

DRAFT #3 (05/17/2013)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
May 20, 2013
4:30 P.M.
G. HAROLD ANTRIM ELEMENTARY SCHOOL
401 NIBLICK STREET
POINT PLEASANT BEACH, NEW JERSEY

The regular monthly meeting of the Mayor and Council will be held this day in the Auditorium of the G. Harold Antrim Elementary School, Point Pleasant Beach, NJ.

- 1. CALL TO ORDER:** **TIME:**

- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel will 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:
 Absent:

 Also Present:

- 4. PLEDGE OF ALLEGIANCE:** The Mayor will lead the assembly in the Pledge of Allegiance.

- 5. PRIVILEGE OF THE FLOOR:** The Mayor will open the meeting for public comment and questions about the agenda.

- 6. MINUTES OF PREVIOUS MEETINGS:**
 Regular Meeting of March 18, 2013, Special Meeting of March 28, 2013

7. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN STEVE GILLINGHAM

- A. Councilman Gillingham will present the monthly finance report.
- B. **Action Items:**

Councilman Gillingham moves the following _____ resolutions.

RESOLUTION: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER March 31, 2013

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2013 municipal budget as of March 31, 2013; and

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

<u>ACCOUNT</u>	<u>ORIGINAL 2012 BUDGET</u>	<u>2013</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	
		<u>BALANCE BUDGET</u>	<u>YEAR TO DATE</u>		
2013 Current Yr. Appropriation		\$1,389,600.00	\$ 852,650.95	\$ 42,948.96	\$ 494,000.09
2012 Appropriation Reserves	\$4,034,728.78	\$ 440,086.77	\$ 52,770.39	\$ 26,073.66	\$ 361,242.72
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Total 2012 Approp Reserve		<u>\$3,354,059.22</u>	<u>\$1,071,507.34</u>	<u>\$ 482,229.44</u>	<u>\$1,800,322.44</u>
		\$3,794,145.99	\$1,124,277.73	\$ 508,303.10	
		\$2,161,565.16			
Capital		\$ 734,242.74	\$ 0.00		\$ 734,242.74
CASH RECEIPTS		<u>REVENUE</u>	<u>REVENUE</u>		
		<u>THIS MONTH</u>	<u>YEAR TO DATE</u>		
		\$ 631,893.10	\$2,825,299.69		
5 Yr. EMERGENCY-SANDY		<u>2013</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	
		<u>BALANCE</u>	<u>YEAR TO DATE</u>		
		<u>BUDGET</u>			
		\$3,354,059.22	\$ 835,739.63	\$ 499,436.09	
		\$2,018,883.50			

now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accept the above referenced and summarized report and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION: PAYMENT OF BILLS FOR THE MONTH OF MAY 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$2,142,737.76 and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey

approve payment of the above referenced bills and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO A STATE TAX APPEAL

WHEREAS, a State Tax Court Judgment has been favorably awarded to Morgan Family Partnership, Block 34, Lot 3, for the fiscal year 2011; and,

WHEREAS, such judgment has resulted in an overpayment of 2011 property taxes in the amount of \$1,592.21,

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 \$1,592.21 for said overpayment to Zipp & Tannenbaum, LLC, 166 Gatzmer Ave, Jamesburg, NJ 08831 for the property known as 205 Downer Ave, Mantoloking, NJ 08738.

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

RESOLUTION: FOR LATE INTRODUCTION OF THE 2013 BUDGET

RESOLVED, that due to the economic uncertainties of the day and the devastation that Hurricane Sandy has brought to the Borough of Mantoloking, the time for accumulating and preparing the necessary information for the 2013 Budget for the Borough of Mantoloking exceeded the time fixed by State Statute of March 15.

BE IT FURTHER RESOLVED, that the Borough of Mantoloking, County of Ocean, State of New Jersey that the Borough Clerk be and hereby is authorized and directed to forward two (2) certified copies of this resolution to the Office of the Director of Local Government Services and furnish said Director with any further information required to act upon this matter.

