

**MAYOR AND COUNCIL  
BOROUGH OF MANTOLOKING  
OCEAN COUNTY, NEW JERSEY**

Draft #3 (06/07/13)

**AGENDA OF THE SPECIAL MEETING**

**June 11, 2013**

**Mantoloking Yacht Club**

**1224 Bay Avenue**

**Mantoloking, New Jersey**

**4:30 P.M.**

A Special Meeting of the Mayor and Council will be held this day at the Mantoloking Yacht Club.

**CALL TO ORDER**

**TIME:**

**OPEN PUBLIC MEETING STATEMENT: Mayor George C. Nebel**

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.

**ROLL CALL** Present:

Absent:

Also Present:

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

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

**FINANCE COMMITTEE – COUNCILMAN STEVE GILLINGHAM**

Councilman Gillingham moves the following \_\_\_\_\_ resolutions.

**RESOLUTION: EXTENDING THE DUE DATE OF THE 2nd QUARTER 2013 TAX QUARTER TO MAY 17, 2013**

**WHEREAS**, 2nd quarter 2013 taxes were due to the Borough of Mantoloking on May 1, 2013 with a grace period to May 10, 2013.

**WHEREAS**, mail delivery and address issues still exist when tax payments are mailed to the Borough of Mantoloking and,

**WHEREAS**, the Mayor and Council of the Borough of Mantoloking have recognized that because of Hurricane Sandy that homeowners have had trouble getting tax payments to the Borough in a timely fashion,

**NOW THEREFORE BE RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the due date of the 2nd quarter 2013 taxes is retroactively extended to May 17, 2013. All taxes collected from May 1, 2013 to May 17, 2013 will be credited back the amount of interest charged on the account, if any. If the homeowners have already paid the interest on the 2nd quarter 2013, that amount will be credited towards the next quarter. Taxes paid in arrears after May 17, 2013 will be charged interest accruing back to May 1, 2013 as required by New Jersey State Statutes.

**RESOLUTION: REQUESTING APPROVAL OF AN ADDITIONAL CHANGE FUND TO ACCOMMODATE THE BEACH BADGE SEASON**

**WHEREAS**, the Borough of Mantoloking was hit with a devastating hurricane on October 29, 2012. The storm was so destructive that the Borough Municipal Building has been vacant since that time and,

**WHEREAS**, the Borough wishes to maintain the 2013 beach badge season with the sale of beach badges. Beach badges have traditionally been sold in the Finance Office of the Borough. Sale of badges for the 2013 season will take place in a temporary facility located close to the original Borough Municipal Building and,

**WHEREAS**, the change fund which was used for the sale of badges is now located in the new Borough Hall Offices located in Brick, NJ. An additional change fund of \$200.00 is needed to maintain the sale of the badges and will be redeposited into the fund from which it came upon the end of the beach badge season,

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Mantoloking authorize the Chief Financial Officer to provide a change fund in the amount of \$200.00 to the authorized beach badge seller.

**PUBLIC SAFETY COMMITTEE – COUNCILMAN ROBERT S. MC INTYRE, JR**

Councilman McIntyre moves the following \_\_\_\_\_ resolutions.

**RESOLUTION: APPOINTMENT OF PERSONNEL – SEASONAL 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:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
<i>Blomquist, Kaitlyn</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$ 8.50/hour</i>
<i>Hoffman, Lauren</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$ 8.50/hour</i>
<i>Carver, Helen</i>	<i>Badge Sales</i>	<i>June 1, 2013</i>	<i>\$ 9.18/hour</i>
<i>Colby, Amy</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$ 8.50/hour</i>
<i>Wright, Megan</i>	<i>Badge Checker- Sales</i>	<i>June 1, 2013</i>	<i>\$ 8.50/hour</i>
<i>Gilman, Taylor</i>	<i>Badge Sales-Checker</i>	<i>June 1, 2013</i>	<i>\$ 8.50/hour</i>
<i>Goble, Amanda</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$ 8.50/hour</i>
<i>Hahn, Sara</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$ 8.50/hour</i>
<i>Jaeger, Kelsey</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$ 8.50/hour</i>
<i>Pruden, Andrew</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$8.50/hour</i>

<i>Beresike, Sara</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$8.50/hour</i>
<i>Finelli, Sydney</i>	<i>Badge Checker</i>	<i>June 1, 2013</i>	<i>\$8.50/hour</i>
<i>Casaleto, Kyle</i>	<i>Class I Special Police Off.</i>	<i>May 31, 2013</i>	<i>\$9.00/hour</i>
<i>O'Leary, Kevin</i>	<i>Class I Special Police Off.</i>	<i>May 31, 2013</i>	<i>\$9.00/hour</i>
<i>Massa, Nicholas</i>	<i>Class II Special Police Off.</i>	<i>May 15, 2013</i>	<i>\$13.00/hour</i>

**RESOLUTION: CONSIDER SUSPENSION OF ENFORCEMENT OF TWO (2) HOUR TIME LIMIT PARKING ON BAY AVENUE FOR MANTOLOKING YACHT CLUB EVENTS**

**WHEREAS**, the Mantoloking Yacht Club has requested that enforcement of two-hour time limit parking regulations on Bay Avenue be suspended on the following dates and times:

May 26, 2013, 6:00 p.m. to 9:00 p.m.  
June 22, 2013, 8:00 a.m. to 4:00 p.m.                      August 10, 2013, 7:00 p.m. to 11:00 p.m.  
July 4, 2013, 8:00 a.m. to 9:00 p.m.                      August 19, 2013, 8:00 a.m. to 4:00 p.m.  
July 6, 2013, 8:00 a.m. to 4:00 p.m.                      August 22, 2013, 4:00 p.m. to 9:00 p.m.  
July 20, 2013, 7:00 p.m. to 11:00 p.m.                      August 23, 2013, 8:00 a.m. to 5:00 p.m.

And

**WHEREAS**, Chief Mark Wright has considered this request and will direct personnel not to enforce two (2) hour time limit parking on said dates, during the above listed events; 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 11<sup>th</sup> day of June, 2013, **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, during the following events are hereby approved and endorsed.  
May 26, 2013, 6:00 p.m. to 9:00 p.m.  
June 22, 2013, 8:00 a.m. to 4:00 p.m.                      August 10, 2013, 7:00 p.m. to 11:00 p.m.  
July 4, 2013, 8:00 a.m. to 9:00 p.m.                      August 19, 2013, 8:00 a.m. to 4:00 p.m.  
July 6, 2013, 8:00 a.m. to 4:00 p.m.                      August 22, 2013, 4:00 p.m. to 9:00 p.m.  
July 20, 2013, 7:00 p.m. to 11:00 p.m.                      August 23, 2013, 8:00 a.m. to 5:00 p.m.
2. All prohibited parking regulations will be enforced.

**RESOLUTION: PROVIDING FOR THE EXECUTION OF CONTRACTS BETWEEN THE BOROUGH OF MANTOLOKING AND THE OWNERS OF PREMISES WHICH MAY BE UTILIZED AS SAND/TRANSPORT/SIFTING SITES**

**WHEREAS**, the ongoing post-Sandy recovery effort includes removal of sand deposits, by the New Jersey DEP, or its agents, from adjacent Barnegat Bay bottom and transport of suitable sand to the Ocean beaches; and

**WHEREAS**, the process necessitates the acquisition of rights to utilize private property as temporary storage and processing sites; and

**WHEREAS**, property owners have indicated that they will consent to such use in

accordance with the terms of a written Contract executed by the Borough and the Contractor; and

**WHEREAS**, the need to acquire and utilize such sites is urgent.

**IT IS NOW, THEREFORE**, this 11th day of June, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mayor and Clerk are authorized to execute such Contracts in consideration of an undertaking to return the property, post operation, to pre-existing condition and to provide indemnification to the owner(s), all upon such terms and language as shall be deemed acceptable by the Mayor and approved by counsel.
2. Such Agreements, effective upon execution, shall be specifically ratified at the next subsequent meeting of Council.

**RESOLUTION: INTRODUCTION OF ORDINANCE NO. 623 –AMENDMENT OF BEACH ACCESS 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:

**ORDINANCE NO. 623**

**AN ORDINANCE AMENDING CHAPTER X  
OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF MANTOLOKING, 2007**

*and be it*

*FURTHER RESOLVED*, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough's Website, [www.mantoloking.org](http://www.mantoloking.org), and provided to anyone free of charge during regular business hours, M-F 8:30am –4:30pm, and be it

*FURTHER RESOLVED*, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council's direction to the contrary upon introduction.

**PUBLIC WORKS COMMITTEE - COUNCILWOMAN ELIZABETH NELSON**

Councilwoman Nelson moves the following \_\_\_ resolutions.

**RESOLUTION: PROVIDING FOR CHANGE ORDER NO. 2 & 3 AND PAYMENT ESTIMATE NO. 1 – RESIDENTIAL DEMOLITION AND DEBRIS REMOVAL PROJECT**

**WHEREAS**, the Borough has entered into a Contract with Tricon Enterprises, Inc. (Contract No. 2013-4, FEMA PPDR Program) to provide residential demolition and debris removal: and

**WHEREAS**, due to the need for adjustment of contract line items, which have been omitted and revised under Change Order No. 2 for compliance with EPA and State requirements for removal and disposal of friable ACM; to compensate the Contractor for the removal of the entire structure containing friable asbestos for compliance with the requirements of regulatory agencies; to compensate the Contractor for the removal and disposal of concrete material as identified by FEMA

for the Private Property Debris Removal (PPDR) Program; to compensate the Contractor for filling of voids with clean sand related to the removal of concrete material as identified by FEMA; and to compensate the Contractor for an on-site asbestos supervisor during the demolition and removal of structures containing friable and nonfriable asbestos material as required by the New Jersey Superstorm Sandy Demolition Guidance Document for compliance with FEMA standards for the PPDR Program, Tricon Enterprises, Inc. has submitted Change Order No. 2 for a contract increase in the amount of \$267,300.00; and

**WHEREAS**, due to the need for adjustment of contract to compensate the Contractor for the installation of safety fencing to warn and alert the general public about a potential unsafe excavation or void as a result of demolition activities and/or PPDR activities, Tricon Enterprises, Inc. has submitted Change Order No. 3 for a contract increase in the amount of \$13,520.00; and

**THEREFORE**, the sum of the increases changes the contract price to \$3,193,945.00; and

**WHEREAS**, the Contractor has submitted Payment Application No. 1 in the sum of \$169,649.17; and

**WHEREAS**, it is deemed to be in the public interest to accept Change Order No. 2 & 3 and Payment Application No. 1; and

**WHEREAS**, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated June 4, 2013, (Exhibit A, attached) recommended the execution of Change Order No. 2 & 3 which added to an overall increase of \$280,820.00 of the total cost of the project and Payment Application No.1 in the amount of \$169,649.17.

**IT IS NOW, THEREFORE**, this 11<sup>th</sup> day of June, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1 & 2 and Payment Application No. 1 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

**RESOLUTION: PROVIDING FOR PAYMENT ESTIMATE NO. 5 – 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. 5, in the sum of \$6,076.00; and

**WHEREAS**, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated June 5, 2013, (Exhibit B, attached) recommended Payment Application No. 5 be paid.

