

DRAFT # 2 06/18/2014

**MAYOR AND COUNCIL**  
**BOROUGH OF MANTOLOKING**  
**OCEAN COUNTY, NEW JERSEY**

**MINUTES OF THE REGULAR BUSINESS MEETING**

**June 17, 2014**  
**Mantoloking Yacht Club**  
**1224 Bay Avenue**  
**Mantoloking, New Jersey**

The regular monthly meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey with the following actions:

**CALL TO ORDER:** Mayor Nebel called the meeting to order at 5:30 p.m.

**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.*

**ROLL CALL**

**Present:** Mayor George C. Nebel, Council President Steve Gillingham, Councilmen Peter R. Strohm, James J. Brown Robert S. McIntyre, Chris Nelson and Councilwoman Ann Elizabeth Nelson

**Absent:** None

**Also Present:** Deputy Borough Clerk Lynne Hazelet, Beverley Konopada, Borough Attorney Edwin J. O'Malley, Jr.

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

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

There were several comments regarding the contract for Chief of Police, benefits, raise percentages and overtime.

Councilman Gillingham moved to approve the Council Meeting Minutes as distributed. The motion was seconded by Councilman Brown and approved by unanimous voice vote.

**RESOLUTION NO. 06/17/2014 - 01 MINUTES OF PREVIOUS MEETINGS:**

**Resolved,** the Mantoloking Borough Council approves the following minutes as printed and distributed:

Regular Council Meeting April 22, 2014

Workshop Meeting May 14, 2014

Regular Council Meeting May 20, 2014

Special Council Meeting June 3, 2014

Closed Session June 3, 2014

**COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved the following four Resolutions:

**RESOLUTION NO. 06/17/2014 - 02: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2014 municipal budget as of April 30, 2014; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2014 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
<b>2014 Temporary Budget</b>		7,555,401.96	1,377,340.04	60,730.21	6,117,331.71
<b>2013 Appropriation Reserve</b>	5,671,304.96	405,798.24	148,026.01	2,423.73	255,348.50
<b>2012 Emergency Appropriations</b>					
<b>Sandy Emergency #1</b>	2,000,000.00				
<b>Sandy Emergency #2</b>	2,000,000.00				
<b>Sandy Emergency #3</b>	3,100,000.00				
<b>Subtotal Sandy Emergency</b>		1,371,644.74	183,415.84	11,101.79	1,177,127.11
<b>Capital</b>		2,014,353.92	53,389.52	0.00	1,960,964.40

**RESOLUTION NO. 06/17/2-14 - 03: PAYMENT OF BILLS FOR THE MONTH OF JUNE 2014**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of \$804,613.98 and recommended that they be paid, now, therefore, be it:

**RESOLVED**, the Mantoloking Borough Council Approve payment of the above referenced bills and directs that a copy attached to and made part of the minutes of this meeting.

**RESOLUTION NO. 06/17/2014 - 04: ACCEPT RESIGNATION FOR PURPOSES OF RETIREMENT**

**RESOLVED**, the Mayor & Council recognize Michelle Swisher, Chief Finance Officer and Tax Collector, to the Borough of Mantoloking and accept her notice of retirement effective October 1, 2014.

**RESOLUTION NO. 06/17/2014 - 05: OFFICIAL PERSONNEL DESIGNATION**

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

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Beverley Konopada	Acting Borough Clerk Assessment Search Officer Public Agency Compliance Officer-PACO Insurance Commissioner Records Project Manager-DARM Contract Administrator for Solid Waste Alternate Registrar of Vital Statistics	July 1, 2014	\$36,296.45

Councilman Gillingham moved the following Resolution. The motion was seconded by Councilman Chris Nelson and approved by unanimous voice vote.

**RESOLUTION NO. 06/17/2014 - 06: INTRODUCTION OF BOND ORDINANCE NO:640- PROVIDING FOR PRELIMINARY EXPENSES IN CONNECTION WITH THE CONSTRUCTION OF A MUNICIPAL BUILDING**

**RESOLVED**, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinance:

**ORDINANCE NO. 640**

**BOND ORDINANCE PROVIDING FOR PRELIMINARY EXPENSES IN CONNECTION WITH THE CONSTRUCTION OF A MUNICIPAL BUILDING IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,714 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

and be it

FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough's Website, [www.mantoloking.org](http://www.mantoloking.org), and provided to anyone free of charge during regular business hours, M-F 8:30am – 4:30pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council' s direction to the contrary upon introduction.

**PUBLIC SAFETY COMMITTEE**, Councilman Robert McIntyre presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following two Resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

**RESOLUTION NO. 06/17/2014-07: PROVIDING FOR APPROVAL OF FINAL EMPLOYMENT AGREEMENT WITH MARK A. WRIGHT, CHIEF OF POLICE**

**WHEREAS**, it is necessary to confirm the terms and conditions of employment between Chief Mark A. Wright and the Borough of Mantoloking for 2013 and 2014; and

**WHEREAS**, Chief Wright shall retire from the Department as of June 30, 2014; and

**WHEREAS**, the proposed Contract has been approved by Chief Wright, subject to Borough approval. and

**WHEREAS**, the proposed contract includes these provisions:

1. Annual salary for 2013: \$137,508
2. Annual salary for 2014: 144,383
3. Retirement Date: June 30, 2014
4. Other benefits as provided to Mantoloking Police Department Employees Association

**IT IS NOW, THEREFORE**, this 17th day of June, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The proposed Contract is approved and the Mayor is authorized to sign the Contract.
2. Upon mutual execution, a copy of the executed Contract shall be filed with the Borough Clerk.

**RESOLUTION NO. 06/17/2014 - 08: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP**

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

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Beresik, Sara	Badge Checker	June 15, 2014	\$ 8.50/hour
Hoffman, Lauren	Badge Checker	June 15, 2014	\$ 8.50/hour
Carver, Helen	Badge Sales	June 13, 2014	\$ 9.18/hour
Colby, Amy	Badge Checker	June 15, 2014	\$ 8.50/hour
Wright, Megan	Badge Checker Supervisor	May 16, 2014	\$ 9.00/hour
Finelli, Sydney	Badge Checker	June 15, 2014	\$ 8.50/hour
Desch, Brittany	Badge Checker	June 15, 2014	\$ 8.50/hour

Ullrich, Melissa	Badge Checker	June 15, 2014	\$ 8.50/hour
Sigona, Caroline	Badge Checker	June 15, 2014	\$8.50/hour
Sweeney, Jenn	Badge Checker	June 15, 2014	\$8.50/hour
Mulcahey, Erin	Badge Checker	June 15, 2014	\$8.50/hour
Larrison, Carley	Badge Checker	June 15, 2014	\$8.50/hour
Tressito, Alyssa	Badge Checker	June 15, 2014	\$8.50/hour
Wrightson, Amanda	Badge Checker	June 15, 2014	\$8.50/hour
McGovern, Fiona	Badge Checker	June 15, 2014	\$8.50/hour
Murphy, Heather	Badge Checker	June 15, 2014	\$8.50/hour
Brunas, Brian	Special II Officer	June 15, 2014	\$13.00/hour
Restaino, Thomas	Special II Officer	June 15, 2014	\$13.00/hour
Massa, Nicholas	Special II Officer	June 15, 2014	\$13.00/hour
Gibson, Christopher	Special II Officer	June 15, 2014	\$13.00/hour
Harchetts, Andrew	Special II Officer	June 15, 2014	\$13.00/hour
Clark, Ryan	Special II Officer	June 15, 2014	\$13.00/hour
Bartone, Al	Special II Officer	June 15, 2014	\$13.00/hour
Miceli, John	Special I Officer	June 15, 2014	\$9.00/hour
Drybola, Michael	Special I Officer	June 15, 2014	\$9.00/hour
Berkeley, Terence	Special I Officer	June 15, 2014	\$9.00/hour
Lampiasi, Jake	Crossing Guard	June 15, 2014	\$8.50/hour
Herkloz, Erich G.	Administrative-Police	June 16, 2014	\$13.00/hour

**PUBLIC WORKS COMMITTEE**, Councilwoman Nelson presented reports from the PublicWorks Superintendent, Construction Official, and Land Use Officer and moved the following:

**RESOLUTION NO. 06/17/2014 – 09: PROVIDING FOR APPOINTMENT OF ARCHITECT FOR DESIGN-CONSTRUCTION OF REPLACEMENT BOROUGH HALL AND AUTHORIZING EXECUTION OF CONTRACT FOR ARCHITECTURE SERVICES WITH B.L.D.G., LLC**

**WHEREAS**, the Borough of Mantoloking requires the services of a licensed Architect in conjunction with the design-construction of a replacement Borough Hall; and  
**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 11-1, et seq.) requires that the Resolution authorizing the engagement of a professional services provider without competitive bidding must be publicly advertised.

**IT IS NOW, THEREFORE**, this 17th day of June, 2014, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. B.L.D.G., L.L.C. is appointed as Borough Architect for the above described construction project.
2. This appointment is made in accordance with N.J.S.A. 19:40A-20.26, pursuant to a non-fair and open process and without competitive bidding as a professional service under the provisions of the Local Public Contracts Law because architects are recognized professionals licensed and regulated by law.
3. A copy of this Resolution shall be published in the official newspaper of the Borough.
4. A Certificate of Funds Availability has been issued and filed.
5. Execution of the Architecture Services Contract between the Borough of Mantoloking and B.L.D.G., L.L.C. for performance of the Preliminary Design Phase services (only) in consideration of a fee which shall not exceed \$62,500.00 is hereby approved.
6. Authorization for architecture services following the Preliminary Design Phase shall be by means of the adoption of a separate and subsequent Resolution of the governing body.

(A copy of contract will be available for review at the Clerk’s Office during normal business hours )

Councilwoman Ann Elizabeth Nelson moved the following resolution. The motion was seconded by Councilman Peter Strohm and approved by unanimous voice vote.

**RESOLUTION NO. 06/17/2014 - 10: PUBLIC HEARING & ADOPTION OF ORDINANCE NO. 638 — ACCESSORY USE AND ACCESSORY STRUCTURES** : Mayor Nebel opened the meeting for a public hearing on Ordinance No. 638 – AMENDING CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING LAND USE REGULATIONS, “THE CODE”.

**WHEREAS**, on the 17th day of June, 2014 a public hearing on Ordinance No. 638 was held no comments were made by the public, now, therefore, be it  
**RESOLVED**, the Mantoloking Borough Council hereby adopts the following Ordinance:

**ORDINANCE NO. 638**

**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 30-6.1(a)(9) **Accessory Use and Accessory Structures** (as amended by Ordinance 617, is amended as follows:
  - i. Section 39-6.11 (a)(9), Accessory Use and Accessory Structures

A recreational vehicle (RV) is a permitted accessory use. The parking and habitation of one RV shall be permitted on any residential lot in the Borough. Habitation shall only be permitted for the immediate family members of the owner(s) of the lot on which the RV will be placed. Any power to be supplied to the RV shall be shore power and generators of any kind are prohibited. The RV as placed must maintain a minimum 10 foot set back from all property lines. The property owner shall register and confirm the placement of an RV on the lot with the Zoning Officer of the Borough. No permit fee shall be charged for the registration of the RV. (The permit shall expire at the earlier of one (1) year or the issuance of a Certificate of Occupancy). [ADD] The permit shall expire at the earlier of one (1) year or the issuance of a Certificate of Occupancy. A permit may, upon application, be extended for one (1) six-month period. A second six-month extension may be granted upon a demonstration of substantial progress towards redevelopment of the site. All permits shall expire on June 1, 2015, and shall not be renewed or extended.

2. All provisions of the Land Use Regulations, not hereby amended shall remain in full force and effect.
3. This Ordinance shall be effective upon final adoption.

**RESOLUTION NO. 06/17/2014 - 11: PAYMENT NO. 16 – EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-01)**

**WHEREAS**, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-01) to provide Emergency Bypass Pumping System; and  
**WHEREAS**, the Contractor has submitted Payment Application No. 16, in the sum of \$ 11,564.00; and  
**WHEREAS**, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No. 16 be paid, now, therefore, be it  
**RESOLVED**, the Mantoloking Borough Council hereby approves payment of the claim.

Councilwoman Ann Elizabeth Nelson moved the following resolution. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

**RESOLUTION NO. 06/17/2014 - 12: INTRODUCTION OF BOND ORDINANCE NO:639-PROVIDING FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENTS**

**RESOLVED**, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinance:

**ORDINANCE NO: 639**

**BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENTS THROUGHOUT THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$697,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$663,809 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

and be it

FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough's Website, [www.mantoloking.org](http://www.mantoloking.org), and provided to anyone free of charge during regular business hours, M-F 8:30am – 4:30pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council' s direction to the contrary upon introduction.

**DUNE & BEACH RENOURISHMENT COMMITTEE**, Councilman Strohm will present the Reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.

Councilman Peter Strohm moved the following resolution. The motion was seconded by Councilwoman Ann Elizabeth Nelson and approved by unanimous voice vote.

**RESOLUTION NO. 06/17/2014 – 13: AUTHORIZING THE BOROUGH OF MANTOLOKING, AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO PROCEED TO ENTER UPON AND TAKE POSSESSION OF CERTAIN PROPERTIES**

**RESOLVED**, the Mayor and Council hereby authorizes the possession of real properties shown on the current tax map of the Borough of Mantoloking, the Block(s) and Lot(s) of which are appended hereto in appendices A & B for the purpose of repair, restoration, replacement and/or construction of flood hazard risk reduction measures.

**MUNICIPAL SERVICES COMMITTEE**, Councilman Brown stated no reports of the Municipal Services Committee.

**MANTOLOKING COMMITTEE,** Councilman Chris Nelson stated no reports of the Mantoloking Committee.

**MAYOR AND COUNCIL COMMENTS**

Councilwoman Ann Elizabeth Nelson discussed Dune deck pilings and appealing this to a higher level with the DCA.

Councilman Chris Nelson discussed weekly garbage pickup

**PUBLIC COMMENT PERIOD**

Sgt. Stacy Ferris presented an update on the sheet piling revetment, NJ AmericanWater Company, Beach Badges, Beach Report Button on website, Dune Fencing, Marpal, Sidewalks out for bid, and 4<sup>th</sup> of July Parade.

There were comments from the audience regarding working on weekends, garbage bulk pickup, and Police overtime.

Councilman McIntyre motioned to go into closed session 6:30 p.m. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

**RESOLUTION NO. 06/17/2014 - 14: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

**WHEREAS,** the Open Public Meetings Act, N.J.S.A.10: 4-11, permits municipal governing bodies to meet in closed session to discuss certain matters, now, therefore be it

**RESOLVED,** the Mayor and Council adjourns to closed session to discuss:

Pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege  
No action taken.

**FURTHER RESOLVED,** the minutes of this closed session be made public when the need for confidentiality no longer exists.

**NEXT MEETING –**

Council Workshop Meeting Wednesday, July 9 at 8:30 a.m. Temporary Borough Hall 340 Drum Point Road , Second Floor, Brick NJ

Regular Council Meeting, Tuesday July 15, at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

**ADJOURNMENT** There being no further business for this meeting, it was motioned by Mayor George C. Nebel to adjourn. The motion was seconded by Councilman Steve Gillingham and approved by unanimous voice vote at 6:24 p.m.

Respectfully submitted,

Lynne A. Hazelet  
Deputy Borough Clerk

