

DRAFT #1 (02/262014)

THE BOROUGH OF MANTOLOKING MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING

October 22, 2013

4:30 P.M. Mantoloking Yacht Club

1224 Bay Avenue

Mantoloking, New Jersey

The regular monthly meeting of the Mayor and Council was 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 Peter R. Strohm, Donald S. Ness, Robert S. McIntyre, James J. Brown, and Councilwoman Ann Elizabeth Nelson

Absent: None

Also Present: Mayor's Special Consultant, Chris Nelson, Deputy Clerk Lynne Hazelet and Borough Attorney Edwin J. O'Malley, Jr.

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.

THE BOROUGH OF MANTOLOKING MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING

October 22, 2013

4:30 P.M. Mantoloking Yacht Club

1224 Bay Avenue

Mantoloking, New Jersey

6. RESOLUTION NO. 10/22/2013 – 01 MINUTES OF PREVIOUS MEETINGS:

Councilman Strohm moved the following resolution of approval of the Council Meeting Minutes of: Regular Meeting, July 16, 2013, Special Meeting of August 19, 2013 and Closed Session Meeting Minutes of August 19, 2013 and Regular Meeting Minutes of August 20, 2013. The motion was seconded by Councilwoman Nelson and approved by unanimous 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 6 resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 10/22/2013 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER

August 31, 2013

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

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

<u>ACCOUNT</u>	<u>ORIGINAL 2012 BUDGET</u>	<u>2013 BUDGET</u>	<u>EXPENDED YEAR TO DATE</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2013 Current Yr. Appropriation		\$5,671,304.96	\$2,583,188.84	\$ 368,737.14	\$2,719,378.98
2012 Appropriation Reserves	\$4,034,728.78				
Sandy Emergency #1	2,000,000.00	\$ 440,086.77	\$ 76,118.28	\$ 1,127.13	\$ 362,841.36
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Sub-Total 5 Yr. Sandy Emer.		\$6,454,059.22	\$3,664,723.41	\$2,544,975.89	\$ 244,359.92
Total 2012 Approp Reserve		\$6,894,145.99	\$3,740,841.69	\$2,546,103.92	\$ 607,201.28
CAPITAL		\$ 734,242.74	\$ 18,322.06	\$ 0.00	\$ 715,920.68
		<u>REVENUE THIS MONTH</u>	<u>REVENUE YEAR TO DATE</u>		

Regular Meeting, July 16, 2013, Special Meeting of August 19, 2013 and Closed Session Meeting Minutes of August 19, 2013 and Regular Meeting Minutes of August 20, 2013. The motion was seconded by Councilwoman Nelson and approved by unanimous vote

7. COMMITTEE REPORTS AND RECOMMENDATIONS

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. 10/22/2013 – 03: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$1,449,177.26 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. 10/22/2013 – 04: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2013

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 2013 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made and are to become effective on or after November 1, 2013;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2013 Municipal Budget:

<u>CURRENT ACCOUNT</u>		<u>TO</u>	<u>FROM</u>
CLERK	SW	\$2,000.00	
FINANCE	SW	3,000.00	
FINANCE	OE	300.00	
AUDIT	OE		\$2,000.00
TAX ASSESSOR	SW		7,550.00
LEGAL	OE	80,000.00	
PLANNING	SW		5,000.00
CONSTRUCTION	SW		20,000.00
ELECTRICAL SUB-CODE	SW	100.00	
LIABILITY INSURANCE	OE		20,000.00

copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 10/22/2013 – 03: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$1,449,177.26 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

<u>CURRENT ACCOUNT</u>		<u>TO</u>	<u>FROM</u>
ROAD REPAIR	OE		15,000.00
GARBAGE	OE		35,000.00
BUILDINGS & GROUNDS	OE		15,000.00
SEWER	OE		10,000.00
DOG	OE	100.00	
GASOLINE	OE		35,000.00
SOCIAL SECURITY	OE	31,000.00	
COURT	SW		4,000.00
BEACH GUARD	SW		18,000.00
BEACH GUARD	OE		1,000.00
TOTAL		\$227,550.00	\$227,550.00