**IT IS NOW, THEREFORE**, this 11<sup>th</sup> day of June, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 5 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: 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:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
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<i>Thomas J. Murray, Jr.</i>	<i>Fire Subcode Official</i>	<i>June 12, 2013</i>	<i>\$4,500.00/Annual Plus 3 –8 Hrs./wk: \$35/Hr.</i>
<i>Timothy J. Skinner</i>	<i>Acting Building Subcode Official</i>	<i>June 1, 2013</i>	<i>No Additional Compensation</i>

**RESOLUTION: PROVIDING FOR RELAXATION OF NOISE ORDINANCE DURING  
POST SANDY RECONSTRUCTON AND RECOVERY**

**WHEREAS**, reconstruction of storm damage necessitates extraordinary construction activity in the Borough; and

**WHEREAS**, it is the intention of the Mayor and Council to facilitate and expedite such effort; and

**WHEREAS**, strict enforcement of the Borough's "Noise Ordinance" will tend to limit or frustrate attainment of the project goal.

**IT IS NOW, THEREFORE**, this 11th day of June, 2013, RESOLVED, as a matter of policy, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

3. That construction noise of all types shall be permitted from 8:00 a.m. to 6:00 p.m., everyday, except for Sunday when commercial construction or landscaping shall not be permitted.
4. It is intended that, as appropriate, enforcement of Chapter III, Article 3-1.3.b.6 shall be temporarily relaxed in respect of this policy.

**PUBLIC HEARING –** Mayor Nebel will open the meeting for a public hearing on Ordinance No. 622, Land Use Amendment

Councilwoman Nelson moves the following resolution.

**RESOLUTION: ADOPTION OF ORDINANCE NO. 622 –LAND USE AMENDMENTS  
(STEPS AND STAIR PLATFORMS)**

**WHEREAS**, on the 11<sup>th</sup> day of June, 2013 a public hearing on Ordinance No. 622 was held and \_\_\_\_\_ comment was 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. 622**

**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. Article 30-6.8.3(d), Lot Coverage (Exclusions) Ordinance 617, 4/8/13, is amended as follows:

- (d) Steps and stair platforms over a permeable area up to 200 square feet in area in both front and rear yards and 75 square feet in only one sideyard area. ( The steps and stair platforms shall be parallel to lot sidelines and unenclosed in any manner).
2. All provisions of the Land Use Ordinance, not hereby amended shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption.

pat 5/6/13 10:32 AM

**Deleted:** This exclusion shall apply only to existing pre-Sandy structures

**RESOLUTION: INTRODUCTION OF ORDINANCE NO. 624 –AMENDMENT OF 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:*

**ORDINANCE NO. 624  
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**

*and be it*

*FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough's Website, [www.mantoloking.org](http://www.mantoloking.org), and provided to anyone free of charge during regular business hours, M-F 8:30am –4:30pm, and be it*

*FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council's direction to the contrary upon introduction.*

**MAYOR AND COUNCIL COMMENT**

**PUBLIC COMMENTS PERIOD**

**NEXT MEETING** Regular Council Meeting of Tuesday, June 25, 2013 at 4:30 p.m. –  
Mantoloking Yacht Club

**ADJOURNMENT**

BY TITLE ONLY - FIRST READING  
DATE OF INTRODUCTION: \_\_\_\_\_  
DATE OF PUBLICATION: \_\_\_\_\_  
DATE OF FINAL ADOPTION: \_\_\_\_\_

**ORDINANCE NO.: 623**

**AN ORDINANCE AMENDING CHAPTER X  
OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF MANTOLOKING, 2007**

BE IT ORDAINED by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey, as follows:

1. Sub-Article 10-2.2 – Definitions, is amended by the addition of:  
“Cooler – a device, container or apparatus which is utilized to keep things cool.”
2. All other provisions of the Ordinance to which this is an amendment shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption.

**NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a special meeting of the Mayor and Council of the Borough of Mantoloking, in the County of Ocean and State of New Jersey held on the 11th day of June, 2013, and said Ordinance will be considered for final passage at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, New Jersey, at 4:30 p.m. on the 25th day of June, 2013, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

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IRENE H. RYAN, R.M.C.