

**MAYOR AND COUNCIL**

**MINUTES OF THE AGENDA-SETTING MEETING**

**October 8, 2019**

**5:30 p.m.**

**MANTOLOKING BOROUGH HALL**

**202 DOWNER AVENUE**

**MANTOLOKING, NEW JERSEY**

An agenda-setting meeting of the Mayor and Council was held this day in the Mantoloking Borough Hall.

**1. CALL TO ORDER**

**2. OPEN PUBLIC MEETING STATEMENT:** Mayor E. Laurence 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.

**2. ROLL CALL**

Present: Mayor White, Councilman Batcha, Councilman Gillingham, Councilman Ness  
Dialed in: Councilman Amarante  
Absent: Councilman Nelson, Councilman Rzemieniowski

**4. PLEDGE OF ALLEGIANCE** Mayor E. Laurence White led the assembly in the Pledge of Allegiance.

**5. PRIVILEGE OF THE FLOOR:** Mayor E. Laurence White opened the meeting for public comment and questions about agenda items only.

No comments were made.

**6. APPROVAL OF MEETING MINUTES**

**7. NEW BUSINESS:** The Mayor and council October 15, 2019 regular business meeting of the council, in the form attached hereto.

- |  |                          |
|--|--------------------------|
| A. <u>Finance Committee:</u>             | Councilman Amarante      |
| B. <u>Public Safety Committee:</u>       | Councilman Gillingham    |
| C. <u>Dune and Beach Committee:</u>      | Councilman Nelson        |
| D. <u>Municipal Services Committee:</u>  | Mayor White              |
| E. <u>Municipal Relations Committee:</u> | Councilman Rzemieniowski |
| F. <u>Strategic Planning Committee:</u>  | Councilman Nelson        |
| G. <u>Environmental Committee:</u>       | Councilman Batcha        |

**8. MAYOR AND COUNCIL COMMENTS**

Councilman Amarante discussed Ordinance 693 which was passed in August. It was never the intention of the Finance Committee to Bond this. He recommends a replacement vehicle for Police Department be purchased now which will have a cost savings of Eight Thousand Dollars as opposed to purchasing it in 2020.

Mayor White explained that in an effort to be fiscally prudent the Borough will be withdrawing the 2020 NJDOT Municipal Aid Application

Councilman Batcha discussed the Ordinance to establish a Green Team Advisory Committee. This will enable the Borough to be eligible for funds and grants. He further explained that the Environmental Commission had met and would like to retain the Police Boat and asked about the cost of doing so. The Commission also supports the Choose To ReUse campaign to ban single use plastic and would like to encourage the governing body to support this as well.

#### **9. PUBLIC COMMENT PERIOD**

Lynn O'Mealia, 1304 Bay Avenue, had questions regarding air conditioning units, the height requirement and protecting neighbors. The Ordinance is vague and wants to make sure that the intention of the ordinance is met.

Borough Attorney, Jean Cipriani explained that the air conditioning units must be in the building envelope and the ordinance addresses aesthetics, impact on neighbors and visual and noise impacts.

Nancy Ness, 1057 Barnegat Lane, would like the building department to let contractors know they cannot begin working before 8:00 am and that deliveries on Barnegat Lane are difficult.

Peter Flihan, 1104 Barnegat Lane, shares the same concerns as Ms. Ness and asked that members of the board call the building department instead of residents.

Linda Flihan, 1104 Barnegat Lane, explained that deliveries are starting at 6:30 am and that the trucks leave right away. She also mentioned that pigeons are living underneath solar panels.

Mayor White will speak to the Building Department regarding a contractor list for Police and contractor working hours.

#### **10. NEXT MEETING:** Council Meeting, Tuesday, October 15, 2019 Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, NJ 08738

#### **11. ADJOURNMENT:**

There being no further business for this meeting, it was motioned by Councilman Gillingham to adjourn, seconded by Councilman Ness and approved by unanimous voice vote at 5:54 p.m.

### **ANTICIPATED ACTION ITEMS FOR MEETING OF OCTOBER 15, 2019:**

#### **REPORT OF THE FINANCE COMMITTEE**

Committee Chairperson Amarante proposes the following for this month's regular business meeting:

**MONTHLY REPORTS** of the Finance Officer.

**RESOLUTION NO. 2019 –**  
**RESOLUTION: THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

**BOROUGH OF MANTOLOKING**  
**Financial Report for the Month of AUGUST 31, 2019**

**Status of the Budget on AUGUST 31, 2019**

FUND	APPROPRIATIONS	CURRENT BALANCE	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2019 ADOPTED BUDGET	\$5,283,897	\$5,283,897	\$3,239,752	\$130,055	\$1,914,090
2018 RESERVE BUDGET- CURRENT	\$393,797	\$393,797	\$167,170	\$0	\$226,627
2019 CAPITAL FUND	\$1,950,425	\$1,950,425	\$91,591	\$566,869	\$1,291,537
SANDY EMERGENCY FUNDS	\$146,568	\$146,568	\$6,600	\$0	\$139,968
<b>(Subcategory of Capital Fund)</b>					
Construction-Municipal Building	\$5,312,704	\$450,631	\$47,784	\$139,661	\$263,186
<b>TOTAL</b>	<b>\$7,803,494</b>	<b>\$2,941,421</b>	<b>\$313,145</b>	<b>\$706,530</b>	<b>\$1,921,317</b>

**Receipts, Disbursements and Changes in Cash Balance During the Month of AUGUST 31, 2019**

FUND	CASH BALANCE JANUARY 1, 2019	CASH BALANCE BEGINNING OF MONTH	CASH RECEIVED	CASH DISBURSED	CASH BALANCE END OF MONTH
2019 CURRENT FUND	\$2,586,920	\$494,116	\$2,733,893	(\$469,891)	\$2,758,118
CAPITAL FUND	\$3,321,882	\$3,268,434	\$0	(\$22,716)	\$3,245,718
ANIMAL CONTROL FUND	\$183	\$219	\$5	\$0	\$225
OTHER TRUST FUNDS	\$511,133	\$529,442	\$238	(\$1,813)	\$527,868
PAYROLL ACCOUNT	\$39,647	\$48,649	\$238,874	(\$220,778)	\$66,745
UNEMPLOYMENT ACCOUNT	\$25,533	\$25,060	\$5	\$0	\$25,066
LAW ENFORCEMENT TRUST	\$2,841	\$2,844	\$1	\$0	\$2,845
<b>TOTAL</b>	<b>\$6,488,139</b>	<b>\$4,368,765</b>	<b>\$2,973,015</b>	<b>(\$715,197)</b>	<b>\$6,626,583</b>

**RESOLUTION NO. 2019 –**  
**RESOLUTION: PAYMENT OF BILLS**

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$1,683,568.82 with the recommendation they be paid, and
- A list of bills in the amount of \$90,840.94 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.

**RESOLUTION 2019-**  
**RESOLUTION APPROVING OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$9,977.84, which is now available from the New Jersey Highway Traffic Safety Administration, Drunk Driving Enforcement Fund;

**BE IT FURTHER RESOLVED**, that the like sum of \$9,977.84 is hereby appropriated under the caption of, 2019 Drunk Driving Enforcement Fund, and shall be applied in compliance with the terms and conditions as set forth in the grant.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are authorized to execute the grant agreement.

**RESOLUTION 2019-**

**RESOLUTION CANCELING TAXES ON BOROUGH OWNED PROPERTY KNOWN AS BLOCK 23, LOT 57.01, BLOCK 26, LOT 11.01, BLOCK 35, LOT 11.01, AND BLOCK 36, LOT 11.01**

**WHEREAS**, Block 23, Lot 57.01, Block 26, Lot 11.01, Block 35, Lot 11.01 and Block 36, Lot 11.01 were acquired by the Borough of Mantoloking by deed dated June 22, 2019 which was recorded in the Office of the County Clerk on July 15, 2019 in deed book 17535, page 1022, and;

**WHEREAS**, there were open taxes for the second and third quarters of 2019 that need to be cancelled in the amounts listed below.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey as follows:

1. The Tax Collector is directed to cancel taxes in the following amounts:

2019 - Block 23, Lot 57.01 – second and third quarter taxes for May & August in the amount of \$89.96 and \$92.56 respectively;

2019 – Block 26, Lot 11.01 – second and third quarter taxes for May & August in the amount of \$78.54 and \$80.81 respectively;

2019 – Block 35, Lot 11.01 – second and third quarter taxes for May & August in the amount of \$62.80 and \$64.62 respectively;

2019 – Block 36, Lot 11.01 – second and third quarter taxes for May & August in the amount of \$84.42 and \$86.87 respectively.

2. The aforementioned parcels are to be exempted for the fourth quarter 2019 and on the 2020 tax list.

**RESOLUTION 2019-**

**RESOLUTION REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO DUPLICATE PAYMENT**

**WHEREAS**, a duplicate tax payment was made on the 3rd quarter 2019 property taxes on property owned by Medvecky, Lorraine, for the fiscal year 2019; and,

**WHEREAS**, such duplicate payment has resulted in an overpayment of 2019 property taxes in the amount of \$1,906.91 and said property owner is requesting a refund of this overpayment in a total refund amount of \$1,906.91,

**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 \$1,906.91 for said overpayment for the property known as Block 24, Lot 38 aka 1091 Barnegat Lane, Mantoloking, New Jersey to Lorraine Medvecky, 1091 Barnegat Lane, Mantoloking, New Jersey as 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.

### **INTRODUCTION TO BOND ORDINANCE NO. 698**

#### **BOND ORDINANCE REAPPROPRIATING \$128,000 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF THE PURCHASE SELF-CONTAINED BREATHING APPARATUS AIR PACKS, AND RADIOS AND A SPORTS UTILITY VEHICLE FOR THE POLICE DEPARTMENT, AND REPEALING BOND ORDINANCE NO. 693 ADOPTED ON AUGUST 20, 2019, AUTHORIZED IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY**

**WHEREAS**, the Borough Council of the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") finally adopted Bond Ordinance No. 581 on April 19, 2010, Bond Ordinance No. 566 on May 18, 2009, Bond Ordinance No. 585 on April 19, 2010, Bond Ordinance No. 600 on April 18, 2011, Bond Ordinance No. 597 on April 18, 2011, Bond Ordinance No. 586 on April 19, 2010, Bond Ordinance No. 598 on April 18, 2011, Bond Ordinance No. 599 on April 18, 2011, Bond Ordinance No. 608 on April 23, 2012, Bond Ordinance 609 adopted on April 23, 2012, Bond Ordinance No. 611 adopted on April 23, 2012, Bond Ordinance No. 644 on May 19, 2015, Bond Ordinance No. 658 on September 20, 2016, Bond Ordinance No. 656 adopted on May 17, 2016 (collectively, the "Ordinances"); and

**WHEREAS**, following the effective dates of the Ordinances, the Borough issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

**WHEREAS**, the Borough has determined that the improvements set forth in the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and

**WHEREAS**, there currently remains on deposit in the Borough capital accounts excess bond proceeds in the amount of \$128,000, which excess bond proceeds are allocable to such project improvements in the Ordinances (the "Excess Proceeds"), but are no longer necessary to complete such improvements or purposes authorized therein; and

**WHEREAS**, in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds to finance the cost of the purchase of self-contained breathing apparatus air packs, and radios and a sports utility vehicle for the Police Department, for which improvements bonds may be issued, thereby, decreasing the amount of additional Borough debt to finance such current capital needs; and

**WHEREAS**, the Borough Council now desires to reappropriate the Excess Proceeds to finance the cost of the purchase of self-contained breathing apparatus air packs, and radios and a sports utility vehicle for the Police Department.

**WHEREAS**, the appropriation of Excess Proceeds herein renders Bond Ordinance No. 693 adopted on August 20, 2019 (the "Former Bond Ordinance") no longer necessary, the Borough Council now desires to repeal the Former Bond Ordinance.

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

Section 1. It is hereby determined that the aggregate amount of \$128,000 of the balance of the total appropriation for capital purposes originally made available pursuant to the following Ordinances of the Borough is no longer necessary for the purposes for which the obligations previously were authorized:

<u>Amount to be</u>	<u>Reappropriated Ordinance &amp; Purpose</u>
\$ 29,556	No. 581 adopted April 19, 2010, providing for Bergen and Lagoon Lane road improvements.
\$ 16,883	No. 566 adopted on May 18, 2009, providing for the installation of solar panels at the Municipal Building.
\$ 11,000	No. 585 adopted on April 19, 2010, providing for the Flap Valve Program.
\$ 15,929	No. 600 adopted April 18, 2011, providing for the construction of an ADA walkway.
\$ 5,632	No. 597 adopted on April 18, 2011, providing for the replacement of the Firehouse apron.
\$ 309	No. 586 adopted on April 19, 2010, providing for Bergen and Channel Road Improvements.
\$ 504	No. 598 adopted on April 18, 2011, providing for improvements to Sanitary Sewer System Facilities.
\$ 936	No. 599 adopted on April 18, 2011, providing for the Flap Valve Program.
\$ 14,900	No. 608 adopted on April 23, 2012, providing for the replacement of Firehouse doors.
\$ 90	No. 609 adopted on April 23, 2012, providing for the purchase of police cameras.
\$ 726	No. 611 adopted on April 23, 2012, providing for improvements to ADA walkway #4.
\$ 942	No. 644 adopted on May 19, 2015, providing for various capital improvements.

\$ 6,796	No. 658 adopted on September 20, 2016, providing for various capital improvements.
\$ 23,797	No. 656 adopted on May 17, 2016, providing for the construction of a new Municipal Building.
<u>\$ 128,000</u>	Total to be reappropriated to other capital purposes

Section 2. The appropriations for the purposes in the amounts set forth in Section 1 hereof are hereby canceled and reappropriated pursuant to N.J.S.A. 40A:2-39 to other capital purposes as set forth in Section 3 hereof.

Section 3. The aggregate amount of \$128,000, representing the amount referred to in Section 1 hereof, is hereby appropriated to provide for the following capital improvement purposes, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough, and the estimated cost the project is as follows:

<u>Amount to be Appropriated</u>	<u>Purpose</u>
\$ <u>128,000</u>	To finance the purchase of self-contained breathing apparatus air packs, and radios and a sports utility vehicle for the Police Department

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance is five (5) years.

(c) An aggregate amount not exceeding \$25,000.00 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

Section 6. Bond Ordinance No. 693 adopted on August 20, 2019 is repealed.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 8. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bond proceeds reappropriated by this bond ordinance.

Section 9. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

**REPORT OF THE PUBLIC SAFETY COMMITTEE**

Committee Chairperson Gillingham proposes the following for this month’s regular business meeting:

**RESOLUTION NO. 2019-  
RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING  
AUTHORIZING SPONSORSHIP FOR POLICE ACADEMY RECRUITS**

**BE IT RESOLVED**, by the Borough Council of the Borough of Mantoloking to hereby sponsor the following individuals to attend the Police Academy:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>
Sarah Nelson	Police Academy Recruit SLEO II	10/15/19
Aidan Hendricks	Police Academy Recruit SLEO II	10/15/19
Thomas Kusher	Police Academy Recruit SLEO II	10/15/19

**REPORT OF THE DUNE AND BEACH COMMITTEE**

**PUBLIC HEARING**

**ADOPTION OF ORDINANCE NO. 695**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT**

**WHEREAS**, the Borough is the owner or easement holder of certain tracts of land identified as public accessways to tidal waterways; and

**WHEREAS**, as part of the Municipal Public Access Plan, which the Borough is required to file with the New Jersey Department of Environmental Protection, the Borough identified several public access ways to tidal waterways, and is required by NJDEP rules to dedicate the lands via a Perpetual Public Access Easement; and

**WHEREAS**, the Borough wishes to grant a perpetual deed of easement, a copy of which is attached hereto and made a part hereof as “Schedule A,” across the subject property to the State of New Jersey.

**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 dedication of a Deed of Dedication and Perpetual Public Access Easement to the State of New Jersey attached hereto as Schedule “A.”

**SECTION 2.** That the Mayor and the Municipal Clerk are hereby authorized to execute and attest to, respectively, any and all documents necessary to facilitate the transfer of the above-mentioned easement in a form acceptable to the Borough Attorney.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4** 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 5.** This ordinance shall take effect after second reading and publication as required by law.

**REPORT OF THE MUNICIPAL SERVICES COMMITTEE**

Committee Chairperson Mayor White proposes the following for this month's regular business meeting:

**MONTHLY REPORTS** of the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee.

**RESOLUTION NO. 2019-**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING AUTHORIZING THE WITHDRAWAL OF APPLICATION #MA-2020-ROADWAY SAFETY IMPROVEMENT PROJECT-00696 FOR THE FISCAL YEAR 2020 NJDOT MUNICIPAL AID PROGRAM**

**WHEREAS**, the Borough of Mantoloking submitted an application MA-2020-Roadway Safety Improvement Project to the New Jersey Department of Transportation Division of Local Aid and Economic Development; and

**WHEREAS**, after receiving public comment and stakeholder feedback, the Borough of Mantoloking wishes to formally withdrawal said application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, hereby withdraws Municipal Aid Grant Application MA-2020-ROADWAY SAFETY IMPROVEMENT PROJECT-00696.

**RESOLUTION NO. 2019 –**

**RESOLUTION: REAPPOINTMENT OF PERSONNEL - PART TIME PUBLIC WORKS LABORER**

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

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Patrick Donald	Part Time Public Works Laborer	9/15/2019	\$18.00/hr  Less than 30 hours per week

**RESOLUTION NO. 2019 –**

**RESOLUTION: IN SUPPORT OF POINT PLEASANT BEACH PROJECT GRADUATION AND PTO SENIOR SCHOLARSHIPS 2019 TOWN-WIDE GARAGE SALE, SATURDAY, OCTOBER 19, 2019- RAIN DATE SUNDAY, OCTOBER 20, 2019**

**WHEREAS**, Cathy Jamison, PTO President, has requested the Mayor and Council support a Town-Wide Garage Sale for Point Pleasant Beach Project Graduation 2019 and PTO Senior Scholarships to

be held on Saturday October 19, 2019 with a rain date Sunday, October 20, 2019; and

**WHEREAS**, the Project Graduation Committee has requested that the Borough waive the required fee and permit for Mantoloking participants; and

**WHEREAS**, a \$25.00 donation will be made by participating Mantoloking households to support Project Graduation 2019 and PTO Scholarships.

**IT IS NOW, THEREFORE**, this 15th day of October, 2019, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, hereby supports Project Graduation 2019 and PTO Scholarships.

## **PUBLIC HEARING**

### **ADOPTION OF ORDINANCE NO. 696**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 30 ENTITLED "LAND USE REGULATIONS."**

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

**SECTION 1.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use Regulations," so as to amend § 30-6.11 entitled "Accessory Use and Accessory Structures" so as to amend subsection (b) entitled "Accessory Structures" so as to amend subsection 7. in its entirety so that it shall read as follows:

7. On-grade air conditioning or HVAC units shall be located within the building envelope and must be landscaped or screened with lattice, open board fence, shrubbery and/or plantings, which still allows for the circulation of air and dispersal of fumes, as to lessen the visual impact of the unit(s).

- a. Mechanical and utility platforms servicing the building, including generator platforms, shall be located within the building envelope, not more than six (6) inches from the principal structure and be considered a part of the building footprint and must be landscaped or screened with lattice, open board fence, shrubbery and/or plantings, which still allows for the circulation of air and dispersal of fumes, as to lessen the visual impact of the unit(s).
- b. Roof mounted equipment on an accessory or principal structure must be recessed into the rooflines to entirely screen the units and shall be located within the building envelope. The open end of the recessed roof platform at the roofline for the mechanical equipment shall be adequately screened with lattice, a parapet wall, or similar architectural elements along the roof line, which will still allow for the circulation of air and dispersal of any fumes, to lessen the visual impact and screen the roof mounted unit(s). No part or section of the platforms for roof mounted mechanical equipment shall extend above or beyond the structure's roofline.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** 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 4.** This ordinance shall take effect after second reading and publication as required by law.

**INTRODUCTION TO ORDINANCE NO. 697**  
**PLACES OF ASSEMBLY**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 30 ENTITLED "LAND USE REGULATIONS."**

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

**SECTION 1.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use Regulations," so as to amend § 30-2.2, entitled "Definitions; word usage" to add and arrange alphabetically the following term:

**PLACE OF ASSEMBLY**

Any structure or building devoted to the gathering together of persons for a common reason, such as legislative, religious, civic, educational, recreational or social purposes and that is used as the regular site for traditional services, meetings and/or gatherings of an organized body or community, which services, meetings or gatherings are presided over by the ordained or otherwise officially recognized leader of that body or community. Exempted are incidental, temporary or sporadic meetings attended by a small number of persons such that the character of the zone district in which it is located is not compromised for occupants of properties in that area.

**SECTION 2.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use," so as to amend § 30-6.2, entitled "Residential Zones" to add subsection 4 to subsection (a) as follows: 4.

Conditional Uses. As set forth in Section 30-6.18 of this Chapter.

**SECTION 3.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use," so as to amend § 30-6.3, entitled "Business Zones" to add subsection 4 to subsection (a) as follows: 4.

Conditional Uses. As set forth in Section 30-6.18 of this Chapter.

**SECTION 4.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 30, entitled "Land Use Regulations" so as to add § 30-6.18, entitled "Standards for conditional use permit application" as follows:

**A. Places of Assembly.** Places of assembly may be permitted as conditional uses in all zoning districts provided that the lot and structures thereon shall adhere to the bulk requirements, standards and restrictions of the zone in which it is located and to the following:

