

DRAFT NO. 1-5/9/2019 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

MINUTES - AGENDA OF THE SPECIAL MEETING

May 7, 2019

Mantoloking Borough Hall

202 Downer Avenue

Mantoloking, New Jersey

A Special Meeting of the Mayor and Council was held this day in the Mantoloking Borough Hall.

1. **CALL TO ORDER:** Mayor White called the meeting to order at 5:32 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor White 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 White, Council President Gillingham, Councilman Batcha, Councilman Rzemieniewski, Councilman Ness

Dialed In: Councilman Nelson, Councilman Amarante

Also Present: Beverley A. Konopada, Borough Clerk, Jean Cipriani, Borough Attorney, Robin LaBue, Borough Attorney, Lynne Hazelet, Deputy Clerk

4. **PLEDGE OF ALLEGIANCE:** Mayor White led the assembly in the Pledge of Allegiance.
5. **PRIVILEGE OF THE FLOOR:** Mayor White opened the meeting for public comment and questions about the agenda.

Mayor White advised that action will be taken at this meeting.

Councilman Gillingham understood the urgency for the special meeting. He did not appreciate that the agenda setting meeting on May 14, 2019 was cancelled. Any cancellation of meetings should be the decision of the council.

Lynn O'Mealia, 1304 Bay Avenue, asked for an explanation for the cancelation of the agenda setting meeting. Mayor White explained there would be two meetings in May, a special meeting for the Introduction of the ordinance and the Regular Business Council meeting on May 21st for the public hearing and adoption of the ordinance.

Bill Richardson, 981 East Avenue, asked what the urgency is. Mayor White explained that the MBA went out of business and has no money to pay the insurance. We had to move on this. This ordinance required 2 readings. We need to move on this tonight and accept this property.

Councilman Rzemieniewski reported that he called the mayor and said there were no funds. This should have been done months ago.

Bill Richardson, 981 East Avenue, wanted to know if these are accessible properties and were they paying taxes. Mayor White replied yes, a total \$1,262 for 4 street ends in 2018. Not a significant amount of money.

Bill Richardson, 981 East Avenue asked if these will be the same as the other street ends in town.

Jean Cipriani, Borough Attorney, reported that donation of properties under state law could require us to create structures – bathroom issues.

Councilman Batcha asked if this is in the ordinance.

Jean Cipriani, Borough Attorney, amended the ordinance to require added language.

Bill Richardson, 981 East Avenue, asked what about insurance costs.

Mayor White answered \$200 for all of them.

Borough Clerk Konopada, called Councilman Ness into the Record.

6. MUNICIPAL SERVICE COMMITTEE, Council President Gillingham moved the following ordinance.

Ordinance No. 689 was amended before the roll call vote.

ORDINANCE NO. 689

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE DONATION OF BLOCK 23, LOT 57.01, BLOCK 26, LOT 11.01, BLOCK 35, LOT 11.01, AND BLOCK 36, LOT 11.01 BY THE MANTOLOKING BEACH ASSOCIATION IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)

WHEREAS, the Mantoloking Beach Association is the assessed owner of Block 23, Lot57.01, Block 26, Lot 11.01, Block 35, Lot 11.01, and Block 36, Lot 11.01 located in the Borough of Mantoloking; and

WHEREAS, the Mantoloking Beach Association wishes to donate the subject property to the Borough of Mantoloking subject to a deed restriction acknowledging the property is subject to an existing Deed of Dedication and Perpetual Storm Damage Reduction Easement and ensuring that the property shall remain in a natural state free of any development or structures except for access walkways and/or crossovers and activities undertaken pursuant to the Deed of Dedication and Perpetual Storm Damage Reduction Easement; and

WHEREAS, N.J.S.A. 40A:12-5(a)(1) authorizes a municipality to accept property as a gift by the adoption of an ordinance authorizing the acquisition of the same.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

SECTION 1. That the governing body does hereby authorize the acquisition of Block 23, Lot57.01, Block 26, Lot 11.01, Block 35, Lot 11.01, and Block 36, Lot 11.01 from the Mantoloking Beach

Association. This property is being acquired by the Borough of Mantoloking pursuant to N.J.S.A. 40A:12-5(a)(1) as a gift from the Mantoloking Beach Association, subject to a deed restriction acknowledging the property is subject to an existing Deed of Dedication and Perpetual Storm Damage Reduction Easement and ensuring that the property shall remain in a natural state free of any development buildings or structures except for access walkways and/or crossovers and activities undertaken pursuant to the Deed of Dedication and Perpetual Storm Damage Reduction Easement.

SECTION 2. That the Mayor and Municipal Clerk are hereby authorized to execute and attest to, respectively, any and all documents necessary for the acquisition of the subject property from the Mantoloking Beach Association.

SECTION 3. Upon the effective date of this ordinance accepting donation, unpaid taxes owed by the Mantoloking Beach Association, the value of which have been confirmed by the Tax Assessor to be less than the value of the assessed property, will be canceled by the Borough of Mantoloking.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

ROLL CALL VOTE:

Councilman Gillingham moved Ordinance No. 689. The motion was seconded by Councilman Rzemieniewski and approved by unanimous roll call vote.

7. MAYOR AND COUNCIL COMMENTS

None

8. PUBLIC COMMENTS PERIOD

Mr. Post, 4 Carpenter Lane, asked if we will get a big crowd at the next meeting.

Mayor White commented that approximately 25 residents were at the meeting from Mantoloking.

Borough Attorney Cipriani said it was an amazing response for one day's notice. Public entities are often susceptible to a lot of people, slowing down the process and sometimes creating a mindset of compromise. July 10th there will be another meeting.

Councilman Rzemieniewski commented that town wants the retables.

Borough Attorney Cipriani advised that the application is going before the zoning board of adjustment.

There is no appeal. It will go to Superior Court. This is a D variance and it has negative and positive criteria and other factors to consider. The more information provided the more the board will have to assess.

Jan O'Malley, 1231 Bay Avenue, asked Mayor White if he met with Mayor Ducey and did he have an

opinion. Mayor White responded that he did see Mayor Ducey and did not get much of a response regarding this.

Lynn O'Mealia, 1304 Bay Avenue, wanted to know if the Mayor reached out to the Commodore at the Yacht Club to assess their interest in this meeting and involving their members, and have you started a concept of putting together of coalition groups that may bring some compromise – Borough of Mantoloking, Municipal Government, Borough Council, Yacht Club. Is there a process in place by July 10th? Mayor White replied we are working diligently on this. There are several moving parts and we will know more in a week.

Jan O'Malley, 1231 Bay Avenue, asked if this issue will be on the Agenda on the 21st, Mayor White replied yes.

Councilman Rzemieniewski asked about doing a separate traffic study.

Borough Attorney Cipriani, reminded the governing body that this is a public meeting; everything that is said is available to the public.

Bill Richardson, 981 East Avenue, the strongest objection would be environmental, there is a big concern about ground water runoff.

Mayor White reported that mayors and Britta Wenzel, Chief Executive Director of Save Barnegat Bay were at a meeting. They are all over this.

Councilman Nelson inquired we reached out to Brick to see if they were open to negotiations regarding the building. Mayor White replied no. He made it clear that the borough we would like to talk to them. CBS interviewed me last week, and I made a point that we certainly would like to work with Brick and the principals involved to come up with an amicable solution for both. Just to open lines of communication.

Councilman Rzemieniewski reported that people are seriously challenging this project. Mayor White added that he would suspect that they will figure out pretty quickly that we will be opposing this. Borough Attorney Cipriani replied they know, they are clear on that.

Lynn O'Mealia, 1304 Bay Avenue asked if councilman Batcha had any insight on this. Councilman Batcha responded saying there is a formal procedure that you can have objector status, present evidence contrary to the applicants and cross examine and hire attorneys. If the board is inclined or other groups they can retain an attorney who does that type of work and pursue those avenues so that they can make their voices clear on what their positions are. We have not discussed as a council yet, so I think we have to let the process play out.

Councilman Batcha said hearing what residents have to say today is important for us, and getting that feedback from residents not here. We are very interested in knowing everyone's opinion on this.

Mayor White – we are already reaching out to people for certain things. I think we have time to put something together.

9. NEXT MEETING:

Regular Business Council Meeting May 21, 2019 at 5:30 p.m. at the Mantoloking Borough Hall, 202
Downer Avenue, Mantoloking, NJ

10. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Gillingham to adjourn.
The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote at 5:56
p.m.

Respectfully Submitted,

Beverley A. Konopada,
Borough Clerk