

DRAFT #1 (12/14/2012)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
NOVEMBER 19, 2012
4:30 P.M.
Ocean County Library – Brick Branch
301 Chambers Bridge Road
Brick, New Jersey

The regular monthly meeting of the Mayor and Council was held this day in the Brick Branch of the Ocean County Library meeting room 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, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson
Absent: Councilman James J. Brown

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Police Chief Mark Wright, Emergency Management Coordinator Robert S. McIntyre, Jr., Construction Official V. John Wardell, Tax Assessor James Anderson and Special Counselor 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 made.

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 11/19/2012 - 01: APPROVAL OF MINUTES

Councilman Gillingham moved that the minutes of the Regular Meeting of October 15, 2012 and Closed Session Minutes of October 15, 2012 be approved as distributed. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

7. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

A. Councilman Witkowski presented the monthly finance report.

B. Action Items:

Councilman Witkowski moved the following six (6) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 11/19/2012 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER September 30, 2012

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

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2012 Current Year Appropriation	\$4,041,973.78	\$ 3,035,822.57	\$ 49,291.43	\$ 956,859.78
2011 Appropriation Reserves	\$ 447,532.84	\$ 154,986.11	\$ 87.76	\$ 292,458.97
Capital	\$1,185,452.26	\$ 400,101.58		\$ 785,350.68

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 145,601.73	\$7,514,276.49

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. 11/19/2012 – 03: PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER 2012

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,724,116.42** 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. 11/19/2012 – 04: SPECIAL EMERGENCY APPROPRIATION TO THE 2012 BUDGET DUE TO DAMAGES CAUSED BY HURRICANE SANDY

WHEREAS, an emergency has arisen with respect to the destruction of buildings and infrastructure and other damage caused by Hurricane Sandy on October 29, 2012, and no adequate provision was made in the 2012 Budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this Resolution is \$3,000,000.00, and three (3%) percent of the total operating appropriations in the Budget for 2012 is \$121,259.21; and

WHEREAS, the foregoing appropriations together with prior appropriations does exceed three (3%) percent of the total operating appropriations in the Budget for 2012; and

WHEREAS, the Director of the Division of Local Government Services has granted a blanket approval for Hurricane Sandy emergency appropriations in excess of three (3%) percent of the total operating appropriations.

IT IS NOW, THEREFORE, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, (by not less than 2/3rds of all governing body members affirmatively concurring), in accordance with N.J.S.A. 40A:4-48, as follows:

1. An emergency appropriation is hereby made for Hurricane Sandy related expenses in the amount of \$3,000,000.00.

Hurricane Sandy - Salary and Wages	\$ 450,000.00
Hurricane Sandy – Other Expenses	\$ 2,550,000.00
2. That said emergency appropriation shall be provided for in full in the 2013 Municipal Budget.
3. The statement required by the Local Finance Board shall be filed with the Clerk and forwarded to the Local Finance Board.
4. That two (2) certified copies of this Resolution shall be filed with the Director of the Division of Local Government Services, together with the Affidavit of the CFO, pursuant to Statute.

RESOLUTION NO. 11/19/2012 – 05: EXTENDING THE INTEREST DATE FOR THE FOURTH QUARTER 2012 TAXES

WHEREAS, The fourth quarter taxes are due to the Borough of Mantoloking on November 1, 2012 with a grace period to November 13, 2012 in which interest will not accrue,

WHEREAS, The Borough of Mantoloking has sustained major damage from Hurricane Sandy as did all of the residents of the Borough of Mantoloking. Damages so severe that the Borough Offices themselves have been displaced and no residents have been permitted back on the island to see their homes.

WHEREAS, The Borough of Mantoloking does not wish to place an additional burden on the homeowners who have no access to their homes or belongings,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking does hereby extend the date to which interest begins to accrue on the fourth quarter tax payments. No interest will begin to accrue until January 1, 2013 with interest calculated back to November 1, 2012, as regulated by N.J.S.A. 54.

BE IT FURTHER RESOLVED, that certified copies of the Resolution shall be made available to the Chief Financial Officer, Tax Collector and Municipal Auditor.

RESOLUTION NO. 11/19/2012 – 06: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2012

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2012 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made and are to become effective after November 1, 2012;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2012 Municipal Budget:

<u>CURRENT ACCOUNT</u>		<u>TO</u>	<u>FROM</u>
ROAD REPAIR	SW	\$1,000.00	
CLERK	SW	100.00	
SEWER	OE		\$1,100.00
POLICE	OE	5,000.00	
BEACH	OE		5,000.00
TOTAL		\$6,100.00	\$6,100.00

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

WHEREAS, the award of contracts for professional services, 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 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.
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>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>TERM</u>
Special Counsel	Christopher Nelson, Esq.	\$100.00 per hour	10/30/12 - 05/01/13

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Reports of the Public Safety Committee: Councilman Gillingham presented the report of the Municipal Court.

No reports for the Police Department, Fire Company and Emergency Management were submitted.

B. Action Items:

Councilman Gillingham moved the following resolution:

RESOLUTION NO. 11/19/2012 – 08: APPOINTMENT OF PERSONNEL – HURRICANE RECOVERY EMERGENCY PART TIME HELP

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

Name	Position	Effective Date	Salary
<i>Al Bartone</i>	<i>Special Police Officer</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Courtney B. Bixby</i>	<i>OEM Clerical</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Bruce C. Garon</i>	<i>Special Police Officer</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Christopher Gibson</i>	<i>Special Police Officer</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Andrew T. Harchetts</i>	<i>Special Police Officer</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Paul Scott Hulse</i>	<i>Public Works Laborer</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Robert S. McIntyre, Jr.</i>	<i>OEM Clerical</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>James A. Manolio</i>	<i>Special Police Officer</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Chris R. Niebling</i>	<i>OEM Clerical</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Douglas Popaca</i>	<i>OEM Clerical</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Gregory Popaca</i>	<i>Special Police Officer</i>	<i>10/30/12 – 11/07/12</i>	<i>\$13.00/hour</i>
<i>Craig S. Symons</i>	<i>OEM Clerical</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Margaret Wright</i>	<i>OEM Clerical</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Christopher Szczygiel</i>	<i>OEM Clerical</i>	<i>10/30/12 – 05/01/13</i>	<i>\$13.00/hour</i>
<i>Gregory Popaca</i>	<i>Regular Police Officer</i>	<i>11/08/12</i>	<i>\$(per contract)</i>

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

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

A. Reports of the Public Works: Councilwoman Nelson stated that no reports from the Public Works Superintendent, Construction Official and Land Use Officer were submitted.

B. Action Items:

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

RESOLUTION NO. 11/19/2012 – 09: WAIVER OF CONSTRUCTION DEPARTMENT PERMIT FEES FOR STORM DAMAGE REPAIRS

WHEREAS, it is the desire of the Mayor and Council to facilitate post Sandy repairs; and

WHEREAS, payment of the permit fees for repairs will be waived; and

WHEREAS, the following guidelines are now recommended by the Construction Official:

1. Construction permits will be required before or following commencement of work; plans must be provided for record.
2. Any additional or new construction must proceed in the usual, pre-storm, process and fees are not waived.
3. Owners must provide an Engineer’s Certification of the needed repairs and that the dwelling would be habitable upon completion of the work prior to reoccupancy.

4. Owner must obtain a Certificate form a New Jersey licensed electrician that the electrical system is satisfactory. The electrician shall make the certificate base upon his observation before the walls are closed or covered.

RESOLUTION NO. 11/19/2012 – 10: AUTHORIZE INTERLOCAL AGREEMENT WITH OCEAN COUNTY FOR STORM RELATED CLEAN-UP SERVICES

WHEREAS, Hurricane Sandy has caused the generation of massive volumes of waste and debris; and

WEREAS, the County of Ocean has offered to provide debris removal services for the Borough in accordance with and pursuant to the terms of State Contract #AG063 (AshBritt, Inc.). Additionally, the County has offered to provide debris monitoring services through State Contract A-80768 (Louis Berger Group, Inc.); and

WHEREAS, the County shall process all invoices to State and Federal Agencies for reimbursement and shall pay the vendors for services pending reimbursement. Any unreimbursed expenditures shall be paid by the Borough; and

WHEREAS, the attached Shared Services Agreement for debris removal, debris monitoring and related services has been reviewed and approved by counsel, and it is the desire of the Mayor and Council to enter into the proposed Shared Services Agreement; and

WHEREAS, a Certificate of Funds Availability has been filed.

IT IS NOW, THEREFORE, RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Borough shall and does hereby accept the offered Interlocal Agreement and the Mayor and Clerk are authorized to sign on behalf of the Borough.

RESOLUTION NO. 11/19/2012 – 11: APPROVING LEASE OF TEMPORARY BOROUGH OFFICE FACILITIES

WHEREAS, storm damage has necessitated the vacation of the Borough Hall and has significantly interrupted the availability of administrative offices; and

WHEREAS, facilities at 340 Drum Point Road, Brick, New Jersey (2,800 square feet) have been identified as suitable temporary offices; and

WHEREAS, a Lease has been negotiated with a base term of one (1) year, with a six-month option and an annual base rental of \$36,400.00; and

WHEREAS, the form of Lease has been approved by counsel, executed at the direction of the Mayor, and delivered, with move-in efforts initiated on November 19, 2012.

IT IS NOW, THEREFORE, RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Lease Agreement between the Borough of Mantoloking and RAJPRIYA, LLC, is hereby approved and ratified.

PUBLIC HEARING: Mayor Nebel opened the meeting for a Public Hearing on Ordinance No. 616. No comments were made.

RESOLUTION NO. 11/19/2012 – 12: ADOPTION OF ORDINANCE NO. 616 – AMEND SALARY AND COMPENSATION ORDINANCE NO. 591

WHEREAS, on the 19th day of November, 2012 a public hearing on Ordinance No. 616 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 entitled:

**ORDINANCE NO. 616
AN ORDINANCE AMENDING ORDINANCE 591,
THE MANTOLOKING BOROUGH SALARY ORDINANCE,
ADOPTED DECEMBER, 2010**

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

1. Section 3 (position and rates of compensation) of the above cited Ordinance, is hereby amended by the addition of the following:

<u>Position</u>	<u>Minimum</u>	<u>Maximum</u>
Deputy Electrical Subcode Official	\$25.00 per hour	\$40.00 /hour
Deputy Plumbing Subcode Official	\$25.00 per hour	\$40.00 /hour
Deputy Fire Subcode Official	\$25.00 per hour	\$40.00 /hour

2. All of the provisions of Ordinance No.591, not specifically amended by this Ordinance shall remain in full force and effect.

3. If any part or portion of this Ordinance shall be adjudicated invalid by a Court having jurisdiction, the remaining portions shall remain in full force and effect.

4. This Ordinance shall become effective upon final adoption.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

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

B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN (ABSENT)

A. Councilman Brown will present the reports of the Municipal Services Committee.

B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN NESS

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

8. MAYOR AND COUNCIL COMMENTS

Councilman Gillingham stated that the emergency resolution adopted this evening authorized our tax assessor to do an immediate assessment of taxes. This could result in a higher municipal tax rate but lower county tax contributions. Special Counselor Chris Nelson presented a visual progress report entitled, "Mantoloking & Super Storm Sandy".

9. PUBLIC COMMENTS PERIOD

Numerous comments and questions were made by the public concerning post storm related issues.

10. EXECUTIVE SESSION

Councilwoman Nelson moved the following resolution:

RESOLUTION NO. 11/19/2012 – 13: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

RESOLVED, the Mayor and Council adjourns to closed session to discuss a matter rendered confidential by federal or state law.

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

The motion was seconded by Councilman Gillingham and approved by unanimous voice vote at 6:18 p.m.

11. OPEN SESSION AS NECESSARY

The Mayor and Council reconvened at 6:53 p.m. and no action was taken.

12. NEXT MEETING Special Meeting, Monday, December 3, 2012 @ 4:30 p.m.

13. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote at 6:54 p.m.

Respectfully submitted,

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