

DRAFT #1 (02/03/2013)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
JANUARY 22, 2013

The regular monthly meeting of the Mayor and Council was held this day in the auditorium of the G. Harold Antrim Elementary School, 401 Niblick Street, Pt. Pleasant Beach, NJ with the following actions:

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.

- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor 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**
Present: Mayor George C. Nebel, Council President Steve Gillingham, Councilmen Donald S. Ness, Peter R. Strohm, Robert S. McIntyre, Jr., James J. Brown and Councilwoman Ann Elizabeth Nelson
Absent: None

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Christopher Nelson, Dune Inspector Robert Mainberger and Police Chief Mark Wright

- 4. PLEDGE OF ALLEGIANCE:** The Mayor led the assembly in the Pledge of Allegiance.

- 5. PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda. No comments were made.

- 6. MINUTES OF PREVIOUS MEETINGS:** None were distributed.

7. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN STEVE GILLINGHAM

- A. Councilman Gillingham presented the monthly finance report.
- B. **Action Items:**

Councilman Gillingham moved the following four (4) resolutions. The motion was seconded by Councilwoman Nelson and approved unanimously by voice vote.

RESOLUTION NO. 01/22/2013 – 01: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER November 30, 2012

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2012 municipal budget as of November 30, 2012; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2012 Current Year Appropriation	\$7,049,321.94	\$ 3,501,392.20	\$ 222,653.88	\$ 3,325,275.86
2011 Appropriation Reserves	\$ 447,185.84	\$ 154,986.11	\$ 6.55	\$ 292,193.18
Capital	\$1,185,452.26	\$ 425,209.52		\$ 760,242.74

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,330,923.68	\$9,258,575.76

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
5 YEAR EMERGENCY-SANDY	\$3,000,000.00	\$ 209,522.20	\$ 89,977.45	\$ 2,700,500.35

now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accept the above referenced and summarized report and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 01/22/2013 – 02: PAYMENT OF BILLS FOR THE MONTH OF JANUARY 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$368,668.56** and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve payment of the above referenced bills and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 01/22/2013 – 03: APPOINTMENT OF OFFICIALS

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
Courtney Bixby	Planning Board Class II Member	01/01/2013 - 12/31/2013
Stanley F. Witkowski	Planning Board Class IV Member	01/01/2013 - 12/31/2014

RESOLUTION NO. 01/22/2013 – 04: AMEND RESOLUTION NO. 11/19/2012 – 07: OTHER PROFESSIONAL SERVICE AND CONTRACTS FOR 2012/2013

WHEREAS, the Borough of Mantoloking has a need to acquire Professional Services as traditional contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 (as appropriate); and,

WHEREAS, Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and,

WHEREAS, the anticipated term of the contract is October 30, 2012 - May 1, 2013; and

WHEREAS, the following have submitted proposals indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Special Counsel	Christopher Nelson, Esq.	\$100.00 per hour	Emerging Wave Consulting LLC

And

WHEREAS, as may be applicable pursuant to N.J.S.A. 19:44-A-20.4, et seq. obligates the professional contractors to certify that they have not made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, the Business Entity Disclosure Certification shall be executed prior to execution of the professional services contract, and

WHEREAS, a Certificates of Availability of Funds issued by the Chief Financial Officer has been submitted pursuant to N.J.A.C. 5:30-5.4.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking authorize the Mayor to enter into the contracts with the professional contractors as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. And,

BE IT FURTHER RESOLVED that notice of this action is published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

PUBLIC SAFETY COMMITTEE, COUNCILMAN ROBERT MC INTYRE:

A. Reports of the Public Safety Committee: Councilman McIntyre presented the report of the Municipal Court. The reports of the Police Department, Fire Company and Emergency Management were not submitted.

B. Action Items:

Councilman McIntyre moved the following four (4) resolutions. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

RESOLUTION NO. 01/22/2013 – 05: APPOINTMENT OF PERSONNEL – HURRICANE RECOVERY EMERGENCY 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
Andy Frizzell	OEM Clerical - Debris/Demo Coordinator	01/02/13 – 05/01/13	\$25.00/hour
Patrick Smith	OEM Clerical – Debris/Demo Coordinator	01/02/13 – 05/01/13	\$25.00/hour
Kurt Akersten	OEM Clerical – Debris/Demo	01/02/13 – 05/01/13	\$25.00/hour

	<i>Coordinator</i>		
<i>Kelly Burdge</i>	<i>OEM Clerical</i>	<i>01/02/13 – 05/01/13</i>	<i>\$13.00/hour</i>

RESOLUTION NO. 01/22/2013 – 06: ACCEPTANCE OF RESIGNATION, JENNIFER EATON

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accepts the following resignation(s):

Name	Position	Effective Date
<i>Jennifer Eaton</i>	<i>PT Court Administrator and PT Administrative Assistant</i>	<i>January 25, 2013</i>

RESOLUTION NO. 01/22/2013 – 07: APPOINTMENT OF PERSONNEL, MUNICIPAL COURT

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
<i>Elizabeth L. Boettger</i>	<i>PT Court Administrator</i>	<i>January 22, 2013</i>	<i>\$18,000/Annual</i>
<i>Elizabeth L. Boettger</i>	<i>Municipal Court Call-Out, Min. 3 Hrs./ Hourly Wage</i>	<i>January 22, 2013</i>	<i>\$20/Hour</i>
<i>Lisa Newton</i>	<i>PT Deputy Court Admin.</i>	<i>January 22, 2013</i>	<i>\$15/Hour</i>
<i>Lisa Newton</i>	<i>Municipal Court Call-Out, Min. 3 Hrs./Hourly Wage</i>	<i>January 22, 2013</i>	<i>\$15/Hour</i>
<i>Lisa Newton</i>	<i>Court Day Violations Clk</i>	<i>January 22, 2013</i>	<i>\$100/Court Day</i>

RESOLUTION NO. 01/22/2013 – 08: APPROVAL TO REVISE AND READOPT THE 2013 LOCAL EMERGENCY PLANNING COMMITTEE

BE IT RESOLVED that the following named persons are hereby appointed as members of the Borough of Mantoloking Local Emergency Planning Committee (LEPC) for the year 2013. The Coordinator is appointed for a term of three (3) years:

- Robert S. McIntyre, Emergency Management Coordinator (Term Expires 12/31/2014)
- Courtney Bixby, Deputy Emergency Management Coordinator
- Steve Gillingham, Borough Council President
- Irene H. Ryan, Borough Clerk
- Mark Wright, Chief of Police
- William Heckman, Borough Superintendent
- Dr. Michael Doyle, Director, Board of Health
- Sandra McIntyre, Board of Health Member
- Denise Boughton, H.E.L.P. Coordinator
- Lawrence Plevier, P.E., (Borough Engineer), Damage Assessment Officer
- Ocean County Department of Social Services
- Thomas McIntyre, Community Group-Mantoloking Yacht Club
- Edwin J. O'Malley, Jr., Borough Attorney
- Michelle Swisher, Chief Financial Officer
- Edwin C. O'Malley-Ocean County Amateur Radio Emergency Services

BE IT FURTHER RESOLVED that the Borough Coordinator of Emergency Management is authorized, upon adoption of this Resolution, to call necessary meetings, arrange for appropriate training sessions, and to set deadlines for responses in writing of the various sections of the Emergency Operations Plan as well as any further related requirements.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON

A. Reports of the Public Works: Councilwoman Nelson presented the report of the Construction Official. Reports of the Public Works Superintendent and Land Use Officer were not submitted.

B. Action Items:

Councilwoman Nelson moved the following five (5) resolutions. The motion was seconded by Councilman Strohm and approved unanimous by voice vote.

RESOLUTION NO. 01/22/2013 – 09: APPOINTMENT OF PERSONNEL

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
<i>Gary DalCorso</i>	<i>Part-Time Tax Assessor Administrative Assistant</i>	<i>January 1, 2013</i>	<i>\$14,950.00/Annual</i>
<i>Colleen Malvasio</i>	<i>Full Time Administrative Assistant</i>	<i>February 4, 2013</i>	<i>\$38,000.00/Annual</i>
<i>Colleen Malvasio</i>	<i>Planning Board Recorder, Min. 3 Hrs /Hourly wage per Meeting</i>	<i>February 4, 2013</i>	<i>\$20.88/Hour</i>
<i>Eric Sudia</i>	<i>Electrical Subcode Off.- Additional PT Hours Over Normal Weekly Work Schedule (2hrs/wk)</i>	<i>February 1, 2013</i>	<i>\$35/hour</i>
<i>S. Charles West</i>	<i>Plumbing Subcode Off – Additional PT Hours Over Normal Weekly Work Schedule (2hrs/wk)</i>	<i>February 1, 2013</i>	<i>\$35/hour</i>
<i>Michael J. Giblin</i>	<i>Fire Subcode Official – Additional PT Hours Over Normal Weekly Work Schedule (2hrs/wk)</i>	<i>February 1, 2013</i>	<i>\$35/hour</i>

RESOLUTION NO. 01/22/2013 – 10: CONSIDER CHANGE ORDER REQUESTS FOR EMERGENCY AWARD OF CONTRACT FOR EMERGENCY ROADWAY REPAIRS AND RECONSTRUCTION – IEW CONSTRUCTION GROUP, INC. - CHANGE ORDER NO. 1, 2 and 3(Alternate 1)

WHEREAS, the Borough has entered into a Contract with IEW Construction Group, Inc. to provide emergency roadway repairs and reconstruction; and

WHEREAS, due to the need for reconstruction of two (2) sanitary sewer manholes, IEW Construction Group, Inc. has submitted Change Order No. 1 for an increase of \$9,206.19; and

WHEREAS, due to the need for reconstruction of the bypass pump connection at the Herbert Street pump station site, IEW Construction Group, Inc. has submitted Change Order No. 2 for an increase of \$21,063.19; and

WHEREAS, due to the need for delivery, installation, and removal of two (2) Portable Variable Message Signs (PVMS), IEW Construction Group, Inc. has submitted Change Order No. 3 (Alternate 1) for an increase of \$2,900.00.

WHEREAS, it is deemed to be in the public interest to accept Change Orders No. 1, 2 and 3 (Alternate 1); and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated January 14, 2013, (Exhibit “A”, attached) recommended the execution of Change Order No. 1, 2 and 3 (Alternate 1) which added to an overall increase of the total cost of the project by \$33,169.38 and contract total to \$464,264.38.

IT IS NOW, THEREFORE, this 22nd day of January, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1, 2 and 3 (Alternate 1), are hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 01/22/2013 – 11: PROVIDING FOR APPROVAL OF CHANGE ORDER NO. 1- AND PAYMENT APPLICATION NO. 1-FINAL FOR EMERGENCY INTERNAL INSPECTION AND CLEANING OF SANITARY SEWER SYSTEM , OSWALD ENTERPRISES

WHEREAS, the Contractor has submitted Change Order No. 1 for additional cleaning and internal inspection of various storm water pipelines, as required to determine the extents and limits for restoration of emergency roadway infrastructure and also to remediate emergency stormwater ponding conditions, dated January 11, 2013, for an increase of \$10,892.70; and

WHEREAS, the Contractor has submitted Payment Application No. 1 - Final, in the sum of \$60,777.70; and

WHEREAS, the Borough engineer has recommended approval of the Change Order and the requested payment, ; and

IT IS NOW, THEREFORE, this 22nd day of January, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The contractually required close-out documents tendered by Oswald Enterprises are hereby accepted. (Original signed documents to be provided prior to release of funds);
2. Change Order No. 1 – Final is approved;
3. Payment Application No. 1 - Final in the sum of \$60,777.70 is approved.

RESOLUTION NO. 01/22/2013 – 12: AWARD OF CONTRACT, EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-1)

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. solicited quotes for the furnishing of an Emergency Bypass Pumping System (Contract No. 2013-1) in the Borough of Mantoloking; and

WHEREAS, the quotations were received on January 15, 2013 with the following results:

Bidder	Amount of Bid	Bid Bond	Surety	Non-Collusion	Owner	Site Visitation	Affirmative	Subcontractor
Municipal Maintenance Company	\$97,900.00							
EDC Electric	\$112,160.00							
Allied Construction Group, Inc.	\$126,860.00							

Rapid Pump & Meter Service Co., Inc.	\$181,315.00							
IEW Construction Group	\$227,700.00							

And

WHEREAS, the quotation has been reviewed by the Borough Engineer and Borough Attorney, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of \$97,900.00 for the furnishing of Wan Emergency Bypass Pumping System (Contract No. 2013-1) to Municipal Maintenance Company, Cinnaminson, New Jersey.

RESOLUTION NO. 01/22/2013 – 13: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BAY AVENUE AND ARNOLD STREET IMPROVEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Mantoloking formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013 Mantoloking Borough-00589 to the New Jersey Department of Transportation on behalf of the Borough of Mantoloking.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mantoloking and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

- A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program
- B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN DONALD NESS

- A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.
- B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

Councilman Brown commented on the letter submitted by L. Clifford Lewis.

9. PUBLIC COMMENTS PERIOD

Mayor Nebel requested that the Municipal Clerk read a letter, submitted by Mantoloking property owner, L. Clifford Lewis, about beach replenishment.

10. NEXT MEETING Special Council Meeting, Wednesday, February 6, 2013 and Regular Council Meeting, Monday, February 25, 2013 at 4:30 p.m.

After the adjournment of this meeting, a presentation on the progress of the Storm Sandy recovery by Special Counsel Christopher Nelson was made.

11. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 4:41 p.m.

Respectfully submitted,

Irene H. Ryan, R.M.C.
Municipal Clerk