

DRAFT NO. 1-9/11/2019 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

MINUTES - REGULAR BUSINESS MEETING

September 17, 2019
Mantoloking Borough Hall
202 Downer Avenue
Mantoloking, New Jersey

The Regular Business 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 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 E. Laurence White, Council President Gillingham, Councilman Amarante, Councilman Nelson, Councilman Batcha, Councilman Ness, Councilman Rzemieniewski
Dialed In: None
Absent: None
Also Present: Beverley A. Konopada, Borough Clerk, Robin LaBue, Borough Attorney, Lynne Hazelet, Deputy Clerk, April Yezzi, CFO, CTC, QPA
4. **PLEDGE OF ALLEGIANCE:** Mayor White led the assembly in the Pledge of Allegiance.
5. **PROCLAMATION-** Bonnie R. Peterson

Mayor White read a Proclamation honoring Bonnie R. Peterson, Esq. April Yezzi, CFO, announced that she served with Bonnie Peterson on the Ocean County Advisory Commission on the Status of Women for more than fifteen years. She has been a role model for women and has provided legal advice and services. There will be breakfast held at the Clarion, Toms River at 8:30 a.m. this Saturday to honor Bonnie Peterson's service and dedication.

6. **RESOLUTION 2019-126 MINUTES OF PREVIOUS MEETINGS**

Agenda Setting Meeting Minutes- August 13, 2019
Regular Business Meeting Minutes- August 20, 2019

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

ROLL CALL VOTE RESOLUTION 2019-126

Moved by Council President Gillingham, seconded by Councilman Amarante and approved by unanimous roll call vote.

7. **PRIVILEGE OF THE FLOOR:** Mayor White opened the meeting for public comment and questions about the agenda.

No comments were made.

8. **FINANCE COMMITTEE,** Councilman Amarante presented the monthly finance report.

RESOLUTION NO. 2019 –127

RESOLUTION: THE REPORT OF THE MUNICIPAL FINANCE OFFICER

**BOROUGH OF MANTOLOKING
Financial Report for the Month of JULY 31, 2019**

Status of the Budget on JULY 31, 2019

FUND	APPROPRIATION	CURRENT BALANCE	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2019 ADOPTED BUDGET	\$5,283,897	\$5,283,897	\$2,773,582	\$171,625	\$2,338,689
2018 RESERVE BUDGET- CURRENT	\$393,797	\$393,797	\$167,170	\$0	\$226,627
2019 CAPITAL FUND	\$1,950,425	\$1,950,425	\$275,874	\$373,636	\$1,300,487
SANDY EMERGENCY FUNDS	\$146,568	\$146,568	\$6,600	\$0	\$139,968
(Subcategory of Capital Fund)					
Construction-Municipal Building	\$5,312,704	\$450,631	\$47,784	\$139,661	\$263,186
TOTAL	\$7,803,494	\$2,941,421	\$497,428	\$513,298	\$1,930,268

Receipts, Disbursements and Changes in Cash Balance During the Month of JULY 31, 2019

FUND	CASH BALANCE JANUARY 1, 2019	CASH BALANCE BEGINNING OF MONTH	CASH RECEIVED	CASH DISBURSED	CASH BALANCE END OF MONTH
2019 CURRENT FUND	\$2,586,920	\$2,036,877	\$418,714	(\$1,961,475)	\$494,116 (A)
CAPITAL FUND	\$3,321,882	\$3,034,505	\$285,182	(\$51,253)	\$3,268,434
ANIMAL CONTROL FUND	\$183	\$219	\$0	\$0	\$219
OTHER TRUST FUNDS	\$511,133	\$514,125	\$25,593	(\$10,276)	\$529,442
PAYROLL ACCOUNT	\$39,647	\$76,549	\$233,606	(\$261,506)	\$48,649
UNEMPLOYMENT ACCOUNT	\$25,533	\$25,420	\$5	(\$365)	\$25,060
LAW ENFORCEMENT TRUST	\$2,841	\$2,844	\$1	\$0	\$2,845
TOTAL	\$6,488,139	\$5,690,539	\$963,100	(\$2,284,874)	\$4,368,765

(A) **BALANCE REDUCED DUE TO HAVING TO PAY THE OCEAN COUNTY TAXES AND HAVING TO EXTENDING THE GRACE PERIOD FOR THE 2ND QTR PROPERTY TAXES. MONIES REPLENISHED IN AUGUST, 2019 BY COLLECTING 2ND QUARTER PROPERTY TAXES.**

RESOLUTION NO. 2019 –128

RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$67,576.18 with the recommendation they be paid, and
- A list of bills in the amount of \$125,465.17 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.

ROLL CALL VOTE RESOLUTION 2019- 127-128

Moved by Councilman Amarante, seconded by Councilman Batcha and approved by unanimous roll call vote.

9. **PUBLIC SAFETY COMMITTEE**, Councilman Gillingham presented the monthly reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

RESOLUTION NO. 2019 –129

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DONATION OF A BOROUGH VEHICLE TO THE POINT PLEASANT FIRST AID AND EMERGENCY SQUAD

WHEREAS, the Borough owns a 2008 Ford Expedition that it is no longer using; and
WHEREAS, the Point Pleasant First Aid & Emergency Squad is in need of a vehicle to utilize during emergencies and has requested the donation of same for its use; and
WHEREAS, it is the desire of the governing body to authorize the donation of the available vehicle, a 2008 Ford Expedition, VIN # 1FMFU16538LA47407 to the Point Pleasant First Aid & Emergency Squad.
NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mantoloking as follows,

1. That the governing body does hereby authorize the donation of a 2008 Ford Expedition, VIN # 1FMFU16538LA47407 that is no longer needed by the Borough to the Point Pleasant First Aid & Emergency Squad.
2. A copy of this resolution shall be provided to the Point Pleasant First Aid & Emergency.

ROLL CALL VOTE RESOLUTION 2019-129

Moved by Councilman President Gillingham, seconded by Councilman Nelson and approved by unanimous roll call vote.

10. **DUNE & BEACH COMMITTEE**: Councilman Nelson stated no report of the Dune & Beach Committee and Ocean County Block Grant Program.

INTRODUCTION TO ORDINANCE NO. 695

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE DEED OF DEDICATION AND PERPETUAL PUBLIC ACCESS EASEMENT

WHEREAS, the Borough is the owner or easement holder of certain tracts of land identified as public accessways to tidal waterways; and
WHEREAS, as part of the Municipal Public Access Plan, which the Borough is required to file with the New Jersey Department of Environmental Protection, the Borough identified several public access ways to tidal waterways, and is required by NJDEP rules to dedicate the lands via a Perpetual Public Access Easement; and
WHEREAS, the Borough wishes to grant a perpetual deed of easement, a copy of which is attached hereto and made a part hereof as “Schedule A,” across the subject property to the State of New Jersey.
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. That the governing body does hereby authorize the dedication of a Deed of Dedication and Perpetual Public Access Easement to the State of New Jersey attached hereto as Schedule “A.”

SECTION 2. That the Mayor and the Municipal Clerk are hereby authorized to execute and attest to, respectively, any and all documents necessary to facilitate the transfer of the above-mentioned easement in a form acceptable to the Borough Attorney.

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. 695

Moved by Councilman Nelson, seconded by Councilman Rzemieniewski and approved by unanimous roll call vote.

Mayor White reported that there is a map on display in the meeting room..

11. **MUNICIPAL SERVICES COMMITTEE**, Mayor White presented the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee.

INTRODUCTION TO ORDINANCE NO. 696

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 30 ENTITLED “LAND USE REGULATIONS.”

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 30, entitled “Land Use Regulations,” so as to amend § 30-6.11 entitled “Accessory Use and Accessory Structures” so as to amend subsection (b) entitled “Accessory Structures” so as to amend subsection 7. in its entirety so that it shall read as follows:

7. On-grade air conditioning or HVAC units shall be located within the building envelope and must be landscaped or screened with lattice, open board fence, shrubbery and/or plantings, which still allows for the circulation of air and dispersal of fumes, as to lessen the visual impact of the unit(s).

- a. Mechanical and utility platforms servicing the building, including generator platforms, shall be located within the building envelope, not more than six (6) inches from the principal structure and be considered a part of the building footprint and must be landscaped or screened with lattice, open board fence, shrubbery and/or plantings, which still allows for the circulation of air and dispersal of fumes, as to lessen the visual impact of the unit(s).

- b. Roof mounted equipment on an accessory or principal structure must be recessed into the rooflines to entirely screen the units and shall be located within the building envelope. The open end of the recessed roof platform at the roofline for the mechanical equipment shall be adequately screened with lattice, a parapet wall, or similar architectural elements along the roof line, which will still allow for the circulation of air and dispersal of any fumes, to lessen the visual impact and screen the roof mounted unit(s). No part or section of the platforms for roof mounted mechanical equipment shall extend above or beyond the structure's roofline.

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.

ROLL CALL VOTE ORDINANCE NO. 696

Moved by Council President Gillingham, seconded by Councilman Amarante and approved by unanimous roll call vote.

12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski stated no report of the Mantoloking Relations Committee.
13. **STRATEGIC PLANNING COMMITTEE** Councilman Nelson stated no report of the Strategic Planning Committee.

RESOLUTION NO. 2019 –130

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING AUTHORIZING AN AGREEMENT WITH COTTER STRATEGIES, LLC FOR THE PROVISION OF AN ORGANIZATIONAL REVIEW AND MANAGEMENT REPORT

WHEREAS, there exists a need for an Organizational Review and Management Report to review municipal operations for the alignment of best practices and to make recommendations for staffing and the performance of a salary survey; and

WHEREAS, Cotter Strategies, LLC is duly qualified to provide the organizational and management review services to the Borough;

WHEREAS, Cotter Strategies has provided a proposal to the Borough dated September 9, 2019 to provide said services;

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. authorizes the award of contracts for “Professional Services” without competitive bids; and

WHEREAS, it is the desire of the governing body to appoint Cotter Strategies, LLC to complete the Organizational Review and Management Report for the Borough at a cost not to exceed \$ 6,105.00.
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, State of New Jersey as follows:

1. That Cotter Strategies, LLC is hereby appointed to provide the Organizational Review and Management Report to the Borough in an amount not to exceed \$6,105.00 in accordance with the proposal which is on file in the Office of the Borough Clerk and can be viewed during normal business hours.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the attached agreement with Cotter Strategies, LLC in accordance with the provisions of this resolution.
3. That this resolution shall take effect immediately.
4. That a certified copy of this resolution shall be provided by the Borough Clerk to the Chief Financial Officer and Cotter Strategies, LLC.
5. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract:

9-01-20-120-001-220 Municipal Clerk OE-Contracted Services
and Finance OE Contracted Services 9-01-20-130-001-211

Councilman Rzemieniewski asked if Mr. Cotter could look into areas that are governed by Statute, Councilman Nelson advised that this is included in the proposal.
Mayor White added that interviews and best practices have been covered which will help us to move forward.

ROLL CALL VOTE RESOLUTION 2019-130

Moved by Councilman Nelson, seconded by Councilman Amarante and approved by unanimous roll call vote.

14. **ENVIRONMENTAL COMMITTEE** Councilman Batcha stated no report of the Environmental Committee.

15. **MAYOR AND COUNCIL COMMENTS**

Mayor White reported that the Agenda Setting meetings in 2020 would be discontinued due to lack of attendance and cost. He further explained that the Borough we will have a Caucus meeting with no action being taken prior to the Regular Business meeting.

Councilman Rzemieniewski wanted to know if a time could be set for these meetings .

Mayor White explained that the meeting will start at 5:30 for the Caucus meeting and then go into the Regular Business meeting, both are open to the public.

Councilman Amarante supports this.

Councilman Rzemieniewski discussed bicyclists in town and that teenagers are not wearing helmets.

Chief Ferris informed the public know that two bicyclists were hurt in town.

She also mentioned the Seafood festival and the Ma Deuce Duece walk are next weekend and traffic will be bad. Barnegat Lane will have to be shut down. If you have any comments on the beach season to please send an email to her.

The speed limit will be back to 40 mph for fall hours, be mindful of this.

Councilman Batcha feels that there should be more education regarding dunes, and the 4 foot pathways to the ocean should be marked so there is no wondering on the dunes.

Councilman Amarante reported that the beach this summer was fantastic. It was kept very clean.

16. PUBLIC COMMENTS PERIOD

Jan O'Malley, 1231 Bay Avenue, was curious how would the caucus meeting be different and why we need a caucus meeting.

Councilman Nelson responded that it doesn't make sense to have a 12 minute meetings.

Mr. Corbet, 958 East Avenue, addressed the Council regarding Zoning laws and how it impacts some residents with older homes and garages.

Councilman Nelson asked Mr. Corbet to write down any suggestions and the Borough Attorney, Robin LaBue and Councilman Batcha will take a look at it.

Mayor White suggested that Mr. Corbet send residents to the Zoning office if they have questions, and that this issue is not our call. He also suggested that Mr. Corbet come in and speak with the Construction Official and Zoning Official.

Clerk Konopada let Councilman Batcha know that she would be in contact with Republics regarding the fall garbage pick- up schedule and will be posted on the Borough website.

Mayor White reported that people are putting chairs and tables on the dune which is not allowed. They should come in and get a dune platform permit.

Councilman Rzemieniewski asked about people using the Yacht Club Restroom who are not members.

17. NEXT MEETING:

Agenda Setting Council Meeting , October 8, 2019 at 5:30 p.m. at the Mantoloking Borough Hall, 202 Downer Avenue, Mantoloking, NJ, 08738

18. ADJOURNMENT

There being no further business for the meeting, it was motioned by Councilman Gillingham, seconded by Councilman Rzemieniewski and approved by unanimous voice vote at 6:32 p.m. to adjourn the meeting.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk