

DRAFT #1 (10/04/2013)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
August 20, 2013

The regular monthly meeting of the Mayor and Council will be held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey 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. and James J. Brown
Absent: Councilwoman Ann Elizabeth Nelson

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Police Lt. Barcus, Dune Inspector Robert Mainberger, Borough Engineer Lawrence Plevier and Special Consultant Christopher Nelson

- 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.

- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 08/20/2013 – 01: APPROVAL OF COUNCIL MEETING MINUTES
Councilman Strohm moved that the minutes of the Special Meeting of June 11, 2013 and Regular Meeting of June 25, 2013 be approved as distributed. The motion was seconded by Councilman Brown and approved by unanimous voice vote.

- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**

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

RESOLUTION NO. 08/20/2013 – 02: PROVIDING FOR PROMOTION OF STACY FERRIS TO THE RANK OF SERGEANT IN THE POLICE DEPARTMENT OF THE BOROUGH OF MANTOLOKING

WHEREAS, Officer Stacy Ferris has been a member of the Department since 2004, having commendably served as a patrol officer and detective; and

WHEREAS, her service has been consistently highly rated; and

WHEREAS, she has successfully completed educational programs, both civil and in police matters; and

WHEREAS, she has acquired prior experience in the skills and methods of governmental agency interaction with both State and Federal Agencies; and

WHEREAS, her familiarity with such requirements has significantly facilitated the acquisition of equipment for use of the Department and the Municipality; and

WHEREAS, as a direct consequence of the impact of Super Storm Sandy upon the Borough, its governance and residents, all of which demonstrated a need for personnel to serve as liaison/administrator with and between the Borough and storm recovery agencies, FEMA, et. als; and

WHEREAS, Chief Wright, in recognition of her unique experience and qualifications assigned Officer Ferris to assist in the Office of Emergency Management operations for post Sandy recovery and restoration of the community; and

WHEREAS, Officer Ferris has been actively and successfully engaged on a full time basis in the performance of her assigned storm recovery duties; and

WHEREAS, her efforts have been an effective catalyst for receipt of Grant funds, reimbursement from FEMA; and

WHEREAS, Chief Wright has recommended to the Mayor and Council that she be promoted in recognition of her extraordinary service and accomplishments; and

WHEREAS, her performance has attracted the attention of other agencies and entities who covet acquisition of her services; and

WHEREAS, it is the desire of the Mayor and Council to recognize and retain her exemplary services; and

WHEREAS, the Police Ordinance of the Borough provides that the Department may have more than one (1) Sergeant; and

WHEREAS, the circumstances described above, her dedicated, effective and highly regarded pre Sandy service, coupled with her outstanding post Sandy performance of her assignments, do uniquely qualify her as a deserving candidate for special formal recognition; and

WHEREAS, but for the foregoing described facts and circumstances, the governing body would not, at this time, entertain the promotion of any patrol person to the rank of Sergeant; and

WHEREAS, the promotion is not intended to fill a vacancy, but is deemed to be recognition of extraordinary capacity and demonstrated service to the Borough; but for the totality of her service as described above, the Borough would not, at this time, contemplate the promotion of any Member to the rank of Sergeant; and

WHEREAS, the promotion of police officers in the Mantoloking Police Department is wholly within the exercise of the discretionary judgment of the Mayor and Council.

IT IS NOW, THEREFORE, this 20th day of August, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All of the prefatory recitals above are deemed accurate, factual and are incorporated herein as substantive findings and components of this Resolution;
2. Recognition of Officer Ferris’ particularly unique and highly meritorious service and accomplishments requires, in the public interest, tangible reward and will serve as an inspiration to the Department and the public, generally.
3. Effective as of the adoption of this Resolution, Stacy Ferris is hereby promoted to the rank of Sergeant in the Mantoloking Police Department.
4. If, for any reason, Stacy Ferris shall not serve or continue to serve as Sergeant, such condition shall not obligate the responsible authority (the Mayor and Council) to appoint or promote a person to serve in the rank awarded to Stacy Ferris.
5. The Mayor and Council reserve all rights concerning appointment or promotion, including but not limited to the right to determine the number of persons who shall hold the rank of sergeant in the Department and the right to leave rank unfilled.

