

DRAFT # 1 10/22/2014

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

MINUTES – REGULAR BUSINESS MEETING

October 21, 2014
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 Steve Gillingham, Councilmen James J. Brown, Robert S. McIntyre, Peter R. Strohm, Chris Nelson, Councilwoman Ann Elizabeth Nelson

Absent: None

Also Present: Acting Borough Clerk Beverley Konopada, Borough Attorney Edwin J. O'Malley, Jr., Robert Mainberger, PE, Senior VP Hatch Mott MacDonald, Larry Plevier, PE, CME Hatch Mott MacDonald

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

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

No comments.

Councilwoman Ann Elizabeth Nelson moved to approve the Council Meeting Minutes as distributed. The motion was seconded by Councilman James Brown and approved by unanimous voice vote.

6. **RESOLUTION NO. 10/21/2014-01: MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed:

Workshop Meeting September 10, 2014
 Regular Meeting September 16, 2014
 Workshop Meeting, October 15, 2014

COMMITTEE REPORTS AND RECOMMENDATIONS

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

A. **RESOLUTION NO. 10/21/2014-02: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2014 municipal budget as of August 30, 2014; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2014 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2014 Temporary Budget		7,555,401.96	5,624,660.54	79,211.79	1,851,529.63
2013 Appropriation Reserve	5,671,304.96	405,798.24	152,503.23	180.88	253,114.13
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Subtotal Sandy Emergency		1,371,644.74	278,488.77	4,866.21	1,088,289.76
Capital		2,014,353.92	79,900.63	0.00	1,934,453.29

B. **RESOLUTION NO. 10/21/2014-03: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2014**

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$ 1,713,068.88 and recommended that they be paid, now, therefore, be it:

RESOLVED, the Mantoloking Borough Council Approve payment of the above referenced bills and directs that a copy attached to and made part of the minutes of this meeting.

C RESOLUTION NO. 10/21/2014-04: ACCEPTANCE OF 2013 MUNICIPAL AUDIT REPORT

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

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,

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

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

General Comments
Recommendations

And,

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

General Comments
Recommendations

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

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

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

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

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

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

D. RESOLUTION NO. 10/21/2014-05: ACCEPTING BEST PRACTICES 2014-2015 CHECK LIST

WHEREAS, the Borough of Mantoloking is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services

AND WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency.

AND WHEREAS the inventory results for 2014 are as follows: 32 yes, 7 no, 7 N/A, and 4 prospective for a total percentage of 86% with no State Aid to be withheld,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking accept the Best Practices Check List as required by the State of New Jersey Department of Community Affairs for the 2014 Budget Year.

8. **PUBLIC SAFETY COMMITTEE**, Councilman Robert McIntyre presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following one resolution. The motion was seconded by Ann Elizabeth Nelson and approved by unanimous voice vote.

A. RESOLUTION NO. 10/21/2014-06: PROVIDING FOR LIMITED PARKING ON NEW JERSEY ROUTE 35

WHEREAS, compliance with the terms and conditions of project requirements for the construction of the U. S. Army Corps of Engineers (beachfill), Project No. W91BU-14-B-0013 necessitates the availability of public access to the improved beach for recreational purposes; and

WHEREAS, a component of access is the vehicular parking which is readily available to beach access points; and

WHEREAS, the applicable Federal regulations which govern the eligibility and funds for the project require the addition of a minimum of 100 additional parking spaces between Herbert and Lyman Streets; and

WHEREAS, New Jersey Route 35, which is adjacent to the project in the area of the Borough which needs the additional parking spaces and is the subject of New Jersey DOT regulations which prohibit vehicular parking, both sides, for the entire route through the Borough of Mantoloking; and

WHEREAS, the Borough's proposed Public Access Plan includes a provision for parking spaces on the east side of Route 35 between Herbert Street and Lyman Street as are required to meet the USACE beachfill access standards; and

WHEREAS, it is the desire of the Mayor and Council to facilitate completion of the project in the interest of the public at large and the residents of the Borough.

IT IS NOW, THEREFORE, this 21st day of October, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, as follows;

1. Subject to the approval of the New Jersey Department of Transportation, the Borough shall amend the Municipal Parking Ordinance to provide:
 - a. the addition of 101 vehicular parking spaces along the northbound side (east) of New Jersey Route 35 between Herbert Street and Lyman Street;
 - b. the above referenced spaces shall be available from sunrise to sunset. The duration of parking, within the parking permitted time, shall not be limited.

