

DRAFT NO. 1-4/17/2019    **THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES- REGULAR BUSINESS MEETING**

**April 16, 2019**  
**Mantoloking Borough Hall**  
**202 Downer Avenue**  
**Mantoloking, New Jersey**

The Regular Business Meeting of the Mayor and Council was held this day in the Mantoloking Borough Hall.

1. **CALL TO ORDER:** Mayor White called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor White 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 White, Council President Gillingham, Councilman Amarante, Councilman Batcha, Councilman Ness  
**Dialed In:** Councilman Nelson, Councilman Rzemieniewski  
**Absent:** None  
**Also Present:** Beverley A. Konopada, Borough Clerk, Robin LaBue, Borough Attorney, Lynne Hazelet, Deputy Clerk, April Yezzi, CFO, CTC, QPA, Chief Stacy Ferris

4. **PLEDGE OF ALLEGIANCE:** Mayor White led the assembly in the Pledge of Allegiance.

5. **RESOLUTION 2019-63: MINUTES OF PREVIOUS MEETINGS**

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

Council Regular Business Meeting- March 19, 2019  
Executive Session –March 19, 2019

**ROLL CALL VOTE:**

Councilman Rzemieniewski moved to approve the minutes. The motion was seconded by Councilman Amarante and approved by unanimous roll call vote.

Mayor White recognized former Mayor George Nebel in the audience.

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

No comments were made.

7. **FINANCE COMMITTEE,** Councilman Amarante presented the monthly finance report and moved the following resolutions.

**RESOLUTION NO. 2019 –64**

**RESOLUTION: THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

BOROUGH OF MANTOLOKING					
Financial Report for the Month of February 28, 2019					
<b>Status of the Budget on February 28, 2019</b>					
FUND	APPROPRIATION	CURRENT BALANCE	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2019 TEMPORARY BUDGET	\$1,673,577	\$1,673,577	\$543,152	\$91,448	\$1,038,978
2018 ADOPTED BUDGET- CURRENT	\$393,797	\$393,797	\$79,630	\$82,611	\$231,556
2018 CAPITAL FUND	\$1,950,425	\$1,950,425	\$91,591	\$508,217	\$1,350,617
SANDY EMERGENCY FUNDS	\$146,568	\$146,568	\$0	\$0	\$146,568
<b>(Subcategory of Capital Fund)</b>					
Construction-Municipal Building	\$5,312,704	\$450,631	\$0	\$139,661	\$310,970
<b>TOTAL</b>	<b>\$7,803,494</b>	<b>\$2,941,421</b>	<b>\$171,222</b>	<b>\$730,489</b>	<b>\$2,039,711</b>
<b>Receipts, Disbursements and Changes in Cash Balance During the Month of February 28, 2019</b>					
FUND	CASH BALANCE JANUARY 1, 2019	CASH BALANCE BEGINNING OF MONTH	CASH RECEIVED	CASH DISBURSED	CASH BALANCE END OF MONTH
2018 CURRENT FUND	\$2,586,920	\$1,777,733	\$1,360,727	(\$441,614)	\$2,696,845
CAPITAL FUND	\$3,321,882	\$3,249,968	\$0	(\$12,168)	\$3,237,801
ANIMAL CONTROL FUND	\$183	\$234	\$0	\$0	\$234
OTHER TRUST FUNDS	\$511,133	\$510,342	\$20,974	(\$569)	\$530,747
PAYROLL ACCOUNT	\$39,647	\$32,711	\$158,030	(\$157,588)	\$33,153
UNEMPLOYMENT ACCOUNT	\$25,533	\$25,539	\$227	\$0	\$25,766
LAW ENFORCEMENT TRUST	\$2,841	\$2,841	\$1	\$0	\$2,842
<b>TOTAL</b>	<b>\$6,488,139</b>	<b>\$5,599,368</b>	<b>\$1,539,958</b>	<b>(\$611,939)</b>	<b>\$6,527,387</b>

**RESOLUTION NO. 2019 -65**

**RESOLUTION: PAYMENT OF BILLS**

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of 1,593,797.30 with the recommendation they be paid, and

- A list of bills in the amount of \$91,959.43 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.

**RESOLUTION NO. 2019 -66**

**RESOLUTION: TO ADOPT TEMPORARY EMERGENCY APPROPRIATION #3**

**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 2019 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total **\$2,418,327.00**.

**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 2019 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	\$30,000.00	\$ 15,000.00
Finance	\$25,000.00	\$ 10,000.00
Auditing		\$ 10,000.00
Tax Assessor	\$ 5,000.00	
Planning	\$ 5,000.00	
Insurance-Liability		\$ 25,000.00
Insurance-Group Health		\$ 50,000.00
Police	\$125,000.00	\$ 25,000.00
Road Repairs	\$25,000.00	
Buildings & Grounds		\$ 20,000.00
Beach (Parks & Recreation)		\$ 10,000.00
Electricity		\$ 10,000.00
Water – Fire Hydrants		\$ 5,000.00
Telephone		\$ 7,500.00
Natural Gas		\$ 2,500.00
Ocean County Utilities Authority		\$ 50,000.00
Social Security		\$ 15,000.00
Capital Improvements—Beach Equipment		\$ 27,500.00
<b>TOTAL</b>	<b>\$ 215,000.00</b>	<b>\$282,500.00</b>

GRAND TOTAL \$ 497,500.00

**RESOLUTION NO. 2019-67**

**RESOLUTION: TO APPROVE THE BOROUGH OF MANTOLOKING BEACH REVENUE ACCOUNT**

**WHEREAS**, the Municipality BOROUGH OF MANTOLOKING has determined at a legal meeting of the governing body of the Municipality, to designate OceanFirst Bank N.A. as an approved depository for the Municipality's funds for the performance of banking transactions;

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Municipality, as follows:

**1. OPENING THE ACCOUNT:** That an account or accounts be opened (or continued and maintained) with OceanFirst Bank, titled:

BOROUGH OF MANTOLOKING BEACH under the Taxpayer Identification Number  
REVENUE ACCOUNT

(TIN) 21-6000824 and there may be deposited to its credit in one or more accounts with the Bank any monies, checks and other instruments which may come into possession of this Municipality. It is agreed that said account or accounts shall be subject to the Bank's rules and regulations as may be in effect from time to time. Any other property may be deposited with the Bank for safekeeping, custody or other purposes. Items for deposit, collection or discount may be endorsed by any person authorized to sign checks, or the endorsement thereof may be made in writing or by a facsimile signature stamp without designation of the person so endorsing.

**2. AUTHORIZED SIGNERS:** Any (specify 3 of the following Council/Committee number) Members, officers, employees or agents (use titles, not names):

MAYOR OR COUNCIL PRESIDENT AND BOROUGH CLERK OR DEPUTY BOROUGH CLERK AND CFO OR FINANCE CHAIRMAN

\_\_\_\_\_ of this Municipality is/are authorized, on behalf of this Municipality and in its name, (a) to sign checks, savings withdrawals, drafts, notes, wire transfer requests, acceptances and other instruments and orders for the payment of money or for the withdrawal or delivery of funds or other property at any time held by the Bank and to receive any thereof, and to issue instructions for the conduct of any account of this Municipality with the Bank; (b) to accept drafts, checks, any other instruments or orders, including any payable to the Bank, and to waive demand, protest, and notice of protest or dishonor of any instrument made, drawn, or endorsed by this Municipality; and (c) to endorse, negotiate, and receive, or authorize the payment of or the proceeds of any negotiable or other instruments or orders for the payment of money payable to or belonging to this Municipality; and (d) to open and have access to a safe deposit box or boxes subject to the terms and conditions specified in the applicable lease.

**3. TERMS AND CONDITIONS:**

A. The Bank may honor all such checks and other instruments for the payment or delivery of money or property when signed as authorized above, regardless of whether such action would create or increase an overdraft and regardless of amount, including any payable to the Bank or to any signer or other officer or

employee of the Municipality or to cash or bearer, and may receive the same in payment of or as security for the personal indebtedness of any signer or other officer or employee or other person to the Bank or in any transaction whether or not known to be for the personal benefit of any such person, without inquiry as to the circumstances of their issue or the disposition of their proceeds, and without liability to the Bank, and without any obligation upon the Bank to inquire whether the same be drawn or required for the Municipality's business or benefit.

B. The Bank shall be entitled to honor and charge the Municipality for all such checks, drafts or other orders regardless of by whom or by what means the facsimile signature or signature on the checks, drafts or other orders may have been affixed, if such facsimile signature or signatures resemble the facsimile specimen duly filed with the Bank by any of the named Council/Committee Members, officers, employees or agents.

