received and the proposal of Municibid is the lowest; and

WHEREAS, it appears that Municibid is experienced and has been successful in the delivery of services necessary to facilitate and implement reliance upon the internet sale of surplus property; and

WHEREAS, the services are such that the contract may be awarded without competitive bidding.

IT IS NOW, THEREFORE, this 20th day of September, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The proposal of Municibid is hereby accepted.

2. The Mayor and Clerk are authorized to execute the Contract for Online Auction with Municibid, subject to approval of counsel as to form.

**E. RESOLUTION NO. 09/20/2016-06 : INTRODUCTION OF ORDINANCE NO. 660
AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING, LAND USE REGULATIONS**

Councilwoman Nelson moved to approve the following Ordinance. The motion was seconded by Councilman Gillingham.

Sponsored by: Councilwoman Beth Nelson
Date Introduced: September 20, 2016
Public Hearing: October 18, 2016
& Adoption: Land use changes
Synopsis:

ORDINANCE NO. 660

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
MANTOLOKING, LAND USE REGULATIONS**

is hereby introduced, by title only, First Reading. The Ordinance will be considered for final adoption following publication and a public hearing, on Tuesday, October 18, 2016, at 5:30 p.m.

BE IT ORDAINED as follows:

1. Appendix B - Bulk Standards (Zoning Chart), is hereby amended as follows:

Delete: ~~Second Floor Habitable Area to First Floor Habitable Area~~

Ratio.

~~-6See Land Use Ordinance for definition of Footprint Area.~~

Insert: Second Habitable Floor to First Habitable Floor Ratio.

2. Article 30-2.2 – Definitions, Accessory is hereby amended as follows:

(i) Delete: ~~ACCESSORY BUILDING—A building or structure subordinate to and customarily incidental to the principal building or structure on the same lot. Where an~~

~~accessory building is attached to the principal building by a habitable area, the accessory building shall be considered a part of the principal building. A habitable area shall be a fully enclosed space with a roof, sides and floor; a mere enclosed passageway shall not constitute a habitable area. Accessory buildings in "V" zone areas as defined on the Borough's Flood Insurance Rate Map (FIRM), with the exception of garages, may be constructed below the Base Flood Elevation provided that they meet FEMA Technical Bulletin 5-93. Garages shall also be defined as accessory structures and when constructed in a "V" zone, shall comply with guidelines established in FEMA Technical Bulletin 9-99.~~

Insert: ACCESSORY DETACHED BUILDING – A building or structure subordinate to and customarily incidental to the principal building or structure on the same lot. Where an accessory building is attached to the principal building ~~by a habitable area~~, the accessory building shall be considered a part of the principal building. ~~A habitable area shall be a fully enclosed space with a roof, sides and floor; a mere enclosed passageway shall not constitute a habitable area.~~ The detached structure may not become attached to the principal dwelling unless it conforms to the principal building setbacks and coverage requirements. Accessory buildings in "V" zone areas as defined on the Borough's Flood Insurance Rate Map (FIRM), with the exception of garages, may be constructed below the Base Flood Elevation provided that they meet FEMA Technical Bulletin 5-93. Garages shall also be defined as accessory structures and when constructed in a "V" zone, shall comply with guidelines established in FEMA Technical Bulletin 9-99.

(ii) Delete: ~~FOOTPRINT AREA~~—~~The area of a building and attached structures, measured at the first floor level, whether with or without walls or a roof.~~

(iii) Delete: ~~HABITABLE AREA~~—A fully enclosed space with a roof, floor and sides; a mere enclosed passageway shall not constitute a habitable area. Habitable area does not include garage, dedicated laundry and equipment rooms for heating, air conditioning, and pool filters or heaters. Cellars shall not be constructed or utilized for habitation.

(iv) Add: HABITABLE FLOOR Habitable Floor- A floor of the dwelling that is code compliant at the time of construction. It could include living space, mechanical spaces or rooms, elevators, laundry rooms, hallways and the like. A covered porch is included as part of the habitable floor. Open uncovered decks, exterior stairs, and exterior landings are not included in the Habitable Floor calculations. If parking is not integrated underneath the first habitable floor, an attached garage must be two (2) stories tall for it to be considered part of the first habitable floor. The second story of an attached garage may be utilized for habitation.

(v) Delete: ~~LOT COVERAGE, TOTAL~~—The maximum lot area which may be covered by buildings, structure, areas under roofs, awnings or eaves, decks, swimming pools, or impervious areas. The total lot coverage for all lots in all zones is forty-five (45%) percent. See subsection 30-6.7, Lot Area, and subsection 30-6.8c for calculation of total lot coverage in all zones.

Insert: LOT IMPERVIOUS COVERAGE, TOTAL – The maximum lot area which may be covered by buildings, ~~structure~~, structures areas under roofs, awnings (as defined in Section 30:6.8b.1(d) above) or eaves, decks, swimming pools, or impervious areas. The total ~~lot~~ impervious coverage for all lots in all zones is forty-five (45%) percent. See subsection 30-6.7, Lot Area, and subsection 30-6.8c for calculation of total ~~lot~~ impervious coverage in all zones.

(vi) Add: PARTIAL DESTRUCTION The demolition or destruction of a structure (regardless of whether the act was intentional or inadvertent) which results in no less than two (2) complete walls and a foundation remaining.

(vii) Add: PORCH A structure that is attached to a building and extends from the walls of the dwelling. It may be enclosed, but must have a roof and/or ceiling and floor.

(vii) Delete: ~~TOTAL LOT COVERAGE~~—See Lot Coverage, Total.

Insert: TOTAL LOT COVERAGE Total Lot Impervious Coverage – See Lot Impervious Coverage, total.

3. Article 30-4.10, Swimming Pools, is hereby amended as follows:

Delete: g. Pools shall not be included in the calculation of lot coverage. Total lot coverage including the pool may not exceed forty-five (45%) percent of the total lot area. See subsection 30-6.8.

Insert: g. Pools shall not be included in the calculation of lot coverage. Total lot impervious coverage including the pool may not exceed forty-five (45%) percent of the total lot area. See subsection 30-6.8

4. Article 30-6.8, Lot Coverage, is hereby amended as follows:

Delete: e. ~~Total Impervious Lot Coverage for All Zones.~~ In all events, the maximum lot area which may be covered by buildings, structures, areas under roofs, awnings or eaves, decks, swimming pools, or impervious areas shall be forty-five (45%) percent. This requirement shall apply to all lots in all zones within the Borough.

The total lot coverage percentage for all elements included in lot coverage under paragraph b., 1, (a) through (f) shall be added to the total percentage of lot coverage attributable to the eighty (80%) percent of areas covered by pavers [as set forth in paragraph b., 2] as well as elements excluded from lot coverage under paragraph b., 3(a)

and (b) [i.e., decks which are more than eight (8) inches above existing grade and swimming pools]. The combined total may not exceed forty-five (45%) percent.

Insert: c. *Total Impervious ~~Lot~~ Impervious Coverage for All Zones.* In all events, the maximum lot area which may be covered by buildings, structures, areas under roofs, awnings or eaves, decks, swimming pools, or impervious areas shall be forty-five (45%) percent. This requirement shall apply to all lots in all zones within the Borough.

The total ~~lot~~ impervious coverage percentage for all elements included in lot coverage under paragraph b., 1, (a) through (f) shall be added to the total percentage of lot coverage attributable to the eighty (80%) percent of areas covered by pavers [as set forth in paragraph b., 2] as well as elements excluded from lot coverage under paragraph b., 3(a) and (b) [i.e., decks which are more than eight (8) inches above existing grade and swimming pools]. The combined total may not exceed forty-five (45%) percent.

5. All provisions of Chapter XXX not specifically amended hereby shall remain in full force and effect.
6. This Ordinance shall be effective upon final adoption.

ROLL CALL VOTE:

Ayes: Council President Ann Elizabeth Nelson
Councilman Steve Gillingham
Councilman Chris Nelson
Councilman E. Laurence White

Nays: None

Absent: Councilman Alan Laymon

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

A. RESOLUTION NO. 09/20/2016-07 : ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2016 temporary Municipal budget as of July 31, 2016; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2016 ADOPTED BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2016 Adopted Budget		5,789,080.20	2,356,269.19	124,141.09	3,308,669.92
2015 Appropriation Reserve	5,683,083.23	384,922.49	83,636.57	50,317.71	250,968.21
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	834,812.90	118,875.87	25,574.14	690,362.89
Subtotal Sandy Emergency		834,812.90	118,875.87	25,574.14	690,362.89
Capital		7,522,809.40	0.00	1,032,357.68	6,490,451.72

B. RESOLUTION NO. 09/20/2016-08 : PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$192,545.42 with the recommendation they be paid, and
- A list of bills in the amount of \$458,855.64 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. 09/20/2016-09 : ESTABLISHMENT OF EMPLOYEE SALARIES FOR 2016

WHEREAS, the Mayor has recommended annual salaries for Borough employees for 2016, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following schedule of salaries for 2016:

2016 REGULAR EMPLOYEES

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Boettger, Elizabeth	Court Administrator	19,289.00
	Court Call Out Incidents (3HR. Minimum)	20.00/HR
Burdge, Kelly	Administrative Assistant (Police Department)	46,350.00
DalCorso, Gary	Tax Assessor/Tax Appeal Agent	14,950.00
Dillon, Barbara Woolley-	Zoning & Land Use Official	26,790.00
Morgano, Todd J.	Construction Official/Acting Building Sub-code Official 20 Hours Per Week	40,000.00
Gilman, Laurence	Public Works Manager	80,000.00
Hazelet, Lynne	Deputy Borough Clerk/Deputy Registrar	42,476.00
	Recording Sec-Council Meeting	40.00/SESSION
Hulse, Paul Scott	Public Works Laborer	59,926.00
Konopada, Beverly	Municipal Clerk Assessment Search Officer Public Agency Compliance Officer Insurance Commissioner Archives and Records Manager Contract Administrator Registrar of Vital Statics	85,000.00
Grogan, Lauren	Administrative Assistant	42,000.00

Malvasio, Colleen	Administrative Assistant/TACO	40,721.00
	Planning Bd Recording Sec (3HR MIN)	25.00/HR
Piszar, Ronald	Fire Subcode Official 2 Hours a Week	4,728.00
	Add'l Hours Paid Hourly	\$35.00/HR
Yezzi, April	Chief Financial Officer Tax Collector Qualified Purchasing Agent	78,795.00
Wills, Charles	Fire Official	3,682.00

2016 PART TIME/ SEASONAL EMPLOYEES

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Applegate, Douglas	Deputy Construction Official	35.00/HR
	Deputy Building Inspector	35.00/HR
	Deputy Building Sub-code Inspector	35.00/HR
Liguori, James A.	Magistrate	1,287.50/Court Session
Grenley, Stephen	Electrical Subcode Official	35.00/HR
Safeer, Stuart	Deputy Electrical Subcode Official	35.00/HR
Smith, Pat	Administrative Assistant	25.00/HR
Lackey, William A.	Public Works Laborer	30.00/HR
Newton, Lisa	Deputy Court Administrator	15.00/HR
	Court Call-Outs (3hrs Min)	15.00/HR
	Court Violations Clerk	100.00/Court Session
Loftus, Scott	Assistant to Zoning & Construction Official	15.00/HR
Purves, Glen	Plumbing Subcode Official	35.00/HR

D. RESOLUTION NO. 09/20/2016-10 : ACCEPTING THE 2015 MUNICIPAL AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and,

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

And,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

As evidenced by the group affidavit form of the governing body (original attached), and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and,

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Mantoloking, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

E. RESOLUTION NO. 09/20/2016-11: ADOPTING CORRECTIVE ACTION PLAN IN RESPONSE TO AUDIT, AS OF 12/31/2015 FINDINGS

WHEREAS, the audit of the Borough’s financial records for the period ending December 31, 2015, included four (5) “findings” concerning:

1. All interfund balances at year end should be liquidated.
2. All non-cash financial transactions and adjustments should be recorded in the general ledgers prior to year end.
3. All current year appropriations should be proven to the general ledger and reconciled to subsidiary records on a timely basis.
4. The general ledgers must be maintained on a current and timely basis.
5. All monthly dog license reports must be reconciled to the amounts deposited in the Borough's Animal Control Fund.

WHEREAS, the Borough is obliged to adopt a Corrective Plan in response to said findings.

IT IS NOW, THEREFORE, this 20th day of September, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the attached Corrective Action Plan dated September 19, 2016 (copy attached) is hereby adopted.

F. RESOLUTION NO. 09/20/2016-12: APPROVING APPLICATION FOR NON-FEDERAL COST SHARES GRANT (10% MATCHING FUNDS) \$873,184.00

WHEREAS, the Borough of Mantoloking, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$873,184.00, for funding Non-Federal Cost Shares (10% Matching Funds)

BE IT, THEREFORE, RESOLVED:

1. that the Borough of Mantoloking does hereby authorize the application for such a grant; and,
2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the Agreement between the Borough of Mantoloking and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

George C. Nebel, Mayor

April Yezzi, C.F.O.

G. RESOLUTION NO. 09/20/2016-13 : APPROVAL TO RELEASE COMP TIME FOR BOROUGH POLICE SARGEANT

WHEREAS, Jon Meyer, Borough Police Sargeant, has accrued comp time, and has requested payment for 100.00 hours of said comp hours, and;

WHEREAS, it is the desire of Mayor and Council to now pay Police Sargeant Meyer for these benefits in lieu of the continued accrual thereof; and

WHEREAS, funds are available for this purpose, the Mayor and Council authorizes the Chief Financial Officer to pay these 100.00 hours of accrued comp time at the hourly rate of \$52.47 for a total payment of \$5,247.00;

IT IS NOW, THEREFORE, this 20th day of September, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That Borough Police Sargeant shall, forthwith, be compensated for his accrued comp time, 100.00 hours at the gross rate of \$52.47 per hour for a total payment of \$5,247.00.
2. As of the date of the adoption of this resolution and following payment recited above, the remaining comp time available to Borough Police Sargeant is 133.00 hours.

H. PUBLIC HEARING ORDINANCE: Mayor George C. Nebel opened the meeting to the public on Ordinance No. 658.

RESOLUTION NO. 09/20/2016-14 : ADOPTION OF ORDINANCE 658 BOND ORDINANCE FOR CAPITAL IMPROVEMENTS

Councilman Gillingham moved to approve the following Ordinance. The motion was seconded by Councilwoman Nelson.

WHEREAS, On the 20th day of September, 2016 a Public Hearing on Ordinance No. 658 was held and ,now, therefor be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following ordinance:

Sponsored by: Councilman Steve Gillingham
Date Introduced: August 16, 2016
Public Hearing: September 20, 2016
& Adoption: Providing for various capital improvements
Synopsis:

Proposed Ordinance No. 658, entitled
“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$489,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$275,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF”

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$489,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$275,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$489,500, including a \$200,000 budget appropriation for the purpose in Section 3(a) (the "Budget Appropriation") and further including the aggregate sum of \$14,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made from the Capital Improvement Fund.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the Budget Appropriation, negotiable bonds are hereby authorized to be issued in the principal amount of \$275,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Bay Avenue Flood Mitigation improvements, including all work and materials necessary therefor and incidental thereto.	\$281,000 (includes the \$200,000 Budget Appropriation)	\$77,000	15 years
b) The acquisition of sport utility vehicles for the Police Department, including all related costs and expenditures incidental thereto.	\$45,000	\$42,750	5 years
c) Radio equipment upgrades for the Police Department, including all related costs and expenditures incidental therefor and further including all work and materials necessary therefor and incidental thereto.	\$35,000	\$33,250	10 years
d) The acquisition of a dump truck for the Department of Public Works, including all related costs and expenditures incidental thereto.	\$80,000	\$76,000	5 years
e) Groundwater contamination remediation at the Department of Public Works Yard, including all work and materials necessary			

therefor and incidental thereto.		<u>\$48,500</u>		<u>\$46,000</u>		15 years
TOTAL:		<u>\$489,500</u>		<u>\$275,000</u>		

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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. 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. 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 improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all 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 benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.07 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 \$275,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$73,425 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 purposes or improvements.

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 or improvements described in Section 3 of

this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or 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 real 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.

ROLL CALL VOTE:

Ayes: Council President Ann Elizabeth Nelson
Councilman Steve Gillingham
Councilman Chris Nelson
Councilman E. Laurence White

Nays: None

Absent: Councilman Alan Laymon

- I. PUBLIC HEARING ORDINANCE:** Mayor George C. Nebel opened the meeting to the public on Ordinance No. 659. One question was asked regarding the Beach Reserve Fund as to whether the money has been spent.

Councilman Gillingham moved to approve the following Ordinance. The motion was seconded by Councilwoman Nelson.

