

DRAFT NO. 1 (03/17/2014)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
December 17, 2013
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 with the following actions.

1. **CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.

2. **OPEN PUBLIC MEETING STATEMENT:** Mayor 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 Gillingham, Councilmen Peter R. Strohm, Robert S. McIntyre, Councilwoman Nelson
Absent: Councilmen Donald S. Ness, and James J. Brown

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Dune Consultant Dr. Stewart Farrell, Special Consultant Chris Nelson, Flood Plain Manager Robert Mainberger

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

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

RESOLUTION NO. 12/17/2013 – 01: MEMORIALIZING THE CONTRIBUTIONS AND
PUBLIC SERVICE OF
LOIS "BETSY" COLIE

DECEASED - DECEMBER 1, 2013

WHEREAS, Betsy Colie, provided volunteer and elective public service to the Borough, having been:

- A Member of the Borough Council from 1993 to 1998;
- Public Works Committee Chairwoman from 1995 to 1997, and Member 1993 and 1998;
- Recycling Coordinator from 1988 to 1998;
- Member of the Garbage and Recycling Committee from 1993 to 1998;
- Neighborhood Block Grant Representative from 1993 to 1998;
- Handicap Coordinator from 1996 to 1998;
- Member of the Planning board/Board of Adjustment, 1994;
- Municipal Alliance Committee Chairwoman in 1995 and 1996; Member 1997 and 1998;
- Mantoloking Board of Education Volunteer Board Secretary from 1977 to 1979

WHEREAS, Betsy Colie designed the Official Seal of the Borough of Mantoloking, A Barnegat Bay 15' sneakbox in a magnetic compass rose; and

WHEREAS, her generous and effective service and dedication to the well-being of the Borough, its residents and the environment were inspirational.

IT IS NOW, THEREFORE, this 17th day of December, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All of the prefatory statements above are incorporated by reference.
2. The Mayor and Council, for themselves and for all residents of the Borough, do hereby express to her family their most sincere appreciation for the volunteer public service of Lois "Betsy" Colie in the performance of the duties of her offices. Further, they extend their condolences to her family.
3. A true copy of this Resolution shall be presented to her family.

5. **PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda.
No comments were made.

6. **RESOLUTION: MINUTES OF PREVIOUS MEETINGS:**
None

7. **COMMITTEE REPORTS AND RECOMMENDATIONS:**

FINANCE COMMITTEE, COUNCILMAN STEVE GILLINGHAM

- A. Councilman Gillingham presented the monthly finance report.
- B. Action Items:

Councilman Gillingham moved the following 7 resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 12/17/2013 - 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL

FINANCE OFFICER October 31, 2013

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2013 municipal budget as of October 31, 2013; and

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

<u>ACCOUNT</u>	<u>ORIGINAL</u> <u>L</u> <u>2012</u>	<u>2013</u> <u>BUDGET</u>	<u>EXPENDED</u> <u>YEAR TO DATE</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2013 Current Yr. Appropriation		\$5,671,304.96	\$4,810,568.37	\$ 51,635.62	\$ 809,100.97
2012 Appropriation Reserves	\$4,034,728.78				
Sandy Emergency #1	2,000,000.00	\$ 440,086.77	\$ 76,318.28	\$ 1,127.13	\$ 362,641.36
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Sub-Total 5 Yr. Sandy Emer.		<u>\$6,454,059.22</u>	<u>\$4,484,864.79</u>	<u>\$ 362,319.21</u>	<u>\$1,606,875.22</u>
Total 2012 Approp Reserve		\$6,894,145.99	\$4,561,183.07	\$ 363,446.34	\$1,969,516.58
CAPITAL		\$2,119,242.74	\$ 110,25.00	\$ 0.00	\$2,008,967.74
CASH RECEIPTS		<u>REVENUE</u> <u>THIS MONTH</u>	<u>REVENUE</u> <u>YEAR TO DATE</u>		
		\$ 369,437.16	\$17,677,263.76		

now therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accept the above referenced and summarized report and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 12/17/2013 – 03: TRANSFERRING CURRENT YEAR APPROPRIATIONS #3-2013

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 2013 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2013 Municipal Budget:

<u>CURRENT ACCOUNT</u>		<u>TO</u>	<u>FROM</u>
CLERK	SW		
FINANCE	SW		
FINANCE	OE		
POLICE	OE	\$5,000.00	

TAX ASSESSOR	SW		
LEGAL	OE		
PLANNING	SW	\$1,000.00	
CONSTRUCTION	SW	3,000.00	
FIRE SUB-CODE	SW	1,000.00	
PLUMBING SUB-CODE	SW		
PUBLICS WORKS	OE	3,000.00	
HEALTH WAIVER	OE		
GROUP HEALTH	OE		
UNIFORM FIRE SAFETY	SW		
ROAD REPAIR	SW		
ROAD REPAIR	OE	3,000.00	
GARBAGE	OE		
TOTAL		\$8,000.00	\$8,000.00

RESOLUTION NO. 12/17/2013 - 04: PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$327,521.46 and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve payment of the above referenced bills and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 12/17/2013 – 05: RENEWAL OF NJIIF INDEMNITY TRUST AGREEMENT

WHEREAS, the Borough of Mantoloking has been a participating member of the New Jersey Intergovernmental Insurance Fund (hereinafter the “Fund”) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), and

WHEREAS, the Municipal Council of the Borough of Mantoloking has determined that MEMBERSHIP IN THE “Fund” is the best interest of the municipality,

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

SECTION 1. The Borough of Mantoloking hereby agrees to continue its membership in the “Fund” for a period commencing January 1, 2014 terminating on December 31, 2016 for the purpose of establishing the following types of insurance coverage:

- a) Workers Compensation and Employers Liability
- b) General Liability (including Police Professional & Public Officials Liability/Employment Practices Liability);

- c) Motor Vehicle and Equipment Liability Coverage;
- d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
- e) Environmental Impairment Liability

SECTION 2. For the purpose of contribution of sums into the “Fund” to be designated for administrative costs and claims, Borough of Mantoloking hereby agrees to obtain the types of coverage from the “Fund” as are set forth in SECTION 1 of the Resolution and Indemnity and Trust Agreement to be signed by it.

SECTION 3. The Bylaws of the New Jersey Intergovernmental Insurance Fund have been adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the “Fund” according to the rights and obligations set forth therein.

SECTION 4. The Mayor and Council are hereby authorized and directed to execute a written agreement signifying application for membership in the ‘Fund” and are to execute such other agreements, including but not limited to the Indemnity and Trust Agreement, attached hereto as Exhibit A, in order to implement its membership in the “Fund” and to conduct itself according to the terms thereof.

SECTION 5. The Local Unit certifies that it has never defaulted on claims under a self insurance plan and that it has not had its insurance canceled for non-payment of premium for a period of at least two (2) years prior to this application.

SECTION 6. Inconsistent Resolutions. All Resolutions, or parts thereof, inconsistent with provisions of this Resolution are hereby repealed as to such inconsistency.

SECTION 7. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Resolution shall be deemed valid and effective.

SECTION 8. Effective Date. This Resolution shall take effect upon its passage.

RESOLUTION NO. 12/17/2013 – 06: APPROVING OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2013

WHEREAS, the award of contracts for professional services and maintenance of Borough facilities, equipment and personnel obligations, enumerated in this resolution, is necessary and in the public interest to provide for the efficient operation of the Borough; and

WHEREAS, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

RESOLVED by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts

are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk’s office during regular business hours.