RESOLUTION: INTRODUCTION OF 2013 MUNICIPAL BUDGET

WHEREAS, the Finance Committee has proposed a municipal budget for 2013, a complete copy of which is attached to the minutes of this meeting and is summarized as follows:

Revenue and Appropriation Summaries

<u>Summary of Revenues</u>	<u>Anticipated Revenues</u>	
	<u>2013</u>	<u>2012</u>
1. Surplus	\$528,000.00	\$531,500.19
2. Total Miscellaneous Revenues	2,813,626.96	547,697.75
3. Receipts from Delinquent Taxes	70,000.00	50,000.00
4. Local Tax for Municipal Purposes	2,259,678.00	2,920,124.00
Total General Revenues	<u>\$5,671,304.96</u>	<u>4,049,321.94</u>
	<u>Appropriations</u>	
<u>Summary of Appropriations</u>	<u>2013</u>	<u>2012</u>

1. Operating Expenses: Salaries and Wages	\$1,629,920.00	\$1,462,150.00
Other Expenses	1,756,692.96	1,580,044.59
2. Deferred Charges and Statutory Expenditures	1,937,000.00	282,100.00
3. Capital Improvements	85,500.00	51,500.00
4. Debt Service	6,000.00	356,500.00
5. Reserve for Uncollected Taxes	256,192.00	302,434.19
Total General Appropriations	\$5,671,304.96	\$4,034,728.78
<u>Total Number of Employees (full and part-time)</u>	59	59

Balance of Outstanding General Debt Obligations

Interest	\$0.00
Principal	0.00
Outstanding Balance at December 31, 2012	0.00

Notice is hereby given that the budget and tax resolution was approved by the governing body of the Borough of Mantoloking, County of Ocean on May 20, 2013.

A hearing on the budget and tax resolution will be held at the Mantoloking Yacht Club located at 1224 Bay Avenue Mantoloking, New Jersey on June 25, 2013 at 4:30 PM at which time and place objections to the budget and tax resolution for the year 2013 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of Irene H. Ryan, Municipal Clerk, at the temporary Borough Hall, 340 Drum Point Road (Yogi Plaza) 2nd Floor Brick, New Jersey 08723, 732-475-6983, during the hours of 8:30 AM to 4:30 PM.

vote:

AYE:

NAY:

ABSTAIN:

ABSENT:

PUBLIC SAFETY COMMITTEE, COUNCILMAN ROBERT MC INTYRE:

A. Reports of the Public Safety Committee: Councilman McIntyre will present the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

B. Action Items:

Councilman McIntyre moves the following ____ resolutions.

RESOLUTION: APPOINTMENT OF PERSONNEL – HURRICANE RECOVERY EMERGENCY PART TIME HELP

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	Effective Date	Salary
Patrick Smith	OEM Clerical	05/01/13 – 10/31/13	\$25.00/hour

RESOLUTION: APPOINTMENT OF PERSONNEL

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	Effective Date	Salary
<i>Thomas J. Restino</i>	<i>Class I Special Officer</i>	<i>May 20, 2013</i>	<i>\$9.00/Hour</i>
<i>John A. Segalla</i>	<i>Class I Special Officer</i>	<i>May 20, 2013</i>	<i>\$9.00/Hour</i>

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON

- A. **Reports of the Public Works:** Councilwoman Nelson will present reports from the Public Works Superintendent, Construction Official and Land Use Officer.
- B. **Action Items:**

Councilwoman Nelson moves the following _____ resolutions:

RESOLUTION: ACCEPTANCE OF RESIGNATION, V. JOHN WARDELL

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accepts the following resignation(s):

Name	Position	Effective Date
<i>V. John Wardell</i>	<i>Building Subcode Inspector, Building Inspector, Member- NFIP Flood Hazard Mitigation Planning Committee</i>	<i>June 1, 2013</i>

RESOLUTION: APPOINTMENT OF PERSONNEL

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	Effective Date	Salary
<i>Lisa A. Tilton</i>	<i>Temporary Part-Time Administrative Assistant</i>	<i>May 21, 2013</i>	<i>\$25.00/Hour</i>

RESOLUTION: APPOINTMENT OF COMMITTEE MEMBER

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	Effective Date
<i>Timothy J. Skinner, Construction Official</i>	<i>NFIP Flood Hazard Mitigation Planning Committee</i>	<i>06/01/2013-12/31/2013</i>

