

DRAFT NO. 1 –11/19/2020

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**AGENDA- SPECIAL MEETING**

**December 1, 2020**

**5:30 P.M.**

**MANTOLOKING VIRTUAL MEETING**

**CALL: 605-313-5156**

**ACCESS CODE: 231051**

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

**1. CALL TO ORDER:**

**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:**

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

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

**6. MUNICIPAL SERVICE COMMITTEE:**

**INTRODUCTION TO ORDINANCE NO. 712**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING  
THE BOROUGH CODE OF THE BOROUGH OF  
MANTOLOKING, SO AS TO AMEND AND SUPPLEMENT  
CHAPTER 2, ENTITLED “ADMINISTRATION” SO AS TO  
PROVIDE FOR STANDING AND ADVISORY COMMITTEES  
OF THE GOVERNING BODY**

**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 2.** Article I of Chapter 2 of the Borough Code of the Borough of Mantoloking, is hereby amended so as to revise §2-2, entitled, “Powers and Duties of the Mayor,” which shall read in its entirety as follows:

**§ 2-2. Powers and Duties of the Mayor.**

The Mayor shall preside over all meetings of the Council but shall not vote except to give the deciding vote in case of a tie. Except as otherwise provided by Statute or specific ordinance, the Mayor shall nominate and, with the advice and consent of the Council, appoint all officers in the Borough. No appointments requiring Council confirmation shall be made except by a majority vote of the Councilmembers present at the meeting, provided that at least three (3) affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. Vacancies in appointive offices shall be filled by appointment in the same manner for the unexpired term only. The Mayor shall make such nomination to fill a vacancy within thirty (30) days after the appointive office becomes vacant. If the Mayor fails to nominate within thirty (30) days or the Council fails to confirm any nomination made by the Mayor, then, after the expiration of thirty (30) days, the Council shall appoint the officer.

The Mayor shall see that the laws of the State and the ordinances of the Borough are faithfully executed and shall recommend to the Council such measures as he may deem necessary or expedient for the welfare of the Borough. The Mayor shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the Borough.

The Mayor shall have the powers granted by the laws of New Jersey and the ordinances of the Borough. The Mayor shall supervise the conduct and acts of all officers in the Borough and shall execute all contracts made on behalf of the Council. *The Mayor shall nominate the members of advisory committees to the municipality created pursuant to Borough Code and N.J.S.A. 40A:60-7, with advice and consent of Council by resolution.*

**SECTION 2.** Article I of Chapter 2 of the Borough Code of the Borough of Mantoloking, is hereby amended and supplemented to create §2-2.3.1, entitled, “Standing Council Committees,” which shall read in its entirety as follows:

**§2-2.3.1 Standing Council Committees.**

Pursuant to N.J.S.A. 40A:60-7, the Council shall annually organize itself into standing committees.

A. The Standing Committees, nominated by the Mayor and established by advice and consent of Council by resolution, are intended to expedite and facilitate the work of the Borough Council. Nothing within this Section shall be interpreted as authorizing any acts by a Standing Committee that legally and statutorily require action by the entire Borough Council. No act of a Standing Committee can bind the Borough Council without further action of the governing body.

B. All Committees shall consist of no more than three (3) elected officials as not to violate the Open Public Meeting Act (OPMA) as to a quorum.

1. All members of a Standing Committee shall serve for the balance of the calendar year of the year of their appointment, expiring on December 31 of the year of appointment.

2. The Committee Chairperson shall be nominated by the Mayor and established by advice and consent of Council by resolution.

C. The Chairperson of each Committee shall inform the Mayor of the meetings of such Committee and any the activities, reports, and recommendations of such Committee. The Mayor shall only attend a Committee meeting upon request of the Chairperson if a Committee member will not be attending.

D. The Standing Committees, along with their respective responsibilities, shall be:

The Standing Committees, along with their respective responsibilities, shall be:

Public Works (Public Works, Engineering, Code Enforcement)  
Administration & Legal (Administration, Personnel and Law, Insurance, Technology)  
Land Use (Building, Zoning, Land Use Board, Flooding)  
Recreation (Recreation, Beach, Beautification)  
Finance (Budget, Grants, Reports, FEMA)  
Public Safety (Police, Fire, First Aid, OEM, Court)

Special Committees may be created by Council with members nominated by the Mayor and established by advice and consent of Borough Council by Resolution, as needed for purposes other than those included above.

E. The Chairperson of each Standing Committee shall serve as the Liaison to any Advisory Committee as to any issue for which the Standing Committee is responsible.

F. A Standing Committee shall:

1. Meet when requested by the Chairperson of the Committee. All members thereof may participate actively in the Committee deliberations, performances of duties and the formulation of its recommendation to the Borough Council.

2. Plan, study, direct, make commitments within budgetary limitations, and carry on the

routine activities for which it has primary responsibility.

3. Perform such acts as may be assigned to it by the Borough Council.
4. Report and make recommendations to the Borough Council regarding its responsibilities and activities.
  - a. Except as provided above, a Standing Committee shall not:
    - i. Expend funds without prior approval of the Borough Council.
    - ii. Make promises or commitments to anyone which directly, or by inference, bind the Borough Council.
    - iii. Act in such manner or make decisions which violate policies established by the Borough Council or other applicable governmental division or entity.

**SECTION 2.** Article I of Chapter 2 of the Borough Code of the Borough of Mantoloking, is hereby amended and supplemented to create §2-2.3.2, entitled, "Advisory Committees," which shall read in its entirety as follows:

**§2-2.3.2 Advisory Committees.**

Pursuant to N.J.S.A. 40A:60-7, the **Council** may create such advisory councils to the municipality as it may choose, including councils for the functions absorbed by it of any heretofore existing boards, commissions or districts. Members of such advisory committees shall be nominated by the Mayor and established by advice and consent of Council by resolution.

**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.

**ROLL CALL VOTE ORDINANCE NO. 712:**

**INTRODUCTION TO ORDINANCE NO. 713**

**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 25 ENTITLED “PROPERTY MAINTENANCE”**

**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.** The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 25, entitled “Property Maintenance,” so as to add Article II which shall be entitled “Grass and Weeds” and which shall read as follows:

**§25-2 Duty of Owner or Tenant**

It shall be the duty of any owner or tenant or person in possession of any lands, vacant or improved, in the Borough:

- A. To keep such lands free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, where the same inimical to the preservation of public health, safety or general welfare of the Borough or which may constitute a fire hazard.
- B. Where the lands abut or border upon any public street in the Borough, to remove all grass, weeds, brush and other debris from that part of the street bordering on their respective lands.

**§ 25-3. Notice to remove.**

Wherever brush, weeds, uncut grass and/or obnoxious growths exceed six inches in height, or dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris are not removed, the Code Enforcement Officer shall cause 10 days' notice to be given to the owner and to the tenant of such land by registered or certified mail to their last known addresses, to cut and/or remove the same at or before the expiration of the ten-day period.

**§ 25-4 Removal by Borough.**

In the event that the owner, tenant or person in possession of the lands in question shall refuse or neglect to abate or remedy the condition which is in violation of this chapter within ten (10) days after receipt of notice, the Code Enforcement Officer or their agents shall cause the same to be abated and remedied and certify the cost thereof to the Council, which shall examine the certificate and, if found correct, cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the

same to bear interest at the same rate as taxes, which shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this chapter.

**§ 25-5 Violations and penalties.**

- A. Any person violating or failing to comply with any of the provisions of this section shall, upon conviction thereof, be punishable by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars, by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (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.
- B. The violation of any provision of this section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**SECTION 2.** The Borough Code of the Borough of Mantoloking is hereby amended and supplemented so as to amend Chapter 25, entitled “Property Maintenance,” so as to add Article III which shall be entitled “Abandoned and Vacant Properties” and which shall read as follows:

**§25-6 Purpose.**

The purpose of this article is for Borough of Mantoloking to regulate the care, maintenance, security and upkeep of the exterior of vacant or abandoned residential properties on which a summons and complaint in a foreclosure action has been filed.

**§ 25-7. Notice to Clerk of action to foreclose.**

Any creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Borough of Mantoloking shall within 10 days of the service of the summons and complaint of foreclosure notify the Municipal Clerk. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. If the creditor is located out of state, the notice shall also contain the full name and contact information of the in-state representative or agent who is responsible for the care, maintenance, security and upkeep of the exterior of the property if it becomes vacant or abandoned.

**§ 25-8. Creditor responsibility for maintenance.**

- A. A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property located within Borough of Mantoloking shall serve the Municipal Clerk with a notice indicating that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The Notice may contain information about more than one property and shall be provided by mail or electronic communication at the discretion of the municipal clerk.
- B. The Notice shall be served within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property
- C. Within 60 days of the adoption of this ordinance, any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court

shall provide to the municipal clerk a notice as described below for all residential properties in the Borough for which the creditor has pending foreclosure actions.

D. The notice shall contain:

1. The name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations;
2. Whether the property being foreclosed on is an affordable unit pursuant to the “Fair Housing Act;”
3. The street address, lot and block number of the property; and
4. The full name and contact information of an individual located within the state authorized to accept service on behalf of the creditor.

**§25-8 Notification of Violation.**

In the event of a violation of state or local ordinance, the municipality shall serve the creditor with a notice that shall include a description of the condition(s) that gave rise to the violation with the notice and shall provide a period of not less than 30 days from the creditor’s receipt of the notice for the creditor to remedy the violation.

**§25-10 Repair by Borough.**

If the Borough expends public funds in order to abate a nuisance or correct a violation on a residential property in which the creditor was given notice pursuant to the provisions of subsection §25-7 but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have had against the title owner of the property including but not limited to the recourse provided at N.J.S.A. 55:19-100.

**§ 25-11. Violations and penalties.**

- A. Any out-of-state creditor who fails to appoint an in-state agent or representative shall be subject to a fine of \$2,500 for each day of the violation. The violation shall commence on the day after the ten-day period set forth for the correction of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. N.J.S.A. 46:10B-51 for providing notice to the Municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- B. Any creditor found to be liable for the violation of the requirement to correct the care, maintenance, security or upkeep violation shall be subject to a fine of \$1,500 for each day of the violation. Fines imposed pursuant this section shall commence 31 days following receipt of the notice except if the violation presents an imminent risk to public health and safety, in which case any fine shall commence 11 days following receipt of the notice.
- C. If, after proper notice, the Borough undertakes the performance of any property maintenance work on the property due to the failure of the creditor to perform same, the Borough shall attach a lien to the property for the costs associated with its work.

**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.

**ROLL CALL VOTE ORDINANCE NO. 713:**

**7. MAYOR AND COUNCIL COMMENTS:**

**8. PUBLIC COMMENTS PERIOD:**

**9. NEXT MEETING:**

Caucus-Regular Business Council Meeting December 15, 2020 at 5:30 p.m. conference call.

**10. ADJOURNMENT:**