RESOLUTION NO. 08/20/ 2013 – 03: APPOINTMENT OF PERSONNEL – HURRICANE RECOVERY EMERGENCY PART TIME TEMPORARY 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:

| <i>Name</i> | <i>Position</i> | <i>Effective Date</i> | <i>Salary</i> |
|---------------------|---------------------|--------------------------|---------------------|
| <i>Kelly Burdge</i> | <i>OEM Clerical</i> | <i>08/20/13-10/31/13</i> | <i>\$20.00/hour</i> |

RESOLUTION: NO. 08/20/2013 – 04: MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACT – REVERSE “911” SYSTEM

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. Copies of the contracts are available for inspection at the Clerk’s office during regular business hours.

| <u>SERVICE</u> | <u>CONTRACT AMOUNT</u> | <u>BUSINESS NAME</u> | <u>CONTRACT TERM</u> |
|----------------------|--|---------------------------------------|----------------------|
| Reverse “911” System | Min.\$500/yr. or \$.50-\$.75 Per telephone call | Emergency Communications Network, LLC | 07/01/13-06/30/15 |

RESOLUTION NO. 08/20/2013 -05: APPROVING SUBMITTAL OF AN EMERGENCY PLANNING GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Borough of Mantoloking desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$50,000.00 to assist in the design and

implementation of a short and long term plan for the Borough relating to recovery from Super-Storm Sandy.

IT IS NOW, THEREFORE, this 20th day of August, 2013, RESOLVED by the the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. the Borough Council of the Borough of Mantoloking does hereby authorize the application for such a grant; and,
2. the Borough recognizes and accepts that the Department may offer a lesser or greater amount and, therefore, upon receipt of the Grant Agreement from the New Jersey Department of Community Affairs, it does further authorize the execution of any such Grant Agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the Agreement between the Borough and the New Jersey Department of Community Affairs.

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 they or their successors in said titles are authorized to sign the Agreement and any other document necessary in connection therewith.

RESOLUTION NO. 08/20/2013 – 06: INTRODUCTION OF BOND ORDINANCE NO. 628 – AUTHORIZING THE STRUCTURAL REPAIRS OF THE MANTOLOKING FIRE HOUSE , PURCHASE OF EQUIPMENT FOR THE OPERATIONS OF THE MANTOLOKING FIRE HOUSE, POLICE DEPARTMENT, PUBLIC WORKS DEPARTMENT AND THE TEMPORARY BOROUGH OFFICES

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.: 628
BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
STRUCTURAL REPAIRS OF THE MANTOLOKING FIRE HOUSE AND
PURCHASE OF EQUIPMENT FOR THE OPERATIONS OF THE MANTOLOKING
FIRE HOUSE, POLICE DEPARTMENT, PUBLIC WORKS DEPARTMENT
AND THE TEMORARY BOROUGH OFFICES**

**AT A COST OF \$125,000.00,
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$118,700.00, AND APPROPRIATING
THE SUM OF \$6,300.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

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 for a public hearing on Ordinance No. 627
– Bond Ordinance for the purchase of emergency services radio system

Councilman McIntyre moved the following resolution:

**RESOLUTION NO. 08/20/2013 – 07: ADOPTION OF BOND ORDINANCE NO. 627 –
PURCHASE
EMERGENCY SERVICES RADIO SYSTEM**

WHEREAS, on the 20th day of August, 2013 a public hearing on Ordinance No. 627 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. 627
**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
PURCHASE OF EMERGENCY SERVICES RADIO SYSTEM
AT A COST OF \$60,000.00,
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$57,000.00, AND APPROPRIATING
THE SUM OF \$3,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

BE IT ORDAINED by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

SECTION 1: The purchase described in Section 3 of this Bond Ordinance is hereby authorized by the Borough of Mantoloking, County of Ocean and State of New Jersey. For the said purpose stated in said Section 3, there is hereby appropriated the sum of \$60,000.00, said sum being inclusive of all appropriations heretofore made for this purpose. There is also appropriated from the capital improvement fund of the Borough of Mantoloking the sum of \$3,000.00 as a down payment for the contemplated purchase.