2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>POSITION</u> <u>BUSINESS NAME</u>	<u>NAME</u>	<u>CONTRACT AMOUNT</u>	
Special Counsel	Harry Haushalter, Esq.	\$225/Hour	Harry Haushalter, Attorney at Law

RESOLUTION NO. 12/17/2013 – 07: PROVIDING FOR APPROVAL OF THE AMENDMENT OF THE HEALTH CARE FLEXIBLE SPENDING ACCOUNT - CARRYOVER PROVISION

WHEREAS, it is the desire of the Mayor and Council to amend the Employees Health Care Plan, pursuant to and in accordance with the tenor and substance of the attached one-page: “Summary of Material Modifications (SMM)” and

WHEREAS, the participating employees will be enabled to exercise certain choices concerning the carry-over provisions.

IT IS NOW, THEREFORE, this 17th day of December, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The plan is hereby materially modified, amended, by the addition of the “carry-over provisions”.
2. The Borough Clerk is hereby authorized to execute and deliver one or more copies of the amendment to the Administrator of the Plan and to execute the attached Certificate of Adopting Resolution.

RESOLUTION NO. 12/17/2013 - 08: APPROVE ROSTER OF 2014 WORKSHOP AND REGULAR COUNCIL MEETINGS

The following is the schedule of Regular Council Meetings and Workshop Meetings for 2014 and the tentative Organization Meeting for 2015 for the Borough of Mantoloking.

ORGANIZATION MEETING: Tuesday, January 7, 2014 & Regular Meeting

WORKSHOP MEETINGS 8:30 A.M.

LOCATION: Borough Temporary
Offices, 340 Drum Point Rd., Brick, N.J.

REGULAR MEETINGS 4:30 p.m.

LOCATION: Mantoloking Yacht
Club, 1224 Bay Ave., Mantoloking

Thursday, January 2, 2014
Wednesday, February 5, 2014
Wednesday, March 12, 2014
Wednesday, April 16, 2014
Wednesday, May 14, 2014
Wednesday, June 11, 2014
Wednesday, July 9, 2014
Wednesday, August 13, 2014
Wednesday, September 10, 2014
Wednesday, October 15, 2014
Wednesday, November 19, 2014
Wednesday, December 10, 2014

Tuesday, January 7, 2014
Tuesday, February 11, 2014
Tuesday, March 18, 2014
Tuesday, April 22, 2014
Tuesday, May 20, 2014
Tuesday, June 17, 2014
Tuesday, July 15, 2014
Tuesday, August 19, 2014
Tuesday, September 16, 2014
Tuesday, October 21, 2014
Tuesday, November 25, 2014
Tuesday, December 16, 2014

2015 Organization Meeting: Tuesday, January 6, 2015 (TENTATIVE)

PUBLIC SAFETY COMMITTEE, COUNCILMAN ROBERT MC INTYRE:

A. Reports of the Public Safety Committee: Councilman McIntyre presented the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

B. Action Items:

Councilman McIntyre moved the following 3 resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 12/17/2013 – 09: AUTHORIZE SALE OF MUNICIPAL PERSONAL PROPERTY

WHEREAS, the Borough of Mantoloking has determined that certain personal property are surplus property; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder.

IT IS NOW, THEREFORE, this 17th day of December, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

The equipment:

- (A) 2008 Ford Crown Victoria Police Vehicle, VIN: 2FAFP71V48X103126; and

- (B) 2003 Parker Marine Patrol Boat, Model No. 2120, HIN: PSM19009H with 2003 Yamaha 150 Outboard Motor and including 2010 Load Rite Dual Axle Trailer, Model No. 23T6000TG2, VIN: 5A4AH4W24A2010097 (Minimum Bid \$9,000.00); and
- (C) 2012 Kawasaki All-Terrain Vehicle, Model No. KVF360ACF, Serial No. JKBFVHA17CB588830 (Minimum Bid \$1,000.00); and
- (D) 1983 Ford Truck Sweeper, Model No. F-700, VIN: 1FDNK74N2DVA44679 (Minimum Bid \$4,000.00); and
- (E) HP Design Jet Wide Format Color Printer T1100PS with stand, Model No. Q6684A, Serial No. MY7430C03H (Minimum Bid \$1,000.00)

are hereby declared to be surplus, no longer needed for public purposes; and
 The Borough Clerk is hereby authorized and directed to advertise a public sale of said property by sealed bid in accordance with the applicable law.
 The Borough reserves the right to reject any and all bids if it determines that to do so will be in the public interest.

RESOLUTION NO. 12/17/2013 – 10: APPOINTMENT OF PERSONNEL – HURRICANE RECOVERY EMERGENCY PART TIME TEMPORARY 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:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
<i>Kelly Burdge</i>	<i>OEM Clerical</i>	<i>11/01/2013</i>	<i>\$20.00/Hour</i>
<i>Douglas Popaca</i>	<i>OEM Clerical</i>	<i>11/01/2013</i>	<i>\$13.00/Hour</i>

RESOLUTION NO. 12/17/2013 – 11: APPROVE APPOINTMENT OF PERSONNEL

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

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
<i>Christopher Gibson</i>	<i>Special Police Officer</i>	<i>November 1, 2013</i>	<i>\$13.00/Hour</i>
<i>Andrew T. Harchetts</i>	<i>Special Police Officer</i>	<i>November 1, 2013</i>	<i>\$13.00/Hour</i>
<i>Ryan Clark</i>	<i>Special Police Officer</i>	<i>November 1, 2013</i>	<i>\$13.00/Hour</i>
<i>Brian Brunas</i>	<i>Special Police Officer</i>	<i>November 1, 2013</i>	<i>\$13.00/Hour</i>

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 632 – PROVIDING FOR AMENDMENT OF THE MUNICIPAL CODE, CHAPTER VII OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF MANTOLOKING (ORDINANCE 531), ESTABLISHING STOP SIGNS AT THE INTERSECTION OF MATHIS PLACE AND EAST AVENUE

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

RESOLUTION NO. 12/17/2013 - 12: ADOPTION OF ORDINANCE NO. 632 – ESTABLISHING STOP SIGNS ON EAST AVENUE

WHEREAS, on the 17th day of December, 2013 a public hearing on Ordinance No. 632 was held and no comment was made by the public, now, therefore, be it RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

ORDINANCE NO. 632

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR AMENDMENT OF THE
MUNICIPAL CODE, CHAPTER VII OF THE REVISED GENERAL ORDINANCE
OF THE BOROUGH OF MANTOLOKING (ORDINANCE 531),
ESTABLISHING STOP SIGNS AT THE INTERSECTION
OF MATHIS PLACE AND EAST AVENUE**

WHEREAS, the Police Department and the Office of Emergency Management have recommended the installation of stop signs at the intersection of Mathis Place and East Avenue; and WHEREAS, the interest of public safety will be advanced by such action.

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

1. Section 7-26 – Stop Intersections is hereby amended by addition of the following:

Intersection	Stop Sign on
Mathis Place and East Avenue	East Avenue
2. All other portions or provisions of Chapter VII, not specifically amended shall remain in full force and effect.
3. This Ordinance shall be in full force and effect from and after final adoption according to law.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON

- A. **Reports of the Public Works:** Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official and Land Use Officer.
- B. **Action Items:**

Councilwoman Nelson moved the following 6 resolutions. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

RESOLUTION NO. 12/17/2013 – 13: APPROVE APPOINTMENT OF PERSONNEL

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

Name	Position	Effective Date	Salary
<i>Patrick Smith</i>	<i>Temporary Part-Time</i>	<i>June 17, 2013</i>	<i>\$25.00/hour</i>

	<i>Administrative Assistant</i>		
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RESOLUTION NO. 12/17/2013 – 14: APPROVE BOROUGH HALL STAFF REDUCTION

