

DRAFT NO. 1 – 03/17/2014

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**FEBRUARY 11, 2014**  
**Mantoloking Fire House**  
**202 Downer Avenue**  
**Mantoloking, New Jersey**

The regular monthly meeting of the Mayor and Council was held this day in the Mantoloking Fire House, Mantoloking, New Jersey with the following actions.

1. **CALL TO ORDER:** Council President Steve Gillingham called the meeting to order at 4:30 pm.
  
2. **OPEN PUBLIC MEETING STATEMENT:** Council President Gillingham 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:** Council President Steve Gillingham, Councilwoman Ann Elizabeth Nelson, Councilmen James J. Brown, Robert S. McIntyre, Chris Nelson

**Absent:** Mayor George C. Nebel, Councilman Peter R. Strohm

**Also Present:** Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Dune Consultant Robert Mainberger
  
4. **PLEDGE OF ALLEGIANCE:** The Council President lead the assembly in the Pledge of Allegiance.
  
5. **PRIVILEGE OF THE FLOOR:** The Council President opened the meeting for public comment and questions about the agenda.  
No comments were made.
  
6. **RESOLUTION No. 02/11/2014 - 01: MINUTES OF PREVIOUS MEETINGS:**  
Councilwoman B. Nelson moved to approve the Council Meeting Minutes as distributed. The motion was seconded by Councilman C. Nelson and was approved by unanimous voice vote.

Special Meeting of August 28, 2013  
Regular Meeting of September 17, 2013

Closed Session of September 17, 2013  
 Regular Meeting of October 8, 2013

**7. COMMITTEE REPORTS AND RECOMMENDATIONS:**

**FINANCE COMMITTEE, COUNCILMAN STEVE GILLINGHAM**

**A. Councilman Gillingham presented the monthly finance report.**

**B. Action Items:**

Councilman C. Nelson moved the following 8 resolutions. The motion was seconded by Councilman McIntyre and approved by unanimous voice vote.

**RESOLUTION NO. 02/11/2014 - 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2013 municipal budget as of December 31, 2013; and

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

<u>ACCOUNT</u>	<u>ORIGINA L 2012</u>	<u>2013 BUDGET</u>	<u>EXPENDED YEAR TO DATE</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2013 Current Yr. Appropriation		\$5,671,304.96	\$5,265,506.72	\$ 32,850.03	\$372,948.21
2012 Appropriation Reserves	\$4,034,728.78				
Sandy Emergency #1	2,000,000.00	\$ 440,086.77	\$ 76,469.29	\$ 689.63	\$362,927.85
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Sub-Total 5 Yr. Sandy Emer.		<u>\$6,454,059.22</u>	<u>\$6,098,052.76</u>	<u>\$ 356,006.46</u>	<u>\$ 0.00</u>
Total 2012 Approp Reserve		\$6,894,145.99	\$6,174,522.05	\$ 356,696.09	\$ 362,927.85
		\$2,119,242.74	\$ 110,275.00	\$ 00.00	\$2,008,967.74
		<u>REVENUE THIS MONTH</u>	<u>REVENUE YEAR TO DATE</u>		
CASH RECEIPTS		\$ 176,310.71	\$18,652,300.67		

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. 02/11/2014 – 03: TO ADOPT APPROPRIATION RESERVE TRANSFER #2**

**WHEREAS**, N.J.S.A. 40A: 4-59 provides that in the first 3 months of the fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopted by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

**WHEREAS**, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2013 Appropriation Reserves exists; and

**WHEREAS**, it is recommended that these appropriation reserve transfers be made;

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Borough of Mantoloking that the following budget transfers be made for the 2013 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Police	OE	\$4,000.00	
Beach	OE	6,500.00	
Engineering	OE	17,000.00	
Police	SW		\$28,500.00
Roads	SW	1,000.00	
<b>Total</b>		<b>\$28,500.00</b>	<b>\$28,500.00</b>

**RESOLUTION NO. 02/11/2014 - 04: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #1**

**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 2014 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$535,200.00.00.

**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 2014 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&amp;W</u>	<u>OE</u>
Municipal Clerk	\$ 16,000.00	

Audit			
Tax Collector	1,000.00		
Tax Assessor	2,000.00		
Legal			
Engineering			
Planning	4,000.00		
Construction	10,000.00	1,000.00	
Sub-Code Plumbing			
Sub-Code Fire			
Sub-Code Electrical			
Police	110,000.00		
Liability Insurance			
Municipal Prosecutor		2,000.00	
Public Defender			
Workmen's Comp			
Group Health Ins		32,000.00	
Emergency Management	22,000.00		
Fire Official	200.00		
Road Repair	22,000.00		
Garbage			
Buildings & Grounds			
Sewer			
Dog Account			
<b><u>DEPARTMENT</u></b>		<b><u>S&amp;W</u></b>	<b><u>OE</u></b>
Beach Guard			1,000.00
Beach Maintenance			
Electric			3,000.00
Telephone			4,000.00
Water			
Fire Hydrant			
Natural Gas			
Gasoline			
Ocean County Utility Auth			
Contingent			
PERS			
Social Security			5,000.00
PFRS			
Court			
Note Principal			
Note Interest			
Reconstruction of Borough Hall			\$300,000.00
<b>TOTAL</b>		<b>\$187,200.00</b>	<b>\$ 348,000.00</b>
<b>GRAND TOTAL</b>	<b>\$ 535,200.00</b>		

**RESOLUTION NO. 02/11/2014 - 05: PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2014**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of \$1,435,539.63 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. 02/11/2014 - 06: REQUESTING AN ADDITION OF AN OMITTED TAX PROPERTY**

**WHEREAS**, a County Tax Court Judgment has been set adding an omitted property to the tax rolls of the Borough of Mantoloking. The omitted property was located at 1108 Ocean Ave, Mantoloking, NJ Block 24, Lot 46; and,

**WHEREAS**, such judgment has resulted in an underpayment of 2013 property taxes in the amount of \$3,434.11.

**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 an additional tax bill in the amount of \$3,434.11 for said underpayment for Block 24, Lot 46. Said underpayment will not be due until November 1, 2014. If the payment is not received by November 1, 2014 interest will be calculated back to January 1, 2013 as referenced by N.J.S.A. 54:4-63.20.

**BE IT FINALLY RESOLVED**, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

**RESOLUTION NO. 02/11/2014 - 07: APPOINTMENT OF COMMITTEE MEMBER**

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

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>
<i>John G. Wesson</i>	<i>Member-Environmental Commission, 3 Yrs.</i>	<i>January 1, 2013 – December 31, 2015</i>

**RESOLUTION NO. 02/11/2014 - 08: AUTHORIZE THE TAX ASSESSOR TO FILE AN ASSESSOR'S APPEAL TO CORRECT CERTAIN ERRORS MADE ON ASSESSMENTS FOR THE YEAR 2014**

**WHEREAS**, from time to time the Tax Assessor discovers an error in calculation, transposing, measurement, or typographical errors in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax rates for the tax year; and

**WHEREAS**, the Mayor and Council of the Borough of Mantoloking is desirous that every taxpayer pays his fair share of taxes; and

**WHEREAS**, if the above discovered errors are not corrected, the taxpayers affected would not be paying their fair share of taxes; and

**WHEREAS**, the method of correcting such errors is to file a Petition of Appeal for the current tax year with the Ocean County Board of Taxation.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of

Mantoloking, County of Ocean, State of New Jersey, as follows:

1. That the Tax Assessor is hereby authorized to act as the agent for the Borough of Mantoloking and file a Petition of Appeal or Appeals for the tax year 2014 with the Ocean County Board of Taxation to correct such assessments to the proper value and that a copy of any Petition of Appeal filed with the Ocean County Board of Taxation under this resolution be filed with the Borough Clerk.
2. That the Tax Assessor, Gary DalCorso is hereby authorized to execute stipulation of settlement on any tax appeal filed by the taxing district or by a taxpayer for the tax year 2014; and
3. That a certified copy of this resolution be forwarded to the Ocean County Board of Taxation with any such Petition of Appeal.

**RESOLUTION NO. 02/11/2014 - 09: INTRODUCTION OF ORDINANCE NO. 635 –  
DESIGNATION OF CHECK SIGNERS**

**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. 635**

**AN ORDINANCE AMENDING SUB-ARTICLE 2-66.6 OF ARTICLE VIII OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING,  
“THE CODE”**

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 MC INTYRE:**

**A. Reports of the Public Safety Committee: Councilman McIntyre presented the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.**

**B. Action Items:**

Councilman McIntyre moved the following 5 resolutions. The motion was seconded by Councilman C. Nelson and approved by unanimous voice vote.

**RESOLUTION NO. 02/11/2014 - 10: APPROVING OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2014**

**WHEREAS**, the award of contracts for professional services and maintenance of Borough facilities, equipment and personnel obligations, enumerated in this resolution, is necessary and in the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.
2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

**POSITION**  
**BUSINESS NA**

**NAME**

**CONTRACT AMOUNT**

Conflict Prosecutor    Bonnie R. Peterson, Esq.    \$150 /Hr+Misc Exp    Bonnie R. Peterson, Attorney At Law

**RESOLUTION NO. 02/11/2014 - 11: PROVIDING FOR ACCEPTANCE OF PERC ARBITRATION AWARD, ISSUANCE OF RETROACTIVE PAY AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH MANTOLOKING P.B.A., LOCAL NO. 347, JANUARY 1, 2013 THROUGH DECEMBER 31, 2015**

**WHEREAS**, the New Jersey Public Employees Relations Commission Arbitrator in the interest arbitration matter between the Borough and PBA Local 347 has issued his decision and award; and

**WHEREAS**, the Borough's Labor Relations Consultant has recommended that the Borough should accept the decision and pay such retroactive pay as may be required; and

**WHEREAS**, the Borough's Negotiating Committee has recommended that the award and decision be accepted; and

**WHEREAS**, it is recognized that either party may appeal the award to PERC; and

**WHEREAS**, it is deemed to be in the public interest to accept the decision and to issue the retroactive pay to Members of the Police Department; and

**WHEREAS**, it is necessary to memorialize the terms of employment in a Contract for the period January 1, 2013 to December 31, 2015.

**IT IS NOW, THEREFORE**, this 11th day of February, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Acceptance of the Award (decision) is in the public interest;
2. Payment of retroactive pay is a necessary concurrence of acceptance of the award;
3. The Mayor or, in his absence, the President of Council, is authorized and directed to execute any document which may be necessary to implement acceptance of the decision and award;

4. Retroactive pay shall issue forthwith;
5. The Mayor or, in his absence, the President of Council is authorized and directed to execute a Contract between Local 347 and the Borough for the term ending December 31, 2015, in such form as may be recommended by the consultant and counsel.

**RESOLUTION NO. 02/11/2014 - 12: POLICE OFFICER SALARIES**

**WHEREAS**, Robert C. Gifford, Esq., appointed by the New Jersey Public Employment Relations Commission, has issued a decision and award in the matter of the interest arbitration between the Borough of Mantoloking and PBA Local 347, now, therefore be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following schedule of salaries for all members of PBA Local 347 for 2013:

**REGULAR EMPLOYEES**

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Barcus, John	Police Detective Lt.	121,270.29
Dryburgh, Scott	Police Officer 1/1/13-7/31/13	84,877.82
	8/1/13-12/31/13	91,628.76
Ferris, Stacy	Police Officer 1/1/13-4/16/13	98,076.19
	Police Officer 4/17/13-8/19/13	101,999.24
	Police Sergeant 8/20/13-12/31/13	109,138.58
Meyer, Jon	Police Officer 1/1/13-12/18/13	98,076.19
	12/19/13-12/31/13	101,999.24
Saccone, Eugene	Police Sergeant	113,336.22
Shewan, William	Police Officer	103,960.76
Popaca, Greg	Police Officer 1/1/13-11/07/13	59,378.96
	11/08/13-12/31/13	65,828.50

**and be it**

**FURTHER RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following schedule of salaries for all members of PBA Local 347 for 2014:

**REGULAR EMPLOYEES**

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Barcus, John	Police Detective Lt.	122,393.17
Dryburgh, Scott	Police Officer 1/1/14-7/31/14	91,628.76
	8/1/14-12/31/14	98,076.19

Ferris, Stacy	Police Sergeant		109,138.58
Meyer, Jon	Police Officer		101,999.24
Saccone, Eugene	Police Sergeant		113,336.22
Shewan, William	Police Officer		103,960.76
Popaca, Greg	Police Officer	1/1/14-4/30/14	65,828.50

**RESOLUTION NO. 02/11/2014 - 13: AWARD SALE OF SURPLUS MUNICIPAL PERSONAL PROPERTY**

**WHEREAS**, the Borough Clerk advertised for sealed bids for the sale of surplus municipal personal property; and

**WHEREAS**, bids were publicly opened and read aloud at 12:00 p.m. on January 31, 2014 in the office of the Borough Clerk with the following results:

**Item A.** - One (1) used, 2008 Ford Crown Victoria Police Vehicle, VIN: 2FAFP71V48X103126; Vehicle is sold without warranties, express or implied, “where is, as is”. No minimum bid set.

Bidder	Amount of Bid
Liberty Motors, Jersey City, NJ	2,218.99
Gani Abas, Brooklyn, NY	888.00
Jersey One Auto Sales, Inc., Jersey City, NJ	3,131.99
Dan Dames, Manasquan, NJ	2,200.00

**WHEREAS**, the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards the sale to the highest bidder in the amount of **\$3,131.99** for **Item A** – One (1) used, 2008 Ford Crown Victoria Police Vehicle, VIN: 2FAFP71V48X103126 to Jersey One Auto Sales, Jersey City, NJ.

**Item B.** - One (1) used, 2003 Parker Twenty-one ft. (21') Marine Patrol Boat, Model No. 2120, HIN: PXM19009H203 with one (1) used 2003 Yamaha 150 Outboard Motor and including one (1) Used 2010 Load Rite Dual Axle Trailer, Model No. 23T6000TG2, VIN: 5A4AH4W24A2010097. Boat, motor and trailer are sold without warranties, express or implied, “where is, as is”. Minimum Bid \$9,000.00.

Bidder	Amount of Bid
<b>“NO BIDS RECEIVED”</b>	

**Item C.** - One (1) used, 2012 Kawasaki All-Terrain Vehicle, Model No. KVF360ACF, Serial No. JKBVFHA17CB58883. Equipment intended for off-road use, only. Equipment is sold without warranties, express or implied, “where is, as is”. Minimum Bid \$1,000.00

Bidder	Amount of Bid
<b>Gani Abas, Brooklyn, NY</b>	<b>1,188.00</b>
<b>Jersey One Auto Sales, Inc., Jersey City, NJ</b>	<b>1,931.99</b>

**WHEREAS**, the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards the sale to the highest bidder in the amount of **\$1,931.99** for **Item C** - One (1) used, 2012 Kawasaki All-Terrain Vehicle, Model No. KVF360ACF, Serial No. JKBVFHA17CB58883. Equipment intended for off-road use, only. Equipment is sold without warranties, express or implied, “where is, as is”. Minimum Bid \$1,000.00 to **Jersey One Auto Sales, Inc., Jersey City, NJ**.

**Item D.** - One (1) used, 1983 Ford Truck Sweeper, Model No. F-700, VIN: 1FDNK74N2DVA44679. Equipment is sold without warranties, express or implied, “where is, as is”. Minimum Bid \$4,000.00

Bidder	Amount of Bid
<b>“NO BIDS RECEIVED”</b>	

**Item E.** - One (1) used, HP Design Jet Wide Format Color Printer T1100PS with stand, Model No. Q6684A, Serial No. MY7430C03H. Equipment is sold without warranties, express

or implied, “where is, as is”. Minimum Bid \$1,000.00

Bidder	Amount of Bid
<b>“NO BIDS RECEIVED”</b>	

**IT IS NOW, THEREFORE,** this 11<sup>th</sup> day of February, 2014 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey that all sales are subject to the following conditions:

1. Payment for and removal of the items shall be completed no later than seven (7) days from the date of this Resolution;
2. Payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;
3. The purchaser shall, submit payment and shall execute and deliver to the Mantoloking Clerk, a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations or warranties of any nature whatsoever.

**RESOLUTION NO. 02/11/2014 - 14: APPROVAL OF EMPLOYEE DENTAL PLAN POLICY ENDORSEMENT**

**WHEREAS,** on March 17, 2003 the Mayor and Council approved the Borough’s participation in a dental health insurance plan with Monumental Life Insurance Company, formally known as Peoples Benefit Life Insurance Company, effective April 1, 2003, and

**WHEREAS,** the Borough employees have benefited from their participation in the plan partially, at their own cost, and

**WHEREAS,** the Monumental Life Insurance Company has notified the Borough of Mantoloking that the monthly premium rates are stable. Therefore the rate in all categories as outlined, policy endorsement effective April 1, 2014:

\$62.21 for One Party

\$124.43 for Two Party

\$165.83 for Three Party

and therefore, be it

**RESOLVED,** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New

Jersey, that the afore mentioned schedule of the Monumental Life Insurance Company Master Policy No. GD3138 is hereby approved and, be it

**FURTHER RESOLVED**, that the Policy Endorsement be executed by the Mayor and made a part of the Master Policy.

**PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON**

**A. Reports of the Public Works: Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official and Land Use Officer.**

**B. Action Items:**

Councilwoman Nelson moved the following 8 resolutions. The motion was seconded by Councilman C. Nelson and approved by unanimous voice vote.

**RESOLUTION NO. 02/11/2014 - 15: CONSIDER CHANGE ORDER REQUEST FOR THE EMERGENCY TEMPORARY BYPASS PUMPING SYSTEM, CONTRACT NO. 2013-1, CHANGE ORDER NO. 3**

**WHEREAS**, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-1) to provide an Emergency Bypass Pumping System; and

**WHEREAS**, due to the need for extending the Contract time period an additional six (6) months, Municipal Maintenance Company has submitted Change Order No. 3.

**WHEREAS**, it is deemed to be in the public interest to accept Change Order No. 3; and

**WHEREAS**, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated February 5, 2014, (Exhibit "A", attached) recommended the execution of Change Order No. 3 which added \$23,600.00 to the total cost of the project which is now \$159,000.00.

**IT IS NOW, THEREFORE**, this 11<sup>th</sup> day of February, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 3, is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

**RESOLUTION NO. 02/11/2014 - 16: PROVIDING FOR PAYMENT ESTIMATE NO. 13 – 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. 13, in the sum of \$7,227.50; and

**WHEREAS**, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated February 5, 2014, (Exhibit "A", attached) recommended Payment Application No. 13 be paid.

**IT IS NOW, THEREFORE**, this 11<sup>th</sup> day of February, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 13 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

**RESOLUTION NO. 02/11/2014 - 17: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2014**

**WHEREAS**, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution is necessary and in the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.

<u>SERVICE</u>	<u>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
Road Maintenance & Supplies Plus Special Project: Demolition Of Borough Buildings	Ocean County Road Department	\$65,000

**RESOLUTION NO. 02/11/2014 - 18: ACCEPTANCE OF RESIGNATION, ELECTRICAL SUBCODE OFFICIAL**

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

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>
<i>Eric Sudia</i>	<i>PT Electrical Subcode Official</i>	<i>January 24, 2014</i>

**RESOLUTION NO. 02/11/2014 - 19: ACCEPTANCE OF RESIGNATION, FIRE SUBCODE OFFICIAL**

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

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>
<i>Thomas J. Murray, Jr.</i>	<i>PT Fire Subcode Official</i>	<i>March 1, 2014</i>

**RESOLUTION NO. 02/11/2014 - 20: AUTHORIZING AN APPLICATION TO OBTAIN A ZONING CODE ENFORCEMENT GRANT FROM THE NJ DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, the Governing Body of the Borough of Mantoloking, Ocean County, New Jersey desires to apply for and obtain a Zoning Code Enforcement Grant from the New Jersey Department of Community Affairs (DCA); and

**WHEREAS**, the Borough of Mantoloking intends to apply for a Zoning Code Enforcement Grant for one or more of the activities listed below to assist in our Superstorm Sandy recovery efforts:

1. Extend the hours of existing municipal staff.
2. Hire additional technical and administrative staff.
3. Procure experts if needed for application hearings.
4. Pay for additional office space.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Mantoloking does hereby authorize the application for the above grant; and

**BE IT FURTHER RESOLVED** that the Borough of Mantoloking has experienced a reduction in property assessments, in accordance with N.J.S.A. 54:4-35.1, on 100 or more properties or has seen a 10 percent increase in zoning application filings since November 1, 2012 that can be ascribed to Superstorm Sandy; and

**BE IT FURTHER RESOLVED** that the Borough of Mantoloking authorizes the execution of the grant agreement in the amount offered and approved by DCA and further authorizes the expenditure of funds pursuant to the terms of the grant agreement entered into by the Borough of Mantoloking and DCA; and

**BE IT FURTHER RESOLVED** that the Borough of Mantoloking agrees to comply with all CDBG-DR regulations, Zoning Code Enforcement Grant Program procedures and also accepts that the proposed use(s) of CDBG-DR funds are not reimbursable by FEMA, SBA or other federal agencies; and

**BE IT FURTHER RESOLVED** the persons whose names appear below (and any successors and assigns) are authorized to sign the grant agreement or any other document in connection therewith.

**RESOLVED** this 11<sup>th</sup> day of February, 2014.

Steve Gillingham

Michelle A. Swisher

\_\_\_\_\_  
Signature  
Council President

\_\_\_\_\_  
Signature  
Chief Financial Officer

Attest: \_\_\_\_\_

Irene H. Ryan, Municipal Clerk

**RESOLUTION NO. 02/11/20014 - 21: REFUND CONSTRUCTION DEPARTMENT FEES**

**WHEREAS**, Joan H. Mattia remitted payment for a construction permit with the Borough of Mantoloking on January 21, 2014; and

**WHEREAS**, it was brought to the attention of the Construction Official that a duplicate calculation was erroneously made in the amount of \$75.00; and

**WHEREAS**, Ms. Mattia is aware of this error and has requested a refund of \$75.00.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough of Mantoloking refund Ms. Joan H. Mattia in the amount of \$75.00 to the following address:

926 Barnegat Lane  
Mantoloking, NJ 08738

**RESOLUTION NO. 02/11/2014 - 22: AUTHORIZING THE BOROUGH ENGINEER AS AUTHORIZED SIGNATORY ON BEHALF OF THE BOROUGH OF MANTOLOKING FOR TREATMENT WORKS APPROVAL (TWA)**

**WHEREAS**, in accordance with Title 58 of New Jersey Statutes, the municipality must endorse Treatment Works Approval (TWA) applications before reviewed by the New Jersey Department of Environmental Protection (NJDEP); and

**WHEREAS**, the Borough of Mantoloking desires to provide consent and approval to applicants for Treatment Works Approval (TWA) and other permits in an expeditious manner; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mantoloking that TWA applications require endorsement and recommendations for approval, and that the Borough Engineer be and is hereby authorized to sign such documents as may be required on behalf of the Borough of Mantoloking for TWA applications to the NJDEP.

**PUBLIC HEARING:** Council President Gillingham opened the meeting for a public hearing on Ordinance No. 634 – PROVIDING FOR THE APPROPRIATION OF THE SUM OF \$7,500.00 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF USED STREET SWEEPER IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY

Councilwoman Beth Nelson moved the following resolution. The motion was seconded by Councilman McIntyre and approved by unanimous voice vote.

**RESOLUTION NO. 02/11/2014 - 23: ADOPTION OF ORDINANCE NO. 634 – PURCHASE OF USED STREET SWEEPER**

**WHEREAS**, on the 11th day of February, 2014 a public hearing on Ordinance No. 634 was held and no comments were made by the public, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

**ORDINANCE NO. 634  
AN ORDINANCE PROVIDING FOR THE APPROPRIATION  
OF THE SUM OF \$7,500.00 FROM THE CAPITAL IMPROVEMENT FUND FOR  
THE PURCHASE OF USED STREET SWEEPER  
IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY**

WHEREAS, there exists a need to purchase a street sweeper for the Borough; and

WHEREAS, the Borough of Point Pleasant Beach has a surplus 2007 Elgin Pelican Sweeper, VIN #NP0131D available and has resolved to sell the Sweeper to the Borough of Mantoloking for the sum of \$7,500.00; and

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

1. That the sum of \$7,500.00 shall be and hereby is appropriated from the Capital Improvement Fund of the Borough of Mantoloking for the purchase of a 2007 Elgin Pelican Sweeper, VIN #NP-0131D from the Borough of Point Pleasant Beach.
2. That the sweeper shall be acquired in the ordinary course upon adoption of an appropriate Resolution.
3. That this Ordinance shall take effect upon final adoption according to law.

**DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM**

**A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program**

**B. Action Items:**

Councilman Chris Nelson moved the following resolution. The motion was seconded by Councilwoman Beth Nelson and approved by unanimous voice vote.

**RESOLUTION NO. 02/11/2014 - 24: APPROVING OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2013**

WHEREAS, the award of contracts for professional services and maintenance of Borough facilities, equipment and personnel obligations, enumerated in this resolution, is necessary and in the public interest to provide for the efficient operation of the Borough; and

WHEREAS, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.

2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>POSITION</u>	<u>NAME</u>	<u>CONTRACT AMOUNT</u>	
<u>BUSINESS NA</u>			
Special Counsel	Paul V. Fernicola, Esq.	\$175-250 /Hr+Misc Exp	Paul V. Fernicola & Assoc., LLC

**MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN**

A. Councilman Brown presented the reports of the Municipal Services Committee.

B. Action Items:

Councilman Brown moved the following 2 resolutions. The motion was seconded by Councilwoman B. Nelson and approved by unanimous voice vote.

**RESOLUTION NO. 02/11/2014 - 25: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2014**

**WHEREAS**, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution is necessary and in the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

2. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.

<u>SERVICE NAME</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS</u>
Website Consultant	\$140/Mo.+\$75/Hr Misc Serv	Osprey Technology Consulting LLC

**RESOLUTION NO. 02/11/2014 -26: PROVIDING FOR ADOPTION OF “THE FLOOD MITIGATION PLAN FOR THE BOROUGH OF MANTOLOKING”**

**WHEREAS**, the Borough of Mantoloking has experienced severe damage from hurricanes, and flooding, on many occasions in the past century, resulting in property loss, loss of life, economic hardship, and threats to public health and safety; and

**WHEREAS**, a Flood Mitigation Plan, revised as of January, 2014, (the Plan) has been approved by the Federal Emergency Management Agency (FEMA) as is evidenced by the confirmatory letter dated November 7, 2008, wherein the State of New Jersey, Division of State Police, Emergency Management Section, advised of the fact of FEMA approval; and

**WHEREAS**, the Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that face Mantoloking; and

**WHEREAS**, a public meeting was held to review the Plan as required by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Flood Mitigation Plan, revised as of January, 2014, is hereby adopted as an official Plan of the Borough of Mantoloking.

2. The respective Borough officials identified in the strategy of the Plan are hereby directed to implement the recommended actions assigned to them. These officials will meet and report quarterly on their activities, accomplishments, and progress to the Flood Mitigation Planning Committee.

3. The Flood Mitigation Planning Committee will provide annual progress reports on the status of implementation of the Plan to the Mayor and Borough Council. This report shall be submitted to the Borough Council by September 1st of each year.

**MANTOLOKING COMMITTEE, COUNCILMAN CHRISTOPHER NELSON**

**A. Councilman Nelson presented the reports of the Mantoloking Committee and the Environmental Commission.**

**B. Action Items:**

Councilman C. Nelson moved the following resolution. The motion was seconded by Councilwoman B. Nelson and was approved by unanimous voice vote.

**RESOLUTION NO. 02/11/2014 – 27: CHANGE OF COMMENCEMENT TIME OF ALL REGULAR COUNCIL MEETINGS FROM MARCH THROUGH DECEMBER 2014.**

**WHEREAS**, Council requires a quorum in conducting business at Council Meetings.

**THEREFORE**, it is in the best interest of all council members to move the commencement time from 4:30 pm to 5:30 pm for all regular council meetings from March through December 2014.

Councilman C. Nelson moved the following resolution.

**RESOLUTION: CHANGE OF COMMENCEMENT TIME OF ALL WORKSHOP**

**COUNCIL MEETINGS FROM MARCH THROUGH DECEMBER 2014**

**WHEREAS**, certain Council Members require an earlier commencement time for Workshop Meetings.

A second vote for this Resolution was not made. Therefore, the resolution did not pass.

**8. MAYOR AND COUNCIL COMMENTS:**

No comments were made.

**9. PUBLIC COMMENTS PERIOD:**

Four audience members had comments regarding Construction Department permits, Post Office parking lot, NFIP Insurance and website postings.

Ms. Merritt Andruss, 1400 Ocean Ave., Mantoloking, was opposed to the Sheet Pile Reventment Project.

Dune Consultant Robert Mainberger gave a Presentation/Update on Sandy Recovery for Dune Structure, the Sheet Pile Revetment Project and Beach/Dune Renouishment. There were questions and answers from the audience.

**10. NEXT MEETING –**

Council Workshop Meeting, Wednesday, March 12, 2014 at 8:30 a.m. at the Borough Temporary Offices, 340 Drum Point Road, Brick, NJ

Regular Council Meeting, Tuesday, March 18, 2014 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

**11. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Brown at 5:30 p.m.

Respectfully submitted,

Lynne Hazelet

Deputy Borough Clerk