



BOROUGH COUNCIL MEETING MINUTES

Tuesday, December 19, 2023

5:30 p.m.

CAUCUS

CALL TO ORDER Mayor White 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: Mayor White, Councilman Amarante, Councilman Batcha, Councilwoman Benz, Councilman Celentano, Councilman Conti, Councilman Donaldson

Dialed in: none

Absent: Borough Administrator, Brett Radi

Also Present: Beverley A. Konopada, Borough Clerk, Lynne Hazelet, Deputy Clerk, Borough Attorney Jean Cipriani

- Discussion Item: Recodification

Borough Attorney Cipriani

- There are no floodways in the Borough of Mantoloking, this provision in the ordinance does not apply to Mantoloking.
- FEMA Standards and Local agency is the NJDEP.
- New Jersey NJDEP statutes do govern us. Minimum standards promulgated by the department, the model ordinance falls into that category NJSA 58:16A-62.
- If we do not adopt these, DEP may adopt them for us, this would require application and approval directly from the DEP for all permits and activities within the municipality.
- The model ordinance does not require a permit for minor work.
- FEMA and NJDEP goal is to get people to raise their homes.
- Strong recommendation that you adopt in the form required by the DEP.
- If we don't move ahead, that would put our eligibility for federal flood insurance at risk

PUBLIC COMMENT- On agenda items only

J.O., Bay Ave.

- Current cost of recodification. It exceeded the what was budgeted
- Status of the appointment of the Flood Mitigation Task Force. Mayor advised it would be formed this week.

ADJOURN CAUCUS: Motion: Councilwoman Benz, Second: Councilman Amarante, All In Favor: Aye

REGULAR BUSINESS MEETING

CALL TO ORDER Mayor White called the meeting to order at 6:10 p.m.

MEETING STATEMENT- In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.

ROLL CALL

Present: Mayor White, Councilman Amarante, Councilman Batcha, Councilwoman Benz, Councilman Celentano, Councilman Conti, Councilman Donaldson

Dialed in: none

Absent: Borough Administrator, Brett Radi

Also Present: Beverley A. Konopada, Borough Clerk, Lynne Hazelet, Deputy Clerk, Borough Attorney Jean Cipriani

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT- On agenda items only- No comments were made

APPROVAL OF THE MINUTES

RESOLUTION NO. 23-143

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 November 13, 2023

COUNCILMEMBER	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
AMARANTE			X			
BATCHA			X			
BENZ	X		X			
CELENTANO		X	X			
CONTI			X			
DODNALDSON			X			
		VOTE	6			
MAYOR WHITE-TIE BREAKER						
CONSENT AGENDA	YES	NO				
		X				

ORDINANCE- ADOPTION - SECOND READING BY TITLE AND PUBLIC HEARING- The Mayor will open the floor for comments on Ordinance 2023-13

2023-13 **AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND ARTICLE II OF CHAPTER 25 ENTITLED “PROPERTY MAINTENANCE” SO AS TO ADD A PROVISION REGARDING TEMPORARY SEASONAL PROTECTION OF TREES**

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

SECTION 1. The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 25, entitled Property Maintenance,” so as to retitle Article II, entitled “Grass and Weeds” as “Grass, Weeds, Trees and Shrubs.”

SECTION 2. The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Article II, of Chapter 25 so as to create section 25-2.1, entitled, “Temporary Seasonal Protection of Trees and Shrubs,” which shall read in its entirety as follows:

25-2.1 Temporary Seasonal Protection of Trees and Shrubs.

To protect trees from deleterious weather conditions between November 15th and March 31st of the following year, protective wrapping or a protective barrier may be placed around trees and shrubs.

