

DRAFT #1 (10/22/2012)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
OCTOBER 15, 2012
4:30 P.M.
BOROUGH HALL

The regular monthly meeting of the Mayor and Council will be held this day in the meeting room of Borough Hall 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 will 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 James J. Brown
Absent: Councilwoman Ann Elizabeth Nelson

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Chief Financial Officer Michelle Swisher and Emergency Management Coordinator Robert S. McIntyre, Jr.

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

Councilman Witkowski moved the following resolution:

RESOLUTION NO. 10/15/2012N – 01: OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY

MEMORIAL
DAVID P. LOUGHRAN, ESQ.
DECEASED - SEPTEMBER 26, 2012

WHEREAS, David P. Loughran, Esq., a resident of the Borough since 1964, died on September 26, 2012;
and

WHEREAS, David P. Loughran served as Municipal Prosecutor from 1982 to 2001,
as a Member of the Planning Board from 1988 to 2002, and as Emergency Management Coordinator from 1986 to 2003; and

WHEREAS, his service to the community was exemplary in all respects; and

WHEREAS, David P. Loughran had a distinguished record as a U. S. Marine Aviator, having attained the rank of Colonel; and

WHEREAS, he actively participated in the promotion of the Marine Corps Scholarship Foundation; and

WHEREAS, he served many years as an active Member and Officer of the Mantoloking Yacht Club and of the Barnegat Bay Yacht Racing Association; and

WHEREAS, he deservedly enjoyed a reputation for impeccable character, high standards and dedicated performance of any duty assigned.

IT IS NOW, THEREFORE, this 15th day of October, 2012, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, for themselves and for the residents of the Borough, that they do hereby extend to his family sincere appreciation for his service and condolence upon his passing.

A true copy of this Resolution shall be presented to his family.

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

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. 10/15/2012 - 02: APPROVAL OF MINUTES

Councilman Brown moved that the minutes of the Regular Meeting of September 17, 2012 and Closed Session of September 17, 2012 be approved as distributed. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

7. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

A. Councilman Witkowski introduced the Municipal Finance Officer Michelle Swisher who presented the monthly finance report.

B. Action Items:

Councilman Witkowski moves the following four (4) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 10/15/2012 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER August 31, 2012

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2012 municipal budget as of August 31, 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	\$ 2,801,711.45	\$ 85,049.82	\$1,155,212.51
2011 Appropriation Reserves	\$ 447,532.84	\$ 154,311.11	\$ 87.76	\$ 293,133.97

Capital	\$1,185,452.26	\$ 390,253.76	\$ 795,198.50
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ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,882,031.43	\$7,368,674.76

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. 10/15/2012 –04: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2012

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$262,989.53** 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. 10/15/2012 – 05: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2012

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 November 1, 2012;

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

CURRENT ACCOUNT		TO	FROM
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. 10/15/2012 – 06: 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 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 Lynne a. Hazelet is deserving of its favorable consideration of her petition.

IT IS NOW, THEREFORE, this 15th day of October, 2012 **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 forty-nine (49) hours additional sick leave to cover her absence through October 2, 2012.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

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

B. Action Items:

Councilman Gillingham moved the following resolution.

RESOLUTION NO. 10/15/2012 – 07: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$6,754.57, which is now available from the State of New Jersey, Division of Motor Vehicles, 2012 Drunk Driving Enforcement Grant.

BE IT FURTHER RESOLVED, that the like sum of \$6,754.57 is hereby appropriated under the caption of 2012 DDEF Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Division of Motor Vehicles.

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

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON (Absent)

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

B. Action Items:

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

RESOLUTION NO. 10/15/2012 – 08: APPROVE RELEASE OF SURETY BOND TO BEAUMONT BUILDERS, INC.

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Beaumont Builders, Inc. in conjunction with the demolition of a single family home at property located at 924 Barnegat Lane; and

WHEREAS, the Construction Official, John Wardell, has advised that a final inspection has been completed, the debris has been completely cleared and it is appropriate to release the Bond at this time.

IT IS NOW, THEREFORE, this 15th day of October, 2012, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Beaumont Builders, Inc. in the amount of \$1,000.00 shall be released, forthwith;
2. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

RESOLUTION NO. 10/15/2012 – 09: INTRODUCTION OF ORDINANCE NO. 616 – AMEND SALARY AND COMPENSATION ORDINANCE NO. 591

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. 616

**AN ORDINANCE AMENDING ORDINANCE 591,
THE MANTOLOKING BOROUGH SALARY ORDINANCE,
ADOPTED DECEMBER, 2010**

and be it

FURTHER RESOLVED, the attached Comprehensive Resolution of Introduction is hereby adopted, 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. 10/15/2012 – 10: PROVIDING FOR INCREASE OF COMPENSATION TO SUB-CODE OFFICIALS AND DEPUTY SUB-CODE OFFICIALS IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY

WHEREAS, the Borough anticipates substantial and recurring difficulty in the recruitment and retention of Construction Sub-Code Officials; and

WHEREAS, it appears that the difficulty is fundamentally a result of the fact that other, nearby, communities are providing more advantageous compensation to such personnel; and

WHEREAS, the Construction Official has requested that the amount of compensation for sub-code officials be increased, from \$4,000.00 to \$4,500.00, and that the hourly wage for Deputy Sub-Code Officials be increased from \$25.00 per hour to \$35.00 per hour to more realistically reflect the prevailing wage for such officials; and

WHEREAS, the Borough desires and is obliged to provide available competent officials to administrate the Construction Code; and

WHEREAS, it appears that the current rates of compensation are not competitive and have or will result in resignation and failure of ready recruitment of competent, desirable candidates; and

WHEREAS, Ordinance 591 sets forth salary ranges which are inclusive of the proposed increase for Sub-Code Officials and Deputy Sub-Code Officials (other than deputy electrical and deputy plumbing).

