

DRAFT #1 05/20/2014

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

MINUTES OF THE REGULAR BUSINESS MEETING

May 20, 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 with the following actions:

1. **CALL TO ORDER:** Mayor Nebel called the meeting to order at 5:30 pm
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 Peter R. Strohm, James J. Brown, Robert S. McIntyre and Councilwoman Ann Elizabeth Nelson

Absent: Councilman Chris Nelson

Also Present: Beverley Konopada, Borough Attorney Edwin J. O'Malley, Jr.

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel lead the assembly in the Pledge of Allegiance.
5. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel opened the meeting for public comment and questions about the agenda.
6. **RESOLUTION NO. 05/20/2014-01: MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed

Regular Meeting April 22, 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.

RESOLUTION NO. 05/20/2014 - 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 March 31, 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		2,281,100.00	1,012,503.29	170,996.47	1,097,600.24
2013 Appropriation Reserve	5,671,304.96	405,798.24	120,265.55	30,184.19	255,348.50
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	74,545.36	1,750.00	1,295,349.38
Capital		2,014,353.92	92,958.04	0.00	1,921,395.88

RESOLUTION NO. 05/20/2014 - 03: PAYMENT OF BILLS FOR THE MONTH OF MAY 2014

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$637,357.32 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.

RESOLUTION NO. 05/20/2014 - 04: REFUND OF FEES & OVERPAYMENTS

RESOLVED, the Borough Council authorizes the Chief Financial Officer to refund the following for the reason(s) indicated:

<u>TO</u>	<u>REASON</u>	<u>AMOUNT</u>
Edward & Kathleen Maziekien	Overpayment of property taxes: Blk 29 Lt 3	\$576.44
Joseph Kardak	Overpayment of property taxes: Blk 13, Lot 20	\$960.59
Judith Kurzeja	Overpayment of property taxes: Blk 23 Lot 12	\$6,340.29

RESOLUTION NO. 05/20/2014 – 05: SETTING THE 2014 TAX SALE

WHEREAS, N.J.S.A. 54:5-19 states that “when unpaid taxes or any municipal lien, or part thereof, on real property, remains in arrears on the 11th day of the eleventh month in the fiscal year when the same

became in arrears, the collector or other officer charged by law in the municipality with that duty, shall enforce the lien by selling the property in the manner set forth in this article, provided that the sale is conducted no earlier than in the last month of the fiscal year.”

WHEREAS, the Borough of Mantoloking has properties that qualify for such sale as of the close of the 2013 calendar year,

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be authorized to hold a tax sale as stated in the following:

**BOROUGH OF MANTOLOKING
COUNTY OF OCEAN
STATE OF NEW JERSEY**

**COLLECTOR’S NOTICE OF SALE OF PROPERTY FOR NON-PAYMENT OF TAXES,
ASSESSMENTS AND OTHER MUNICIPAL LIENS**

Notice is hereby given that I, Michelle A. Swisher, Collector of Taxes for the Borough of Mantoloking in the County of Ocean, pursuant to the authority of the Statutes in such case made and provided, will on

Tuesday, June 17, 2014

At 10:00 A.M. in the Administrative Building of the Borough of Mantoloking, Located at 340 Drum Point Road, Brick, NJ, expose for sale and sell the tracts and parcels of land hereinafter specified to make the amount chargeable against said land, respectively, on which taxes, special assessments and sewer charges for the years prior to 2013 remain unpaid and in arrears for the purpose of making the amount chargeable against said lands for such unpaid and delinquent taxes as hereinafter set forth together with interest on said amount and cost of sale. Parcels are to be sold subject to omitted or added assessments, taxes that may hereafter be assessed in accordance with and pursuant to N.J.S.A. 54:4-63.1 to 63.29 or subject to rollback taxes under the Farmland Assessment Act.

TAKE FURTHER NOTICE, that the said liens will be sold to such persons as will purchase the same, subject to the redemption at the lowest rate of interest on that amount, but in no case in excess of 18% per annum.

TAKE FURTHER NOTICE, that this sale is made pursuant to the provisions of Article 4, Chapter 5, Title 54 of the Revised Statutes of New Jersey entitled “Sale of Real Property to Enforce Liens” and the various acts amendatory thereof and supplemental thereto.

INDUSTRIAL PROPERTIES may be subject to the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11 et seq.), the Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq.). In addition, the municipality is precluded from issuing a tax sale certificate to any prospective purchaser who is or may be in any way connected to the prior owner or operator of the site.

At any time before the sale, said Collector will receive payment of the amount due on any property with interest and costs incurred by cash, money order or certified check. Additionally, the Borough’s Tax Collector will accept cash, certified check and money order for the settlement of the purchase of a lien. The payments for the sale shall be made before the conclusion of the sale or the property shall be resold. Properties for which there are not other purchases shall be struck off and sold to the Borough of

Mantoloking, in accordance with said act of the legislature. Interest on subsequent liens shall be allowed as prescribed by law.

The following is a description of the lands and the owner's names as obtained on the list on file in my office together with the total amount due thereon. The names shown are as they appear in the most current Tax Duplicate and do not necessarily mean that the parties are the present owners of the property.

Michelle A. Swisher
Collector of Taxes

ONLY CASH, CERTIFIED CHECK OR MONEY ORDER WILL BE ACCEPTED FOR PAYMENT

<u>Blk</u>	<u>Lt</u>	<u>Name</u>	<u>Address</u>	<u>Principal</u>	<u>Interest</u>	<u>Cost</u>	<u>Total</u>
22	21	Mercatanti, Debra Y Trustee Cam Tr	1060 Barnegat Lane	(T)\$ 1,554.59	\$ 538.01	\$32.72	\$2,125.32

8. **PUBLIC SAFETY COMMITTEE**, Councilman McIntyre presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following four resolutions. The motion was seconded by Council President Steve Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 05/20/2014 – 06: AUTHORIZING THE REMOVAL OF STOP SIGNS AT MATHIS PLACE, WILLIAMS PLACE AND STEPHENS PLACE AND TO REINSTALL STOP SIGNS AT LYMAN STREET AND EAST AVE, AND LYMAN STREET AND ROUTE 35

**RESOLUTION OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY,
NEW JERSEY CONCERNING TRAFFIC CONTROLS**

WHEREAS, to accommodate the Route 35 construction project, stop intersections were established at the intersections of East Avenue with Mathis Place, Williams Place and Stephens Place; and **WHEREAS**, there is not a current need to enforce such regulations or to maintain the signage; and **WHEREAS**, stop signs at Lyman Street and East Avenue and Lyman Street and Route 35 were removed to accommodate the Route 35 construction project.

IT IS NOW, THEREFORE, this 20th day of May, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The stop signs at the intersections of East Avenue with Mathis Place, Williams Place and Stephens Place, shall be removed.
2. The stop signs at Lyman Street and East Avenue and Lyman Street and Route 35 shall be reinstalled.

RESOLUTION NO. 05/20/2014 - 07: CONSIDERATION OF ADOPTION FOR MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN FOR OCEAN COUNTY

**RESOLUTION OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY,
NEW JERSEY PROVIDING FOR ADOPTION OF 2014
MULTI-JURISDICTIONAL ALL HAZARD MITIGATION
PLAN FOR OCEAN COUNTY**

WHEREAS, the governing body recognizes the threat that natural hazards pose to people and property within the Borough of Mantoloking; and

WHEREAS, the County of Ocean has prepared a multi-hazard mitigation plan, hereby known as 2014 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the 2014 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County identifies mitigation goals and actions to reduce or eliminate long term risk to people and property in Mantoloking from the impacts of future hazards and disasters; and

WHEREAS, adoption by the Mayor and Council demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the 2014 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County

IT IS NOW, THEREFORE, this 20th day of May, 2014, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the 2014 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County is hereby adopted.

RESOLUTION NO. 05/20/2014 - 08 : APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP

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

Name	Position	Effective Date	Salary
Megan Wright	Badge Checker Supervisor	May 16, 2014	\$ 9.00/hour

RESOLUTION NO. 05/20/20014 - 09: SUSPENSION OF ENFORCEMENT OF TWO HOUR PARKING LIMIT ON BAY AVENUE BETWEEN HERBERT STREET AND DOWNER AVE. FOR THESE SPECIFIC REGATTAS, MEMORIAL SERVICE, JULY 4TH CELEBRATION AND WEDDING DATES:

WHEREAS, the Mantoloking Yacht Club has requested that enforcement of two-hour time limit parking regulations on Bay Avenue between Herbert Street and Downer Avenue suspended on the following dates;

May 24 – 9am-4pm	Memorial Service and Repast
May 31 – 3pm-11pm	Wedding
June 21 – 8am-5pm	BBYRA Race Day
July 3 – 8am-5pm	Up Bay Interclub Regatta
July 4 – 8am-11pm	July 4 th Town Celebration
July 17 – 8am-5pm	Up Bay Interclub Regatta
July 24 – 8am-6pm	Sandpiper National Regatta
July 25 – 8am-11pm	Sandpiper National Regatta
July 26 – 8am-6pm	Sandpiper National Regatta
July 29 – 8am-6pm	One Day Only Youth Regatta
Aug. 21 – 4pm-9pm	World Duck Preparation

Aug. 22 – 8am-6pm World Duck Regatta
Sept. 6 – 3pm-11pm Wedding
Sept. 13 – 3pm-11pm Wedding
Sept. 20 – 3pm-11pm Wedding

and,

WHEREAS, Chief Mark Wright has granted this request and directed personnel not to enforce two (2) hour time limit parking on said dates, during the Yacht Club’s Sailing Regatta; Weddings and a Memorial Service

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 20th day of May, 2014, **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 Avenue between Herbert Street and Downer Avenue, during the Sailing Regattas, Weddings and a Memorial Service for the above dates, is hereby approved and endorsed.
2. All prohibited parking regulations were enforced.

RESOLUTION: PROVIDING FOR APPROVAL OF CONTRACT WITH CHIEF MARK WRIGHT

No action taken

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

RESOLUTION NO. 05/20/204 – 10: PAYMENT NO. 1-Final – BOROUGH HALL/POLICE STATION ASBESTOS ABATEMENT PROJECT IN MANTOLOKING

WHEREAS, the Borough has entered into a Contract with Shade Environmental,LLC (Contract 2014-01) to for Asbestos Abatement of Borough Hall and Police Station; and

WHEREAS, the Contractor has submitted Payment Application No. 1-Final , in the sum of \$ 42,900.00; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No. 1-Final be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment of the claim.

RESOLUTION NO. 05/20/2014 - 11: INTRODUCTION OF AMENDMENT TO LAND USE ORDINANCE PROVIDING FOR ONE (1) SIX MONTH EXTENSION PERIOD, UPON APPLICATION, AND A SECOND SIX-MONTH EXTENSION ONLY UPON DEMONSTRATION OF SUBSTANTIVE PROGRESS TOWARDS REDEVELOPMENT OF THE SITE. ALL PERMITS TO EXPIRE, WITHOUT RENEWAL UNDER ANY CIRCUMSTANCES, ON JUNE 1, 2015.

RESOLVED, The Mantoloking Borough Council hereby adopts the first reading (title only) the following Ordinance:

ORDINANCE NO. 638

**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. Section 30-6.1(a)(9) **Accessory Use and Accessory Structures** (as amended by Ordinance 617, is amended as follows:

i. Section 39-6.11 (a)(9), Accessory Use and Accessory Structures

A recreational vehicle (RV) is a permitted accessory use. The parking and habitation of one RV shall be permitted on any residential lot in the Borough. Habitation shall only be permitted for the immediate family members of the owner(s) of the lot on which the RV will be placed. Any power to be supplied to the RV shall be shore power and generators of any kind are prohibited. The RV as placed must maintain a minimum 10 foot set back from all property lines. The property owner shall register and confirm the placement of an RV on the lot with the Zoning Officer of the Borough. No permit fee shall be charged for the registration of the RV. (The permit shall expire at the earlier of one (1) year or the issuance of a Certificate of Occupancy). [ADD] The permit shall expire at the earlier of one (1) year or the issuance of a Certificate of Occupancy. A permit may, upon application, be extended for one (1) six-month period. A second six-month extension may be granted upon a demonstration of substantial progress towards redevelopment of the site. All permits shall expire on June 1, 2015, and shall not be renewed or extended.

2. All provisions of the Land Use Regulations, not hereby amended shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption.

RESOLUTION NO. 05/20/2014 - 12 : APPOINTMENT OF PERSONNEL

RESOLVED, Mantoloking Borough Council approved the following appointment with the terms and conditions indicated:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Salary</u>
<i>Joseph Mellone</i>	<i>P/T Construction Official</i>	<i>Upon appointment execution of contract</i>	<i>\$ 38,000.00/annual 20/hours per week</i>

PUBLIC HEARING: Mayor George C. Nebel will open the meeting to the public on Ordinance No. 637 –2014 Amendment to the Construction Department Fee Schedule

Councilwoman Nelson moved the following resolution.

RESOLUTION NO. 05/20/2014 - 13: ADOPTION OF ORDINANCE NO. 637 – AMENDMENT TO CONSTRUCTION DEPARTMENT FEES

WHEREAS, on the 20th day of May, 2014, a public hearing on Ordinance No. 637 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 adopt the following Ordinance:

ORDINANCE NO. 637

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 Amended Fee Schedule, 2014 (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 Amended Fee Schedule shall remain in full force and effect.
 3. This Ordinance shall be effective upon final adoption.
- 10. DUNE & BEACH RENOURISHMENT COMMITTEE**, Councilman Strohm stated no reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.
Councilman Strohm stated that the Beach Replenishment Project is set to start in November.
- 11. MUNICIPAL SERVICES COMMITTEE**, Councilman Brown stated no reports of the Municipal Services Committee.
Councilman Brown advised residents to sign up for email updates via our website. A grants section has been added to our website to assist residents with available grants.
- 12. MANTOLOKING COMMITTEE**, Councilman Chris Nelson was not present. No report for Mantoloking Committee.
- 13. MAYOR AND COUNCIL COMMENTS**

Councilwoman Nelson advised the public that summer construction hours will be in effect starting June 15, 2014 – September 15, 2014

14. PUBLIC COMMENT PERIOD

There were several comments from the audience regarding foxes, firewood on properties, beach badge supervisor, clarification on rateables, police changes in promotion process-

considering all candidates and selecting the most qualified person.

Presentation given by Sgt. Ferris regarding the Updates on Mantoloking's Progress to date.

15. NEXT MEETING –

Council workshop Meeting, Wednesday June 11, 2014 at 8:30 a.m. at Borough Temporary Offices, 340 Drum Point Road, Brick, NJ

Regular Council Meeting, Tuesday June 17, 2014 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 Mayor George C. Nebel to adjourn. The motion was seconded by Councilman Peter Strohm at 6:05 p.m.

Respectfully submitted,

Lynne A. Hazelet
Deputy Borough Clerk