RESOLUTION NO. 10/22/2013 – 05: APPOINTMENT OF PERSONNEL – 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>Christopher Niebling</i>	<i>Part Time Administrative Assistant</i>	<i>November 1, 2013</i>	<i>\$40.00/hour</i>

RESOLUTION NO. 10/22/2013 – 06: ADOPTING SCHEDULE FOR "WORKSHOP" MEETINGS OF THE MAYOR AND COUNCIL FOR NOVEMBER AND DECEMBER 2013 AND JANUARY, 2014

WHEREAS, the Mayor and Council desire to amend the Meeting Schedule previously adopted; and
WHEREAS, the supplemental Meetings will, generally, be devoted to development of the Agenda for regular meetings; and

WHEREAS, the Meeting Schedule previously adopted shall be deemed amended by the addition of the "Workshop" Meetings listed below.

... IT IS NOW THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the

GARBAGE	OE		35,000.00
BUILDINGS & GROUNDS	OE		15,000.00
SEWER	OE		10,000.00
DOG	OE	100.00	
GASOLINE	OE		35,000.00
SOCIAL SECURITY	OE	31,000.00	
COURT	SW		4,000.00

1. Workshop Council Meetings shall be held on November 21, 2013, December 11, 2013 and January 2, 2014. The Meetings shall commence at 8:30 a.m. at the temporary Borough Hall, 340 Drum Point Road, Brick, New Jersey.
2. The adoption of this Amendment to the Meeting Schedule shall be published and posted in accordance with statutory requirements.

RESOLUTION NO. 10/22/2013 – 07: ACCEPTING THE 2013 BEST PRACTICES CHECK LIST

WHEREAS, the Borough of Mantoloking is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services; and

WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency.

AND WHEREAS the inventory results for 2013 are as follows: 34 yes, 6 no, 5 N/A, and 5 prospective for a total percentage of 88% with no State Aid to be withheld.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking accept the Best Practices Check List as required by the State of New Jersey Department of Community Affairs for the 2012 Budget Year.

PUBLIC SAFETY COMMITTEE, COUNCILMAN ROBERT MC INTYRE:

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

B. Action Items:

Councilman McIntyre moved the following 3 resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 10/22/2013 – 08: PROVIDING FOR SALE OR TRANSFER OF MUNICIPAL SURPLUS EQUIPMENT (FIREARMS)

WHEREAS, the Chief of Police has determined that the below described firearms are surplus; and

WHEREAS, the sale and transfer of such weapons is strictly regulated; and

WHEREAS, any purchaser or transferee must hold a valid permit for such acquisition; and

WHEREAS, a sale in the ordinary course for the disposition of such surplus property would be inappropriate; and

WHEREAS, the value assigned to each item is deemed fair value (trade in) for such items; and

2. The adoption of this Amendment to the Meeting Schedule shall be published and posted in accordance with statutory requirements.

RESOLUTION NO. 10/22/2013 – 07: ACCEPTING THE 2013 BEST PRACTICES CHECK LIST

WHEREAS, the Borough of Mantoloking is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services; and

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

1. The weapons are surplus personal property and are no longer required for Borough use;
2. Title to each such identified weapon is transferred to the Police Officer listed below in conjunction with such item.

<u>Buyer's Name</u>	<u>Description</u>	<u>Serial No.</u>
William Shewan	Sig Sauer P220 Stainless Cal. 45	G407062
Mark Wright	Sig Sauer P220 Stainless Cal. 45	G330842

3. The sale or transfer is made on an "as is" basis without any representations or warranties, express or implied, of any nature, except as to title. By payment and acceptance of possession, each buyer/transferee acknowledges and accepts the foregoing conditions of sale and transfer.
4. The Chief of Police shall, in each instance, possess and permanently file a true copy of the purchase permit as issued to each Police Officer, transferee, for each weapon. A true copy of each permit shall be provided to the Borough Clerk upon delivery of possession of the weapon.

RESOLUTION NO. 10/22/2013 – 09: PROVIDING FOR DIVERSION OF MOTOR VEHICLE TRAFFIC TO EAST AVENUE DURING ROUTE 35 RECONSTRUCTION AND RATIFYING THE ORAL RESOLUTION CONCERNING THIS PROJECT ADOPTED ON OCTOBER 16, 2013

WHEREAS, to facilitate project construction, the contractor, Agate Construction Co., Inc. ("Agate"), has proposed that the Borough grant consent to the utilization of East Avenue, one-way southbound, to accommodate traffic detoured from Route 35; and

WHEREAS, Agate shall also utilize detour via a portion of Barnegat Lane, south of the Bay Head border to Bergen Avenue, Bergen Avenue east of Barnegat Lane and cross streets between Route 35 and East Avenue, all of such roadway so utilized for detour shall be restored pursuant to the Agreement.

WHEREAS, the Borough desires to accommodate the New Jersey DOT and its contractor, Agate, to the end that public convenience and safety will be enhanced; and

WHEREAS, the Borough will, upon terms, grant the request of Agate.

IT IS NOW, THEREFORE, this 16th day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Agate shall provide a detour plan which shall incorporate utilization of East Avenue as a southbound detour route.
2. Agate shall provide such traffic controls and signage (including electronic traffic control at Lyman Street),

<u>Buyer's Name</u>	<u>Description</u>	<u>Serial No.</u>
William Shewan	Sig Sauer P220 Stainless Cal. 45	G407062
Mark Wright	Sig Sauer P220 Stainless Cal. 45	G330842

3. The sale or transfer is made on an "as is" basis without any representations or warranties, express or implied, of any nature, except as to title. By payment and acceptance of possession, each buyer/transferee acknowledges and accepts the foregoing conditions of sale and transfer.

4. Agate shall abandon the use of East Avenue upon completion of that portion of the Route 35 reconstruction which is co-extensive with the portion of East Avenue which is subject to this license.
5. Agate shall, upon cessation of utilization of East Avenue promptly, at its sole expense, restore the roadway paving and associated fixtures in accordance with the terms of an Agreement which shall incorporate the terms and conditions of this restoration. The restoration specifications shall be in such form and substance as are prescribed by the Borough Engineer.
6. Agate shall prior to utilization of East Avenue provide to the Borough proof of public liability, motor vehicle liability and workers' compensation insurance in such form and coverage as shall be approved by counsel. The Borough, its employees, officers and officials shall be named as additional insureds.
7. The Mayor and Clerk, upon advice of counsel, are authorized to execute the ancillary Agreement designed to implement and attain the purpose of this Resolution.

RESOLUTION NO. 10/22/2013 – 10 : INTRODUCTION OF ORDINANCE NO. 631 – ESTABLISHING STOP SIGNS ON EAST AVE.

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. 631

**OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR AMENDMENT OF THE
MUNICIPAL CODE, CHAPTER VII OF THE REVISED GENERAL ORDINANCE
AN ORDINANCE OF THE BOROUGH OF MANTOLOKING (ORDINANCE 531),
ESTABLISHING STOP SIGNS ON EAST AVENUE**

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. Agate shall, upon cessation of utilization of East Avenue promptly, at its sole expense, restore the roadway paving and associated fixtures in accordance with the terms of an Agreement which shall incorporate the terms and conditions of this restoration. The restoration specifications shall be in such form and substance as are prescribed by the Borough Engineer.

6. Agate shall prior to utilization of East Avenue provide to the Borough proof of public liability, motor vehicle liability and workers' compensation insurance in such form and coverage as shall be approved by counsel. The Borough, its employees, officers and officials shall be named as additional insureds.
7. The Mayor and Clerk, upon advice of counsel, are authorized to execute the ancillary Agreement

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON

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

Councilwoman Nelson moved the following 6 resolutions. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

RESOLUTION NO 10/22/2013 – 11: PROVIDING FOR DEMOLITION OF THE STORM DAMAGED (SANDY) BOROUGH HALL

WHEREAS, THE October 29, 2012 storm "Sandy" rendered the building uninhabitable; and
WHEREAS, the Borough Engineer, Hatch Mott McDonald and the New Jersey Office of Emergency Management both have confirmed that the building was substantially damaged and must be elevated to meet the flood hazard standards; and

WHEREAS, the building is in the AE9 Special Flood Hazard Area (FHA); and

WHEREAS, applicable regulations require a minimum finished first floor elevation of 10' which is necessarily increased to 14' upon incorporation of the elevation criteria; and

WHEREAS, Hatch Mott McDonald's report, dated October 14, 2013, provides a cost estimate for base damage repairs of \$595,000.00, with total repairs, elevation and contingencies, total \$1,875,000.00;

WHEREAS, there are additional costs in conjunction with the requirements of the Police Department, over \$500,000.00 and

WHEREAS, the estimated cost of restoration of the existing building and regulatory compliance is approximately \$2,375,000.00;

IT IS NOW, THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The existing Borough Hall, 202 Downer Avenue, shall be completely demolished.
2. The demolition shall incorporate utilization of Borough personnel and available equipment; trucking of debris to landfill shall be by terms of contract with third party.
3. The demolition and disposal shall be initiated forthwith.
4. Award of any Contract for debris removal and disposal shall be in accordance with requirements of the Local Public Contracts Law.
5. The Mayor and Clerk, upon advice of counsel, are authorized to sign any agreements necessary to implement the purposes of this Resolution.

Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official and Land Use Officer.

- B. **Action Items:**

Councilwoman Nelson moved the following 6 resolutions. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

RESOLUTION NO 10/22/2013 – 11: PROVIDING FOR DEMOLITION OF THE STORM DAMAGED (SANDY) BOROUGH HALL

RESOLUTION NO. 10/22/2013 – 12: PROVIDING FOR EXERCISE OF SIX (6) MONTH LEASE OPTION FOR RENTAL OF 340 DRUM POINT ROAD, BRICK, NEW JERSEY, WITH RAJPRIYA, LLC

WHEREAS, pursuant to the Lease dated November 15, 2012, with Rajpriya, LLC., the Borough has the right to exercise a six (6) month extension for the period commencing December 1, 2013; and

WHEREAS, it is the desire of the Borough to exercise the six (6) month extension.

IT IS NOW, THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall and hereby does exercise the six (6) month extension commencing December 1, 2013;
2. All other provisions of the Lease dated November 15, 2012, shall remain in full force and effect;
3. Notice of this exercise of Lease extension shall be provided forthwith to Rajpriya, LLC.

RESOLUTION NO. 10/22/2013 – 13: CHANGE ORDER REQUEST FOR THE RESIDENTIAL DEMOLITION AND DEBRIS REMOVAL PROJECT, CONTRACT NO. 2014-4, FEMA PPDR PROGRAM, CHANGE ORDER NO. 5 & 6 (FINAL)

WHEREAS, the Borough has entered into a Contract with Tricon Enterprises, Inc. (Contract 2013-4) to provide residential demolition and debris removal; and

WHEREAS, due to the need to compensate the Contractor for the removal and disposal of debris generated by the screening of sand with a ¼ inch screen, including silt, small aggregate, plastics, wood, concrete, etc., from the Contractor's portable sand screening plant, Tricon Enterprises, Inc. has submitted Change Order No. 5 for an increase of \$150,000.00; and

WHEREAS, due to the need to adjust the Contract line items, which have been completed under the terms of the Contract, to reflect as-built conditions for line items with either a deduction or an addition in quantity values for a decrease of the contract amount of \$1,787,149.46; and

WHEREAS, it is deemed to be in the public interest to accept Change Orders No. 5 & 6 (FINAL); and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated October 18, 2013, (Exhibit "B", attached) recommended the execution of Change Order No. 5 & 6 (FINAL) which results in a decrease of \$1,637,149.46 to the total cost of the project which is now \$1,670,795.54.

IT IS NOW, THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Orders No. 5 & 6 (FINAL), is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

WHEREAS, pursuant to the Lease dated November 15, 2012, with Rajpriya, LLC., the Borough has the right to exercise a six (6) month extension for the period commencing December 1, 2013; and

WHEREAS, it is the desire of the Borough to exercise the six (6) month extension.

IT IS NOW, THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall and hereby does exercise the six (6) month extension commencing December 1, 2013;

RESOLUTION NO. 10/22/2013 – 14: PAYMENT ESTIMATE NO. 6 (FINAL) – RESIDENTIAL DEMOLITION AND DEBRIS AND 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. 6 (FINAL) in the sum of \$207,365.67; and

WHEREAS, it is deemed to be in the public interest to accept Payment Application No. 6 (FINAL); and

WHEREAS, the Borough Engineer, Lawrence Plevler, P.E. (Hatch Mott MacDonald) has, by letter dated October 18, 2013, (Exhibit A, attached) recommended Payment Application No. 6 be paid.

IT IS NOW, THEREFORE, this 22nd day of October 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 6 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 10/22/2013 – 15: PROVIDING FOR PAYMENT ESTIMATE NO. 9 – 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. 9, in the sum of \$5,782.00; and

WHEREAS, the Borough Engineer, Lawrence Plevler, P.E. (Hatch Mott MacDonald) has, by letter dated October 14, 2013, (Exhibit B, attached) recommended Payment Application No. 9 be paid.

IT IS NOW, THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 9 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 10/22/2013 – 16: REQUESTING NJDOT AWARD DEADLINE EXTENSION

WHEREAS, the Borough is the recipient of a New Jersey DOT Municipal Aid Program Grant from fiscal year 2012 for Bay Avenue Storm Drainage Improvements (Replacement of Outfall No. 22) in the amount of \$27,000.00; and

WHEREAS, the Grant established November 20, 2013 as the deadline date for project award; and

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. 6 (FINAL) in the sum of \$207,365.67; and

WHEREAS, it is deemed to be in the public interest to accept Payment Application No. 6 (FINAL); and

WHEREAS, the Borough Engineer, Lawrence Plevler, P.E. (Hatch Mott MacDonald) has, by letter dated October 18, 2013, (Exhibit A, attached) recommended Payment Application No. 6 be paid.

IT IS NOW, THEREFORE, this 22nd day of October 2013, RESOLVED by the Mayor and Council of

WHEREAS, the New Jersey DOT does permit Municipal requests for extension of the award deadline; and

WHEREAS, the "Sandy" exigencies will necessitate utilization of a private contractor, whereas the initial project envisioned that most of the work would be provided by the Borough's Department of Public Works; and

WHEREAS, the completion of this project is an undeniable necessity, in the public interest.

IT IS NOW, THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. that the Borough shall and hereby does request that the New Jersey DOT, Local Aid Office, grant a six (6) month extension of the Contract deadline award for this project;
2. the prefatory recitals of this Resolution are incorporated as the rationale for this extension request;
3. a true copy of this Resolution shall be forwarded forthwith to:
 - a. The New Jersey DOT, Local Aid Office (Project Manager); and
 - b. Hatch Mott McDonald (Larry Plevier, P. E.)

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 629

– AMENDMENT TO THE LAND USE ORDINANCE

No comments.

