

DRAFT # 1 09/16/2015

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

MINUTES – REGULAR BUSINESS MEETING

September 15, 2015
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 Nebel called the meeting to order to 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, Councilmen Alan C. Laymon, Peter R. Strohm, Steve Gillingham, Robert S. McIntyre, Chris Nelson
Absent: None
Also Present: Beverley Konopada, Acting Borough Clerk, Edwin J. O'Malley, Jr., Borough Attorney

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.

6. **RESOLUTION NO. 09/15/215-01 MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed:

Regular Council Meeting August 18, 2015

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

COMMITTEE REPORTS AND RECOMMENDATIONS

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 Strohm and approved by unanimous voice vote.

Councilman Laymon abstained himself from voting on Resolution F. Introduction Of Ordinance No. 651 Amending Ordinance 265

A. RESOLUTION NO. 09/15/2015-02: PAYMENT NO. 7 – HERBERT STREET PUMP STATION RECONSTRUCTION (CONTRACT 2014-04)

WHEREAS, the Borough has entered into a Contract with JEV Construction, LLC. (Contract 2014-04) to provide Herbert Street Pump Station Reconstruction; and

WHEREAS, the Contractor has submitted Payment Application No.7 in the sum of \$29,497.11 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No. 7 be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment.

B. RESOLUTION NO 09/15/2015-03: PAYMENT NO. 25– 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. 25, in the sum of \$11,564.00 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No. 25 be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment

C. RESOLUTION NO. 09/15/2015-04: CHANGE ORDER # 8 EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-01)

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-01) to provide for the emergency bypass pumping system;

and

WHEREAS, To extend the current Emergency Bypass Pumping Contract time period an additional 6 weeks through the estimated completion of the Herbert Street Pump Station Reconstruction project (Contract No. 2014-4), the contractor has submitted change order #8 in the sum of \$8,850.00 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended change order #8 be approved, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves the overall raise in contract price and extension of time duration of project.

D. RESOLUTION NO. 09/15/2015-05: AUTHORIZING AN APPLICATION TO OBTAIN A ZONING CODE ENFORCEMENT GRANT FROM THE NJ DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Governing Body of the Borough of Mantoloking desires to apply for and obtain a Zoning Code Enforcement Grant from the New Jersey Department of Community Affairs (DCA); and **WHEREAS**, the Borough of Mantoloking intends to apply for a Zoning Code Enforcement Grant for one or more of the activities listed below to assist in our Superstorm Sandy recovery efforts:

1. Extend the hours of existing municipal staff.
2. Hire additional technical and administrative staff.
3. Procure experts if needed for application hearings.
4. Pay for additional office space.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Mantoloking, County of Ocean does hereby authorize the application for the above grant; and

BE IT FURTHER RESOLVED that the Borough of Mantoloking has experienced a reduction in property assessments, in accordance with N.J.S.A. 54:4-35.1, on 100 or more properties or has seen a 10 percent increase in zoning application filings since November 1, 2012 that can be ascribed to Superstorm Sandy; and

BE IT FURTHER RESOLVED that the Borough of Mantoloking authorizes the execution of the grant agreement in the amount offered and approved by DCA and further authorizes the expenditure of funds pursuant to the terms of the grant agreement entered into by the Borough of Mantoloking and DCA; and

BE IT FURTHER RESOLVED that the Borough of Mantoloking agrees to comply with all CDBG-DR regulations, Zoning Code Enforcement Grant Program procedures and also accepts that the proposed use(s) of CDBG-DR funds are not reimbursable by FEMA, SBA or other federal agencies; and

BE IT FURTHER RESOLVED the Mayor or Council President are authorized to sign the grant agreement or any other document in connection therewith.

E. RESOLUTION NO. 09/15/2015-06: INTRODUCTION OF ORDINANCE 649 AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS

RESOLVED, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following ordinance:

Sponsored by: Council President Nelson
Date Introduced: September 15, 2015
Public Hearing & Adoption: October 20, 2015
Synopsis: Second floor habitable area to first floor habitable area

BE IT ORDAINED as follows:

1. Appendix B (revised June 17, 2013), Bulk Standards, is hereby amended as follows:
Second Floor habitable Area to
First Floor ~~footprint~~ habitable area ratio
2. Appendix B, footnote 6, is amended as follows;
6. See Land Use Ordinance for definition of ~~footprint~~ habitable area.
3. Article 30-2 – Definitions, Habitable Area, is hereby amended as follows:

~~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.~~

Habitable Area – An enclosed space with a floor, walls (partial or full height), ceiling or roof. Habitable area does not include any of the following: garages, utility rooms or space for laundry equipment, heating, air conditioners, pool filters or heaters, porches (open or enclosed), stairs, decks, passageways.

4. All provisions of Chapter XXX not specifically amended hereby

shall remain in full force and effect.

5. This Ordinance shall be effective upon final adoption.

F. RESOLUTION NO. 09/15/2015-07: INTRODUCTION OF ORDINANCE NO. 651 AMENDING ORDINANCE 265

RESOLVED, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following ordinance:

Sponsored by: Council President Nelson

Date Introduced: September 15, 2015

Public Hearing

& Adoption: October 20, 2015

Synopsis: The vacation of a portion of Bay Avenue, north of Herbert Street

WHEREAS, Ordinance No. 265, adopted May 16, 1988, provides for the vacation of a portion of Bay Avenue, north of Herbert Street, subject to conditions; and

WHEREAS, it is the desire of the governing body to delete one of the conditions.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council as follows:

1. Article 3B. of Ordinance 265 is amended by deletion of “area”.
2. All of the provisions of Ordinance No. 265, as hereby amended, shall remain in full force and effect.
3. This amendatory 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. 09/15/2015-08: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2015 municipal Budget as of July 31, 2015; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2015 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2015 Adopted Budget		5,683,083.23	2,694,371.23	93,288.00	2,895,424.00
2014 Appropriation Reserve	7,555,401.96	638,758.25	250,120.63	30,055.35	358,582.27
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		1,030,396.09	170,596.36	4,210.82	855,588.91
Capital		2,983,422.37	0.00	1,033,991.27	1,949,431.10

B. RESOLUTION NO. 09/15/2015-09: PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2015

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$395,301.42 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. 09/15/2015-10: APPROVAL TO RELEASE REGULAR COMP TIME FOR POLICE OFFICER SCOTT DRYBURGH

WHEREAS, Scott Dryburgh, Borough Police Officer, has accrued comp time, and has requested payment for 51.5 hours of said comp hours, and;

WHEREAS, it is the desire of Mayor and Council to now pay Police Officer Dryburgh for these benefits in lieu of the continued accrual thereof; and

WHEREAS, funds are available for this purpose, the Mayor and Council authorizes the Chief Financial Officer to pay these 51.5 hours of accrued comp time at the hourly rate of \$49.04 for a total payment of \$2,525.56;

IT IS NOW, THEREFORE, this 15th day of September, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That Borough Police Officer shall, forthwith, be compensated for his accrued comp time, 51.5 hours at the gross rate of \$49.04 per hour for a total payment of \$2,525.56.
2. As of the date of the adoption of this resolution and following payment recited above, the remaining comp time available to Borough Police Officer Dryburgh is 0.00 hours.

D. RESOLUTION NO. 09/15/2015-11: REQUESTING REFUND OF ESCROW FEES

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following escrow account which has been completed,

WHEREAS, the Borough Engineer and Zoning Officer has been consulted and confer that the following account is completed as far as they are concerned and

WHEREAS, the balance left on the account is due back to the escrow applicant

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Council of the Borough of Mantoloking authorize the Chief Financial Officer to refund the following escrow balance:

<u>Escrow Applicant</u>	<u>Amount</u>
Kevin M. Doyle 804 Fay Court Point Pleasant, NJ 08742-4518	\$1,500.00

RE: 1077 Barnegat Lane

9. **PUBLIC SAFETY COMMITTEE**: Councilman McIntyre 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 Councilwoman Nelson and approved by unanimous voice vote.

- A. **PUBLIC HEARING**: Mayor George C. Nebel opened the meeting to the public on Ordinance No. 650

RESOLUTION NO. 09/15/2015-12: ADOPTION OF ORDINANCE 650 AMENDING CHAPTER VII, TRAFFIC, SECTION 7-35 THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING

WHEREAS, on this 15th day of September, 2015 a public hearing was held and no comments were made by the public, now therefore, be it

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

BE IT ORDAINED as follows:

1. Article 7-35, is hereby amended as follows:
The speed limit upon all streets and roadways in the Borough of Mantoloking, except for N.J. Route 35, is fixed at 25 m.p.h.
The speed limit on Route 35 shall be as approved by the New Jersey Department of Transportation.
2. All other provisions of Chapter VII, not specifically hereby amended, shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption according to law.

ROLL CALL VOTE

Ayes: Council President Ann Elizabeth Nelson
Councilman Alan Laymon
Councilman Steve Gillingham
Councilman Robert S. McIntyre
Councilman Chris Nelson
Councilman Peter Strohm

10. **DUNE & BEACH RENOURISHMENT COMMITTEE:** Councilman Strohm
No action

11. **MUNICIPAL SERVICES COMMITTEE:** Councilman Laymon
No action

12. **MANTOLOKING COMMITTEE:** Councilman Chris Nelson
No action

13. **MAYOR AND COUNCIL COMMENTS**
Bid for new building will be put on website
The last day to appeal flood insurance is tonight at 8pm

14. **PUBLIC COMMENT PERIOD**

Meeting on Bay Avenue
Curbs and sidewalks project update
NJDOT Replanting timeline for dead trees
Barnegat Lane resurfacing plan
Central services grant program

15. **NEXT MEETING –**

Regular Council Meeting, October 20, 2015 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 Councilman McIntyre to adjourn.
The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote at 6:03 pm.

Respectfully submitted,

Beverley A. Konopada,
Acting Borough Clerk