RESOLUTION NO. 09/20/2016-15: ADOPTION OF ORDINANCE NO. 659
APPROPRIATING \$200,000.00 FROM THE RESERVE FOR BEACH REPLENISHMENT
FOR BEACH PROTECTION IMPROVEMENTS

WHEREAS, On the 20th day of September, 2016 a Public Hearing on Ordinance No. 659 was held and ,now, therefor be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following ordinance:

Sponsored by: Councilman Steve Gillingham

Date Introduced: August 16, 2016

Public Hearing/Adoption: September 20, 2016

Synopsis: Appropriating \$200,000.00 from the reserve for beach replenishment for beach protection

ORDINANCE NO. 659
APPROPRIATING \$200,000 FROM THE RESERVE FOR
BEACH REPLENISHMENT FOR BEACH PROTECTION
IMPROVEMENTS IN AND BY THE BOROUGH OF
MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY.

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

Section 1. The Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough"), hereby appropriates \$200,000 from the Reserve for Beach Replenishment within the Borough Capital Fund for beach protection improvements, including, but not limited to, sand and engineering, appraisal and survey services, and all related costs and expenditures incidental thereto, including \$200,000 anticipated to be reimbursed by the State of New Jersey.

Section 2. 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 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 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

ROLL CALL VOTE:

Ayes: Council President Ann Elizabeth Nelson
Councilman Steve Gillingham
Councilman Chris Nelson
Councilman E. Laurence White

Nays: None

Absent: Councilman Alan Laymon

9. **PUBLIC SAFETY COMMITTEE**, Councilwoman Nelson stated that the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management are attached.

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

Army Corp Replenishment Project will go out to bid in Mid-October.
Discussion regarding holdout and property acquisition was discussed

11. **MUNICIPAL SERVICES COMMITTEE**, Councilman White stated no report of the Municipal Services Committee.

12. **MANTOLOKING COMMITTEE** - Councilman Laymon was absent. No report of the Mantoloking Committee.

13. **MAYOR AND COUNCIL COMMENTS**

Council President Nelson announced that Mayor Nebel would be signing the contract for the new Borough Hall in front of the residents present at the meeting.

14. **PUBLIC COMMENTS PERIOD**

Safety concerns:

- Cars driving the wrong way on East Avenue
- Children not wearing helmets
- Residents failing to clean up after their dogs
- Beach and safety precautions
- Fire Siren volume
- More signage needed on East Avenue
- Billboard boat

Councilman Nelson moved to approve a resolution in support of a resident request for Project Graduation. The following resolution was drafted to be included in the minutes. The motion was seconded by Councilman White and approved by unanimous voice vote.

**RESOLUTION NO. 09/20/2016-16: IN SUPPORT OF POINT PLEASANT BEACH
PROJECT GRADUATION 2016 TOWN-WIDE GARAGE SALE SATURDAY, OCTOBER
22, 2016- RAIN DATE SUNDAY, OCTOBER 23, 2016**

WHEREAS, resident Denise Boughton requested the Mayor and Council support a Town-Wide Garage Sale in support of Point Pleasant Beach Project Graduation 2016.

WHEREAS, the Project Graduation Committee has requested that the Borough waive the required fees for Mantoloking participants.

WHEREAS, a \$20.00 donation will be made by participating Mantoloking households to support Project Graduation 2016.

IT IS NOW, THEREFORE, this 20th day of September, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, to support Project Graduation 2016.

15. EXECUTIVE SESSION

RESOLUTION: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Councilwoman Nelson motioned to go into closed session at 6:15 p.m. The motion was seconded by Councilman Nelson and approved by unanimous voice vote.

WHEREAS, the Open Public Meetings Act, N.J.S.A.10: 4-11, permits municipal governing bodies to meet in closed session to discuss certain matters, now, therefore be it **RESOLVED**, the Mayor and Council adjourns to closed session to discuss:

- a collective bargaining agreement and/or negotiations related to it

FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.

16. OPEN SESSION

Councilman Nelson motioned to go back into open session as required. The motion was seconded by Councilman White and approved by unanimous voice vote.

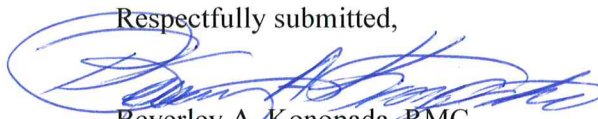
17. NEXT MEETING:

Regular Council Meeting, Tuesday, October 18, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

18. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Nelson to adjourn. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote at 7:41 p.m.

Respectfully submitted,



Beverley A. Konopada, RMC
Borough Clerk