SECTION 2: For the financing of said purpose and to meet the said \$60,000.00 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$57,000.00 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said purchase, the negotiable notes of the Borough in a principal amount not exceeding \$57,000.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

SECTION 3: (a) The purpose for which said obligations are to be issued is for the purchase of emergency services radio system.

(b) The estimated amount of bonds or notes to be issued for said purpose is \$57,000.00.

(c) The estimated cost to the Borough of said project is \$60,000.00.

SECTION 4: The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this Bond Ordinance is a general improvement and the cost thereof will be paid by the Borough of Mantoloking.

(b) The period of usefulness of said improvement within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this Bond Ordinance, is 10 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough, as defined in said Law, is increased by the authorization of the bonds and notes provided in this Bond Ordinance by \$57,000.00, and the issuance of said obligations authorized by this Bond Ordinance will be within the debt limitations prescribed by Law.

(d) An aggregate amount not exceeding \$10,000.00 for interest on said obligations, cost of issuing said obligations and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included as part of the cost of said purchase, and is included in the foregoing estimate thereof.

(e) This Bond Ordinance authorizes obligations of the Borough solely for purposes described herein and said purposes are in the public interest and are for the health, welfare, convenience or betterment of the inhabitants of the Borough; the amounts to be expended for said purposes pursuant to this Bond Ordinance are not unreasonable or exorbitant and issuance of the said obligations will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and interest on its debts or to supply other essential public improvements and services.

SECTION 5: All funds received from any sources by way of grant, gift or otherwise for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the purchase or to payment of the obligations (Bonds and Notes) issued pursuant to this Ordinance. The amount of debt obligations authorized herein shall be directly reduced to the extent that the funds described herein are actually received.

SECTION 6: The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and interest on the obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

SECTION 7: This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by said Local Bond Law.

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

FINANCE COMMITTEE, COUNCILMAN STEVE GILLINGHAM

A. Councilman Gillingham presented the monthly finance report.

B. Action Items:

Councilman Gillingham moved the following seven (7) resolutions. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

RESOLUTION NO. 08/20/2013 – 08: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL

FINANCE OFFICER May 31, 2013

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

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

| <u>ACCOUNT</u> | <u>ORIGINA</u> <u>L</u> <u>2012</u> | <u>2013</u> <u>BUDGET</u> | <u>EXPENDED</u> <u>YEAR TO DATE</u> | <u>ENCUMBERED</u> | <u>BALANCE</u> |
|----------------|---|------------------------------|--|-------------------|----------------|
|----------------|---|------------------------------|--|-------------------|----------------|

| | | | | | |
|---|----------------|-----------------------|-----------------------|-----------------------|----------------------|
| 2013 Current Yr. | | \$5,671,304.96 | \$1,647,250.08 | \$ 66,176.87 | \$3,957,878.01 |
| 2012 Appropriation | \$4,034,728.78 | | | | |
| Reserves | 2,000,000.00 | \$ 440,086.77 | \$ 75,902.71 | \$ 1,190.08 | \$ 362,993.98 |
| Sandy Emergency #1 | 2,000,000.00 | | | | |
| Sandy Emergency #2 | 3,100,000.00 | | | | |
| Sandy Emergency #3 | | | | | |
| Sub-Total 5 Yr. Sandy Emer. Total 2012 Approp Reserve | | <u>\$6,454,059.22</u> | <u>\$2,601,302.97</u> | <u>\$3,448,487.95</u> | <u>\$ 404,268.30</u> |
| | | \$6,894,145.99 | \$2,677,205.68 | \$3,449,678.03 | \$ 767,262.28 |
| CAPITAL | | \$ 734,242.74 | \$ 15,000.00 | \$ 0.00 | \$ 719,242.74 |
| CASH RECEIPTS | | REVENUE | | | |
| | | REVENUE | | | |
| | | E | | | |

