

MAYOR AND COUNCIL

MINUTES OF THE AGENDA-SETTING MEETING

December 10, 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** Mayor E. Laurence White called the meeting to order at 5:30 p.m.
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.
3. **ROLL CALL**

Present: Mayor White, Councilman Amarante, Councilman Batcha arrived late,
Councilman Gillingham, Councilman Nelson, Councilman Rzemieniewski
Dialed In: Councilman Ness
Absent: None

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 December 17, 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 Rzemieniewski
F. <u>Strategic Planning Committee:</u>	Councilman Nelson
G. <u>Environmental Committee:</u>	Councilman Batcha

8. **MAYOR AND COUNCIL COMMENTS**

Councilman Nelson reported that there would be a closed session at the end of the meeting and that he would not be at next week's Council Meeting.

Councilman Rzemieniewski requested an itemized bills list from April Yezzi, CFO.

9. PUBLIC COMMENT PERIOD

Joann Lygas, 950 Barnegat Lane, requested that the Council consider extra garbage collection after holidays.

Jan O'Malley, 1231 Bay Avenue, requested that the Code Enforcement Officer be reinstated. Mayor White reported that Colleen Malvasio is the Code Enforcement Officer.

Linda Flihan, 1105 Barnegat Lane, said the two inside holiday trees are beautifully decorated.

10. NEXT MEETING: Council Meeting, Tuesday, December 17, 2019
Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, NJ 08738

11. EXECUTIVE SESSION 5:41 P.M

12. ADJOURNMENT:

There being no further business for this meeting, it was motioned by Councilman Gillingham to adjourn executive session, return to open session and adjourn the meeting. The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote at 6:40 p.m.

ANTICIPATED ACTION ITEMS FOR MEETING OF DECEMBER 17, 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

RESOLUTION NO. 2019 –
RESOLUTION: PAYMENT OF BILLS

RESOLUTION NO. 2019 -

RESOLUTION : TRANSFERRING CURRENT YEAR APPROPRIATIONS – 2019

WHEREAS, N.J.S.A. 40A: 4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and
WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2019 Appropriation exists; and
WHEREAS, it is recommended that these budget transfers be made in the 2019 Municipal Budget;
NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2019 Municipal Budget:

REPORT OF THE PUBLIC SAFETY COMMITTEE

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

RESOLUTION NO. 2019 -

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 –

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 –
OUTLINING THE PROMOTIONAL PROCESS FOR LIEUTENANT

REPORT OF THE DUNE AND BEACH COMMITTEE

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 -
APPOINTMENT OF COLLEEN MALVASIO AS ZONING OFFICIAL

PUBLIC HEARING

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 Lavallette 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.

REPORT OF THE ENVIRONMENTAL COMMITTEE

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

RESOLUTION NO. 2019

OCEAN COUNTY RECYCLING CENTER USE AND REVENUE SHARING AGREEMENT

RESOLUTION NO. 2019

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.

PUBLIC HEARING

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.

RESOLUTION NO. 154

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:

N.J.S.A. 10:4-12(b)(4) – personnel matters

Motion: Councilman Rzemieniewski
Second: Councilman Amarante
All in Favor: Aye