- (1) The applicant shall submit a list of proposed activities and anticipated participants, a timetable reflecting the hours in which each building will be used and any other pertinent uses and activities intended to take place on the site. Catering "eating and drinking" shall not be a primary use of these facilities.
- (2) Off-street parking, loading and vehicular access shall be as follows: Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 30-4.4 of this chapter and shall require one off-street parking space for every four (4) seats or for every four (4) persons who may be legally admitted, whichever is greater.
- (3) Signs shall be as specified in § 30-6.14 of this chapter.
- (4) The proposed use shall not cause to emanate from the property any vibration, glare, fumes, or odors detectable by neighboring property owners.
- (5) The quantity and type of solid waste disposal shall be the same as other uses in the zone district.
- (6) Site plan approval is required in accordance with §30-5.5. The site plan shall be accompanied by a traffic study prepared by a licensed professional engineer traffic consultant indicating the impact of the proposed place of assembly on surrounding roads. It shall include the following elements:
  - a. Estimated peak hourly traffic to be generated by the use.
  - b. Assignment of estimated peak hourly traffic by percentage and volume to surrounding roads.
  - c. Determination of unused capacity of surrounding roads during peak hours.
  - d. Recommendations for necessary road improvements and traffic control devices recommended for public roads surrounding the site.
- (7) Lighting:
  - a. Wherever artificial lighting is used on the premises, said lighting shall be so installed and maintained that no disturbing glare will be visible on adjacent properties or to motorists using the public street. The use of colored lights, which may be mistaken for traffic lights or signals, and artificial lights that change in intensity or produce a flashing or moving effect are hereby prohibited.
  - b. All electrical lighting of parking areas or parking lots shall remain in operation for a maximum of ½ hour after the closing of the place of assembly.
- (8) Noise: The proposed use shall not make or cause to be made any loud, unnecessary or unusual noises or any noise which does or is likely to annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others.
- (9) Hours of Operation:
  - a. The facilities may be open Monday through Sunday not earlier than 7:00 a.m. and not later than 10 p.m.
  - b. Exceptions to the hours of operation may be made for religious holidays and celebrations, seasonal celebrations or other special events or occasions subject to the permission of the Mayor and Council.

- (10) Area and Bulk Regulations shall be as set forth in §30, Appendix B of this chapter. The maximum permissible size of a structure depends on the zone in which it will be located. The setbacks, maximum building height and permissible lot coverage are set forth in Appendix A to this chapter.
- (11) Maximum occupancy of any building constructed or utilized as a place of assembly under this chapter shall be determined by the Construction Official, enforcing officer of the State Uniform Construction Code, pursuant to Chapter 13 of the Municipal Code.
- (12) Applicability of the remainder of Code: Places of assembly must comply with all applicable standards and regulations established by the Code of the Borough, except to those standards and regulations specifically addressed by this section.

**B. Reserved.**

**SECTION 5.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 6.** 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 7.** This ordinance shall take effect after second reading and publication as required by law.

**REPORT OF THE ENVIRONMENTAL COMMITTEE**

Committee Chairperson Councilman Batcha proposes the following for this month's regular business Meeting.

**INTRODUCTION TO ORDINANCE NO. 699**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 2 ENTITLED "BOARDS, COMMITTEES AND COMMISSIONS" IN ORDER TO ESTABLISH A GREEN TEAM ADVISORY COMMITTEE**

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

**SECTION 1.** The Municipal Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 2, entitled “Boards, Committees and Commissions,” so as to add § 2-36, which shall be entitled “Green Team Advisory Committee” which shall read as follows:

**§ 2-36.1 Established.**

There is hereby established a Green Team Advisory Committee to the Mantoloking Borough Council.

**§ 2-36.2 Purpose.**

The general purpose for the Green Team Advisory Committee includes but is not limited to the following:

- A. Manage the Borough’s participation in the Sustainable Jersey program;
- B. Encourage the pursuit of sustainable practices where possible within the Township;
- C. Make Green Team information available to the public;
- D. At the recommendation of the Borough Council, work with existing groups within the Township whose actions affect environmental issues;
- E. Provide suggestions for further research and action to the Borough Council;
- F. Solicit and evaluate environmental ideas and suggestions from the community; and
- G. Promote sustainability within the Borough.

**§ 2-36.3 Membership; term.**

- A. The Green Team shall consist of the members of the Mantoloking Environmental Commission.
- B. Membership on the Green Team shall be concurrent with membership on the Environmental Commission.

**§ 2-36.4 Duties.**

- A. The Green Team shall adopt schedule of regular meetings and submit same to the Borough Council.
- B. The Green Team shall select volunteers to work on Green Team projects.
- C. The Green Team shall periodically submit reports and minutes to the Borough Council.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** 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 4.** This ordinance shall take effect after second reading and publication as required by law.

Respectfully submitted,

Beverley A. Konopada  
Borough Clerk