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. 08/20/2013 – 09: PAYMENT OF BILLS FOR THE MONTH OF AUGUST 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$1,530,644.13 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. 08/20/2013 – 10: REQUESTING THE REFUND OF TAX OVERPAYMENTS DUE TO A TAX APPEAL

WHEREAS, a County Tax Court Judgment has been favorably awarded to Charles Bahr, Block 22, Lot 3, for the tax year 2013-2014; and,

WHEREAS, such judgment has resulted in an overpayment of 2013 property taxes in the amount of \$1,145.88.

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 a check in the amount of \$1,145.88 for said overpayment to the taxpayer Charles Bahr, 22 Reese Ave, Lavallette, NJ 08735.

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. 08/20/2013 -11: REQUESTING THE REFUND OF TAX OVERPAYMENTS

WHEREAS, as a result of a town-wide re-assessment due to the destructive nature of Hurricane

Sandy an overpayment has occurred on tax accounts for the Borough of Mantoloking, and

WHEREAS, the overpayment(s) will be refunded to the party responsible for the overpayment,

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be authorized to refund the following:

| BLOCK/LOT | PROPERTY ADDRESS | REFUND NAME | AMOUNT |
|------------------|-------------------------|-----------------------------|---------------|
| BLK 24/LT 46 | 1108 Ocean Avenue | Steven & Lori Juliano Slack | \$3,707.26 |
| BLK 26/LT 3 | 1211 Ocean Avenue | Philip White & Brenda White | \$3,045.10 |
| BLK 22/LT 27 | 1070 Barnegat Lane | John Tawgin | \$ 317.86 |
| BLK 23/LT 10 | 1039 Ocean Ave | John & Kathleen Hayes | \$1,804.36 |
| BLK 23/LT 44 | 1107 Ocean Ave | F.Dana & Lisa Fortunato | \$2,647.43 |

RESOLUTION NO. 08/20/2013 – 12: AMENDING THE 2013 CAPITAL BUDGET

WHEREAS, the Borough of Mantoloking , County of Ocean, State of New Jersey, desires to amend the 2013 Capital Budget of the Borough of Mantoloking by inserting thereon or correcting the items therein as shown in such budget for the following reason:

- 1) The Purchase Police Radios.
- 2) Firehouse repair and content replacement.

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

The 2013 Capital Budget of the Borough of Mantoloking is hereby amended by adding thereto a schedule to read as follows:

AMENDMENT #1
CAPITAL BUDGET OF THE
BOROUGH OF MANTOLOKING
PROJECTS SCHEDULE FOR 2013

| PROJECT | COST | CAPITAL IMP FUND | GENERAL BONDS |
|--|---------------------|-----------------------------|--------------------------|
| Purchase of Radios | \$ 60,000.00 | \$ 3,000.00 | \$ 57,000.00 |
| Firehouse repair/ content replacement | \$125,000.00 | \$ 6,300.00 | \$118,700.00 |
| Total | \$185,000.00 | \$ 9,300.00 | \$175,700.00 |

RESOLUTION NO. 08/20/2013 – 13: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE – LYNNE A. HAZELET

WHEREAS, as a matter of policy the Borough Council may, in its discretion, upon petition, grant extensions to an employee’s sick leave; and

WHEREAS, due to demonstrated need, Lynne A. Hazelet has been caused to utilize all of her allocated sick leave for 2013 and has petitioned for an increased allotment of sick leave for 2013; and

WHEREAS, Council is satisfied that the circumstances presented are extraordinary and that

Lynne A. Hazelet is deserving of its favorable consideration of her petition.

IT IS NOW, THEREFORE, this 20th day of August, 2013 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Lynne A. Hazelet is hereby granted TWENTY-FOUR AND ONE-HALF (24.5) hours additional sick leave to cover her absence through January 25, 2013.

RESOLUTION NO. 08/20/2013 – 14: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE – IRENE H. RYAN

WHEREAS, as a matter of policy the Borough Council may, in its discretion, upon petition, grant extensions to an employee’s sick leave; and

WHEREAS, due to demonstrated need, Irene H. Ryan has been caused to utilize all of her allocated sick leave for 2012 and has petitioned for an increased allotment of sick leave for 2012; and

WHEREAS, Council is satisfied that the circumstances presented are extraordinary and that Irene H. Ryan is deserving of its favorable consideration of her petition.

IT IS NOW, THEREFORE, this 20th day of August, 2013 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Irene H. Ryan is hereby granted TWENTY-EIGHT (28) hours additional sick leave to cover her absence through December 31, 2012.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON (ABSENT)

A. Reports of the Public Works: Councilman Gillingham presented reports from the Public Works Superintendent, Construction Official and Land Use Officer.

B. Action Items:

Councilman Gillingham moved the following three (3) resolutions. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

RESOLUTION NO. 08/20/2013 - 15: 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>Timothy J. Skinner</i> | <i>Building Subcode Official</i> | <i>08/01/2013-07/31/2017</i> | <i>Included in Current Salary of Construction Official</i> |

RESOLUTION NO. 08/20/2013 – 16: PAYMENT ESTIMATE NO. 4 – RESIDENTIAL DEMOLITION AND DEBRIS REMOVAL PROJECT

WHEREAS, the Borough has entered into a Contract with Tricon Enterprises, Inc. (Contract No. 2013-4, FEMA PPDR Program) to provide residential demolition and debris removal: and

WHEREAS, the Contractor has submitted Payment Application No. 4 in the sum of \$307,488.34; and

WHEREAS, it is deemed to be in the public interest to accept Payment Application No. 4; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated August 16, 2013, (Exhibit A, attached) recommended Payment Application No. 4 be paid.

IT IS NOW, THEREFORE, this 20th day of August, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 4 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 08/20/2013 – 17: PROVIDING FOR PAYMENT ESTIMATE NO. 7 – 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. 7, in the sum of \$8,820.00; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated August 14, 2013, (Exhibit B, attached) recommended Payment Application No. 7 be paid.

IT IS NOW, THEREFORE, this 20th day of August, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 7 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 626 – Bond Ordinance for the Reconstruction of Herbert Street Pump Station

Councilman Gillingham moved the following resolution.

RESOLUTION NO. 08/20/2013 – 18: ADOPTION OF BOND ORDINANCE NO. 626 – HERBERT STREET PUMP STATION RECONSTRUCTION

WHEREAS, on the 20th day of August, 2013 a public hearing on Ordinance No. 626 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. 626
**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR**
HERBERT STREET PUMP STATION RECONSTRUCTION
AT A COST OF \$1,200,000.00,
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$1,140,000.00, AND APPROPRIATING
THE SUM OF \$60,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE

BE IT ORDAINED by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

SECTION 1: The improvement described in Section 3 of this Bond Ordinance is hereby authorized by the Borough of Mantoloking, County of Ocean and State of New Jersey. For the said purpose stated in said Section 3, there is hereby appropriated the sum of \$1,200,000.00, said sum being inclusive of all appropriations heretofore made for this purpose. There is also appropriated from the capital improvement fund of the Borough of Mantoloking the sum of \$60,000.00 as a down payment for the contemplated improvement.

SECTION 2: For the financing of said purpose and to meet the said \$1,200,000.00 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,140,000.00 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement, the negotiable notes of the Borough in a principal amount not exceeding \$1,140,000.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

SECTION 3: (a) The purpose for which said obligations are to be issued is for the Herbert Street Pump Station Reconstruction.

(b) The estimated amount of bonds or notes to be issued for said purpose is \$1,140,000.00.

(c) The estimated cost to the Borough of said project is \$1,200,000.00.

SECTION 4: The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this Bond Ordinance is a general improvement and the cost thereof will be paid by the Borough of Mantoloking.

(b) The period of usefulness of said improvement within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this Bond Ordinance, is 40 years.

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough, as defined in said Law, is increased by the authorization of the bonds and notes provided in this Bond Ordinance by \$1,140,000.00, and the issuance of said obligations authorized by this Bond Ordinance will be within the debt limitations prescribed by Law.

(d) An aggregate amount not exceeding \$170,000.00 for interest on said obligations, cost of issuing said obligations and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included as part of the cost of said improvement, and is included in the foregoing estimate thereof.

(e) This Bond Ordinance authorizes obligations of the Borough solely for purposes described herein and said purposes are in the public interest and are for the health, welfare, convenience or betterment of the inhabitants of the Borough; the amounts to be expended for said purposes pursuant to this Bond Ordinance are not unreasonable or exorbitant and issuance of the said obligations will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and interest on its debts or to supply other essential public improvements and services.

SECTION 5: All funds received from any sources by way of grant, gift or otherwise for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations (Bonds and Notes) issued pursuant to this Ordinance. The amount of debt obligations authorized herein shall be directly reduced to the extent that the funds described herein are actually received.

SECTION 6: The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and interest on the obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

SECTION 7: This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by said Local Bond Law.
The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

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 Strohm moved the following resolution:

RESOLUTION NO. 08/20/2013 – 19: PROVIDING FOR ENGAGEMENT OF RICHARD E. HALL, MAI, CRE, AS APPRAISER FOR PROSPECTIVE CONDEMNATION ACTIONS

WHEREAS, the post-Sandy condition of the beach and dune system is such that construction of the U. S. Army Corps of Engineers, Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project and a revetment are now deemed essential to the survival and long term viability of the Borough; and

WHEREAS, an overwhelming majority of oceanfront owners have donated the easements required for construction of the projects upon their property; and

WHEREAS, it is now necessary for the Borough to acquire easements upon the lots which have not been included in the voluntary grant of easements; and

WHEREAS, the legal proceedings which are to be initiated to acquire easements, require that a qualified expert shall provide an opinion as to the values of the easements and the impact of the easements upon the remainder of the lot(s); and

WHEREAS, it is necessary that the Borough engage the services of a qualified real estate appraiser in conjunction with the proceedings; and

WHEREAS, Richard E. Hall, MAI, CRE, is deemed qualified to provide this service (see attached CV).

IT IS NOW, THEREFORE, this 20th day of August, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. There exists a need for the engagement of an appraiser for the purposes described above;
2. Richard E. Hall, MAI, CRE is hereby appointed to serve as special appraiser to the Borough of Mantoloking;
3. The Mayor and Clerk are authorized and directed to execute a Professional Services Contract with Richard E. Hall, MAI, CRE, in such form as shall be endorsed by counsel;
4. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a);
5. Upon mutual execution, a copy of the Contract shall be available for public inspection at the office of the Borough Clerk.
6. A Notice of this action shall be published in the official newspaper of the Borough.

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

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN

- A. Councilman Brown stated that no reports of the Municipal Services Committee were submitted.
- B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN DONALD NESS

- A. Councilman Ness stated that no reports of the Mantoloking Committee and the Environmental Commission were submitted.
- B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

No comments were made.

9. PUBLIC COMMENTS PERIOD

Special Consultant Christopher Nelson made Presentation No. 16 on the recovery and placement of the NJ Department of Environmental Protection steel revetment placement in Mantoloking and Brick Township. Audience comments and questions were made.

10. NEXT MEETING –

Special Council Meeting, Wednesday, August 28, 2013 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Ave., Mantoloking, NJ

Regular Council Meeting, Tuesday, September 16, 2013 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Ave., Mantoloking, NJ

11. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote at 4:46 p.m.

Respectfully submitted by,

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