

DRAFT NO. 1 – 5/17/2017

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS COUNCIL MEETING

May 16, 2017
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The Regular Business Council monthly 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			
Collen Malvasio, Recorder	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. 05/16/2017-01: MINUTES OF PREVIOUS MEETINGS**

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

Agenda Setting Pre-Council Meeting, April 18, 2017
Regular Business Meeting, April 25, 2017

Councilwoman O'Mealia moved to approve the minutes as distributed. The motion was seconded by Councilman White 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. **PUBLIC SAFETY COMMITTEE,** Councilman White presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. **RESOLUTION NO. 05/16/2017-02: SUSPENSION OF TIME LIMIT PARKING ON BAY & DOWNER AVENUES FOR MANTOLOKING YACHT CLUB EVENTS**

WHEREAS, the Mantoloking Yacht Club has requested that enforcement of the time limit parking regulations be suspended on the following dates and times:

- Wedding -Saturday, May 20
- Wedding -Saturday, June 3
- Wedding -Saturday, June 10
- Runnie Colie Bildge Boarder Regatta – Sunday, June 11 (*on-water*)
- Wedding - Saturday, June 17
- BBYRA Racing – Saturday, June 24 (*on-water*)
- July 4th Parade and Festivities -Monday, July 4

- *(Barton regatta morning on-water)*
- BBYRA Racing – Saturday, July 8 *(on-water)*
- Interclub Sailing Races -Thursday, July 20 *(on-water)* and Monday, August 7 *(on-water)*
- ODO Optimist Regatta - Tuesday, August 8 *(on-water)*
- USODA New Jersey Championship – Monday, August 21 and Tuesday, August 22 *(on- water)*
- World Duck Championship Regatta -Thursday, August 24 (setup) and Friday, August 25 *(on-water)*
- Wedding - Saturday, September 9
- Wedding - Saturday, September 16

WHEREAS, Chief Ferris has endorsed this request and will direct personnel to suspend enforcement of time limit parking regulations for the above described period; and

WHEREAS, it is the desire of the governing body to grant the request and to endorse the Chief's determination.

IT IS NOW, THEREFORE, this 16th day of May 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The suspension of enforcement of time limit parking on Bay & Downer Avenues on the above dates and times are hereby approved and endorsed:
2. All prohibited parking regulations will be enforced.

B. RESOLUTION NO. 05/16/2017-03: IN SUPPORT OF WARHORSE SCUBA INC. 22-KILOMETER WALK SATURDAY, JULY 22, 2017

WHEREAS, Warhorse Scuba, Inc. has requested permission to pass through the Borough of their 22-kilometer walk, on Saturday, July 22, 2017; and

WHEREAS, Warhorse SCUBA INC was founded on the knowledge that everyday 22 US Military Combat Veterans are committing suicide. Studies have been conducted and determined SCUBA diving has positive effects on personnel suffering from Post-Traumatic Stress Disorder, Traumatic Brain Injury, C-Spine and other disabilities; and

WHEREAS, Warhorse SCUBA, Inc. promotes awareness of the US military suicide rate and welfare of combat veterans by offering SCUBA experiences, activities and certification programs as a means of therapy for combat veterans; and

WHEREAS, the Mayor and Council wish to endorse and support the Warhorse Scuba, Inc. 22-Kilometer Walk.

IT IS NOW, THEREFORE, this 16th day of May, 2017,

RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to pass through the borough, is hereby granted subject only to endorsement by the Chief of Police.
2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to Warhorse Scuba, Inc, Attn: President John Gannaio
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