RESOLUTION: PROVIDING FOR CHANGE ORDER NO. 1 AND PAYMENT ESTIMATE NO. 1 - FINAL FOR STORM SEWER CLEANING PROJECT

WHEREAS, the Borough has entered into a Contract with American Pipe Cleaning, LLC (Contract) to provide Cleaning of Various Storm Sewers And Inlets: and

WHEREAS, due to the need for adjustment of contract quantities to reflect completed as-build quantities, American Pipe Cleaning, LLC has submitted Change Order No. 1; and

WHEREAS, the Contractor has submitted Payment Application No. 1 - Final, in the sum of \$28,721.96; and

WHEREAS, it is deemed to be in the public interest to accept Change Order No. 1 and Payment Application No. 1 – Final; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated May 13, 2013, (Exhibit “A”, attached) recommended the execution of Change Order No. 1 which added to an overall decrease of \$7,837.04 of the total cost of the project and Payment Application No. 1 – Final in the amount of \$28,721.96

IT IS NOW, THEREFORE, this 20th day of May, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1 and Payment Application No. 1 – Final is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

FURTHER RESOLVED, that this Mayor and Council approval is subject to the New Jersey Department of Transportation executed approval.

RESOLUTION: PROVIDING FOR PAYMENT ESTIMATE NO. 4 – 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. 4, in the sum of \$9,016.00; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated May 14, 2013, (Exhibit B, attached) recommended Payment Application No. 4 be paid which reduces the contract amount due to \$1,036.00.

IT IS NOW, THEREFORE, this 20th day of May, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 4 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

FURTHER RESOLVED, that this Mayor and Council approval is subject to the New Jersey Department of Transportation executed approval.

RESOLUTION: PROVIDING FOR CHANGE ORDER NO. 1 FOR RESIDENTIAL DEMOLITION AND DEBRIS REMOVAL PROJECT

WHEREAS, the Borough has entered into a Contract with Tricon Enterprises, Inc. (Contract 2013-4) to provide Residential Demolition and Debris Removal Project, (FEMA PPDR Program); and

WHEREAS, due to the need to compensate the Contractor for air monitoring services related to demolition activities for structures containing asbestos material, including monitoring for asbestos fibers, total dust, and meteorological observations as required by the New Jersey Superstorm Sandy Demolition Guidance Document for compliance with FEMA standards for the Private Property Debris Removal (PPDR) Program, Tricon Enterprises, Inc. has submitted Change Order No. 1; and

WHEREAS, it is deemed to be in the public interest to accept Change Order No. 1; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated May 15, 2013, (Exhibit C, attached) recommended the execution of Change Order No. 1 which added to an overall increase of \$53,475.00 of the total cost of the project which is \$2,913,125.00.

IT IS NOW, THEREFORE, this 20th day of May, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

FURTHER RESOLVED, that this Mayor and Council approval is subject to the New Jersey Department of Transportation executed approval.

RESOLUTION: PROVIDING FOR EXERCISE OF CONTRACT EXTENSION OPTION FOR EMERGENCY STORM RESPONSE EARTH WORK ACTIVITIES

WHEREAS, pursuant to the Contract with R. W. V. Land and Livestock South, Inc., the Borough has the right to exercise a one (1) year extension option for the period commencing April 30, 2013, at a cost of \$54,066.24, in the event of activation, (Emergency Storm Response Earth Work Activity, Supplemental Bid A); and

WHEREAS, it is the desire of the Borough to exercise the one (1) year option; and

WHEREAS, the Contractor has tendered a conforming Performance Labor and Material Payment Bond.

IT IS NOW, THEREFORE, this 20th day of May, 2012, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall and hereby does exercise the option for Emergency Storm Response Earth Work Activities for the period April 30, 2013 through April 30, 2014;
2. Notice of this exercise of contract extension option and payment of the agreed retainer, \$3,000.00, shall be provided and paid forthwith to R. W. V. Land and Livestock South, Inc.

PUBLIC HEARING – Mayor Nebel will open the meeting for a public hearing on Ordinance No. 621, REGULATIONS OF SOIL DISTURBANCE

RESOLUTION: ADOPTION OF ORDINANCE NO. 621 – REGULATIONS OF SOIL DISTURBANCE

WHEREAS, on the 20th day of May, 2013 a public hearing on Ordinance No. 621 was held and _____ 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. 621
AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF MANTOLOKING, 2007, AND PROVIDING FOR
REGULATIONS OF SOIL DISTURBANCE**

BE IT ORDAINED BY THE MAYOR AND COUNCIL, AS FOLLOWS:

a. Findings; purpose.

This article is deemed essential and necessary to protect the public health, safety, and welfare of the citizens of Mantoloking Borough and the surrounding communities by accomplishing the following purposes:

1. Maintain the useful life of water bodies by preventing sedimentation.
2. Prevent dangers to life and property from excessive surface water runoff and clogging of drainage structures.

3. Prevent sedimentation and impairment to the public storm sewer system.
4. Preserve the recreational use of water bodies for swimming and fishing by preventing stagnation, sedimentation and degradation.
5. Prevent the importation of deleterious and/or contaminated soil into the Borough.
6. Ensure proper distribution of imported soil to prevent negative impacts onto adjoining properties and public right-of-way.
7. Reduce public expenditures for repair of public facilities resulting from soil erosion and sedimentation.
8. Conserve the taxable value of property by enhancing the environmental character of the Borough.

b. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

The owner or contract purchaser or an authorized agent of land of same upon which earthwork activities, including either the moving, import, and/or export of soil are to be performed.

CLEAN FILL

Clean fill, also identified as clean soil, shall be constructed of soil, sand, or rock materials or a combination of these materials free from stumps, roots, weeds, sod, rubbish, garbage, and any other material that may decay. Clean fill and clean soil shall also be free of any chemical or physical contamination in accordance with NJDEP guidelines.

EXCAVATOR

Any person or company engaged in the moving, export, import, or excavation of soil or topsoil from, in or upon any land in the Borough.

EXPORT

The exportation of soil or removing of soil from premises or site to any location off the premises.

IMPORT

The importation of soil or bringing soil to any premises from any location off-site or off the premises.

MOVE

To dig, excavate, import, export, place, fill, grade, regrade, level or otherwise alter or change the location or contour earthen material, clean soil, or clean fill.

PERMIT

A Soil Disturbance Permit issued under the terms of this chapter.

PREMISES

One or more contiguous parcels of land in single ownership. Parcels shall not be deemed to be contiguous if separated by

a road or right-of-way.

SOIL

Any earth, sand, clay, loam, gravel, humus, rock or dirt, and mixtures of any said earthen materials. Soil shall not be chemically or physically contaminated.

SOIL DISTURBANCE

Any activity involving the clearing, grading, moving, transporting, or excavation of land or soil, including the export or import of earthen material.

TOPSOIL

Soil that, in its natural state, constitutes the top layer of earth and is composed of 2.75% or more, by weight, of organic matter, and has the ability to readily support vegetation. Topsoil shall not contain stones, lumps, roots, or similar objects larger than ½ inch in any dimension and shall have not less than a 5.8 pH value. Topsoil shall not be chemically or physically contaminated soils.

c. Application requirements.

Prior to excavation, disturbance, land grading, earthwork, importation, and/or exportation of any soil on any premises in the Borough, an application shall be made by the owner or contract purchaser or authorized agent to the office of the Borough Engineer for a Soil Disturbance Permit. All properties to be filled in the Borough shall be filled with clean fill or topsoil as defined in this chapter. In addition to the Soil Disturbance Permit from the Borough, a Soil Erosion and Sediment Control Certification may be required from the Ocean County Soil Conservation District. The application for a Soil Disturbance Permit shall be submitted to the Borough as follows:

1. If the soil disturbance is necessary for the development of a project which has been granted an approval from the Planning/Zoning Board, an application shall be made to the Borough Engineer.
2. If the soil disturbance is necessary for the development of a project which has not been granted an approval from the Planning/Zoning Board, an application shall be made to the Borough Engineer.
3. The requirements of this chapter shall not apply when one of the following occurs or is proposed for the development of a project:
 - (a). When the removal and exportation of soil is required as a result of excavation for the development of one (1) single-family dwelling crawlspace, basement, or accessory structures and site improvements, including in-ground swimming pools, patios, and driveways; or
 - (b). When the procurement of a Surface Water Management Plan approval from the Borough Engineer is required for the development of a project in accordance with section 30-4.3 of the Mantoloking Code; or
 - (c). When the total volume of topsoil and/or clean fill to be exported or imported is less than ten (10) cubic yards and a Surface Water Management Plan approval is not required. However, all earthen material to be imported shall be clean fill, as defined in this chapter, for any volume, quantity, or amount of earthen material imported to any property within the Borough of Mantoloking, and all soil disturbance activities shall not negatively impact adjacent properties or public rights-of-way, including the redirection of stormwater surface runoff.

d. Information required for application.

1. The application for a Soil Disturbance Permit shall be filed with the Borough Engineer and shall include the following documentation:

- (a) Owner, applicant, and contractor names, street addresses, email addresses, and telephone numbers.
- (b) The name, street address, email address, and telephone number of the excavator, if different than the contractor.
- (c) The location of the subject property, including block/lot and street address, for which the soil disturbance activities are to occur.
- (d) Name of project, if applicable.
- (e) Written narrative and scope of work for proposed development, including the type of soil disturbance proposed, location of work on the subject property, and consideration for not impacting existing improvements (underground and above ground utilities, fencing, landscaping, hardscaping, driveways, foundations, bulkheads, storm sewer, roadways, etc.) on and off the subject property.
- (f) Earthwork calculations for total volume of cut/fill for export or import of clean fill and/or clean topsoil for the subject application.
- (g) Application fee, as identified in this chapter.
- (h) Certification of clean fill and/or topsoil for all importation of earthen material, including all necessary analytical data for laboratory testing results from a legally certified testing laboratory supporting the material complies with the NJDEP standards for the USEPA target compound list/target analyte list (TCL/TAL) or signed certification(s) from the source of the material to be imported that the material is clean, free of contaminants or from a virgin source.
- (i) Project schedule, including start of soil disturbance activities, duration of activities, and anticipated completion date.

e. Application and inspection fees.

1. Application fee.

- (a) Each application shall be accompanied by an application fee in the amount indicated on the latest revised and/or amended application form for a Soil Disturbance Permit, which shall be used to cover the cost of examining the application, support documentation, clean fill certification documentation, and other processing thereof. In the event an application for a Soil Disturbance Permit is denied, no refund of the application fee shall be permitted.

2. Inspection fee.

- (a) In the event an inspection is required by the Borough Engineer to verify compliance with a Soil Disturbance Permit for a complex application, critical stage of development, or for a substantial volume of disturbance, the applicant shall be requested as a condition of approval to post an escrow deposit with the Borough of Mantoloking.
- (b) The amount of the required estimated escrow deposit will be provided by the Borough Engineer in the applicable approval condition for a Soil Disturbance Permit to cover the cost of the inspection and enforcement of the provisions of this chapter, and/or, the conditions of approval.
- (c) The escrow account shall be replenished by the applicant to cover the cost of all necessary inspections, which may be a result of subsequent or follow-up inspections by the Borough Engineer.
- (d) The applicant shall not begin development, work, and/or soil disturbance approved under a Soil Disturbance Permit until the necessary escrow deposited has been accepted by the Borough.
- (e) The Borough Engineer may waive the requirement for an inspection fee based on the type and/or complexity of the subject application's scope of work.

f. Regulations.

1. All other outside agency approvals and/or municipal approvals and permits shall be required and procured, if necessary. No work shall begin on any project until all necessary permits and approvals have been procured and, if necessary, all related conditions of approvals successfully completed and addressed.
2. All imported material shall be documented to be from the source of approval. The applicant must provide clear, written, and legible documentation confirming the imported material is from the approved source for clean fill.
3. All soil disturbance activities shall be completed without producing negative impacts on adjoining private properties, adjoining public property, or adjoining public rights-of-way.
4. All earthwork activities shall be completed to ensure the pre-construction drainage patterns or the approved revised drainage patterns are maintained or accomplished, and drainage patterns for surface and subsurface runoff of stormwater shall not be created by any soil disturbance activities which create a nuisance, health and safety problem, or any other negative or detrimental conditions on adjacent or adjoining lands.
5. All imported material shall be clean fill, as defined in this chapter, and shall be free of any chemical or physical contamination.
6. No staging or stockpiling of clean fill shall be permitted within public rights-of-way or off-site.
7. If an inspection is required by the Borough Engineer, a minimum forty-eight (48) hour formal written notice shall be provided to the Borough Engineer. Failure of proper notification may result in the rescindment of approval; revocation of permit; an issuance of requirements for corrective work or action; or denial and rejection of completed earthwork and soil disturbance activities.
8. All transporting and hauling of earthen material to the subject premises shall not create damage to the public roadways and rights-of-way, including the deposition of material along the public roads or within the public rights-of-way and sedimentation of public storm sewer systems. Any and all damage from the operations of hauling material to or from the subject premises shall be repaired by the applicant at no expense to the Borough. All material deposited within the public rights-of-way, roads, or storm sewers as a result of the transporting and hauling of material to or from the subject premises shall be cleaned and properly removed by the applicant at no expense to the Borough.
9. The hours of operation and acceptable noise levels for all approved soil disturbance activities shall comply with all other applicable chapters of this Code.
10. The applicant shall not create dust as a result of any approved soil disturbance activities, and the applicant shall not deposit any earthen material into any waterway.
11. Prior to any approved soil disturbance, an underground utility mark-out call shall be completed by the applicant, in accordance with State law, for the protection of all potential subsurface utilities within or adjacent to the limits of work.
12. The detailed specifications and standards for any Soil Disturbance Permit shall be dictated by the specific characteristics of the subject premise, adjoining sites, and application's scope of work. All standards for soil disturbance and soil stabilization shall be in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, as promulgated by the State Soil Conservation Committee. During the review process for a permit application, the Borough Engineer may request additional specifications and/or other documentation to support the proposed development and soil disturbance activities, if the Borough Engineer is not satisfied with the original submitted application documents, and the additional requested documentation is required for approval of the subject Soil Disturbance Permit application.

g. Enforcement.

1. The Borough Engineer shall enforce the provisions of this chapter, including, but not limited to, those violations arising out the failure of any person or entity to apply for and obtain a Soil Disturbance Permit. The Borough

Engineer shall complete the necessary inspections in accordance with this chapter or conditions of permit approval, and whenever directed by the Borough, for active Soil Disturbance Permits to ensure proper completion and implementation of the terms and conditions of the issued Soil Disturbance Permit. The Borough Engineer shall report all violations and take any action deemed necessary for proper enforcement to address emergency conditions, public health and safety concerns, and/or negative impacts to adjoining properties and rights-of-way.

h. Revocation of permit; violations and penalties.

1. After notice and an opportunity to be heard before the Borough Engineer, the Soil Disturbance Permit of any person may be revoked or suspended for such period as the Borough Engineer may determine for any violation of terms hereof or the terms and conditions of any permit granted hereunder. In addition to action on the revocation provided for herein, any person who violates this chapter or any director or officer of a corporation who participates in a violation of this chapter shall, upon conviction thereof, be subject to a maximum fine of \$2,000, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.

This Ordinance shall take effect upon final adoption

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

- A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program
- B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. Action Items:

Councilman Brown moves the following resolution:

RESOLUTION: APPOINTMENT OF COMMITTEE MEMBER

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

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>
<i>Timothy J. Skinner, Construction Official</i>	<i>NFIP Flood Hazard Mitigation Planning Committee</i>	<i>06/01/2013-12/31/2013</i>

MANTOLOKING COMMITTEE, COUNCILMAN DONALD NESS

- A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.
- B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

9. PUBLIC COMMENTS PERIOD

10. EXECUTIVE SESSION

RESOLUTION: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10: 4-11, permits municipal governing bodies to meet in closed session to discuss certain matters, now, therefore be it

RESOLVED, the Mayor and Council adjourns to closed session to discuss: (select one or more)

- a matter rendered confidential by federal or state law*
- a matter in which release of information would impair the right to receive government funds*
- material the disclosure of which constitutes an unwarranted invasion of individual privacy*
- a collective bargaining agreement and/or negotiations related to it*
- a matter involving the purchase, lease, or acquisition of real property with public funds*
- protection of public safety and property and/or investigations of possible violations or violations of law*
- pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege*
- specific prospective or current employees unless all who could be adversely affected request an open session*
- deliberation after a public hearing that could result in a civil penalty or other loss, and be it*

FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.

11. OPEN SESSION AS NECESSARY

12. NEXT MEETING

Special Council Meeting, Tuesday, June 11, 2013 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Ave., Mantoloking, NJ

Regular Council Meeting, Tuesday, June 25, 2013 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Ave., Mantoloking, NJ

13. ADJOURNMENT