IT IS NOW, THEREFORE, this 15th day of October, 2012, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The public interest of residents and the Borough will be advanced by the availability of the required officials;

2. The existing disparity between current compensation paid by the Borough and the competitive market cost of such services has and will negatively impact upon Borough residents and property owners;
3. The circumstances and situation described and recited above constitute good cause for the implementation of the salary correction, annual and hourly, i.e. a salary of \$4,500.00 for Fire, Electrical and Plumbing Sub-code Officials and an increase of \$10.00 per hour for Deputy Sub-Code Officials.

Name	Position	Effective Date	Salary
<i>Michael J. Giblin</i>	<i>Fire Subcode Official & Deputy Fire Official</i>	<i>October 16, 2012</i>	<i>\$ 4,500/Year</i>
<i>Robert Torrance</i>	<i>Deputy Fire Code Official</i>	<i>October 16, 2012</i>	<i>\$35/Hour</i>
<i>Michael Clayton</i>	<i>Deputy Fire Code Official</i>	<i>October 16, 2012</i>	<i>\$35/Hour</i>
<i>Eric Sudia</i>	<i>Electrical Code Official</i>	<i>October 16, 2012</i>	<i>\$4,500/Year</i>
<i>Stuart Safeer</i>	<i>Deputy Electrical Code Official</i>	<i>October 16, 2012</i>	<i>\$35/Hour</i>
<i>S. Charles West</i>	<i>Plumbing Code Official</i>	<i>October 16, 2012</i>	<i>\$4,500/Year</i>
<i>Robert Nelson</i>	<i>Deputy Plumbing Code Official</i>	<i>October 16, 2012</i>	<i>\$35/Hour</i>
<i>Douglas Applegate</i>	<i>Deputy Construction Official, Deputy Building Subcode Official & Deputy Building Inspector</i>	<i>October 16, 2012</i>	<i>\$35/Hour</i>

RESOLUTION NO. 10/15/2012 – 11: PROVIDING FOR APPROVAL OF CHANGE ORDER NO. 1- FINAL AND PAYMENT APPLICATION NO. 2 - FINAL PAYMENT FOR CONTRACT NO. 2011-1 (LAGOON LANE IMPROVEMENTS) TO BLACK ROCK ENTERPRISES, LLC

WHEREAS, the Contractor has submitted Change Order No. 1 – Final, dated August 16, 2012, and Payment Application No. 2 - Final, in the sum of \$2,503.63; and

WHEREAS, the Borough engineer has recommended approval of the Change Order and the requested payment, subject to legal review of contractually required “close-out” documents; and

WHEREAS, counsel has reviewed copies of the tendered close-out documents, more particularly Final Release and Indemnity Agreement, Maintenance Bond No. HGNE-NE-10-154-010650 dated October 10, 2012, issued by Hudson Insurance Company and Consent of Surety to Final Payment dated October 10, 2012 issued by Hudson Insurance Company, all of which are deemed acceptable.

IT IS NOW, THEREFORE, this 15th day of October, 2012, 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 Black Rock Enterprises, LLC are hereby accepted. (Original signed documents to be provided prior to release of funds);
2. Change Order No. 1 – Final is approved;
3. Payment Application No. 2 - Final in the sum of \$2,503.63 is approved, subject to NJDOT approval.

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

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

Mayor Nebel reported that a representative from the U.S. Postal Service stated that consolidation of routes is being developed in some U.S. Post Office jurisdictions, including, the Mantoloking Post Office. However, there are no plans to close any Post Office in the State of New Jersey.

Councilman Witkowski announced that insurance coverage for defense of any future personal lawsuits against Mantoloking Fire Company line officers and/or Incident Commander is being investigated.

9. PUBLIC COMMENTS PERIOD

One commentator made a statement about the consolidation plan for the Mantoloking Post Office.

10. EXECUTIVE SESSION

Councilman Brown moved the following resolution:

RESOLUTION NO. 10/15/2012 – 12: 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 collective bargaining agreement and/or negotiations related to it.

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 Witkowski and approved by unanimous voice vote at 4:55 p.m.

11. OPEN SESSION AS NECESSARY

The Mayor and Council returned to open session and the public invited to return to the meeting room. No action was taken by the governing body.

12. NEXT MEETING Regular Meeting, Monday, November 19, 2012 @ 4:30 p.m.

13. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilman Ness and approved by unanimous voice vote at 5:26 p.m.

Respectfully submitted,

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

**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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Bond Ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Council of the Borough of Mantoloking, in the County of Ocean and State of New Jersey held on the 15th day of October, 2012, and said Ordinance will be considered for final passage at the Borough Hall, Downer Avenue, Mantoloking, New Jersey at 4:30 p.m. on the 19th day of November, 2012, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

IRENE H. RYAN, R.M.C.