C. RESOLUTION NO. 05/16/2017-04: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP

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	Effective Date	Salary
Casey Gotta	Badge Sales	6/1/17	\$11
Theresa DelPrete	Badge Sales	6/15/17 – 9/15/17	\$11
Christina Miller	Badge Sales/Checker	6/15/17 – 9/15/17	\$10
Rachel Selsky	Badge Checker	6/15/17 – 9/15/17	\$10
Aidan Hendricks	Badge Checker	6/15/17 – 9/15/17	\$10
Heather Murphy	Badge Checker	6/15/17 – 9/15/17	\$10
Davin Van de Zilver	Badge Checker	6/15/17 – 9/15/17	\$10
Valeri Weinstein	Badge Checker	6/15/17 – 9/15/17	\$10
Erin Hoffman	Badge Checker	6/15/17 – 9/15/17	\$10
Brooke Stoner	Badge Checker	6/15/17 – 9/15/17	\$10
Sarah McCuiston	Badge Checker	6/15/17 – 9/15/17	\$10
Kristina Weinstein	Badge Checker	6/15/17 – 9/15/17	\$10
Flavia Cornejo	Badge Checker	6/15/17 – 9/15/17	\$10
Anna Figiola	Badge Checker	6/15/17 – 9/15/17	\$10
Lisa D’Antoni	Badge Checker	6/15/17 – 9/15/17	\$10
Ryan Lucas	Badge Checker	6/15/17 – 9/15/17	\$10
Nicole Scardilli	Badge Checker	6/15/17 – 9/15/17	\$10
Jenna Dzuna	Badge Checker	6/15/17 – 9/15/17	\$10
Monica Musto	Badge Checker	6/15/17 – 9/15/17	\$10

D. RESOLUTION NO. 05/16/2017-05: INTRODUCTION TO ORDINANCE 667 PROVIDING FOR AMENDMENT OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING-2007, BY DELETION OF CHAPTER VII-TRAFFIC, AND ADOPTION OF CHAPTER VII – TRAFFIC (REVISED)

Sponsored by: Councilman Alan Laymon
Date Introduced: May 16, 2017
Public Hearing & Adoption Consideration: June 20, 2017

Synopsis: The Ordinance is being modified to adhere to the access requirements implemented by the USACE for the upcoming beachfill project while addressing other various concerns of the Department; enforcement of yellow curbing, merge of the parking regulating requirements into one concise section.

BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

ATTACHED

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:	4	0			
Mayor Nebel- TIE ONLY							

8. **DUNE & BEACH COMMITTEE:** Councilman White presented the reports of the Dune & Beach Committee and Ocean County Block Grant Program moved the following resolution.

PUBLIC HEARING: Mayor George C. Nebel opened the meeting to the public on Ordinance No. 663

Public Hearing and adoption consideration was tabled until the June 20, 2017 Council Meeting.

A. RESOLUTION TABLED: ADOPTION OF ORDINANCE 663 PROVIDING FOR AMENDMENT OF CHAPTER XI (PROTECTION OF BEACHES AND DUNES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007

WHEREAS, On this 16th day of May, 2017, a public hearing on Ordinance # 663 will be held, now, therefore, be it

RESOLVED, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts the following ordinance

ORDINANCE NO: 663

ATTACHED

Sponsored by:	Councilman Chris Nelson
Date Introduced:	April 25, 2017
Public Hearing & Adoption Consideration:	May 16, 2017

Synopsis:	As the Borough's dune and beach system will be significantly altered by the upcoming USACE beach replenishment program, it was determined the Ordinance needed to be modified to include more dune preservation language rather than exclusively controlling the existing dune building concept; with various sections requiring modification to address the USACE project revised dune profile and address other USACE project requirements; and to address other regulatory issues that require update to accommodate revised NJDEP standards and easement conditions
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9. **MUNICIPAL SERVICES COMMITTEE**, Council President White presented the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and moves the following resolutions. The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote.

A. RESOLUTION NO. 05/16/2017-07: PROVIDING FOR RIGHT-OF-WAY ACCESS TO VERIZON

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Mantoloking; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Mantoloking, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Mantoloking.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Mantoloking, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Mantoloking.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Mantoloking as an additional insured.

- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Mantoloking nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Mantoloking by the Borough Council of the Borough of Mantoloking and attested to by Borough of Mantoloking Clerk who shall affix the Borough of Mantoloking Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Mantoloking by parties that have the lawful right to maintain such poles.

B. RESOLUTION NO. 05/16/2017-08: APPOINTMENT OF INTERMITTENT EMPLOYEE

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

Name	Position	Effective Date	Intermittent
William Heckman	Public Works Laborer	5/16/2017	\$30.00/hour * No more than 24 Hours per week in accordance with NJ State Division of Pensions and Benefits*

C. RESOLUTION NO. 05/16/2017-09: INTRODUCTION TO ORDINANCE NO: 665
AMENDING THE BUILDING SUBCODE FEES

Sponsored by: Council President White
Date Introduced: May 16, 2017
Public Hearing & Adoption: June 20, 2017
Synopsis: Fees are significantly below surrounding municipalities. In order to cover operating costs fees will need to be increased.