- A. Protective wrapping shall be of natural or synthetic burlap securely fastened by rope and/or staples or screws. Trees and shrubs may be wrapped individually or in groups.
- B. Protective barriers shall be constructed of dune fencing, wooden posts and burlap securely fastened. Protective barriers may reach a maximum height of 12 feet above ground level. Any dune fencing portion of a protective barrier is permitted only to a maximum height of 8 feet above ground level. Any portion of the protective barrier between 8 feet and 12 feet shall be solely of natural or synthetic burlap.
- C. All protective wrapping and barriers must be consistently maintained as to ensure all wrapping, posts and bracing is fully secured.
- D. No protective wrapping or protective barrier is permitted between April 1st and November 14th of any calendar year.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

Motion: Councilwoman Benz
Second: Councilman Amarante
Roll Call Vote: All Ayes

PUBLIC HEARING- Mayor White opened the floor for comments on Ordinance 2023-13
No comments were made.

CONSENT AGENDA

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

RESOLUTIONS

- 23-144 Authorizing Acceptance of the Report of the Municipal Finance Officer
- 23-145 Transferring Current Appropriations 2023- #2
- 23-146 Authorizing a Shared Service Agreement Between The Borough of Mantoloking and Township of Freehold for Information Technology Services
- 23-147 Authorizing the Appointment of Tyler Decker as Public Works Laborer
- 23-148 Authorizing an Application for Membership to The Mantoloking Fire Company No. 1
- 23-149 Authorizing the Approval and Execution of the First Amendment to Option II Seasonal Solid Waste and Recyclable Materials Collection Disposal Services Between the Borough of Mantoloking and Republic Services of New Jersey, LLC.
- 23-150 Authorizing the Donation of a 1934 Ford Fire Truck having VIN Number BB1811195521 to Foster Voorhees
- 23-151 Authorizing the Borough of Mantoloking Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Mantoloking Police Department to Request and Acquire Excess Department of Defense Equipment

RESOLUTION NO. 23-144

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

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

“SEE ATTACHED REPORT”

COUNCILMEMBER	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
AMARANTE	X		X			
BATCHA			X			
BENZ			X			
CELENTANO		X	X			
CONTI			X			
DODNALDSON			X			
		VOTE	6			
MAYOR WHITE-TIE BREAKER						
CONSENT AGENDA	YES X	NO				

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF JERSEY TRANSFERRING CURRENT APPROPRIATIONS 2023 - # 2

WHEREAS, N.J.S.A. 40A: 4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2023 Appropriation exists; and

WHEREAS, it is recommended that these budget transfers be made in the 2023 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2023 Municipal Budget:

<u>DEPARTMENT</u>	<u>TO</u>	<u>FROM</u>
Beach Access	SW	\$ 14,302.00
Road Repairs	SW	\$ 16,000.00
Engineering	OE	\$ 3,000.00
Road Repairs	OE	\$ 7,000.00
Sewer	OE	\$ 5,000.00
Audit	OE	\$ 2,298.00
Social Security	OE	\$ 1,500.00
Legal	OE	\$ 25,000.00
Municipal Clerk	SW	\$ 25.00
Finance	SW	\$ 25.00
Tax Collection	SW	\$ 25.00
Tax Assessor	SW	\$ 25.00
Utilities	OE	\$ 1,000.00
Shared Services – Freehold IT	OE	\$ 500.00
Beach Access – Beach Vehicle	OE	\$18,500.00
Beach Access – Lifeguard Equip.	OE	\$ 1,000.00
TOTAL		\$ 47,600.00
		\$ 47,600.00

COUNCILMEMBER	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
AMARANTE	X		X			
BATCHA			X			
BENZ			X			
CELENTANO		X	X			
CONTI			X			
DODNALDSON			X			
		VOTE	6			
MAYOR WHITE-TIE BREAKER						
CONSENT AGENDA	YES X	NO				

RESOLUTION NO. 23-146

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND TOWNSHIP OF FREEHOLD FOR INFORMATION TECHNOLOGY SERVICES

WHEREAS, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes the Borough of Mantoloking to enter into a contract for the provision of certain governmental services with the Township of Freehold; and

WHEREAS, N.J.S.A. 40A:65-5 requires that such a contract be authorized by resolution; and

WHEREAS, the Borough of Mantoloking and the Township of Freehold desire to formally join together and share the Township’s information technology services; and

WHEREAS, the Township of Freehold has the skill and ability to provide information technology services for the Borough of Mantoloking; and

WHEREAS, it is the desire of the governing body to authorize the execution of a Shared Services Agreement with the Township of Freehold for Information Technology Services.

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 execution of a Shared Services Agreement with the Township of Freehold, in accordance with the terms of said agreement attached hereto and made a part hereof as Schedule A. The form of said agreement is subject to the approval of the Borough Attorney.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to the Shared Services Agreement, and any other documents necessary to effectuate the terms of this resolution.
3. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Borough Clerk’s Office during normal business hours.
4. That a certified copy of this resolution, together with a copy of the agreement, shall be forwarded to the Township Administrator of the Township of Freehold.

COUNCILMEMBER	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
AMARANTE	X		X			
BATCHA			X			
BENZ			X			
CELENTANO		X	X			
CONTI			X			
DODNALDSON			X			
		VOTE	6			
MAYOR WHITE-TIE BREAKER						
CONSENT AGENDA	YES X	NO				

RESOLUTION NO. 23-147

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF TYLER DECKER AS PUBLIC WORKS LABORER

WHEREAS, there exists a need for a Public Works Laborer in the Department of Public Works; and

WHEREAS, the Borough received resumes from qualified candidates and conducted interviews; and

WHEREAS, the Borough Administrator and the Public Works Supervisor recommend the appointment of Tyler Decker; and

WHEREAS, it is the desire of the governing body to appoint Tyler Decker to serve as the Public Works Laborer in the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

1. That the governing body hereby appoints Tyler Decker to the position of Public Works Laborer at an annual salary of \$ 50,000.00 effective January 8, 2024 and will not be eligible for an annual salary increase until Jan 1, 2025.
2. That Tyler Decker is eligible for all benefits and paid time off as stated in the Borough of Mantoloking Personnel Policies and Procedures Manual.
3. Terms of said employment are subject to the successful completion of a drug test and background check.
4. That a certified copy of this resolution shall be forwarded to the Business Administrator, Chief Financial Officer and Tyler Decker.

COUNCILMEMBER	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
AMARANTE	X		X			
BATCHA			X			
BENZ			X			
CELENTANO		X	X			
CONTI			X			
DODNALDSON			X			
		VOTE	6			
MAYOR WHITE-TIE BREAKER						
CONSENT AGENDA	YES X	NO				

RESOLUTION NO. 23-148

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN APPLICATION FOR MEMBERSHIP TO THE MANTOLOKING FIRE COMPANY NO. 1

WHEREAS, Tyler Decker has applied for membership in the Mantoloking Fire Company No. 1; and

WHEREAS, the fire company has approved the application; and

WHEREAS, pursuant to the provisions of the By-Laws of the Mantoloking Fire Company No. 1, all applications are also subject to approval of Council.

IT IS NOW, THEREFORE, this 19th day of December, 2023, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Tyler Decker is hereby approved, subject to receipt of satisfactory physical examination report.

COUNCILMEMBER	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
AMARANTE	X		X			
BATCHA			X			
BENZ			X			
CELENTANO		X	X			
CONTI			X			
DODNALDSON			X			
		VOTE	6			
MAYOR WHITE-TIE BREAKER						
CONSENT AGENDA	YES X	NO				

RESOLUTION NO. 23 –149

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE APPROVAL AND EXECUTION OF THE FIRST AMENDMENT TO OPTION II SEASONAL SOLID WASTE AND RECYCLABLE MATERIALS COLLECTION DISPOSAL SERVICES BETWEEN THE BOROUGH OF MANTOLOKING AND REPUBLIC SERVICES OF NEW JERSEY, LLC, D/B/A MARPAL DISPOSAL.

WHEREAS, the Borough of Mantoloking entered a SERVICE AGREEMENT (hereinafter “Agreement”) with Republic Services of New Jersey, LLC., d/b/a/ Marpal Disposal to provide Option II Sesonal Solid Waste and Recyclable Materials Collection Disposal Service to the Borough in accordance with the Contract; and

WHEREAS, the Agreement recited the terms as two (2) years commencing on October 1, 2020, with an option to renew for two (2) additional one-year periods; however, the terms of the Agreement did not mirror the Bid Specifications, which stated that the term of Agreement shall be two (2) years, with an option to renew for three (3) years additional one-year periods; and

WHEREAS, the Borough and Republic Services of New Jersey, LLC., is desirous of entering into an Amendment to modify the terms of the underlying Agreement to mirror the Borough of Mantoloking Solid Waste and Recyclable Materials Collection and Disposal Service Uniform Bid Specifications; and

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

1. That the governing body does hereby authorize and approve the Mayor and Borough Clerk to execute the First Amendment to the Agreement- for Option II Seasonal Solid Waste and Recyclable Materials Collection Disposal Services for the Borough of Mantoloking.

2. That a certified copy of this resolution, together with a copy of the application, shall be forwarded to the Borough Municipal Clerk and Republic Services of New Jersey, LLC.

COUNCILMEMBER	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
AMARANTE	X		X			
BATCHA			X			
BENZ			X			
CELENTANO		X	X			
CONTI			X			
DODNALDSON			X			
		VOTE	6			
MAYOR WHITE-TIE BREAKER						
CONSENT AGENDA	YES X	NO				

BILL LIST

23-152 Authorizing the payment of bills

RESOLUTION NO. 23-152

**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 \$196,332.50 with the recommendation they be paid, and
- A list of bills in the amount of \$2,727,958.06 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			
DODNALDSON			X			
		VOTE	6			
MAYOR WHITE-TIE BREAKER						
CONSENT AGENDA	YES X	NO				

COUNCIL REPORTS

Administration-Chairwoman Barbara Benz

- The Recodification Team had two Town Hall meeting regarding the recodification of the borough code.
- Meetings were very productive
- Residents are satisfied that their comments have been heard. A number of changes are being made to chapters that were discussed.
- Believe to be ready for introduction in January. Prior to that all of finalized chapters will be available on the website along with index and summary of changes. Redlined word doc versions of those chapters will also be provided with Trac changes turned on so residents can clearly see the differential between what was posted in September and October respectively versus what is being introduced in January.
- Appointments for 13 RFP's are ready for the January Reorganization Meeting

Authorized contracts:

- Waste disposal-Republic Services. This year the borough is paying \$190,549.00 which is only a 3.5% increase. Other town's costs have skyrocketed in this area. The borough is very fortunate with the contact. The borough will be faced with some tough decisions relative to backdoor pickup once the contract has expired.
- Shared Service Agreement with Freehold for IT services is going very well. The governing body has authorized another year contract for basic and network support in the amount of \$21,120.00

Finance-Chairman Anthony Amarante

- Update on the Bay Avenue project – Thanks to Larry Plevier and April Yezzi's diligence, the borough has already received advanced payment on the grant in the amount of \$216,000.00 toward the project. The project is projected to start toward the end of January and final paving will likely be done in the spring.
- 2023 budget results on the positive side. It is anticipated that borough will earn \$185,000 in interest verses \$4,000 last year
- Expenses will be a lot closer to budget than in the past due to legal expense for recodification, litigation and the use of Mott MacDonald for zoning all items have increased expenses.
- Increase in contracted services and repairs for this building
- 2024 anticipating to be a difficult year to keep the budget low and the increase low as in past years.
- Positive side – anticipate having substantial interest earnings again, which the borough hasn't had in the past
- Expense side – expect litigation, finalizing codification and legal fees will be higher
- Group health insurance will increase – possibly up to 12%-17%
- Contributions to police and public employee retirement plans those numbers increase at least double digits and sometimes in the 20% range

Land Use-Chairman Brad Batcha

- Recodification meeting on Flood and Land use - made some tweaks that were helpful and necessary
- Try to add some additional changes that will benefit the borough regarding CRS (Community Rating System)

Public Safety-Chairman Joseph Celentano

- Stacy's report: November 2023 had 1,061 incidents
- Budget for the end of the year currently on track
- Big problem will be staffing for the summer help. This is an issue on the barrier island, all police departments facing the same problem
- New Ford vehicle is now being outfitted at secondary vendor, will get in mid- January

- Fire Department had a training course , Chief and Lou Carlucci went for natural gas training
- December 18th, Scott and Pat prepared municipal building for the flood barriers
- We will be proactive as we possibly can regarding police - Specials

Mayor White had a Barrier Island Mayor's Meeting in Bay Head. Specials was the topic of conversation.

Public Works-Chairman Frank Donaldson

- Scott issued a detailed report
- Scott reported that the contractor will be checking where all utilities are on Bay Avenue tomorrow and to please use the highway to go to the post office
- Took a hit on the Downer Ave walkway after the storm, lost another section of hand rail
- Flood gates all worked well
- Two new members coming in January to the Fire Department, the former Chief from point pleasant beach will be joining us, Ira, who will be the Assistant Chief, and new public works employee

Councilman Amarante commended Scott and Pat regarding the catch basins being cleaned after storms which makes a big difference.

Recreation-Chairman John Conti

- Received a single response to the RFP for lifeguard services, the same one that serviced the borough last year
- Cost increase is modest, in mind with inflation.
- One change to note – proposal contemplates new lifeguard station between Lyman and Downer
- Barbara has been championing the installation of more attractive street signs made of concrete
- Decision was made to start with one street sign outside of borough hall to see how it looks and if it is worth the expense

MAYOR , COUNCIL AND ADMINISTRATOR COMMENT

Mayor White reported that the borough is working on shared service agreements for zoning officer and construction official.

Councilman Amarante reported that the equalization rate was at 71.6% last year and it's gone down to 63.7%. Based on that and depending on what the county does with their base tax rate, we again most likely will have a short fall and keep everyone up-to-date.

We have talked about re-evaluation and whether we should be doing it sooner rather than later. We have not been ordered to do it. We just received information from the County tax board of taxation that they have taken a pause on issuing any orders for re-evaluation. Most towns are in the same boat we are and it is not feasible for all these towns to go through re-evaluations at this point.

We can choose to ask for a re-evaluation to be done. Our reasoning for thinking this may not be ideal:

1. The estimate from our assessor to do a re-evaluation is about \$150,000 that we would have to lay out.
2. We think we are at the height of the market and if we were to do a re-evaluation now, and the prices dropped we would have to go through another one.
3. Without doing one, we don't really know if everybody is paying their fair share. Right now, we are leaning toward waiting.

PUBLIC COMMENT

J.L. Barnegat Lane commented on the following:

- Town considering self- insuring
- Keep town affordable for the residents who have been here a long time

L.O. Bay Avenue

- Money paid into Arnold Ave and Bay Ave project. It was reported that the borough received 75% in advance and will receive another 25% when project completed
- Litigation and legal expenses
- Money earned and budgets - biggest situations are health insurance and pensions
- Vehicle – Lt. Popaca found an Explorer non hybrid already built and we bought it
- Shared services – Business Administrator Brett Radi and Mayor White working on this.
- Compliance with Construction Office
- Update on beach replenishment – It was reported by that this will be rebid, time to be determined.
- Nor'easters – lost some sand but made it through the storms

NEXT MEETING Reorganization Meeting Tuesday, January 2, 2024 at 5:30 p.m. in the Steve Gillingham Meeting Room.

ADJOURNMENT

There being no further business for the meeting, it was motioned by Councilwoman Benz, seconded by Councilman Celentano and approved by unanimous voice vote at 6:58 p.m. to adjourn the meeting.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk