

DRAFT NO. 1 – 8/29/2017

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES - AGENDA SETTING PRE-COUNCIL MEETING

September 12, 2017
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The Agenda Setting Pre-Council Meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** Mayor George C. Nebel called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. Nebel 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:**

<u>COUNCIL</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>LATE</u>	<u>DIAL -IN</u>
Council President White	X			
Councilman Gillingham	X			
Councilman Laymon	X			
Councilman Nelson	X		5:34pm	
Councilwoman O'Mealia	X			
Councilman Rzemieniewski	X			
Mayor George C. Nebel	X			
<u>ALSO PRESENT</u>				
Beverley A. Konopada, Borough Clerk	X			
Edwin J. O'Malley, Jr. Borough Attorney	X			
Lynne Hazelet, Deputy Clerk	X			
April Yezzi, CFO, CTC, QPA	X			
Chief Stacy Ferris	X			

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.

5. RESOLUTION: MINUTES OF PREVIOUS MEETINGS

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

Executive Session- July 18, 2017

Agenda Setting Pre-Council Meeting- August 8, 2017

Regular Council Business Meeting- August 15, 2017

- 6. PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel will open the meeting for public comment and questions about the agenda.
- 7. MUNICIPAL SERVICES COMMITTEE,** Council President White will present the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee.

A. RESOLUTION: FINAL PAYMENT FOR BAY AVENUE PROJECT 2017-1

B. RESOLUTION: INTRODUCTION OF ORDINANCE 673, AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS PROVIDING FOR REDUCTION OF SIDE YARD SETBACKS FOR CORNER LOTS IN R3-B AND R3-C

Sponsored by:	Councilman White
Date Introduced:	September 19, 2017
Public Hearing & Adoption	
Consideration:	October 17, 2017

Synopsis: Reduction of Setback for Corner Lots in R 3-B & R 3-C Zoning Districts

ORDINANCE NO. 673

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING,
LAND USE REGULATIONS, PROVIDING FOR
REDUCTION OF SIDE YARD SETBACKS FOR CORNER LOTS
IN R3-B AND R3-C**

BE IT ORDAINED, by the Mayor and Council, as follows:

1. The corner lot side yard setback for corner lots in the R-3B and R-3C zoning districts shall be and hereby are amended by reduction of the side yard setback from 25 feet to 15 feet.
2. Appendix B, Bulk Standards, (Zoning Table) shall be and hereby is modified accordingly.
3. All provisions of Chapter XXX not specifically amended hereby shall remain in full force and effect.
4. This Ordinance shall be effective upon final adoption according to law.

ROLL CALL VOTE:

C. RESOLUTION: INTRODUCTION TO ORDINANCE 672 PROVIDING FOR THE ADOPTION OF CHAPTERS 1, 2 AND 3 OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE OF THE BOROUGH OF MANTOLOKING

Sponsored by: Councilman White
Date Introduced: September 19, 2017
Public Hearing & Adoption
Consideration: October 17, 2017

Synopsis: Sets forth the general requirements for maintenance of structures, equipment and exterior property.

ORDINANCE NO. 672

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR ADOPTION OF CHAPTERS 1, 2 AND 3
OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE,
AS MODIFIED HEREIN, THE PROPERTY MAINTENANCE CODE OF THE BOROUGH OF
MANTOLOKING**

BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking, as follows:

1. Chapters 1, 2 and 3 of the 2015 International Property Maintenance Code, as modified or supplemented herein, are hereby adopted and/or incorporated by reference, as the Property Maintenance Code of the Borough of Mantoloking for regulating the condition and maintenance of all property, buildings and structures, to insure that structures are safe, sanitary and fit for occupation and use and providing for enforcement and the collection of fees and penalties.

2. All existing Borough Ordinances or portions thereof, which are in conflict with this Ordinance are repealed to the extent of such conflict.
3. In the event that any portion or provision of this Ordinance is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.
4. This Ordinance shall be effective upon final adoption.

ROLL CALL VOTE:

8. **FINANCE COMMITTEE**, Councilman Gillingham will present the monthly finance report and moves the following resolutions:

A. RESOLUTION: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2017 temporary Municipal budget as of July 31, 2017; and

WHEREAS, that report indicates the following status as of that date:

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2017 TEMPORARY BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2017 Adopted Budget		6,817,623.69	2,313,027.17	116,669.30	4,387,927.22
2016 Appropriation Reserve	5,789,080.20	501,386.73	163,135.22	45,869.06	292,382.45
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	297,639.01	84,224.74	24,173.49	189,240.78
Subtotal Sandy Emergency		297,639.01	84,224.74	24,173.49	189,240.78
Capital		7,195,713.10	1,207,291.40	0.00	5,988,421.70

B. RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$178,559.57 with the recommendation they be paid, and
- A list of bills in the amount of \$207,075.73 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.

C. RESOLUTION: ESTABLISHMENT OF EMPLOYEE SALARIES FOR 2017

WHEREAS, the Mayor has recommended annual salaries for Borough employees for 2017; and
WHEREAS, Council has endorsed the salary recommendations.

IT IS NOW, THEREFORE, this 19th day of September, 2017, **RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the schedule set forth below is adopted for 2017:

“ SEE ATTACHED”

D. RESOLUTION: APPOINTMENT OF PERSONNEL – FULL TIME ADMINISTRATIVE ASSISTANT TO FINANCE AND TAX OFFICE

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

Name	Position	Salary	Effective Date
Steven Pintado	Administrative Assistant	\$45,000.00 annually	September 21, 2017

E. RESOLUTION: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO DUPLICATE PAYMENTS

WHEREAS, a duplicate tax payment was made on the 3rd quarter 2017 property taxes on property owned by Scott, Joelle, for the fiscal year 2017; and,

WHEREAS, such duplicate payment has resulted in an overpayment of 2017 property taxes in the amount of \$3,792.05 and said property owner is requesting a refund of this overpayment in a total refund amount of \$3,792.05,

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 \$3,792.05 for said overpayment for the property known as Block 13, Lot 13 aka 975 Barnegat Lane, Mantoloking, New Jersey to Joelle Scott, 975 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.

9. **PUBLIC SAFETY COMMITTEE**, Councilman Laymon will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moves the following resolutions:

Councilman Laymon advised the public that the DOT planted trees along Route 35. Four dead trees have been removed and will be replaced in the fall. DOT forms available for homeowners along Route 35 who would like trees planted on their properties to replace those that were destroyed by the storm. Signing the form will allow DOT entry to the properties.

**A. RESOLUTION: SHARED SERVICE AGREEMENT WITH OCEAN COUNTY
PROSECUTOR'S OFFICE DRUG RECOGNITION EXPERT CALLOUT PROGRAM**

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Drug Recognition Expert Callout Program” (hereinafter referred to as D.R.E.C.P.); and

WHEREAS, the purpose of this program is to identify and remove drug impaired drivers from the roadway; and

WHEREAS, the D.R.E.C.P. receives funding from the State of New Jersey and County of Ocean; and

WHEREAS, the Shared Services Act, N.J.S.A. 401:8A-1 et seq., authorizes local units as defined in the Act to enter into a joint agreements for the provision of governmental services; and

WHEREAS, the Municipality wishes to enter into an Agreement with the County for purpose of setting forth the terms and conditions regarding the assignment of police offers employed by the Municipality to the D.R.E.C.P.; and

WHEREAS, all the terms and conditions of the proposed Shared Services Agreement have been reviewed by counsel; and

IT IS NOW, THEREFORE, this 19th day of September, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the Shared Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

**B. RESOLUTION: SHARED SERVICE AGREEMENT WITH OCEAN COUNTY
PROSECUTOR'S OFFICE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM**

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Driving While Intoxicated Enforcement Program” (hereinafter referred to as D.W.I.E.P.); and;

WHEREAS, the purpose of this program is to identify and remove intoxicated drivers from the roadway; and

WHEREAS, the D.W.I.E.P. receives funding from the State of New Jersey and County of Ocean; and

WHEREAS, the Shared Services Act, N.J.S.A. 401:8A-1 et seq., authorizes local units as defined in the Act to enter into a joint agreements for the provision of governmental services; and

WHEREAS, the Municipality wishes to enter into an Agreement with the County for purpose of setting forth the terms and conditions regarding the assignment of police offers employed by the Municipality to the D.W.I.E.P.; and

WHEREAS, all the terms and conditions of the proposed Shared Services Agreement have been reviewed by counsel; and

IT IS NOW, THEREFORE, this 19th day of September, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the Shared Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

The Borough Clerk called into the record that Councilman Nelson was in attendance.

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

Councilman Nelson advised that he would not be in attendance at the next council meeting.

Weekly progress report regarding Beach Replenishment Program

Sand pad landing will be created for the ship next week

Fill work to begin seven days after completion of the sand pad

Preconstruction survey approved by the Army Corp.

Meeting scheduled to view template plans by NJDEP by the end of the week.

No decisions have been made regarding the options

Rossakis legal proceedings scheduled for Friday

State will implement eminent domain and take the property

Councilman Laymon wanted to know when sand would be pumped

Chief Ferris advised seven days after the landing is put in.

Councilwoman O'Mealia inquired if wave action picked up due to pending storms, will they have to leave the area. Chief Ferris advised if the waves reach over 8 feet they will need to stop and move the ship to safety.

11. **ENVIRONMENTAL COMMITTEE** Councilwoman O'Mealia will present the report of the Environmental Committee.

12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski will present the report of the Mantoloking Relations Committee.

Councilman Rzemieniewski expressed that the Planning Board is conducting a special meeting to approve the master plan. He is concerned that there may be a conflict of interest regarding legal representation.

Mayor Nebel advised that this is a bit premature.

Councilwoman O'Mealia also advised that the Planning Board has their own attorney.

Borough Attorney, Edwin J. O'Malley, Jr. reported that adopting the master plan is solely a function of the Planning Board who is guided by their attorney.

13. **MAYOR AND COUNCIL COMMENTS**

Councilwoman O'Mealia asked Councilman White to summarize Ordinance 672 – Property Maintenance.

Councilman White advised that this ordinance will allow the town to address certain properties with issues such as mold, storage bins, etc. and enforcement of violations when appropriate.

14. PUBLIC COMMENTS PERIOD

No Comments were made.

15. NEXT MEETING:

Regular Business Council Meeting, September 19, 2017 at 5:30 p.m. at the Mantoloking Yacht Club,
1224 Bay Avenue, Mantoloking, NJ

16. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Rzemieniewski to adjourn. The motion was seconded by Councilman White and approved by unanimous voice vote at 5:49 p.m.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk