

DRAFT #1 (05/07/2013)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
MARCH 18, 2013

The regular monthly meeting of the Mayor and Council was held this day in the Auditorium of the G. Harold Antrim Elementary School with the following results.

- 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 Robert S. McIntyre, Jr., Peter R. Strohm, Donald S. Ness, and Councilwoman Ann Elizabeth Nelson
Absent: Councilman James J. Brown

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Special Counsel Christopher Nelson and Borough Dune Inspector/Flood Plain Manager Robert Mainberger, P.E.

- 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:**
RESOLUTION NO. 03/18/2013 - 01: APPROVAL OF MINUTES
Councilwoman Nelson moved that the minutes of the Regular Meeting of February 26, 2013 and Closed Session of February 26, 2013 be approved as distributed. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

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 FIVE (5) resolutions. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

RESOLUTION NO. 03/18/2013 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER January 31, 2013

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

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

FUND	CASH BALANCE	APPROPRIATION BALANCE	FUND BALANCE
2013 Current Fund	\$3,237,225.03	\$ 679,340.77	\$1,241,247.71
Storm Sandy Emergency	\$ 468,299.79	\$ 468,299.79	
2012 Appropriation Reserves		\$ 417,214.77	
Animal Control Fund	\$ 339.60	\$ 339.60	\$ 339.60
Trust & Escrow Fund	\$ 536,101.75	\$ 536,101.75	\$ 536,101.75
Capital Account	\$ 311,760.58	\$ 734,242.74	\$ 412,623.52
Beach Restoration Fund	\$1,056,852.15		
TOTAL	\$5,610,578.90	\$2,835,539.42	\$2,190,312.58

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. 03/18/2013 – 03: PAYMENT OF BILLS FOR THE MONTH OF MARCH 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$2,125,889.61 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. 03/18/2013 – 04: EXTENDING THE DUE DATE OF THE 1ST QUARTER 2013 TAX QUARTER TO MARCH 1, 2013

WHEREAS, 1st quarter 2013 taxes were due to the Borough of Mantoloking on February 1, 2013 with a grace period to February 12, 2013.

WHEREAS, the Finance Department of the Borough of Mantoloking, which collects the taxes, has been displaced temporarily to a new address until further notice because of the devastation caused by Hurricane Sandy and the Mantoloking Post Office has also been displaced with much disruption in the mail service,

WHEREAS, the Mayor and Council of the Borough of Mantoloking have recognized that because of Hurricane Sandy that homeowners have had trouble getting tax payments to the Borough in a timely fashion,

NOW THEREFORE BE RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the due date of the 1st quarter 2013 taxes be retroactively extended to March 1, 2013. All taxes collected from February 1, 2013 to February 28, 2013 will be credited back the amount of interest charged on the account, if any. If the homeowners have already paid the interest on the 1st quarter 2013, that amount will be credited towards the next quarter. Taxes paid in arrears after March 1, 2013 will be charged interest accruing back to February 1, 2013 as required by New Jersey State Statutes.

RESOLUTION NO. 03/18/2013 – 05: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #2

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 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$488,000.00.

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 2013 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>
Legal		\$60,000.00
Total		\$60,000.00
<u>GRAND TOTAL</u>	<u>\$60,000.00</u>	

RESOLUTION NO. 03/18/2013 – 06: INTRODUCTION OF ORDINANCE NO. 620 – MANTOLOKING BOROUGH SALARY ORDINANCE

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. 620

AN ORDINANCE FIXING SALARY AND COMPENSATION OF CERTAIN OFFICERS, POSITIONS AND EMPLOYEES IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, TO BE KNOWN AS THE "MANTOLOKING BOROUGH SALARY ORDINANCE" AND RESCINDING ORDINANCE 591 AND ORDINANCE 616

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, 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 HEARING: Mayor Nebel opened the meeting to the public for a public hearing on Ordinance No. 619 – 2013 Municipal Budget Appropriation Limits and to Establish a CAP Bank

Councilman Gillingham moved the following resolution.

RESOLUTION NO. 03/18/2013 – 07: ADOPTION OF ORDINANCE NO. 619 – TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, on the 18th day of March, 2013 a public hearing on Ordinance No. 619 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. 619
ORDINANCE TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap law, NJSA 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, NJSA 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 2013 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 determines that a 1.5% increase in the budget for said year, amounting to \$47,589.66 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, 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 a cap exception to 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 2013 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 3.5%, amounting to \$111,042.54 and that the CY 2013 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.

The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

Roll Call: Aye – McIntyre, A. Nelson, Ness, Gillingham, Strohm
Nay – None
Absent - Brown

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, and Emergency Management. A report from the Mantoloking Fire Company was not submitted.

B. Action Items: None

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON

A. Reports of the Public Works: Councilwoman Nelson will present reports from the Public Works Superintendent (10/2012, 11/2012, 12/2012, 01/2013 and 02/2013) Construction Official and Land Use Officer.

B. Action Items:

Councilwoman Nelson moved the following nine (9) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 03/18/2013 – 08: ACCEPTANCE OF RESIGNATION, V. JOHN WARDELL

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accepts the following resignation from the Office of Construction Official:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>
<i>V. John Wardell</i>	<i>Construction Official</i>	<i>April 8, 2013</i>

RESOLUTION NO. 03/18/2013 – 09: APPOINTMENT OF OFFICIALS – CONSTRUCTION OFFICIAL

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>Salary</i>
<i>Timothy J. Skinner</i>	<i>Construction Official</i>	<i>April 8, 2013</i>	<i>\$72,500.00 Annual</i>

RESOLUTION NO. 03/18/2013 – 10: PROVIDING FOR APPROVAL OF CHANGE ORDER NO. 5-FINAL AND PAYMENT APPLICATION NO. 2-FINAL FOR EMERGENCY ROADWAY REPAIRS & CONSTRUCTION, IEW CONSTRUCTION GROUP, INC.

WHEREAS, the Contractor has submitted Change Order No. 5 to adjust the Contract line items, which have been completed under the terms of the Contract, to reflect as-built final conditions for line items with either a deduction or an addition in quantity values, dated February 21, 2013, for an increase of \$2,190.50 and increase contract total to \$448,257.51; and

WHEREAS, the Contractor has submitted Payment Application No. 2 - Final, in the sum of \$233,946.16; and

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

; and

IT IS NOW, THEREFORE, this 18th day of March, 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 IEW Construction Group, Inc. are hereby accepted. (Original signed documents to be provided prior to release of funds);
2. Change Order No. 5 – Final is approved;
3. Payment Application No. 2 - Final in the sum of \$233,946.16 is approved.

RESOLUTION NO. 03/18/2013 – 11: PROVIDING FOR APPROVAL OF PAYMENT APPLICATION NO. 2 FOR EMERGENCY BYPASS PUMPING SYSTEM TO MUNICIPAL MAINTENANCE CO. (CONTRACT NO. 2013-01)

WHEREAS, the Contractor has submitted Payment Application No. 2, in the sum of \$15,755.00; and

WHEREAS, the Borough engineer has recommended approval of the requested payment by letter dated March 12, 2013; and

IT IS NOW, THEREFORE, this 18th day of March, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Payment Application No. 2 in the sum of \$15,755.00 is approved.

RESOLUTION NO. 03/18/2013 – 12: OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, EXTENDING THE WAIVER PERIOD OF CONSTRUCTION DEPARTMENT PERMIT FEES TO APRIL 30, 2013

WHEREAS, by Resolution dated November 19, 2012, the imposition of Construction Department Permit Fees was waived to facilitate post Sandy repairs; and

IT IS NOW, THEREFORE, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, it is now deemed appropriate to extend the waiver to April 30, 2013.

RESOLUTION NO. 03/18/2013 –13: PROVIDING FOR EXECUTION OF AMENDED SHARED SERVICES AGREEMENT WITH OCEAN COUNTY

WHEREAS, the Borough has previously executed a Shared Services Agreement with the County of Ocean in conjunction with debris removal; and

WHEREAS, the County now represents that FEMA is requiring an Amendment to such Agreement, including Schedule A checklist; and

WHEREAS, the Agreement has been reviewed by counsel and the Office of Emergency Management.

IT IS NOW, THEREFORE, this 18TH day of March, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the attached Agreement, including Schedule A, shall be executed on behalf of the Borough. It is noted that the only services provided by Ocean County, or its contractor, were: right-of-way debris removal; right-of-way debris monitoring; and documentation services. All other categories of services were not provided by the County and the Borough shall not be responsible to the County in regard to such categories.

RESOLUTION NO. 03/18/2013 – 14: REINTRODUCTION OF ORDINANCE NO. 617 – AMENDMENT TO LAND USE REGULATIONS

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. 617

**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

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, 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.

RESOLUTION NO. 03/18/2013 – 15: REINTRODUCTION OF ORDINANCE NO. 618 –AMENDMENT OF THE FLOOD PREVENTION REGULATIONS

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. 618

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
PROVIDING FOR AMENDMENT OF ORDINANCE 525, FLOOD DAMAGE PREVENTION, AND
REVISIONS OF CHAPTER XXIII OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF MANTOLOKING, 2007 (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, 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.

RESOLUTION NO. 03/18/2013 – 16: INTRODUCTION OF ORDINANCE NO. 621 –AMENDMENT OF LAND USE REGULATIONS, SOIL DISTURBANCE

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. 621

**AN ORDINANCE PROVIDING FOR REGULATION OF SOIL DISTURBANCE ACTIVITY
WITHIN THE BOROUGH OF MANTOLOKING, AND AMENDING CHAPTER XXX OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007**

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, 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 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:

Councilman Ness moved the following resolution:

RESOLUTION NO. 03/18/2013 – 17: PROVIDING FOR CONTRACT MODIFICATION OF SOLID WASTE DISPOSAL CONTRACT BETWEEN THE BOROUGH OF MANTOLOKING AND REPUBLIC SERVICES OF NEW JERSEY, LLC, d/b/a MARPAL

WHEREAS, the performance of the Solid Waste Disposal Contract has been significantly curtailed following Superstorm Sandy; and

WHEREAS, it is the desire of the parties to memorialize agreed negotiations in accordance with the terms and conditions set forth in the attached two-page letter dated February 26, 2013, from Marpal Disposal.

IT IS NOW, THEREFORE, this 18TH day of March, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the terms and conditions set forth in the above referenced letter shall constitute final resolution of performance issues, post-storm; and
2. The Mayor and Clerk are hereby authorized to execute a formal Contract amendment consistent with the above referenced letter.

Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel stated that it is recommended that property owners hire professional public adjusters for an accurate assessment of storm damage.

9. PUBLIC COMMENTS PERIOD

At the conclusion of the meeting, Special Counselor Christopher Nelson made a presentation "Storm Update No. 8". Comments and questions were made by several audience attendees.

10. NEXT MEETING

Special Council Meeting, Thursday, March, 28, 2013 at 4:30 p.m. at the Mantoloking Fire House, Downer Avenue, Mantoloking, NJ

Special Council Meeting, Monday, April 8, 2013 at 4:30 p.m. at the G. Harold Antrim Elementary School, 401 Niblick St., Point Pleasant Beach, NJ

Regular Council Meeting, Tuesday, April 23, 2013 at 4:30 p.m. at the Brick Township Municipal Court, 401 Chambers Bridge Road, Brick, NJ

11. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman McIntyre to adjourn. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote at 4:45 p.m.

Respectfully submitted,

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