**4. INSTRUCTIONS TO THE BANK:** Those persons authorized by the preceding resolution are also authorized on behalf of this Municipality to give instructions to the Bank as to the account(s) or other dealings between this Municipality and the Bank by any means including (but not limited to) telephone, telegraph, telex, audio response, fax transmission, computer or data link, electronically, orally or in writing and the Bank shall be entitled to follow such instructions without inquiry or confirmation as long as the Bank honestly believes at the time of receipt that such instructions were given by a person authorized by the preceding resolution.

**5. WIRE INSTRUCTIONS:** All wire transfer instructions must be presented in writing to the Bank by those persons authorized by this resolution. These instructions must be signed by an authorized representative(s) and specify the amount, receiving institution's name, address, ABA number and account name and number where the funds are to be deposited and any other additional information that may be necessary. The Municipality is also asked to comply with the Bank's security procedures which include (but are not limited to) a call-back procedure. Upon receipt of the signed wire instructions, a call-back at the telephone number on the Bank's records will be performed to verify the accuracy of the wire instructions. OceanFirst reserves the right to refuse a wire transfer transaction if the above requirements are not met. The Municipality further acknowledges and agrees that the above security procedures are a commercially reasonable method for providing security against unauthorized payment orders.

**6. ADDITIONAL AGREEMENTS** Those persons authorized by the foregoing are also authorized on behalf of this Municipality to enter into and execute all agreements and other documents requested by the Bank in connection with any dealings including (a) agreements for cash management services; (b) funds transfer agreements, including but not limited to wire transfers, which may incorporate the selection of security procedures and the delegation of authority to other individuals who may then initiate and/or confirm funds transfers; (c) agreements of indemnity in favor of the Bank; and (d) Night Depository Agreement(s).

**7. LIABILITY:** The Municipal Clerk or other Municipal Officer is authorized to certify to the Bank the persons now holding these offices and any changes hereafter in the persons holding these offices together with specimens of the signatures of such present and future officers, and this Municipality shall fully protect, defend, indemnify, and hold the Bank harmless from any claim, loss, cost, damage, or expense arising out of its acting on such certification.

**8. CHANGES TO RESOLUTION:** The Municipal Clerk is authorized, if the Bank shall so request, to furnish a certified copy of these resolutions to the Bank, which shall be entitled to assume conclusively that the foregoing resolutions remain in full force and effect until the Bank has received express written notice of their rescission or modification, accompanied by a copy of the

resolution effecting such rescission or modification duly certified by the Municipal Clerk of this Municipality,

**9. AUTHORIZED SIGNORS:** I FURTHER CERTIFY that the names of the persons who respectively hold the offices or positions mentioned in the foregoing resolutions and their actual signatures are as follows:

NAME	TITLE	SIGNATURE
E. LAURENCE WHITE	MAYOR	
E. STEVE GILLINGHAM	COUNCIL PRESIDENT	
BEVERLEY KONOPADA	BOROUGH CLERK	
LYNNE HAZELET	DEPUTY BOROUGH CLERK	
APRIL YEZZI	CHIEF FINANCIAL OFFICER	
ANTHONY M AMARANTE	FINANCE CHAIRMAN	

**10. TAXPAYER IDENTIFICATION NUMBER (TIN) CERTIFICATION:**

Under penalties of perjury, I certify that:

1. The number shown on this form is the Municipality's correct taxpayer identification number and
2. The Municipality is not subject to backup withholding because: (A) it is exempt from backup withholding, or (B) it has not been notified by the Internal Revenue Service that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (C) the IRS has notified the Municipality that it is no longer subject to backup withholding.

You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Municipality of BOROUGH OF MANTOLOKING at a meeting held on

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
(Seal)

**RESOLUTION NO. 2019-68:**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL OPPORTUNITY EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the Mayor and Council of the Borough of Mantoloking, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**ROLL CALL VOTE RESOLUTIONS 2019- # 64-68:**

Councilman Amarante moved the resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous roll call vote.

**INTRODUCTION OF ORDINANCE NO. 685**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ORDINANCE OF THE BOROUGH OF MANTOLOKING, FIXING AND DETERMINING SALARIES AND WAGES OF CERTAIN OFFICIALS AND EMPLOYEES SO AS TO ADD STIPEND FOR SPECIFIC BEACH DUTIES**

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

**SECTION 1.** That Section 1 of the Ordinance of the Borough of Mantoloking, Fixing and Determining Salaries and Wages of Certain Officials and Employees be amended and supplemented so as to include the following position and salary range:

Beach Duties \$3,000.00 stipend

(Advertising, staffing, scheduling, logistics, purchasing, regulatory inspections and seven-day-a-week availability or calls before 9:00 AM and between 4:00 PM and 6:30 PM)

**SECTION 2.** All ordinances or parts or ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect after second reading and publication as required by law.

**ROLL CALL VOTE:**

Councilman Amarante moved Ordinance 685. The motion was seconded by Councilman Gillingham and approved by roll call vote, Councilman Rzemieniewski abstained.

**INTRODUCTION OF ORDINANCE NO. 686**

**TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit an increase in said budget to 2.50%, or the cost of living adjustment, whichever is less, unless authorized by ordinance to increase it to 3.50% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.50% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Mayor and Council of the Borough of Mantoloking in the County of Ocean finds it advisable and necessary to increase its CY 2019 budget by up to 3.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Mayor and Council hereby determined that a 3.50% increase in the budget for said year, amounting to \$146,529.04 of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Mantoloking in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.50% amounting to \$146,529.04 and the CY 2019 municipal budget for the Borough of Mantoloking be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

**ROLL CALL VOTE:**

Councilman Amarante moved Ordinance 685. The motion was seconded by Councilman Gillingham



and approved by unanimous roll call vote.

**RESOLUTION NO. 2019-69**

**RESOLUTION: INTRODUCTION OF 2019 MUNICIPAL BUDGET**

**2019 Municipal Budget**  
of the Borough of Mantoloking, County of Ocean  
for calendar year 2019

**Revenue and Appropriation Summaries**

<u>Summary of Revenues</u>	Anticipated	
	<u>2019</u>	<u>2018</u>
1. Surplus	\$700,000.00	\$700,000.00
2. Total Miscellaneous Revenues	700,621.00	1,883,763.01
3. Receipts from Delinquent Taxes	39,000.00	60,774.00
4. Local Tax for Municipal Purposes	3,844,276.00	3,680,265.00
Total General Revenues	\$5,283,897.00	6,324,802.01

<u>Summary of Appropriations</u>	Appropriated	
	<u>2019</u>	<u>2018</u>
1. Operating Expenses: Salaries and Wages	\$2,075,790.00	\$1,996,263.00
Other Expenses	2,073,482.00	1,969,917.01
2. Deferred Charges and Statutory Expenditures	416,947.00	381,800.00
3. Capital Improvements	27,500.00	109,054.00
4. Debt Service	347,650.00	1,578,462.00
5. Judgments	40,000.00	-
6. Reserve for Uncollected Taxes	302,528.00	289,306.00
Total General Appropriations	\$5,283,897.00	\$6,324,802.01

<u>Total Number of Employees (full and part-time)</u>	87	85
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**Balance of Outstanding General Debt Obligations**

<u>General Serial Bonds -</u>	<u>2019</u>
2019 Interest due	\$162,650.00
2019 Principal due	185,000.00
Outstanding Balance at December 31, 2018	5,420,000.00

<u>Bond Anticipation Notes -</u>	
2019 Interest due	-

2019 Principal due	-
Outstanding Balance at December 31, 2018	-

Notice is hereby given that the budget and tax resolution was approved by the governing body of the Borough of Mantoloking, County of Ocean on April 16, 2019.

A hearing on the budget and tax resolution will be held at the Mantoloking Municipal Building located at 202 Downer Avenue, Mantoloking, New Jersey on May 21, 2019 at 5:30 PM at which time and place objections to the budget and tax resolution for the year 2019 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of the Municipal Clerk, located at the Mantoloking Municipal Building, 202 Downer Avenue, Mantoloking, New Jersey 08723, 732-475-6983 during the hours of 8:30 AM to 4:30 PM.

Councilman Amarante spoke about the adjustments for notes, debt service , tax levy, and a .006 tax rate.

**ROLL CALL VOTE:**

Councilman Amarante moved Resolution 2019-69. The motion was seconded by Councilman Gillingham and approved by unanimous roll call vote.

8. **PUBLIC SAFETY COMMITTEE**, Councilman Gillingham presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following resolutions.

**RESOLUTION NO. 2019-70**

**RESOLUTION: IN SUPPORT OF THE MULTIPLE SCLEROSIS SOCIETY’S NEW JERSEY METRO CHAPTER AND THE “COAST THE COAST” BIKE MS RIDE**

**WHEREAS**, the Multiple Sclerosis Society, have requested permission to pass through the Borough utilizing Barnegat Lane north, Lyman Street and Route 35 in conjunction with the “Coast the Coast” Bike MS Ride, on Saturday, May 18, 2019; and

**WHEREAS**, the Mayor and Council wish to endorse and support the Multiple Sclerosis Society New Jersey Metro Chapter and the “Coast the Coast” Bike MS Ride.

**IT IS NOW, THEREFORE**, this 16<sup>th</sup> day of April, 2019,

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

1. Have requested permission to pass through the Borough utilizing Barnegat Lane, Lyman Street and State Highway Route 35 in conjunction with the “Coast the Coast” Bike MS Ride, on Saturday, May 18, 2019; and 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 forwarded to Multiple Sclerosis Society, Attention: Michael Franken
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

**RESOLUTION NO. 2019-71**

**RESOLUTION: IN SUPPORT OF THE KATE SHEA FOUNDATION ANNUAL BAY HEAD 5 K MEMORY RUN**

**WHEREAS**, the Kate Shea Foundation, have requested permission to utilize roadways in the Borough in conjunction with the Annual Bay Head 5K Memory Run, on Saturday, May 18, 2019; and

**WHEREAS**, the Mayor and Council wish to endorse and support the Kate Shea Foundation and the Annual Head 5K Memory Run.

**IT IS NOW, THEREFORE**, this 16th day of April, 2019,

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

1. The request to utilize East Avenue, Lyman Street, and Barnegat Lane, 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 forwarded to The Kate Shea Foundation, Attention: Edward Shea Event Director
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

**RESOLUTION NO. 2019-72**

**RESOLUTION: EXECUTION OF A LEASE FOR USE OF THE LAVALLETTE MUNICIPAL COURT FACILITIES**

**WHEREAS**, there is a need for Mantoloking Municipal Court to enter into a Shared Service Agreement with Lavallette for the use of their Municipal Court facilities; and

**WHEREAS**, the Borough of Lavallette has agreed to lease their Municipal Court facilities for a term, of two (2) years, at a monthly rate of \$640.00 for 2019 and a monthly rate of \$700.00 for 2020, which includes two (2) hours for services by the Court Clerk. The agreement is subject to cancellation by either party upon 90 days' written notice. Rent will not be paid for any cancelled court sessions.

**IT IS NOW, THEREFORE**, this 16th day of April, 2019, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, hereby approves a Shared Service Agreement with the Borough of Lavallette for use of their Court facilities for a term of two (2) years.

**RESOLUTION NO. 2019-73**

**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 THE COUNTY OF OCEAN FOR POLICE SERVICES – OCEAN COUNTY PROSECUTOR'S OFFICE, SPECIAL OFFENDERS UNIT**

**WHEREAS**, the Ocean County Prosecutor’s Office, Special Offenders Unit is a program run by the Ocean County Prosecutor’s Office for the purpose of investigating and prosecuting and/or diverting cases involving particular defendants; and

**WHEREAS**, it is in best interests of the Borough to enter into a Shared Services Agreement with the County for the purposes of setting the terms and conditions regarding the assignment of police officers employed by the municipality to the program; and

**WHEREAS**, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes Local Units, as defined in the Act, to enter into a joint agreement for the provision of governmental services; and

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

**WHEREAS**, the Borough of Mantoloking desires to enter into a Shared Services Agreement with the County of Ocean for Police Services – Ocean County Prosecutor's Office, Special Offenders Unit.

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

1. That the governing body is hereby authorized to enter into a Shared Services Agreement with the County of Ocean for Police Services – Ocean Prosecutor's Office, Special Offenders Unit.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the Shared Services Agreement between the County of Ocean and the Borough of Mantoloking for Police Services – Ocean County Prosecutor's Office, Special Offenders Unit, and any other documents necessary to effectuate the terms of this resolution. Said agreement is attached hereto and incorporated herein as Schedule A.
3. That the term of the agreement shall be retroactive from April 1, 2019, and shall continue in full force and effect until January 1, 2020.
4. 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.
5. That a certified copy of this resolution, together with a copy of the agreement, shall be forwarded to the County of Ocean, the Ocean County Prosecutor’s Office, the Chief Financial Officer, and the Mantoloking Borough Police Chief.

**RESOLUTION NO. 2019-74**

**RESOLUTION: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP**

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

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Ricky Braen	SLEO II	5/1/2019	\$16.50
Timothy Kushner	SLEO II	5/1/2019	\$14.50
Brandon Kieslor	SLEO II	5/1/2019	\$14.50
Nicholas Malvasio	SLEO II	5/1/2019	\$14.00
Jake Lloyd	SLEO II	5/1/2019	\$14.00
Kerry Butler	SLEO II	5/1/2019	\$14.00
Sarah Nelson	SLEO I	5/1/2019	\$12.50

**ROLL CALL VOTE RESOLUTIONS 2019- #70-74:**

Councilman Gillingham moved the resolutions. The motion was seconded by Councilman Amarante and approved by unanimous roll call vote.

9. **DUNE & BEACH COMMITTEE**: Councilman Nelson stated no reports of the Dune & Beach Committee and Ocean County Block Grant Program and moved the following ordinance.

**INTRODUCTION OF ORDINANCE NO. 687**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 10, ENTITLED “BEACH REGULATIONS” SO AS TO ADJUST HOURS FOR CERTAIN ACTIVITIES ON BEACH**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** Section 10-5.10 of Chapter 10 of the Borough Code of the Borough of Mantoloking, entitled, “Beach Regulations” is hereby amended and supplemented so as to read in its entirety as follows:

**10-4.10 Animals.**

a. Unless otherwise permitted by this chapter, no person who owns, keeps or harbors any dog or other animal shall suffer or permit such animal upon any premises, public or private, other than those owned or occupied by such person or upon which private premises the owner shall have a right of presence, unless, leashed, and under the direct and immediate control of a responsible person.

b. No dogs or other animals shall be permitted upon Borough-owned beaches or upon beaches under Borough jurisdiction, i.e. lands below the mean highwater line; except however:

1. Leashed dogs and other animals when accompanied by a responsible person shall be permitted on beaches between May 15th and October 1st, only between sunrise and 10:00 a.m. and from **6:00** p.m. to sunset, however no dog or other animal shall be suffered or permitted to be in or upon the area known as North Lagoon (adjacent to Bergen Avenue) between May 15th and October 1st. This ban and prohibition shall and does extend to and include the entire area from the northerly edge of the street pavement to the water's edge and on the east and west by the lines formed by the extension of the bulkheads, southerly, to the points of intersection with the northern edge of pavement.

2. From October 2nd to May 14th dogs and other animals shall be permitted upon beaches and access ways unleashed, but only when under the direct and immediate control of a responsible person.

3. An owner, tenant or occupant of oceanfront property shall not be deemed in violation of the chapter, at any time, while in the act of permitting his or her dog or other animal to transit from the lot to or from the ocean abutting the upland lot. Owners, tenants or occupants of private property (beaches) shall not be required to leash their animals while on said property.

4. Dogs and other animals may be permitted to swim unleashed when under the direct and immediate control of a responsible person.

c. Notwithstanding the foregoing, no person owning, harboring, keeping or in charge of any dog or other animal upon any oceanfront lot owned or occupied by such person shall fail to remove from the beach and to dispose of in a sanitary manner, any feces deposited by any such animal.

d. Any person in charge of and accompanying a dog or other animal in the Borough except on private property owned or occupied by the owner of the animal shall have, in his or her immediate possession, a container suitable for removal of any feces which may be deposited by the animal.

**SECTION 2.** Section 10-4.18 of Chapter 10 of the Borough Code of the Borough of Mantoloking, entitled, “Beach Regulations” is hereby amended and supplemented so as to read in its entirety as follows:

**10-4.18 Other Prohibited Acts; Sleeping; Smoking.**

- a. No person shall sleep upon the beach between the hours of **6 p.m.** and 10 a.m.
- b. Smoking is not permitted on the beach or access ways.

**SECTION 3.** Section 10-5.1 of Chapter 10 of the Borough Code of the Borough of Mantoloking, entitled, “Beach Regulations” is hereby amended and supplemented so as to read in its entirety as follows:

**10-5.1 Date and Time Limitations.**

Surfing regulations shall be enforced during the same dates and times that the Borough enforces **beach** regulations regarding bathers and swimmers, i.e., from the third Saturday in June to Labor Day of each year, inclusive, between the hours of 10:00 a.m. and **6:00** p.m.

**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** 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 6.** This ordinance shall take effect after second reading and publication as required by law.

**ROLL CALL VOTE:**

Councilman Nelson moved Ordinance 687. The motion was seconded by Councilman Amarante and approved by unanimous roll call vote.

- 10. **MUNICIPAL SERVICES COMMITTEE**, Mayor White presented the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and Councilman President Gillingham and moved the following resolutions.

**RESOLUTION NO. 2019-75**

**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT**

**WITH TODD MORGANO AS CONSTRUCTION OFFICIAL PROVIDING FOR EXTENDED HOURS FOR REMAINDER OF 2019**

**WHEREAS**, pursuant to Resolution 4/26/16-03, Todd Morgano was previously appointed as Construction Official for the Borough of Mantoloking at an annual salary of \$40,000 for 20 hours of work per week; and **WHEREAS**, due to a significant rise in the number of inspections required, the Construction Official requires additional hours in order to accomplish such inspections; and

**WHEREAS**, the governing body wishes to authorize the extension of hours for the Construction Official to 24 hours per week for the remainder of 2019 at a prorated annual salary of \$54,440.24, and to authorize the execution of an Employment Agreement providing for same and establishing an hourly rate any other approved hours by the Construction Official.

**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 does hereby authorize the execution of an Employment Agreement with Todd Morgano as Construction Official which provides for 24 hours per week for the remainder of 2019 at a prorated annual salary of \$54,440.24, and establishing an hourly rate any other approved hours by the Construction Official.
2. That the Mayor and Municipal Clerk are hereby authorized to execute an attest to, respectively, an Employment Agreement with Todd Morgano, in accordance with the provisions of this resolution.
3. That a certified copy of this resolution, together with a copy of the agreement between the parties, shall be forwarded by the Borough Clerk to the Chief Financial Officer and Todd Morgano.

**RESOLUTION NO. 2019-76**

**RESOLUTION: APPOINTMENT OF PERSONNEL**

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

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Douglas Applegate	Deputy Construction Official / Building Subcode Official / Building Inspector	4/16/2019	\$35.00/hr

**ROLL CALL VOTE RESOLUTIONS 2019- #75-76:**

Councilman Gillingham moved the resolutions. The motion was seconded by Councilman Amarante and approved by unanimous roll call vote.

**PUBLIC HEARING**-Mayor White opened the floor for comments on Ordinance 684

Jim Brown, 985 Barnegat Lane, asked Mayor White to explain Ordinance 684 Public Access Signage.

**ADOPTION OF ORDINANCE NO. 684**

**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 CHAPTER 30 ENTITLED “LAND USE REGULATIONS.”**

**WHEREAS**, the New Jersey Department of Environmental Protection requires all communities that contain tidal waters to provide for public access; and  
**WHEREAS**, existing and future signage for public access is required; and  
**WHEREAS**, installation and maintenance of signage associated with Public Access locations associated with the Borough’s Municipal Public Access Plan is a requirement of N.J.A.C. 7:7-16.9(r).

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, and 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 30, entitled “Land Use Regulations,” so as to amend § 30-6.14, entitled “Signs” so as to add subsection f. which shall be entitled “Public access signs” and which shall read as follows:

f. Public Access Signs.

- i. The Chief of Police shall be responsible for the Borough’s adherence to the signage requirements of the Municipal Public Access Plan.
- ii. The Public Works Manager shall be responsible for the placement and maintenance of the public access signage.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** 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 4.** This ordinance shall take effect after second reading and publication as required by law.

**ROLL CALL VOTE:**

Councilman Gillingham moved Ordinance 684. The motion was seconded by Councilman Amarante and approved by unanimous roll call vote.

**INTRODUCTION TO ORDINANCE NO. 688**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 20, ENTITLED “SEWERS” SO AS TO UPDATE SEWER FEES**



**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** Section 20-3 of Chapter 20 of the Borough Code of the Borough of Mantoloking, entitled, “Sewers” is hereby amended and supplemented so as to read in its entirety as follows:

**20-2.3 Connection Fees and Costs.**

- a. All costs shall be borne by the owner of the premises served.
- b. The fee for connecting to the sanitary sewerage system shall be **one hundred (\$100.00)** dollars. This fee includes the fee for inspection of this connection.

