

DRAFT NO. 1 – 9/20/2017

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES - REGULAR BUSINESS COUNCIL MEETING

September 19, 2017
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The Regular Business 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
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 NO. 09/19/2017-01: MINUTES OF PREVIOUS MEETINGS**

RESOLVED, the Mantoloking Borough Council approved 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

Councilman Gillingham moved to approve the minutes as distributed. The motion was seconded by Councilman Laymon and approved by unanimous voice vote.

6. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel opened the meeting for public comment and questions about the agenda.

No comments were made.

7. **MUNICIPAL SERVICES COMMITTEE**, Council President White presented the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee moved the following resolutions. The motion was seconded by Councilman Laymon and approved by unanimous voice vote.

Councilman White provided a brief update regarding the new borough hall. Elevator is being constructed. Walls to enclose the structure will follow.

A. **RESOLUTION NO. 09/19/2017-02: PROVIDING FOR APPROVAL OF CHANGE ORDER NO. 2 – FINAL AND PAYMENT ESTIMATE NO. 1 – FINAL SEACOAST CONSTRUCTION, INC. - CONTRACT NO. 2017-1**

WHEREAS, Contractor has requested approval of Change Order No. 2 – Final, attached, for adjustment for as-built quantities, which will result in a reduction of 14.56% from the increase approved in Change Order No. 1 and a decrease in the total awarded Contract price of 9.36%, for a revised Contract price of \$264,065.00; and

WHEREAS, the Contractor has submitted its final Application for Payment, No. 1, in the sum of \$264,065.00; and

WHEREAS, the Municipal Engineer, Lawrence Plevier, P. E., has recommended approval of the requested changes and final payment; and

WHEREAS, the Borough shall hold the 2% payment retainage in the amount of \$5,281.30 until the contractor has satisfactorily completed all of the punch list items; the Project has received final approval and acceptance by the New Jersey DOT and the Contractor has submitted all required project deliverables. Upon approval from the Borough Engineer, the Borough will then release the retainer to the Contractor upon satisfactory completion of the punch list, final acceptance of the project by the New Jersey DOT and the submission of all required deliverables.

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, as follows:

1. Change Order No. 2 of Seacoast Construction, Inc., attached, shall be and is hereby approved.
2. The application for final payment of the sum of \$264,065.00 to Seacoast Construction, Inc. is approved;
3. Payment, less the 2% retention, shall issue forthwith to Seacoast Construction, Inc.

B. RESOLUTION NO. 09/19/2017-03: 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:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White	X		X				
Councilman Gillingham		X	X				
Councilman Laymon			X				
Councilman Nelson			X				
Councilwoman O'Mealia			X				
Councilman Rzemieniewski			X				
		VOTE:	6	0			
Mayor Nebel- TIE ONLY							

C. RESOLUTION NO. 09/19/2017-04: 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:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White	X		X				
Councilman Gillingham			X				
Councilman Laymon			X				
Councilman Nelson			X				
Councilwoman O'Mealia			X				
Councilman Rzemieniewski		X	X				
		VOTE:	6	0			
Mayor Nebel- TIE ONLY							

8. **FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved the following resolutions. The motion was seconded by Councilman White and approved by unanimous voice vote.

A. RESOLUTION NO. 09/19/2017-05: 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 NO. 09/19/2017-06: 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 NO. 09/19/2017-07: 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 NO. 09/19/2017-08: 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 NO. 09/19/2017-09: APPROVAL OF TAX REFUND 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 presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moves the following resolutions. The motion was seconded by Councilman White and approved by unanimous voice vote.

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.

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

Councilman Nelson advised the public that the Army Corp. project is postponed due to the weather. The contractor is ready to go once the weather clears.

11. **ENVIRONMENTAL COMMITTEE** Councilwoman O'Mealia stated no report of the Environmental Committee.

Councilwoman O'Mealia reported that effective October 2nd
Garbage collection will go back to one day per week on Mondays
Recycling collection one day per week on Wednesdays
Bulk pick up the 4th Monday of the each month

12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski stated no the report of the Mantoloking Relations Committee.

13. **MAYOR AND COUNCIL COMMENTS**

Councilman Rzemieniewski thanked his wife, children and their spouses for supporting him during his illness. He was overwhelmed by the outpour of well wishes he and his wife received. A special thank was extended to Officer Popaca and Officer Neary for their professionalism and genuine concern for his well-being. Councilman Rzemieniewski stated that he was very proud of the police department.

Councilman Laymon provided an update on tree planting along Route 35 by the DOT. They will be back in the area during the next couple of weeks removing dead trees and replanting cherry trees. Entry forms are available to the public at the Borough Hall and on the website.

Chief Ferris advised the public that her monthly report was not available on line. Multiple car thefts have been reported in the area. She urged residents to refrain from leaving key fobs in their cars. Mantoloking radio station 1670 should be used as a resource for emergency messages. Weeks Marine sunk two additional sublines in the ocean. They are currently staged at 1001 East Avenue 24/7. Once the weather clears work will begin.

14. **PUBLIC COMMENTS PERIOD**

The difference between red and white and green and white markers at the dune line

15. NEXT MEETING:

Agenda Setting Pre-Council Meeting, October 10, 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 Laymon and approved by unanimous voice vote.

Respectfully submitted,

Beverley A. Konopada,
Clerk