

DRAFT NO.2.–12/13/2019 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

AGENDA - REGULAR BUSINESS MEETING

December 17, 2019
5:30 p.m.
Mantoloking Borough Hall
202 Downer Avenue
Mantoloking, New Jersey

The Regular Business Meeting of the Mayor and Council will be held this day in the Mantoloking Borough Hall.

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

2. **OPEN PUBLIC MEETING STATEMENT:** Mayor White 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:**

EXECUTIVE SESSION

RESOLUTION NO.155

**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AUTHORIZING AN EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act authorizes the Borough Council to enter into executive session to discuss certain matters pursuant to N.J.S.A. 10:4-12; and

WHEREAS, the Borough Council desires to go into executive session to discuss matters related to personnel matters.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Council shall go into executive session to discuss the following items:

1. N.J.S.A. 10:4-12(b)(8) – personnel matter

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

5. RESOLUTION 2019- 156 MINUTES OF PREVIOUS MEETINGS

Agenda Setting Meeting Minutes- November 12, 2019
 Regular Business Meeting Minutes- November 19, 2019
 Executive Session Minutes – November 19, 2019

RESOLVED, the Mantoloking Borough Council approves the following minutes as distributed.

ROLL CALL VOTE RESOLUTION 2019-156

6. **PRIVILEGE OF THE FLOOR:** Mayor White will open the meeting for public comment and questions about the agenda.
7. **FINANCE COMMITTEE,** Councilman Amarante will present the monthly finance report.

RESOLUTION NO. 2019 – 157

RESOLUTION: THE REPORT OF THE MUNICIPAL FINANCE OFFICER

BOROUGH OF MANTOLOKING					
Financial Report for the Month of OCTOBER 31, 2019					
Status of the Budget on October 31, 2019					
FUND	APPROPRIATION	CURRENT BALANCE	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2019 ADOPTED BUDGET	\$5,283,897	\$5,283,897	\$3,779,934	\$214,121	\$1,289,842
2018 RESERVE BUDGET- CURRENT	\$393,797	\$393,797	\$167,155	\$0	\$226,642
2019 CAPITAL FUND	\$1,950,425	\$1,950,425	\$91,591	\$591,593	\$1,267,241
SANDY EMERGENCY FUNDS	\$146,568	\$146,568	\$6,600	\$0	\$139,968
(Subcategory of Capital Fund)					
Construction-Municipal Building	\$5,312,704	\$450,631	\$47,784	\$139,661	\$263,186
TOTAL	\$7,803,494	\$2,941,421	\$313,130	\$731,254	\$1,897,036
Receipts, Disbursements and Changes in Cash Balance During the Month of October 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	\$2,653,191	\$1,080,606	(\$1,872,838)	\$1,860,959
CAPITAL FUND	\$3,321,882	\$3,239,461	\$0	(\$2,796)	\$3,236,665
ANIMAL CONTROL FUND	\$183	\$225	\$0	(\$1)	\$223
OTHER TRUST FUNDS	\$511,133	\$526,879	\$80	\$0	\$526,959
PAYROLL ACCOUNT	\$39,647	\$79,979	\$167,883	(\$210,249)	\$37,613
UNEMPLOYMENT ACCOUNT	\$25,533	\$25,071	\$9,006	\$0	\$34,077
LAW ENFORCEMENT TRUST	\$2,841	\$2,846	\$1	\$0	\$2,847
TOTAL	\$6,488,139	\$6,527,651	\$1,257,576	(\$2,085,885)	\$5,699,343

RESOLUTION NO. 2019 –158

RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$98,236.94 with the recommendation they be paid, and
- A list of bills in the amount of \$181,455.66 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 NO. 2019 -159

RESOLUTION : TRANSFERRING CURRENT YEAR APPROPRIATIONS – 2019

RESOLUTION NO. 2019-

RESOLUTION: SPECIAL EMERGENCY - POLICE CONTRACT

ROLL CALL VOTE RESOLUTIONS 2019-157-159

8. **PUBLIC SAFETY COMMITTEE**, Councilman Gillingham will present the monthly reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

RESOLUTION NO. 2019 –160

RESOLUTION AUTHORIZING THE RE-APPOINTMENT OF JAMES LIGUORI, ESQ. AS MUNICIPAL COURT JUDGE FOR A THREE YEAR TERM

WHEREAS, N.J.S.A. 2B:12-4 provides that a municipality must appoint a municipal court judge for a three year term and the term of the present municipal court judge, James A. Liguori, Esq, expires on December 31, 2019; and

WHEREAS, James A. Liguori, Esq. has provided consistent and continuous leadership; and

WHEREAS, the Mayor, with the advice and consent of council, wish to re-appoint James A. Liguori, Esq. as Municipal Court Judge for the Borough of Mantoloking in accordance with the provisions of N.J.S.A 2B:12-4.

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

1. The Mayor with the advice and consent of Borough Council, does hereby reappoint James A. Liguori, Esq. as Judge of the Municipal Court of the Borough of Mantoloking for a term of three (3) years, commencing December 31, 2019 and ending December 31, 2022.
2. The appointment of James A. Liguori, Esq. is made in accordance with the provision of N.J.S.A 2B:12-4 with a compensation of \$1,416.00 per court session which is subject to the same annual percentage increase provided to all borough administrative staff.
3. That a certified copy of this resolution shall be forwarded to the Borough Clerk, Chief Financial Officer, Appointee and the Municipal Court Administrator.

RESOLUTION NO. 2019-161

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOROUGH AND THE BOROUGH OF MANTOLOKING POLICE DEPARTMENT EMPLOYEES ASSOCIATION

WHEREAS, the collective bargaining agreement between the Borough of Mantoloking and the Borough of Mantoloking Police Department Employees Association (hereinafter Association) expired on December 31, 2018; and

WHEREAS, the parties have agreed to various terms and conditions of employment for the employees of the Association as specified in the Collective Bargaining Agreement effective January 1, 2019 through December 31, 2022, attached hereto as Exhibit A.

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

1. That the governing body hereby approves the Collective Bargaining Agreement between the Borough of Mantoloking and the Borough of Mantoloking Police Department Employees Association, a copy of which is attached and by this reference made a part of this Resolution.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to the attached agreement with the Association.
3. A certified copy of this Resolution shall be provided to the attorney for the Borough of Mantoloking Police Department Employees Association, Certified Finance Officer and Borough Attorney.

RESOLUTION NO. 2019 –162

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE USE OF THE NEW JERSEY STATE ASSOCIATION OF CHIEFS OF POLICE PROMOTIONAL PROCESS

WHEREAS, the Borough of Mantoloking needs to conduct an examination process to determine potential candidates for the supervisory rank of Lieutenant; and

WHEREAS, in light of the skills and experience needed to create and oversee a promotional examination, it has been customary to employ a vendor specializing in the process of law enforcement promotional examinations to administer portions of the promotional examination including, but not limited to, the written, oral, and technical knowledge evaluations for the Mantoloking Police Department; and

WHEREAS, the Borough of Mantoloking has successfully utilized the New Jersey State Association of Chiefs to administer its promotional examination process; and

WHEREAS, the promotional process consists of a written exam, specifically, the International Association of Chiefs of Police test, which consists of one hundred randomly drawn law enforcement specific questions and an Oral Exam for candidates that receive a 70% or greater on the written exam; and

WHEREAS, once the process is complete, the Public Safety Committee will consider and evaluate the candidates including the score and comments provided by the Association and shall furnish a report, with finding and a recommendation to the Mayor and Council; and

WHEREAS, the potential selection of a candidate for a promotion is within the discretion of the governing body, which may accept or reject the recommendation of the Association of Chiefs and/or the Public Safety Committee; and

WHEREAS, it is the desire of the governing body to authorize the use of the above described promotional process to determine potential candidates for a supervisory rank of Lieutenant; and

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

1. That the governing body does hereby authorize the Borough of Mantoloking Chief of Police to begin the promotional exam process for the potential vacancy in the supervisory rank of Lieutenant.
2. That the governing body does hereby approve of the use of the New Jersey Chiefs of Police the promotional exam process utilizing both a written and oral examination.
3. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to any documents necessary to effectuate the terms of this resolution.
4. That a certified copy of this resolution shall be forwarded to the Chief of Police.

ROLL CALL VOTE RESOLUTIONS 2019-160-162

9. **DUNE & BEACH COMMITTEE**: Councilman Nelson will present the reports of the Dune & Beach Committee and Ocean County Block Grant Program.

10. **MUNICIPAL SERVICES COMMITTEE**, Mayor White will present the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee.

RESOLUTION NO. 2019-163

**RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN,
STATE OF NEW JERSEY, APPOINTING COLLEEN MALVASIO AS ZONING
OFFICIAL FOR THE BOROUGH OF MANTOLOKING**

WHEREAS, Bart Petrillo, Zoning Official of the Borough of Mantoloking will be retiring on December 31, 2019; and

WHEREAS, the Borough of Mantoloking is in need of a Zoning Official; and

WHEREAS, Colleen Malvasio is duly qualified to be appointed as Zoning Official; and

WHEREAS, it is the desire of the governing body to appoint Colleen Malvasio as Zoning Official for the Borough of Mantoloking.

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

1. That the governing body hereby authorizes the appointment of Colleen Malvasio to serve as Zoning Official effective December 31, 2019.
2. That Colleen Malvasio shall be compensated as follows:

Zoning/Code Enforcement
10 hours x \$35.00 per hour x 52 weeks = \$18,200.00

TACO/Planning Board Secretary
25 hours x \$30.01 per hour x 52 weeks = \$ 39,018.00

Total Salary
\$57,218.00

3. That a certified copy of this resolution shall be forwarded to Colleen Malvasio and the Chief Financial Official.

ROLL CALL VOTE RESOLUTION 2019-163

PUBLIC HEARING – Mayor White will open the floor for comments on Ordinance 700

ADOPTION OF ORDINANCE NO. 700

ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 17 OF THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING ENTITLED “STREETS AND SIDEWALKS” SO AS TO ADD SECTION 17-4 ENTITLED “RIGHTS OF WAYS

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

SECTION 1. Chapter 17 of the Borough Code of the Borough of Mantoloking entitled “Streets and Sidewalks” is hereby amended and supplemented to establish new Section 17-4 to be entitled, “Rights of Way” which shall read in its entirety as follows:

17-4 RIGHTS-OF- WAY

§ 17-4.1. Rights of Way- Purpose.

A. Statement of purpose.

The Borough finds and declares that it is necessary to set forth clear standards in relation to the siting of poles, cabinets, and antennas for the benefit of its citizens and any utilities which use the Borough’s Rights of Way. The purpose of this chapter is to protect the property of the Borough and its citizens by creating a permit system for all new poles, antennas, and cabinets which are proposed to be placed in the municipal Right-of-Way.

§ 17-4.2 Rights-of-Way Permits; Definitions

For purposes of this Chapter 17, the following definitions shall apply:

- a. “Anticipated Municipal Expenses” shall mean the cost of processing an application for a Right-of-Way permit including, but not limited to, all professional fees such as engineering, planning or attorney fees such as are normally charged for approval escrows.
- b. “Cabinet” shall mean a box-like or rectangular structure used to facilitate utility or wireless service from within the municipal Right-of-Way.
- c. “Electrical Distribution System” shall mean the part of the electrical system, after the transmission system, that is dedicated to delivering electric energy to an end user.
- d. “Existing Pole” shall mean a pole that is in lawful existence within the municipal Right-of-Way.
- e. “Ground Level Cabinets” shall mean a Cabinet that is not attached to an existing pole and is touching the ground.
- f. “Municipal Right-of-Way” shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive or the like, held by the Borough as an easement or in fee simple ownership. This term also includes Rights-of-Way held by the County of Ocean where the Borough’s approval is required for the use of the same pursuant to *N.J.S.A. 27:16-6*.
- g. “Pole” shall mean a long, slender, rounded piece of wood, concrete, or metal.
- h. “Pole Mounted Antenna” shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells and outside distributed antenna systems.
- i. “Pole Mounted Cabinet” shall mean a Cabinet that is proposed to be placed on an existing or proposed Pole.
- j. “Proposed Pole” shall mean a Pole that is proposed to be placed in the municipal Right-of-Way.

- k. “Public Grounds” shall mean any lands, areas, buildings or installations owned by the Borough of Mantoloking or any of its Departments, agencies or commissions, and shall include municipal Board of Education lands, areas, buildings or installations.
- l. “Right-of-Way Agreement” shall mean an agreement that sets forth the terms and conditions for use of the municipal Right-of-Way and includes, but is not limited to, municipal franchise agreements.
- m. “Right-of-Way Permit” shall mean an approval from the Borough, setting forth applicant’s compliance with the requirements of this Chapter.
- n. “Site” shall mean the placement of one new pole, one replacement pole, one antenna along with one cabinet on an existing pole, or a combination of the placement of one new or replacement pole and one antenna and cabinet.
- o. “Surrounding Streetscape” shall mean existing Poles within the same Right-of-Way which are located within five hundred (500) feet of the proposed Pole.
- p. “Borough Council” shall mean the Borough Council of the Borough of Mantoloking.
- q. “Underground Cabinets” shall mean a Cabinet that is located beneath the surface of the ground.
- r. “Utilities Regulated by the Board of Public Utilities” shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Chapter 48 of the Revised Statutes of the State of New Jersey.
- s. “Utility Service” shall mean electric, telephone or cable service.

§ 17-4.3 Application of this Chapter to Utilities Regulated By The Board Of Public Utilities; Other Entities

Notwithstanding any franchise or Right-of-Way agreement to the contrary, all facilities proposed to be placed within the municipal Right-of-Way by a utility regulated by the Board of Public Utilities and all other entities lawfully regulating any facility, equipment, antenna, cabinet or other installation within the municipal Right-of-Way shall be subject to the standards and procedures set forth within this Chapter and shall require Right-of-Way permits for the siting of poles, antennas, cabinets and related facilities, equipment or other installation within the municipal Right-of-Way.

§ 17-4.4 Pole Mounted Antennas, Access to Right-of-Way, Right-of-Way Agreements

- a. No person shall operate or place any type of pole mounted antenna within the municipal Right-of-Way without first entering in to a Right-of-Way agreement pursuant to the provisions of this Chapter.
- b. The terms of said Right-of-Way agreement shall include:
 - i. A term not to exceed ten (10) years;
 - ii. Insurance requirements as set forth in this Chapter of this Code pertaining to the Excavation of Streets;
 - iii. A fine for unauthorized installations;
 - iv. A reference to the siting standards set forth in this Chapter;
 - v. Requirements to remove and restore the area to its previous condition; and

- vi. Any other items which may reasonably be required for the applicant's operation within the municipal Right-of-Way.

§ 17-4.5 Rights of Way Permits; Siting Standards for Poles, Antennas and Cabinets in the Right-of-Way.

- a. No pole, antenna or cabinet shall be installed in the municipal Right-of-Way without the issuance of a Right-of-Way Permit for that installation.
- b. Pole Siting Standards.
 - i. Height. No pole shall be taller than thirty five (35) feet above the grade at the base of the pole or one hundred and ten percent (110%) of the height of poles in the surrounding streetscape, whichever is higher.
 - ii. Distance from the curb line: No pole shall be farther than eighteen (18) inches from the curb line or roadway.
 - iii. Location, Safety and Aesthetics: No pole shall be erected in the municipal Right-of-Way unless it:
 - 1. Is replacing an existing pole; or,
 - 2. Is approved pursuant to a land development application by the Borough's Land Use Board pursuant to a Land Use Application; or,
 - 3. Is located on the opposite side of the street from a part of the electrical distribution system; and,
 - 4. Is located in the municipal Right-of-Way; and
 - 5. Is a minimum of two hundred (200) linear feet away from any other existing pole or proposed pole along the same side of the street; and,
 - 6. Is not located in an area with Underground Utilities; and,
 - 7. Does not inhibit any existing sight triangles; and,
 - 8. Allows adequate room for the public to pass and repass along and across the public Right-of-Way; and,
 - 9. Is finished and/or painted so as to blend in compatibly with its surrounding streetscape and so as to minimize its visual impact on surrounding properties.
 - iv. Poles are prohibited in the municipal Right-of-Way located in any public grounds.
- c. Ground Level Cabinet Site Standards.

Ground level cabinets are prohibited in the municipal Right-of-Way.
- d. Underground Cabinet Site Standards.

- i. Underground Cabinets are the preferred method of cabinet siting within the Borough of Mantoloking and permitted in the municipal Right of Way in all Zones.
 - ii. Underground Cabinet Siting shall not disturb any underground utilities.
 - iii. The Borough shall require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any underground Cabinet.
- e. Pole Mounted Antenna And Pole Mounted Cabinet Siting Standards.
- i. Pole Mounted Antennas are permitted on existing poles, provided that each pole mounted antenna:
 - 1. Does not exceed three (3) cubic feet in volume; and,
 - 2. Is finished or painted and otherwise camouflaged so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and,
 - 3. Does not inhibit any existing sight triangles; and,
 - 4. Allows adequate room for the public to pass and repass along and across the public Right-of-Way.
 - ii. Pole Mounted Cabinets are permitted on existing poles, provided that each pole mounted antenna:
 - 1. Does not exceed sixteen (16) cubic feet in volume; and,
 - 2. Is finished or painted and otherwise camouflaged so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and,
 - 3. Does not inhibit any existing sight triangles; and,
 - 4. Allows adequate room for the public to pass and repass along and across the public Right-of-Way.
 - iii. The Borough shall require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any pole mounted antenna or pole mounted Cabinet.
- f. Pole Mounted Antenna And Underground Cabinet Siting Standards.
- i. Pole Mounted Antennas are permitted on existing poles, provided that each pole mounted antenna:
 - 1. Does not exceed three (3) cubic feet in volume; and,
 - 2. Is finished or painted and otherwise camouflaged so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and,

3. Does not inhibit any existing sight triangles; and,
 4. Allows adequate room for the public to pass and repass along and across the public Right-of-Way.
- ii. Underground Cabinets are permitted with existing poles, provided that each underground cabinet:
 1. Shall not disturb any underground utilities.
 - iii. The Borough shall require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any pole mounted antenna and underground Cabinet.

§ 17-4.6 Application Process

- a. Pre-Application Meeting. Prior to making a formal application with the Borough for use of the municipal Right-of-Way, all applicants are advised to meet with the Borough Engineer to review the scope of the applicant's proposal.
- b. The Borough Council shall, by resolution, approve or disapprove every Right-of-Way Permit application based upon the recommendations provided to it pursuant to subsections (e) and (f) below.
- c. All applications made under this Section and Chapter shall be expedited so as to comply with the shot clocks set forth in the Federal Communications Commission Order entitled "Accelerating Wireless Broadband Deployment By The Removal Of Barriers To Infrastructure Investment," WT Docket No. 17-79; WC Docket No. 17-84.
- d. Every application made under this Section and Chapter must include a stamped survey prepared by a New Jersey licensed land surveyor demonstrating that any proposed pole, cabinet or antenna is located within the municipal Right-of-Way. Any such application which does not include such survey shall immediately be deemed incomplete.
- e. New Poles. The Mantoloking Land Use Board shall, pursuant to *N.J.S.A. 40:55D-25(B)(3)*, review all applications for the placement of new poles and ground level cabinets proposed to be located in the municipal Right-of-Way and advise the Borough Council of its recommendations to approve, deny or approve with conditions such applications. If the Planning Board recommends a denial of such application it shall set forth the factual basis for such denial in writing.
- f. Pole Mounted Antenna and Pole Mounted Cabinets.
 - i. The Borough Engineer shall review all applications to place pole mounted antenna and pole mounted cabinets within the municipal Right-of-Way and advise the Borough Council of his or her recommendation to approve, deny or approve with conditions such applications.
- g. Pole Mounted Antenna and Underground Cabinets.
 - i. The Borough Engineer shall review all applications to place pole mounted antenna and underground cabinets within the municipal Right-of-Way and advise the Borough Council of his or her recommendation to approve, deny or approve with conditions such applications.

- h. If the Borough Council denies any application made under this Section and Chapter, it shall do so in writing and set forth the factual basis therefor.
- i. Waiver. The Borough Council may waive any siting standard set forth in this Chapter where the applicant demonstrates that strict enforcement of any siting standard will:
 - i. Prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 *U.S.C.A.* § 253(a); or,
 - ii. Prohibit or have the effect of prohibiting personal wireless service pursuant to 47 *U.S.C.A.* § 332(c)(7)(B)(i)(II); or,
- iii. Will violate any requirement set forth in the Federal Communications Commission Order entitled “Accelerating Wireless Broadband Deployment By The Removal Of Barriers To Infrastructure Investment,” WT Docket No. 17-79; WC Docket No. 17-84.

§ 17-4.7 Right-Of-Way Permit Fees And Deposit Toward Anticipated Municipal Expenses.

- a. Every Right-of-Way Permit application must include a Right-of-Way Permit fee in the following amounts:
 - i. One (1) to five (5) sites - \$500.00.
 - ii. Each additional site - \$100.00.
- b. Deposit toward anticipated municipal expenses.
 - i. In addition to the Right-of-Way Permit application fee, the Borough Engineer shall require the posting of an escrow in the amount of two thousand dollars (\$2,000.00) toward anticipated municipal expenses including, but not limited to planner, engineer, legal or other municipal fees related to review of an application for a Right-of-Way Permit under this Chapter.
 - ii. The applicant’s deposit shall be deposited in an escrow account. If at any time such deposit contains insufficient funds to enable the Borough to conduct its review of the Right-of-Way Permit application, the Borough Engineer shall provide the applicant with notice of an insufficient balance. The applicant shall deposit within ten (10) days of such notice such additional deposit as shall be agreed upon by the applicant and the Borough Engineer to complete the Borough’s review.
 - iii. After a final decision has been made by the Borough Council in accordance with this Chapter regarding the applicant’s Right-of-Way Permit application, any unused balance from the applicant’s deposit toward anticipated municipal expenses shall be refunded.

§ 17-4.8 Miscellaneous Provisions.

- a. Any approval granted pursuant to this Chapter does not relieve the applicant from receiving consent of the owner of the land above which an applicant’s facility may be located as required under New Jersey law.
- b. Applicant must, in addition to obtaining a Right-of-Way Permit pursuant to this Chapter, also receive any and all necessary road opening permits, construction permits and any other permits required under

the Ordinances of the Borough of Mantoloking including, but not limited to the Uniform Construction Code.

- c. Applications for Borough consent pursuant to *N.J.S.A. 27:16-6* requires adherence to the standards set forth in this Chapter. No such applicant shall be required to enter into a Right-of-Way Agreement with the Borough.

§ 17-4.9 Violations and penalties.

Any person violating or failing to comply with any other provision of this article shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,000, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

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 thereof.

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

ROLL CALL VOTE ORDINANCE NO. 700

11. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski will present the report of the Mantoloking Relations Committee.
12. **STRATEGIC PLANNING COMMITTEE** Councilman Nelson will present the report of the Strategic Planning Committee.
13. **ENVIRONMENTAL COMMITTEE** Councilman Batcha will present the report of the Environmental Committee.

RESOLUTION NO. 2019-164

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN FOR RECYCLING CENTER USE AND REVENUE SHARING

WHEREAS, the Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.*, authorizes the Borough of Mantoloking to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40A:65-5 requires that such a contract be authorized by resolution; and

WHEREAS, the County of Ocean currently owns and operates two County Recycling Centers for the receipt, processing and marketing of source separated commingled recyclable materials; and

WHEREAS, the County provides assistance through the Ocean County Department of Solid Waste to all municipalities located within the County in meeting their recycling goals, as established by the Mandatory Source Separation and Recycling Act and the Ocean County Recycling Plan; and

WHEREAS, the Borough of Mantoloking desires to participate in said Ocean County Recycling Plan so as to achieve its recycling mandates under the Mandatory Source Separation and Recycling Act; and

WHEREAS, it is the desire of the governing body to authorize the execution of a Shared Services Agreement with the County of Ocean for Recycling Center Use and Revenue Sharing through the Ocean County Department of Solid Waste Management.

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

1. That the governing body does hereby authorize the execution of a Shared Services Agreement with the County of Ocean for Recycling Center Use and Revenue Sharing through the Ocean County Department of Solid Waste Management, in accordance with the terms of said agreement attached hereto and made a part hereof as Schedule A. The form of said agreement is subject to the approval of the Borough Attorney.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to the Shared Services Agreement, and any other documents necessary to effectuate the terms of this resolution.
3. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Borough Clerk's Office during normal business hours.
4. That a certified copy of this resolution, together with a copy of the agreement, shall be forwarded to the Chief Financial Officer, the Ocean County Clerk and the Ocean County Department of Solid Waste Management.

RESOLUTION NO. 2019-165

RESOLUTION OF SUPPORT AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Mantoloking strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Mantoloking is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Borough Council of the Borough of Mantoloking has determined that the Borough should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Mantoloking, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

RESOLUTION NO. 2019-166

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Mantoloking strives to assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Mantoloking hereby acknowledges that the residents of Mantoloking desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Borough of Mantoloking wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound practices; and

WHEREAS, by endorsing a sustainable path the Borough of Mantoloking is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable practices; and

WHEREAS, as elected representatives of the Borough of Mantoloking we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, that to focus attention and effort within the Borough of Mantoloking on matters of sustainability, the Borough Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Borough Council of Mantoloking that we do hereby authorize Jan O'Malley and Beth Nelson to serve as Mantoloking's agents for the Sustainable Jersey Municipal Certification process and authorize them to complete the Municipal Registration on behalf Mantoloking.

ROLL CALL VOTE RESOLUTIONS 2019-164-166

PUBLIC HEARING – Mayor White will open the floor for comments on Ordinance 701

ADOPTION OF ORDINANCE NO. 701

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 19
ENTITLED “SOLID WASTE MANAGEMENT”**

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 19 entitled “Solid Waste Management,” so as to amend § 19-2.3 in its entirety so that it shall be entitled “Yard Waste Regulations” and shall read as follows:

19-2.3 Yard Waste Regulations.

- A. The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste in the street, except as provided for herein.
- B. Each residential property is permitted three containers, bags or bundles of yard waste or garbage per designated pick up day.
- C. Leaves and other yard waste shall be separated from dirt and solid waste.
- D. Leaves and yard waste in excess of the three permitted containers must be placed at the curb, unless leaves are stored or recycled for composting or mulching by the resident or property owner. Yard waste may be in a container, bagged, or tied in bundles and may include clippings, grass, leaves, small branches and yard trash. Bundles must be less than 4 feet in length and weigh less than 40 pounds.
- E. Yard waste that is placed in the street and is not containerized or placed curbside as provided for herein must be removed by the party responsible for its placement or that party shall be deemed in violation of this section.

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.

ROLL CALL VOTE ORDINANCE NO. 701

14. **MAYOR AND COUNCIL COMMENTS**

15. **PUBLIC COMMENTS PERIOD**

16. **NEXT MEETING:**

Organization Meeting , January 2, 2020 at 5:30 p.m. at the Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, NJ, 08738

17. **ADJOURNMENT**