- c. all regulatory signage and marking of the Route 35 parking spaces and all crosswalks shall be provided by the New Jersey Department of Transportation, utilizing best technology and shall include illumination of crosswalks.
 - d. standard New Jersey Department of Transportation regulations shall be applicable to establish no-parking zones at intersections, pedestrian crossings and defined safety areas adjacent to each side of driveways.
 - e. the speed limit on Route 35, in Mantoloking, north of Herbert Street, shall be 35 m.p.h. or the absolute minimum above 35 m.p.h. as allowed by law.
 - f. the proposed bicycle lane along Route 35 northbound between Herbert Street and Lyman Street shall be eliminated. The Borough and the New Jersey Department of Transportation shall, jointly, investigate the opportunity for a two-way shared bike lane on Route 35 southbound.
2. The Borough now petitions the New Jersey Department of Transportation, to:
- a. rescind existing traffic regulatory orders which prohibit parking along northbound New Jersey Route 35, in the Borough of Mantoloking;
 - b. endorse and permit regulation of parking along northbound New Jersey Route 35 between Herbert Street and Lyman Street, in the Brought of Mantoloking in accordance with the Public Access Plan and this Resolution;
 - c. provide the signage and pavement markings;
 - d. coordinate with the Borough of Mantoloking to resolve issues concerning the potential for a shared two-way bicycle lane on southbound New Jersey Route 35.
 - e. perform all regulatory evaluations needed to allow reduction of the speed limit on Route 35 north of Herbert Street to 35 m.p.h. or the absolute minimum above 35 m.p.h. as allowed by law.
 - f. confirm the four (4) public pedestrian crossing between Herbert Street and Lyman Street are approved by the NJDOT and conduct any necessary action to assure same.
3. Upon receipt of formal notification, from the New Jersey Department of Transportation, that the terms and conditions described herein are acceptable, the Borough shall forthwith adopt such amendments to Ordinances as will enable local enforcement of the additional parking and traffic regulations which are the subject of this Resolution.
4. A certified copy of this Resolution shall be forwarded to the New Jersey Department of Transportation.

B. RESOLUTION: SHARED SERVICE AGREEMENT FOR PROSECUTOR

No action taken.

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

A. RESOLUTION NO. 10/21/2014-07: PAYMENT NO. 20– 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.20, in the sum of \$ 7,227.50 and
WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No.20 be paid, now, therefore, be it
RESOLVED, the Mantoloking Borough Council hereby approves payment of the claim.

Councilwoman Ann Elizabeth Nelson moved the following resolution. The motion was seconded by Councilman James Brown and approved by unanimous voice vote.

B. RESOLUTION NO. 10/21/2014-08: PUBLIC HEARING & ADOPTION OF ORDINANCE NO. 642 ACCESSORY USE AND ACCESSORY STRUCTURES : Mayor Nebel opened the meeting for a public hearing on Ordinance No. 642 – AMENDING CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING LAND USE REGULATIONS, “THE CODE”.

WHEREAS, on the 21st day of October, 2014 a public hearing on Ordinance No. 642 was held, no comments made by the public, now, therefore, be it
RESOLVED, the Mantoloking Borough Council hereby adopts the following Ordinance:

ORDINANCE NO. 642

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX,
SECTION 30-6.17 (LAND USE REGULATIONS)
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING,**

BE IT ORDAINED as follows:

1. Section 30-6.17, Flagpoles, is hereby amended as follows (deletions by and additions by underline
 - a. Flagpoles may be installed on any property within the Borough.
 - b. Flagpoles are not considered an accessory structure under the Land Use Regulations of the Borough of Mantoloking.
 - c. Flagpoles may extend fifteen (15) feet in height above the height of the primary structure as measured at the highest roof ridge line. Flagpoles on vacant land may not exceed 35' in height.
 - d. A flagpole shall not be permitted within ten (10) feet of any property side line ~~or rear lot line.~~

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- e. Prior to installation of a flagpole within the Borough, an application for zoning permit, with the required fee, shall be submitted to the Land Use Officer. See Appendix C.
2. All provisions of this Land Use Ordinance, not hereby amended shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption.

ANNOUNCEMENT – DUNE GRASS WILL BE IN ON NOVEMBER 14, 2014

10. **DUNE & BEACH RENOURISHMENT COMMITTEE**, Councilman Strohm stated no Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.
No action item.
11. **MUNICIPAL SERVICES COMMITTEE**, Councilman Brown stated no report of the Municipal Services Committee.
No action item.
12. **MANTOLOKING COMMITTEE**, Councilman Chris Nelson stated no report of the Mantoloking Committee.
No action item.

A. RESOLUTION: SHARED SERVICE AGREEMENT FOR RECYCLING CENTER USE AND REVENUE SHARING

To be discussed at November meeting.

B. RESOLUTON: GARBAGE CONTRACT – AUTHORIZATION RO PUBLISH INVITATION TO BIDDERS

To be discussed at November meeting

OEM PRESENTATION, Sgt. Stacy Ferris & Chris Niebling provided a status update on Beach Revetment, Route 35 Construction project, Garbage pick-up and other town projects.

Robert Mainberger spoke on the Army Corps of Engineers and DOT Projects.

13. **MAYOR AND COUNCIL COMMENTS**

Councilwoman Ann Elizabeth Nelson commented that the Borough has sand fencing to provide to ocean front vacant lots to help with the trespassing issue.

14. PUBLIC COMMENT PERIOD

There were eight questions and comments from the audience with regards to the parking space issue on Route 35.

A comment was made about considering shared services with other towns.

A question was asked if FEMA was funding any of new Borough Hall building.

17. NEXT MEETING –

Council Workshop Meeting Wednesday, November 19, 2014 at 8:30 a.m. Temporary Borough Hall 340 Drum Point Road, Second Floor, Brick NJ

Regular Council Meeting, Tuesday November 25, 2014 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

18. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Peter Strohm to adjourn. The motion was seconded by Councilman James Brown and approved by unanimous voice vote at 6:12 p.m.

Respectfully submitted,

Beverley A. Konopada
Acting Borough Clerk