**SECTION 2.** Section 20-5 of Chapter 20 of the Borough Code of the Borough of Mantoloking, entitled, “Sewers” is hereby amended and supplemented so as to read in its entirety as follows:

**20-2.5 User Rates and Charges.**

a. All owners of improved premises subject to connection and who have not connected and paid shall pay a pro rated annual sewer charge. The pro rated charge shall be due and payable from the expiration of the six (6) month period and shall be paid in full not later than seven (7) months from the announcement of availability of connection.

b. 1. There are hereby established the following annual rates and charges to be imposed by the Borough for the use and service of the sanitary sewerage system:

The minimum charge per unit shall be **two hundred twenty-five dollars and sixty cents (\$225.60)** annually. In addition to the minimum charge each user shall pay a fee of **\$9.33 (nine dollars and thirty-three cents)** per fixture for all fixtures over four (4) exclusive of the laundry facility and one (1) dishwasher.

2. The annual sewer charge based on the type of property shall be as follows: ("X" indicates one (1) unit)

	Annual <u>Rental Charge</u>
(a) Single-family dwelling, apartment unit, (an apartment unit will be deemed any living unit having cooking facilities)	1X
(b) Commercial Establishments-Retail stores	1X

- (c) Churches 1X
- (d) Yacht Clubs 1.5

3. In addition to the foregoing charges, any user who discharges toxic pollutants into the system which causes increased operations and maintenance costs shall be responsible for such increased operation and maintenance costs.

c. Each user shall be provided with an annual statement of the sewer charges. The annual sewer charges shall be due and payable on May 1st of each year and shall become delinquent unless paid on or before the expiration of the grace period allowed for payment of third quarter property taxes. Failure to timely pay the sewer charges will expose the property to a municipal lien sale. Delinquent sewer accounts shall accrue interest at the rate of twelve (12%) percent per annum.

**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.

**ROLL CALL VOTE:**

Councilman Gillingham moved Ordinance 688. The motion was seconded by Councilman Amarante and approved by unanimous roll call vote.

11. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski stated no report of the Mantoloking Relations Committee.

12. **STRATEGIC PLANNING COMMITTEE** Councilman Nelson presented the report of the Strategic Planning Committee.

Councilman Nelson advised the public that he was working with Chris Cotter and there is a draft. He provided comments to Mr. Cotter and he provided a second draft that will be circulated that at the

next council meeting.

**13. ENVIRONMENTAL COMMITTEE** Councilman Batcha presented the report of the Environmental Committee.

Councilman Batcha reported that free seedlings will be distributed this weekend and next weekend. The Environmental Committee is still looking for volunteers to help out. He advised that tomorrow there is a meeting with Republic and garbage issues will be discussed.

**14. MAYOR AND COUNCIL COMMENTS**

Mayor White advised that he approached Sandy Diehl to head the Long Range Planning Committee. This committee will be responsible for looking toward the future and to help guide the town where it needs to be in three years, five years and eight years. We need to be proactive. Mayor further explained that Sandy Diehl was happy to chair this committee and will be giving a report in May.

Beach badges will be \$75.00 until May 28<sup>th</sup>.

Councilman Amarante noticed on the police report that there is a drug box downstairs in the Borough Hall. He reported that two of our officers responded to a condo fire and helped evacuate people. They were awarded the Blue Ribbon. Councilman Amarante inquired about the daily cost for one lifeguard stand. Chief Ferris explained that the cost is \$118.00 per hour for badge checker and lifeguard, \$8,614.00 for the summer. A two seater buggy will be driving with equipment up and down the beach from 10-5. Each badge checker and lifeguard will be provided a portable radio. Police ATV will be on the beach until 8pm. From 4:30 to 8:30 pm there will be two buggies on the beach with law enforcement.

The County handles all emergencies. It is quicker to call 911.

Lyman access will have lifeguards from 10 am to 5 pm and badge checkers until 6 pm 7 days a week. Downer Avenue will have lifeguards from 10 am-6 pm, badge checkers until 6 pm, 7 days a week. Albertson Street, Saturdays and Sundays from 10 am to 5 pm  
Beach badges will be sold during the summer between the Fire House and Police Department and there will be cameras.

**15. PUBLIC COMMENTS PERIOD**

Nancy Ness, 1057 Barnegat Lane, asked what kind of trees are the seedlings.

John Tawgin, 1070 Barnegat Lane, asked a question about the budget.

**16. NEXT MEETING:**

Agenda Setting Council Meeting, May 14, 2019 at 5:30 p.m. at the Mantoloking Borough Hall, 202  
Downer Avenue, Mantoloking, NJ, 08738

**17. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilman Rzemieniewski to adjourn.  
The motion was seconded by Councilman Amarante and approved by unanimous voice vote at 5:59 p.m.

Respectfully Submitted,

Beverley A. Konopada, RMC  
Borough Clerk