ORDINANCE NO. 665

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER
XIII, ARTICLE 13-2, BUILDING SUBCODE FEES OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING – 2007**

BE IT ORDAINED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows;

1. The fees and provisions of Article 13-2 (A. through E.) are hereby amended as shown upon the attached amendatory Fee Schedule, 2017 (2 pages), as recommended by the Construction Official.
2. All fees and provisions of Article 13-2 (A. through E.), which are not amended by the attached amendatory schedules, or prior Ordinances shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption.

BOROUGH OF MANTOLOKING
AMENDED FEE SCHEDULE
2017

Fee:

Building Subcode

New Construction
Per cu.ft

0.027

MIN FEE – Any Building Technical

Renovation/Alteration
Per \$1,000 of renovation Cost

Add

~~60~~ 75

25

~~1-50K~~

~~22~~

~~50-100K~~

~~14~~

~~Over 100K~~

~~12~~

~~Roofing~~

~~150~~

~~Siding~~

~~200~~

~~Pool barrier (fence)~~

~~75~~

~~Min~~

Fences > 6' other	75
Sheds	75
POOLS (In Ground)	200

Plumbing Subcode

Minimum fee – Plumbing Subcode	60 75
Fixtures	20
Special Devices/Other	75
Fuel Fired Appliances – Residential Only	95

Electrical Subcode

Minimum fee – Electrical Subcode	60 75
Fixtures/Devices 1-50	70
Ea. Add'l 25	15

Service Panels:

1-200 amp	70
201-1000	100
Over 1000	500

Transformer/ Generator

1 – 10KW	15
11-50W	50
46-112 KW	100
Over 112	500

Fire Subcode

Minimum Fee-Fire Subcode	60 75
Sprinkler and Smokes:	
1-10 Devices	50
11-20 Devices	100
21-100 Devices	150
101-200 Devices	250
Over 200	750
Gas Fired Appliances – Commercial Only	75

Other Fees:

Certificate of Occupancy	150
Continued Certificate of Occupancy	150
Fee for Variation	150
Plan Review Fee	20% (of new construction permit fee)
Amended Plan Review	\$60/hr. (\$60 minimum fee)
Temporary Certificate of Occupancy	30
Unless paid CO	
Demolition	200
Backflow subject to test	75

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:	4	0			
Mayor Nebel- TIE ONLY							

**D. RESOLUTION NO. 05/16/2017-10: INTRODUCTION TO ORDINANCE NO. 669
AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING, LAND USE REGULATIONS**

Sponsored by: Council President White
Date Introduced: May 16, 2017
Public Hearing & Adoption: June 20, 2017
Synopsis: Proposed changes recommended by the Planning Board

ORDINANCE NO. 669

**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**

BE IT ORDAINED as follows:

1. Section 30-2. Definitions: Add:

Landing – An area of a floor near the top or bottom step or a stair. An intermediate landing is a small platform that is built as part of the stair between the main floor levels and is typically used to allow stairs to change directions, or to allow the user to rest. A landing is limited to approximately the width of the stairs by approximately the same dimension for the depth of the landing. Any “landing platform” that would be greater than one (1’) foot more than the width of the stairs would be considered to be a “deck” in accordance with the definitions contained in the Zoning Ordinance. See illustration attached.

2. Appendix B, Bulk Standards, is amended as follows:

- c. The front yard setback of any new or altered building shall be not less than the average front yard setback of existing buildings on lots of similar depth within

two hundred (200) feet of the lot which is the subject of development, on the same frontage. In the event that one (1) building or structure skews the average front yard setback by greater than fifteen percent (15%), that building or structure shall be excluded from the average calculation. However, in no event shall the front setback be less than the scheduled minimum front yard setback for the subject lot.

3. Appendix B – Bulk Standards, is amended as follows:

The front yard setback of any new or altered building shall be not less than the average front yard setback of existing buildings on lots of similar depth within two hundred (200) feet of the lot which is the subject of development, on the same frontage. In the event that one (1) building or structure skews the average front yard setback by greater than fifteen percent (15%), that building or structure shall be excluded from the average calculation. However, in no event shall the front setback be less than the scheduled minimum front yard setback for the subject lot.

4. Appendix C – Fees is amended as follows:

Application Type	Application Fee	Escrow Amount
L. Tent (per unit)	\$ 50	
M. Fire Inspection	\$ 46	
N. Fence	\$ 50	
O. Deck	\$ 75	
P. Pool <u>SPA & Fence</u>	\$ 75 150	
Q. Certificate of Occupancy	per Uniform Construction Code	
R. Portable Sanitary Facilities permit (per unit)	\$ 50	
S. Dumpster permit (per unit)	\$ 50	
T. Construction trailer permit (per unit)	\$ 50	
U. Garage sale permit	\$ 50	
V. Hardscape permit	\$ 75	
W. Zoning permit	\$125	
1. Zoning Permits – Air conditioner	\$ 50	
2. New Home/Resubmission of same	\$250.00	
3. Raise/Elevation of Existing Dwelling/Resubmission of same.	\$250.00	
Y. Zoning permit Resubmission	\$125.00	
Z. Surface Water Management Plan inspection	\$250	

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5. Section 30-6.9, Yard Area, is amended as follows:

Every part of a required yard shall be open and unobstructed from its lowest level, except for the ordinary projection of sills, chimneys, flues, ~~and eaves~~, and except for fences, vegetation or landscaping; provided, however, that none of the building projections shall project into the minimum required yard areas by more than twelve (12) inches. In Zones R-1, R-2a, R-2b, R-4A, R-RB, R-3A, R-3B, R-3C, R-4A and R-4B, the extension of open, unenclosed and unroofed entrance porches and stoops which do not rise above the ground floor level may extend into any yard setback, provided that the total area of such entrance porches or stoops which extend into such yards does not exceed one hundred fifty (150) square feet for the front and back yards and the extension into one (1) side yard cannot exceed one hundred (100) square feet. In all other zones, the maximum extension is one hundred (100) square feet for the front, back and one (1) side yard. In all cases the extension must be located at least five (5) feet from any property line. Handicap entrances hereafter constructed upon buildings existing as of the adoption of this chapter may be excepted from a strict application of this entrance porch limitation at the discretion of the Land Use Officer and in conformity with all applicable laws and regulations, including but not limited to the Americans with Disabilities Act (ADA). No yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot.

Author

Deleted: ornamental features

6. Section 30-7.8: Electric, Telephone, Portable Water, Generators and other Utilities, is amended as follows:

For all site plans, subdivisions and new construction, the applicant shall arrange with the applicable utility companies for underground installation of the utilities (including but not limited to electric, telephone and cable service), distribution supply lines and service connections. No aboveground utility installation shall be permitted. All electric and gas generators installed upon the property may be installed within the garage and cellar or outdoors. Any generator installed outdoors shall be located within the building envelope, and shall not be considered an accessory structure. A generator located outdoors shall be screened with lattice, open board fence, shrubbery or plantings which allow the circulation of air and dispersal of fumes. All generators shall be equipped with sound attenuation devices to reduce the sound produced by the generator. Notwithstanding anything contained in the Revised General Ordinances of the Borough of Mantoloking to the contrary, for the purposes of this subsection a generator shall be able to be operated to a maximum of ~~sixty-five (65)~~ decibels (dBA) at the property line nearest the generator. See N.J.A.C. 5:21-4.12 (underground wiring) and N.J.A.C. 5:21-5.1 et seq. (water supply system).

Author

Deleted: seventy-five (75)

7. All provisions of Chapter XXX not specifically amended hereby shall remain in full force and effect.
8. 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	X				
Councilman Laymon						X	
Councilman Nelson						X	
Councilwoman O'Mealia			X				
Councilman Rzemieniewski			X				
		VOTE:	4	0			
Mayor Nebel- TIE ONLY							

Councilman White moved to add Resolution E to the agenda. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

E. RESOLUTION NO. 05/16/2017-10 – BOROUGH HALL PROJECT AUTHORIZING CONTRACTS TO PROVIDE FOR RELOCATION OF ELECTRICAL UTILITY SERVICE – JCP&L AND VERIZON

WHEREAS, the existing location of electrical utilities at the site does not accommodate construction of the new Borough Hall; and

WHEREAS, it is deemed necessary to relocate existing electrical utility facilities to avoid unwanted and unpermitted conflict with the proposed building; and

WHEREAS, extensive review of the issues presented has resulted in a recommendation that the most acceptable and economical alternative is the installation of relocated overhead electrical facilities; and

WHEREAS, the cost of this proposed work is \$40,292.00 (\$29,896.00 less than underground alternative); and

WHEREAS, further delay in resolution of this issue will adversely impact the completion schedule and costs; and

WHEREAS, A Certificate of Funds Availability is to be provided

IT IS NOW, THEREFORE, this 16th day of May, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

- The interest of the Borough will be advanced by providing relocated overhead electrical service;
- The attached plan, 05-9-17, prepared by BLDG is approved.
- The proposals of Jersey Central Power and Light Company and Verizon itemized below shall be accepted.

Jersey Central Power and Light Company	May 12, 2017	\$29,760.40
Verizon	May 1, 2017	\$ 7,052.00
Traffic Control		\$ 3,479.60

- The Mayor is, following filing of the Certificate of Funds Availability, upon advice of counsel, authorized to execute such documents as may be necessary to obtain construction of the recommended relocated overhead electrical service facilities for the project in accordance with the forgoing proposals.

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

A. RESOLUTION NO. 05/16/2017-11: 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 March 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 Temporary Budget		2,047,209.83	1,017,386.65	103,338.92	926,484.26
2016 Appropriation Reserve	5,789,080.20	501,386.73	158,597.88	48,287.60	294,501.25
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	72,856.29	31,818.47	192,964.25
Subtotal Sandy Emergency		297,639.01	72,856.29	31,818.47	192,964.25
Capital		7,195,713.10	749,482.35	0.00	6,446,230.75

B. RESOLUTION NO. 05/16/2017-12: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$189,684.01 with the recommendation they be paid, and
- A list of bills in the amount of \$101,078.24 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. 05-16/2017-13: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #4

WHEREAS, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

WHEREAS, the total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$2,523,209.83.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2017 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&W</u>	<u>OE</u>
Finance	\$ 25,000.00	\$ 5,000.00
Planning Board	\$ 20,000.00	
Construction	\$ 10,000.00	
Police	\$75,000.00	\$ 10,000.00
Road Repairs	\$ 25,000.00	
Gasoline		\$ 10,000.00
State Unemployment		\$ 15,000.00
 TOTAL	 \$ 155,000.00	 \$ 40,000.00
GRAND TOTAL	\$ 195,000.00	

D. RESOLUTION NO. 05/16/2017-14: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO DUPLICATE PAYMENTS

WHEREAS, a duplicate tax payment was made on the 2nd quarter 2017 property taxes on property owned by Falcone, Lucille, for the fiscal year 2017; and,

WHEREAS, such duplicate payment has resulted in an overpayment of 2017 property taxes in the amount of \$499.11 and said property owner is requesting a refund of this overpayment in a total refund amount of \$499.11,

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 \$499.11 for said overpayment for the property known as Block 7, Lot 1 aka 964 East Avenue to LenderLive Settlement Services, LLC, 1044 Main Street, Suite 700, Kansas City, Missouri 64105 on behalf of above referenced 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.

E. RESOLUTION NO. 05/16/2017-15: ORDINANCE NO. 670 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit an increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Mantoloking in the County of Ocean finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determined that a 3.5% increase in the budget for said year, amounting to \$138,532.42 of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$138,532.42 and the CY 2017 municipal budget for the Borough of Mantoloking be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

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:	3	1			
Mayor Nebel- TIE ONLY							

F. RESOLUTION NO. 05/16/2017-16: INTRODUCTION OF 2017 MUNICIPAL BUDGET

WHEREAS, the Finance Committee has proposed a municipal budget for 2017, a complete copy of which is attached to the minutes of this meeting and is summarized as follows:

Revenue and Appropriation Summaries

Anticipated Revenues		
<u>Summary of Revenues</u>	<u>2017</u>	<u>2016</u>
1. Surplus	\$650,000.00	\$700,000.00
2. Total Miscellaneous Revenues	2,636,783.69	1,766,707.20
3. Receipts from Delinquent Taxes	60,274.00	66,000.00
4. Local Tax for Municipal Purposes	3,470,566.00	3,256,373.00
Total General Revenues	<u>\$6,817,623.69</u>	<u>\$5,789,080.20</u>
Appropriations		
<u>Summary of Appropriations</u>	<u>2017</u>	<u>2016</u>
1. Operating Expenses: Salaries and Wages	\$1,950,030.00	\$1,835,514.00
Other Expenses	1,883,461.69	1,941,272.20
2. Deferred Charges and Statutory Expenditures	1,333,666.00	1,530,842.00
3. Capital Improvements	100.00	200,100.00
4. Debt Service	1,375,366.00	33,550.00
5. Reserve for Uncollected Taxes	275,000.00	247,802.00
Total General Appropriations	<u>\$6,817,623.69</u>	<u>\$5,789,080.20</u>
<u>Total Number of Employees (full and part-time)</u>	<u>70</u>	<u>62</u>

Balance of Outstanding General Debt Obligations

Interest	\$55,100.00
Principal	0.00
Outstanding Balance at December 31, 2016	\$2,755,000.00

Notice is hereby given that the budget and tax resolution was approved by the governing body of the Borough of Mantoloking, County of Ocean on May 16, 2017.

A hearing on the budget and tax resolution will be held at the Mantoloking Yacht Club located at 1224 Bay Avenue Mantoloking, New Jersey on June 20, 2017 at 5:30 PM at which time and place objections to the budget and tax resolution for the year 2017 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of Beverley A. Konopada, Municipal Clerk, at the temporary Borough Hall, 340 Drum Point Road (Yogi Plaza) 2nd Floor Brick, New Jersey 08723, 732-475-6983, during the hours of 8:30 AM to 4:30 PM.

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:	3	1			
Mayor Nebel- TIE ONLY							

**G. RESOLUTION NO. 05/16/2017-17: INTRODUCTION TO ORDINANCE # 664
PROVIDING FOR THE CANCELLATION OF \$108,000 IN NOTE PROCEEDS
NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND PREVIOUSLY
USED TO DEFEASE SUCH NOTE**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that certain note proceeds in the aggregate amount of \$108,000 provided for by the bond ordinances listed below are no

longer needed for the purposes referenced therein. The Borough of Mantoloking, in the County of Ocean, New Jersey (the “Borough”) desires, therefore, to cancel the following note proceeds:

Ordinance Number	Improvement Description and Date of Adoption	Amount to be Cancelled
534	Construction of Borough yard garage, finally adopted April 23, 2007.	\$28,000.00
612	Construction of Lyman Street walkover, finally adopted April 23, 2012.	\$80,000.00

Section 2. The aggregate amount of \$108,000, all of which represents funded debt authorizations in the bond ordinances listed in the above referenced chart and made available pursuant to N.J.S.A. 40A:2-39, is hereby cancelled and previously was used to pay \$108,000 of the Borough’s then outstanding bond anticipation note.

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is

hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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:	4	0			
Mayor Nebel- TIE ONLY							

11. **ENVIRONMENTAL COMMITTEE** Councilwoman O'Mealia presented the report of the Environmental Committee and moved the following resolutions. Councilman White seconded the motion. During the discussion period Councilman Gillingham moved to table resolution A due to issues with resolution language. A modified resolution will be presented for consideration at the June 20, 2017 Council Meeting. The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote.
12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski stated no reports of the Mantoloking Relations Committee. He advised that Lavallette received a grant to remove unsafe structures in town and inquired if this is available in Mantoloking.
13. **MAYOR AND COUNCIL COMMENTS**

Councilwoman O'Mealia suggested that the agenda reading process be slowed down.
Councilman White- unsafe structure notice issued to oceanfront property owner.
Property Maintenance Ordinance is a separate issue that will be addressed by council
Councilman White- (CCD)- Construction Change Directive
Councilman Rzemieniewski reviewed the Municipal Building report and urges that the Construction Manager not exceed the budgeted amount for his services.
Change orders concerns with current builder

14. PUBLIC COMMENTS PERIOD

Pushing sand to cover the steel wall- behind schedule due to weather
Beach closings
Weeds on empty lots- site triangle concerns
Weeds vs. Native plants

15. NEXT MEETING:

Agenda Setting Pre-Council Meeting, June 13, 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 6:11 p.m.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk