

DRAFT NO. 1 – 5/10/2017

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES -AGENDA – SETTING PRE-COUNCIL
MEETING
May 9, 2017
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The Agenda Setting Pre-Council 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 or 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:**

<u>COUNCIL</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>LATE</u>	<u>DIAL -IN</u>
Council President White	X			
Councilman Gillingham	X			
Councilman Laymon		X		
Councilman Nelson	X			
Councilwoman O'Mealia	X			
Councilman Rzemieniewski	X			
Mayor George C. Nebel	X			
<u>ALSO PRESENT</u>				
Beverly A. Konopada, Borough Clerk	X			
Edwin J. O'Malley, Jr. Borough Attorney	X			
Lynne Hazelet, Deputy Clerk	X			
April Yezzi, CFO, CTC, QPA	X			
Chief Stacy Ferris	X			

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

5. **RESOLUTION: MINUTES OF PREVIOUS MEETINGS**

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

Agenda Setting Pre-Council Meeting, April 18, 2017
Regular Business Meeting, April 25, 2017

6. **PUBLIC SAFETY COMMITTEE**, Councilman Laymon will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following resolutions.

A. **RESOLUTION: SUSPENSION OF TWO (2) HOUR TIME LIMIT PARKING ON BAY & DOWNER AVENUES FOR MANTOLOKING YACHT CLUB EVENTS**

WHEREAS, the Mantoloking Yacht Club has requested that enforcement of the time limit parking regulations be suspended on the following dates and times:

- Wedding -Saturday, May 20
- Wedding -Saturday, June 3
- Wedding -Saturday, June 10
- Runnie Colie Bildge Boarder Regatta –Sunday, June 11 (*on-water*)
- Wedding - Saturday, June 17
- BBYRA Racing – Saturday, June 24 (*on-water*)
- July 4th Parade and Festivities -Monday, July 4
- (*Barton regatta morning on-water*)
- BBYRA Racing -Saturday, July 8 (*on-water*)
- Interclub Sailing Races -Thursday, July 20 (*on-water*) and Monday, August 7 (*on-water*)
- ODO Optimist Regatta - Tuesday, August 8 (*on-water*)
- USODA New Jersey Championship –Monday, August 21 and Tuesday, August 22 (*on- water*)
- World Duck Championship Regatta -Thursday, August 24 (setup) and Friday, August 25 (*on-water*)
- Wedding - Saturday, September 9
- Wedding - Saturday, September 16

WHEREAS, Chief Ferris has endorsed this request and will direct personnel to suspend enforcement of time limit parking regulations for the above described period; and

WHEREAS, it is the desire of the governing body to grant the request and to endorse the Chief's determination.

IT IS NOW, THEREFORE, this 16th day of May 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The suspension of enforcement of two (2) hour time limit parking on Bay & Downer Avenues on the above dates and times are hereby approved and endorsed:
2. All prohibited parking regulations will be enforced.

B. RESOLUTION: IN SUPPORT OF WARHORSE SCUBA INC. 22-KILOMETER WALK SATURDAY, JULY 22, 2017

WHEREAS, Warhorse Scuba, Inc. has requested permission to pass through the Borough of their 22-kilometer walk, on Saturday, July 22, 2017; and

WHEREAS, Warhorse SCUBA INC was founded on the knowledge that everyday 22 US Military Combat Veterans are committing suicide. Studies have been conducted and determined SCUBA diving has positive effects on personnel suffering from Post-Traumatic Stress Disorder, Traumatic Brain Injury, C-Spine and other disabilities; and

WHEREAS, Warhorse SCUBA, Inc. promotes awareness of the US military suicide rate and welfare of combat veterans by offering SCUBA experiences, activities and certification programs as a means of therapy for combat veterans; and

WHEREAS, the Mayor and Council wish to endorse and support the Warhorse Scuba, Inc. 22-Kilometer Walk.

IT IS NOW, THEREFORE, this 16th day of May, 2017,

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

1. The request to pass through the borough, 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 Warhorse Scuba, Inc, Attn: President John Gannaio
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

C. RESOLUTION: INTRODUCTION TO ORDINANCE 667 CHAPTER VII (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007

Sponsored by: Councilman Alan Laymon
Date Introduced: May 16, 2017
Public Hearing & Adoption
Consideration: June 20, 2017

Synopsis: The Ordinance is being modified to adhere to the access requirements implemented by the USACE for the upcoming beachfill project while addressing other various concerns of the Department; enforcement of yellow curbing, merge of the parking regulating requirements into one concise section.

BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking, as follows:

1. Chapter VII of the Revised General Ordinances of the Borough of Mantoloking, 2007, is deleted.
2. Proposed revision of Chapter VII, 25 pages attached, is hereby introduced. This amendatory Ordinance shall be effective upon publication and final adoption.
3. (Notice of Hearing should be deferred pending Council review and comment).

ROLL CALL VOTE:

Robert Mainberger spoke about parking and answered questions from the public.
Public funds are being used for the beach replenishment project which would require at a minimum 4 hour parking regulation changes.
Number of spaces for cars will be sixty nine and two wheel motorized vehicles twenty six
Bicycle lane
Councilman Nelson advocating for unlimited parking
Parking signs not indicating overnight parking
Councilwoman O’Mealia suggested surveying East Avenue residents
Parking should be consistent throughout Mantoloking

7. **DUNE & BEACH COMMITTEE:** Councilman Nelson will present the reports of the Dune & Beach Committee and Ocean County Block Grant Program moves the following resolution.

Robert Mainberger advised that the beach replenishment project has been postponed for two months. When the Army Corp. project begins meetings will be held every Tuesday at 10:00 a.m. in the Fire House and are open to the public.
At the conclusion of Robert Mainberger’s update, Councilman Rzemieniewski commended him on a job well done.
Articles in newspaper regarding how we handled the beach and parking
The Army Corp. will be holding public meetings at the fire house every Tuesday at 10 am starting in July.
Rock revetment maintenance- private- homeowner’s responsibility. When sand is available the Borough will push to cover.

PUBLIC HEARING: Mayor George C. Nebel will open the meeting to the public on Ordinance No. 663

A. RESOLUTION: ADOPTION OF ORDINANCE 663 PROVIDING FOR AMENDMENT OF CHAPTER XI (PROTECTION OF BEACHES AND DUNES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007

Sponsored by: Councilman Chris Nelson
Date Introduced: April 25, 2017
Public Hearing & Adoption Consideration: May 16, 2017

Synopsis: As the Borough’s dune and beach system will be significantly altered by the upcoming USACE beach replenishment program, it was determined the Ordinance needed to be modified to include more dune preservation language rather than exclusively controlling the existing dune building concept; with various sections requiring modification to address the USACE project revised dune profile and address other USACE project requirements; and to address other regulatory issues that require update to accommodate revised NJDEP standards and easement conditions

BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking, as follows:

1. Chapter XI of the Revised General Ordinances of the Borough of Mantoloking, 2007, is deleted.
2. Proposed revision of Chapter XI, 16 pages attached, was introduced on April 25, 2017. This amendatory Ordinance shall be effective upon publication and final adoption.
3. (Notice of Hearing should be deferred pending Council review and comment).

ROLL CALL VOTE:

- 8. MUNICIPAL SERVICES COMMITTEE,** Council President White will present the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and moves the following resolutions:

Introduction to Land Use Ordinance-

- o Modification to Noise Decibels Levels Permitted for Generators
- o Land Use Ordinance Increase in Fees for all Zoning Permit Applications
- o Definition and illustrations for Stairs and Landings
- o Modification to how Average front yard setback is determined
- o Removal of Ornamental Features from permitted encroachments into min required Setback areas

A. RESOLUTION: PROVIDING FOR RIGHT-OF-WAY ACCESS TO VERIZON

Councilman White advised that that this resolution will allow Verizon to strengthen their signal, therefore providing better service to their customers.

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and **WHEREAS**, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Mantoloking; and **WHEREAS**, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Mantoloking, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Mantoloking.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Mantoloking, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Mantoloking.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Mantoloking as an additional insured.

- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Mantoloking nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Mantoloking by the Borough Council of the Borough of Mantoloking and attested to by Borough of Mantoloking Clerk who shall affix the Borough of Mantoloking Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Mantoloking by parties that have the lawful right to maintain such poles.

B. RESOLUTION: INTRODUCTION TO ORDINANCE NO: 665 AMENDING THE BUILDING SUBCODE FEES

Sponsored by: Council President White
Date Introduced: May 16, 2017
Public Hearing & Adoption: June 20, 2017
Synopsis: Fees are significantly below surrounding municipalities. In order to cover operating costs fees will need to be increased.

ORDINANCE NO. 665

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XIII, ARTICLE 13-2, BUILDING SUBCODE FEES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING – 2007

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

1. The fees and provisions of Article 13-2 (A. through E.) are hereby amended as shown upon the attached amendatory Fee Schedule, 2017 (2 pages), as recommended by the Construction Official.
2. All fees and provisions of Article 13-2 (A. through E.), which are not amended by the attached amendatory schedules, or prior Ordinances shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption.

BOROUGH OF MANTOLOKING
AMENDED FEE SCHEDULE
2017

	Fee:
Building Subcode	
New Construction	
Per cu.ft	0.027
MIN FEE – Any Building Technical	
Renovation/Alteration	60 75
Per \$1,000 of renovation Cost	Add 25
1-50K	22
50-100K	14
Over 100K	12
Roofing	150
Siding	200
Pool barrier (fence)	75
Min	
Fences > 6'/other	75
Sheds	75
POOLS (In Ground)	200
Plumbing Subcode	
Minimum fee – Plumbing Subcode	60 75
Fixtures	20
Special Devices/Other	75
Fuel Fired Appliances – Residential Only	95
Electrical Subcode	
Minimum fee – Electrical Subcode	60 75

Fixtures/Devices 1-50	70
Ea. Add'l 25	15
Service Panels:	
1-200 amp	70
201-1000	100
Over 1000	500
Transformer/ Generator	
1 – 10KW	15
11-50W	50
46-112 KW	100
Over 112	500
Fire Subcode	
Minimum Fee-Fire Subcode	60 75
Sprinkler and Smokes:	
1-10 Devices	50
11-20 Devices	100
21-100 Devices	150
101-200 Devices	250
Over 200	750
Gas Fired Appliances – Commercial Only	75
Other Fees:	
Certificate of Occupancy	150
Continued Certificate of Occupancy	150
Fee for Variation	150
Plan Review Fee	20% (of new construction permit fee)
Amended Plan Review	\$60/hr. (\$60 minimum fee)
Temporary Certificate of Occupancy Unless paid CO	30
Demolition	200
Backflow subject to test	75

ROLL CALL VOTE:

C. RESOLUTION: INTRODUCTION ON FIRST READING OF PROPOSED AMENDMENT TO ORDINANCE 13-6, BUILDINGS UNFIT FOR HUMAN HABITATION, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING – 2007

Sponsored by: Council President White
Date Introduced: May 16, 2017
Public Hearing & Adoption: June 20, 2017
Synopsis: amending the wording of the existing ordinance to remove the health officials as the responsible party for enforcement. The designated person will be the Construction Official

ORDINANCE NO: 668

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR AMENDMENT OF ARTICLE 13-6 BY DELETION OF SUB-ARTICLE 13-6.2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007, IDENTITY OF PUBLIC OFFICER, AND ADOPTION OF REPLACEMENT ARTICLE 13-6.2

BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking,

Ocean County, New Jersey, as follows:

1. Sub-article 13-6.2, **Powers Designated.**
The Chairman of the Borough, hereinafter designated the "Public Officer"; is hereby designated and appointed to exercise the powers prescribed by this section
2. New Sub-article 13-6.2. **Powers Designated.**
The Construction Official of the Borough of Mantoloking is designated as the "Public Officer" designated and appointed to exercise the powers prescribed by this section."
3. Ordinance 13-6, as amended by (new) 13-6.2 shall be in full force and effect upon publication, hearing and final adoption according to law.

ROLL CALL VOTE:

9. **FINANCE COMMITTEE**, Councilman Gillingham will present the monthly finance report and

Author
Deleted: (deletion)
Author
Deleted: Board of Health

moves the following resolutions:

A. RESOLUTION: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2017 temporary Municipal budget as of March 31, 2017; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2017 TEMPORARY BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2017 Temporary Budget		2,047,209.83	1,017,386.65	103,338.92	926,484.26
2016 Appropriation Reserve	5,789,080.20	501,386.73	158,597.88	48,287.60	294,501.25
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	297,639.01	72,856.29	31,818.47	192,964.25
Subtotal Sandy Emergency		297,639.01	72,856.29	31,818.47	192,964.25
Capital		7,195,713.10	749,482.35	0.00	6,446,230.75

B. RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$189,684.01 with the recommendation they be paid, and
- A list of bills in the amount of \$101,078.24 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: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #4

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 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$2,523,209.83.

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 2017 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&W</u>	<u>OE</u>
Finance	\$ 25,000.00	\$ 5,000.00
Planning Board	\$ 20,000.00	
Construction	\$ 10,000.00	
Police	\$75,000.00	\$ 10,000.00
Road Repairs	\$ 25,000.00	
Gasoline		\$ 10,000.00
State Unemployment		\$ 15,000.00
TOTAL	\$ 155,000.00	\$ 40,000.00
GRAND TOTAL	\$ 195,000.00	

D. RESOLUTION: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO DUPLICATE PAYMENTS

WHEREAS, a duplicate tax payment was made on the 2nd quarter 2017 property taxes on property owned by Falcone, Lucille, for the fiscal year 2017; and,

WHEREAS, such duplicate payment has resulted in an overpayment of 2017 property taxes in the amount of \$499.11 and said property owner is requesting a refund of this overpayment in a total refund amount of \$499.11,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$499.11 for said overpayment for the property known as Block 7, Lot 1 aka 964 East Avenue to LenderLive Settlement Services, LLC, 1044 Main Street, Suite 700, Kansas City, Missouri 64105 on behalf of above referenced property owner.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

E. RESOLUTION: INTRODUCTION OF 2017 MUNICIPAL BUDGET

Councilman Gillingham advised that budget increases the tax rate by a half of one cent. He also advised that the Bond Sales would be on May 18, 2017.

F. RESOLUTION: INTRODUCTION TO ORDINANCE # 664 PROVIDING FOR THE CANCELLATION OF \$108,000 IN NOTE PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND PREVIOUSLY USED TO DEFEASE SUCH NOTE

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that certain note proceeds in the aggregate amount of \$108,000 provided for by the bond ordinances listed below are no longer needed for the purposes referenced therein. The Borough of Mantoloking, in the County of Ocean, New Jersey (the “Borough”) desires, therefore, to cancel the following note proceeds:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Cancelled</u>
534	Construction of Borough yard garage, finally adopted April 23, 2007.	\$28,000.00
612	Construction of Lyman Street walkover, finally adopted April 23, 2012.	\$80,000.00

Section 2. The aggregate amount of \$108,000, all of which represents funded debt authorizations in the bond ordinances listed in the above referenced chart and made available pursuant to N.J.S.A. 40A:2-39, is hereby cancelled and previously was used to pay \$108,000 of the Borough’s then outstanding bond anticipation note.

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ROLL CALL VOTE:

10. **ENVIRONMENTAL COMMITTEE** Councilwoman O’Mealia will present the report of the Environmental Committee and moves the following resolutions.

A. RESOLUTION: GARBAGE CONTRACT EXTENSION

11. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski will present the report of the Mantoloking Relations Committee.

Councilman Rzemieniewski thanked Mayor and Council for the amendment to 13-6.2

12. MAYOR AND COUNCIL COMMENTS

None

13. PUBLIC COMMENTS PERIOD

None

14. NEXT MEETING:

Regular Business Meeting, May 16, 2017 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

15. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Rzemieniewski to adjourn. The motion was seconded by Councilman White and approved by unanimous voice vote at 6:31 p.m.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk