

DRAFT NO. 1 – 10/25/2016

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

**MINUTES – REGULAR BUSINESS MEETING**

**October 18, 2016**

**Mantoloking Yacht Club**

**1224 Bay Avenue**

**Mantoloking, New Jersey**

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

1. **CALL TO ORDER:** Mayor George C. Nebel called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. Nebel read the following statement:

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

3. **ROLL CALL:**  
**Present:** Mayor George C. Nebel  
Council President Ann Elizabeth Nelson  
Councilman Steve Gillingham  
Councilmen Chris Nelson  
Councilman Alan Laymon  
Councilman E. Laurence White  
**Absent:** None  
**Also Present:** Beverley A, Konopada, Borough Clerk, Edwin J. O'Malley, Jr., Borough Attorney, William Heckman

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

5. **RESOLUTION NO. 10/18/2016-01: MINUTES OF PREVIOUS MEETINGS**

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

Regular Council Meeting September 20, 2016

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

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

Concerns regarding the number of homes that would be non-compliant if Land Use Ordinance 660 the proposed changes are to be adopted.

7. **PUBLIC WORKS COMMITTEE,** Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moved the following resolutions. The motion was seconded by Councilman Laymon and approved by unanimous voice vote.

A. **RESOLUTION NO. 10/18/2016-02: DEDICATION OF WILLIAM HECKMAN PUBLIC WORKS BUILDING**

**WHEREAS,** William “Bill” Heckman, Borough Superintendent, retired in 2016 following 27 years of exemplary service to the Borough and its residents; and

**WHEREAS,** his pleasant and effective leadership, together with his unmatched skills have and continue to inure to the benefit of his fellow employees and the residents of the Borough of Mantoloking; and

**WHEREAS,** his leadership in the design and construction of the Public Works Building under his hand and at his direction are illustrative of his exceptional performance in the public interest; and

**WHEREAS,** it is the desire of the Mayor and Council to recognize and memorialize his contributions:

**IT IS NOW, THEREFORE,** this 18<sup>TH</sup> day of October, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mantoloking Public Works Building (Downer Avenue) shall be known as the

**WILLIAM HECKMAN PUBLIC WORKS BUILDING.**

2. This dedication shall be memorialized by appropriate signage placed and maintained on the Public Works Building.

**PUBLIC HEARING ORDINANCE:** Mayor George C. Nebel opened the meeting to the public on Ordinance No. 660

B. **RESOLUTION NO. 10/18/2016-03: PROVIDING FOR THE ADOPTION OF ORDINANCE NO. 660 AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS**

Councilwoman Nelson moved to approve the following ordinance. The motion was seconded by Councilman Gillingham and approved by roll call vote.

**ROLL CALL VOTE:**

**Ayes:** Council President Ann Elizabeth Nelson  
Councilman Steve Gillingham  
Councilmen Chris Nelson  
Councilman Alan Laymon  
Councilman E. Laurence White

**Nays:** None

**Absent:** None

**WHEREAS**, on this 18<sup>th</sup> day of October, 2016, a public hearing on Ordinance No. 660 was held, now, therefore, be it

**RESOLVED**, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts the following ordinance.

**Sponsored by:** Councilwoman Beth Nelson

**Date Introduced:** September 20, 2016

**Public Hearing:** October 18, 2016

**& Adoption**

**Synopsis:** Land use changes

**ORDINANCE NO. 660**

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

BE IT ORDAINED as follows:

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

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

~~Ratio.~~

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

Insert: Second Habitable Floor to First Habitable Floor Ratio.

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

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

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

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

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

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

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

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

percent. See subsection 30-6.7, Lot Area, and subsection 30-6.8c for calculation of total ~~lot~~ impervious coverage in all zones.

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

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

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

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

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

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

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

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

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

~~The total lot coverage percentage for all elements included in lot coverage under paragraph b., 1, (a) through (f) shall be added to the total percentage of lot coverage~~

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

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

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

5. All provisions of Chapter XXX not specifically amended hereby shall remain in full force and effect.
  6. This Ordinance shall be effective upon final adoption.
8. **FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved the following resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

A. **RESOLUTION NO. 10/18/2016-04: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

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

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2016 ADOPTED BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2016 Adopted Budget		5,794,080.20	4,280,764.10	54,593.28	1,458,722.82
2015 Appropriation Reserve	5,683,083.23	402,537.39	88,803.57	44,713.72	269,020.10
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	834,812.90	139,851.03	18,193.70	676,768.17
Subtotal Sandy Emergency		834,812.90	139,851.03	18,193.70	676,768.17
Capital		7,522,809.40	1,032,357.68	0.00	6,490,451.72

**B. RESOLUTION NO. 10/18/2016-05: PAYMENT OF BILLS**

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

- A list of bills in the amount of \$1,540,883.74 with the recommendation they be paid, and
- A list of bills in the amount of \$335,542.86 that have been paid with the approval of the municipal clerk and the mayor, now, therefore, be it

**RESOLVED**, the council approves the payment of all the bills and directs that a copy of these lists be attached to and made part of the minutes of this meeting.

**C. RESOLUTION NO. 10/18/2016-06: APPROVING OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87- 2016 DRIVE SOBER OR GET PULLED OVER YEAR END HOLIDAY CRACKDOWN GRANT DECEMBER 9, 2016 -JANUARY 1, 2017**

**WHEREAS, N.J.S.A. 40A:4-87** provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,000.00, which is now available from the New Jersey Highway Traffic Safety Administration, 2016 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant.

**BE IT FURTHER RESOLVED**, that the like sum of \$5,000 is hereby appropriated under the caption of 2016 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant and shall be



applied in compliance with the terms and conditions as set forth in the grant.

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

A. **RESOLUTION NO. 10/18/2016-07: POLICE ACADEMY RECRUITS SPECIAL LAW ENFORCEMENT OFFICER II (SLEO II)**

**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	Salary
Jeffrey Bruder	Police Academy Recruit SLEO II	Minimum Wage \$8.38 per hour (Dec 1-31 <sup>st</sup> ) Effective January 1, 2017 Minimum Wage \$ 8.44 per hour
David Molhem	Police Academy Recruit SLEO II	Minimum Wage \$8.38 per hour (Dec 1-31 <sup>st</sup> ) Effective January 1, 2017 Minimum Wage \$ 8.44 per hour
Logan LaRue	Police Academy Recruit SLEO II	Minimum Wage \$8.38 per- Currently Enrolled in Police Academy Effective January 1, 2017 Minimum Wage \$ 8.44 per hour

B. **RESOLUTION NO. 10/18/2016-08: PROVIDING FOR AGREEMENT WITH POINT PLEASANT BEACH CONCERNING SHARED RADIO CHANNEL**

**WHEREAS**, Chief Ferris has recommended that the interest of public safety and convenience will be advanced by the shared availability of 477.825 Mhz (Point Pleasant Beach Common/Interoperability Channel); licensed by the Borough of Point Pleasant Beach; and

**WHEREAS**, the Borough of Point Pleasant Beach will grant shared utilization upon the condition that it will be held harmless from costs, loss or expense arising from or based upon the use of such radio channel; and

**WHEREAS**, it is the desire of the Mayor and Council to utilize the offered enhanced communication potential.

**IT IS NOW, THEREFORE**, this 18<sup>TH</sup> day of October, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Mayor is authorized to execute such Agreement as may be necessary to achieve the purposes of this Resolution in such substance as shall be endorsed by Chief Ferris and approved by counsel as to form.

**10. DUNE & BEACH RENOURISHMENT COMMITTEE:**

Councilman Nelson informed residents that Dune Grass will be available November 4<sup>th</sup>. Residents should contact Borough Hall to be put on the list.

Beach Replenishment Update- Army Corp receiving bids back on October 26, 2016. They are actively pursuing easements at this time. Two properties to the south are almost finished, two to the north in litigation. Contract will be awarded by the end of the year- beginning of next year. Beach Renourishment Project time frame for completion within two years.

**11. MUNICIPAL SERVICES COMMITTEE**

Councilman White provided a garbage collection update.

Mondays: Garbage  
Wednesday: Recycling

Bulk Trash (Curbside Only)- 4<sup>th</sup> Monday of each month

**12. MANTOLOKING COMMITTEE**

No Report

**13. MAYOR AND COUNCIL COMMENTS**

Councilman White advised that immediately following the meeting, Robert Clifton from Comcast will conduct a Public Hearing regarding Comcast Franchise Renewal.

Concerns regarding the closing of Comcast's Brick office.

**14. PUBLIC COMMENTS PERIOD**

Fire Siren system is outdated

Request for more technology based solutions for Alarm Notification System

Radio band issues

Mantoloking Police Department taking unwanted prescription drugs on October 22 at the Police Department between the hours of 10:00 a.m.- 2:00 p.m.

**15. NEXT MEETING:**

Comcast Franchise Renewal Public Hearing was held at the conclusion of the Regular Council Meeting at 6:00 p.m.

Regular Council Meeting, Tuesday, November 22, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

**16. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Laymon and approved by unanimous voice vote at 6:01 P.M.

Respectfully submitted,

Beverley A. Konopada, RMC  
Borough Clerk