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>
<i>Lisa A. Tilton</i>	<i>Temporary Part-Time Administrative Assistant</i>	<i>November 27, 2013</i>

RESOLUTION NO. 12/17/2013 – 15: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE – LAURENCE GILMAN

WHEREAS, as a matter of policy the Borough Council may, in its discretion, upon petition, grant extensions to an employee's sick leave; and

WHEREAS, due to demonstrated need, Laurence Gilman has been caused to utilize all of his allocated sick leave for 2013 and has petitioned for an increased allotment of sick leave for 2013; and

WHEREAS, Council is satisfied that the circumstances presented are extraordinary and that Laurence Gilman is deserving of its favorable consideration of his petition.

IT IS NOW, THEREFORE, this 17th day of December, 2013 RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Laurence Gilman is hereby granted SEVENTY-ONE (71) hours additional sick leave to cover his absence through November 7, 2013.

RESOLUTION NO. 12/17/2013 – 16: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE – WILLIAM HECKMAN

WHEREAS, as a matter of policy the Borough Council may, in its discretion, upon petition, grant extensions to an employee's sick leave; and

WHEREAS, due to demonstrated need, William Heckman has been caused to utilize all of his allocated sick leave for 2013 and has petitioned for an increased allotment of sick leave for 2013; and

WHEREAS, Council is satisfied that the circumstances presented are extraordinary and that William Heckman is deserving of its favorable consideration of his petition.

IT IS NOW, THEREFORE, this 17th day of December, 2013 RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, William Heckman is hereby granted THIRTY-SIX (36) hours additional sick leave to cover his absence through July 12, 2013.

RESOLUTION NO. 12/17/2013 – 17: PROVIDING FOR PAYMENT ESTIMATE NO. 11 – EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-01)

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-01) to provide Emergency Bypass Pumping System; and

WHEREAS, the Contractor has submitted Payment Application No. 11, in the sum of \$4,336.50; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated December 11, 2013, (Exhibit A, attached) recommended Payment Application No. 11 be paid.

IT IS NOW, THEREFORE, this 17th day of December, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 11 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 12/17/2013 – 18: PROVIDING FOR PAYMENT ESTIMATE NO. 1 - FINAL – WALKWAY NO. 4 RIGHT-OF-WAY TREE REMOVAL WORK

WHEREAS, the Borough has entered into a Contract with Falkinburg's Tree Expert Company, LLC (Contract 2013-05) to provide tree removal work; and

WHEREAS, the Contractor has submitted Payment Application No. 1 - FINAL, in the sum of \$1,400.00; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated December 11, 2013, (Exhibit B, attached) recommended Payment Application No. 1 - FINAL be paid.

IT IS NOW, THEREFORE, this 17th day of December, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 1 - FINAL is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 633 – AMENDING CHAPTER XXX OF THE REVISED GENERAL ORDINANCES LAND USE REGULATIONS

Councilwoman Nelson moved the following adoption of Ordinance No. 633 with a correction to Article 1, Section (c) Front Yard Setback – R-6-B due to a typographical error. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 12/17/2013 - 19: ADOPTION OF ORDINANCE NO. 633 – AMENDING CHAPTER XXX OF THE REVISED GENERAL ORDINANCES LAND USE REGULATIONS

WHEREAS, on the 17th day of December, 2013 a public hearing on Ordinance No. 633 was held and 1 comment was made by the public, now, therefore, be it

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

ORDINANCE NO.: 633

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

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

1. Appendix B, Bulk Standards is amended as follows:
 - (a) Delete ~~maximum number of stories~~;
Insert: maximum number of habitable stories;

- (b) Delete ~~Ratio of second floor habitable area to first floor footprint;~~
Insert: Ratio of second floor habitable area to first habitable floor footprint area;

- (c) Front Yard Setback – R-6-B
Delete ~~57, with footnote of 7;~~
Insert 15, with footnote of 7;

2. Article 30-2.2 – Definitions:

Half Story: Delete: ~~The space under a sloping roof above the second story which has the line of intersection of the roof and wall face not more than two (2) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least fifty (50%) percent of the floor area of the second story and the floor area of finished living space with headroom of five (5) feet or more occupies less than thirty three and one-third (33 and 1/3%) per cent of the floor area of the second story below. See Appendix B., Bulk Standards.~~

Insert: The space under a sloping roof above the second habitable story where the floor area of (finished living space) with headroom of seven feet (7') or more occupies less than thirty three and one-third (33 and 1/3% of the floor area of the second story below. This definition shall be consistent with the current definition for a "habitable attic" as contained in the UCC (Uniform Construction Code) requirements.

3. Article 30-4.7a – Dormers on Structures:

Delete: ~~The ridge of a dormer must be horizontal and shall not exceed the ridge or roof line of the sloping roof in which it is situated. The dormer above the second story shall not extend beyond the ridge of the roof eave. The aggregate width of dormers above the second floor shall not exceed one third of the width of the sloping roof in which they or it are situated.~~

Insert: The ridge of a dormer must be horizontal and shall not exceed the ridge or roof line of the sloping roof in which it is situated. The dormer above the second habitable story shall not extend beyond the ridge of the roof eave. The aggregate width of dormers above the second habitable floor shall not exceed one third of the width at the roof ridge line of the sloping roof in which they or it are situated.

4. Article 30-6.11b(4) – Maximum permitted height of detached garage:

Delete ~~45'~~; insert 18'.

5. Appendix C – Fees:

w. Zoning Permits - \$100.00

Add: w.1. Zoning Permits – Air conditioner - \$25.00

6. All other provisions of the Ordinance to which this is an amendment shall remain in full force and effect.

7. This Ordinance shall be effective upon final adoption.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program

B. Action Items:

Councilman Strohm moved the following resolution. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 12/17/2013 – 20: AUTHORIZED OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2013

WHEREAS, the award of contracts for professional services and maintenance of Borough facilities, equipment and personnel obligations, enumerated in this resolution, is necessary and in the public interest to provide for the efficient operation of the Borough; and

WHEREAS, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

RESOLVED by the Mayor and Council of the Borough of Mantoloking as follows:

3. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.
4. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>POSITION</u>	<u>NAME</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Special Counsel	Paul V. Fernicola Esq.	\$175-\$250/HR.	Paul V. Fernicola & Associates, LLC

RESOLUTION NO. 12/17/2013 – 21: AUTHORIZE PAYMENT FOR SPECIAL COUNSEL, PAUL V. FERNICOLA, ESQ.

WHEREAS, the Borough of Mantoloking is in receipt of invoicing for the services of Special Counsel, Paul V. Fernicola, Esq. in the amount of \$11,746.78; and

WHEREAS, the Chief Financial Officer has certified that the funds are available for said services.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve the payment of the above referenced bill.

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN (absent)

- A. Councilman Brown - No reports submitted
- B. Action Items: - None

MANTOLOKING COMMITTEE, COUNCILMAN DONALD NESS (absent)

- A. Councilman Ness – No reports submitted
- B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS:

Dr. Stewart Farrell
Chris Nelson Presentation # 19
Robert Mainberger

9. PUBLIC COMMENTS PERIOD:

Comments were made from the audience regarding beach conditions, Borough Hall damage, flood zone designations and the easements for sheet pile/beach replenishment. Also a question was brought up about beach profiles.

10. NEXT MEETING –

Council Workshop Meeting, Thursday, January 2, 2014 at 8:30 a.m. at the Borough Temporary Offices, 340 Drum Point Road, Brick, NJ

Council Annual Organization Meeting & Regular Council Meeting, Tuesday, January 7, 2014 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

11. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote at 5:50 p.m.

Respectfully Submitted,

Irene H. Ryan, R.M.C.

Municipal Clerk