Councilwoman Nelson moved the Adoption of Ordinance No. 629. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

RESOLUTION NO. 10/22/2013 - 17: ADOPTION OF ORDINANCE NO. 629 – AMENDMENT TO THE LAND USE ORDINANCE

WHEREAS, on the 22nd day of October, 2013 a public hearing on Ordinance No. 629 was held and there were no comments was 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. 629

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX,
SECTION 30-6.16 (LAND USE REGULATIONS)**

WHEREAS, the project envisioned that most of the work would be provided by the Borough's Department of Public Works; and

WHEREAS, the completion of this project is an undeniable necessity, in the public interest.

IT IS NOW, THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. that the Borough shall and hereby does request that the New Jersey DOT, Local Aid Office, grant a six (6) month extension of the Contract deadline award for this project;

1. ~~Section 30-6.16 b. Maximum building height is deled and replaeed as follows:~~

Article 30-6.16, ~~Sub-Article 2,~~ Consolidation of certain Lots- Bulk Standards, delete and insert:

30-6.16 Consolidation of Certain Lots-Bulk Standards.

If two (2) or more conforming oceanfront lots located south of Lyman Street are consolidated, then the following bulk standards shall apply:

- a. Maximum lot coverage: sixteen (16%) percent.
- b. Maximum building height:

- 1. If two (2) conforming lots are consolidated: ~~fifty-five (55) fifty-two (52)~~ feet over crown of road.
- 2. If three (3) or more conforming lots are consolidated and if the finished first floor is twenty-five (25) feet or higher over the crown of the road, the roof ridges, for not more than sixty percent (60%) of their entire length shall not exceed the height of ~~fifty-eight (58) fifty-five (55)~~ feet over crown of road. The remainder of the structure shall not exceed ~~fifty-five (55) fifty-two (52)~~ feet over crown of road.

In the event that the finished first floor is less than twenty-five (25) feet, over the crown of the road, the building height shall not exceed ~~fifty-five (55) fifty-two (52)~~ feet over the crown of road.

- c. Minimum side yard setback:
 - For one side: twenty (20) feet
 - For both side yards: Thirty-five percent (35%) of the lot frontage
- d. Minimum rear yard setback: Two (2) times the required rear yard setback in the zone.
- e. Buffer: A buffer area at least fifteen (15) feet in depth and landscaped with evergreen trees (minimum height six (6) feet) and other native species shall be provided along and street lint to minimize the visibility of the structures from the road.
 - 2. All provisions of the Land Use Ordinance, not hereby amended shall remain in full force and effect.
 - 3. This Ordinance shall be effective upon final adoption.

See Attached, EXHIBIT C, "Appendix B Bulk Standards" with proposed revisions.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

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

30-6.16 Consolidation of Certain Lots-Bulk Standards.

If two (2) or more conforming oceanfront lots located south of Lyman Street are consolidated, then the following bulk standards shall apply:

- a. Maximum lot coverage: sixteen (16%) percent.
- b. Maximum building height:

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 630 – ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN

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

RESOLUTION NO. 10/22/2013 - 18: ADOPTION OF ORDINANCE NO. 630 – ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN

WHEREAS, on the 22nd day of October, 2013 a public hearing on Ordinance No. 630 was held and there were no comments was 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. 630

ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, SAID PROPERTIES BEING IDENTIFIED ON THE ANNEXED EXHIBIT A

WHEREAS, Superstorm Sandy caused significant and widespread damages to public and private property along the oceanfront and has greatly diminished the dune and beach system, making the entire Borough extremely vulnerable to future storms; and

WHEREAS, on October 27, 2012 the Governor issued Executive Order No. 104, wherein he declared a state of emergency because of Superstorm Sandy; and

WHEREAS, on September 25, 2013 the Governor issued Executive Order No. 140, wherein he declared that the construction of flood hazard risk reduction measures along New Jersey's coastline, including in the Borough, is necessary to protect the public health, safety, and welfare from future natural disasters, and that reliance on certain statutory authority for the acquisition of property, including but not limited to N.J.S.A. 20:3-1, et seq. and N.J.S.A. App. A:9-51.5, is necessary for such efforts; and

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

RESOLUTION NO. 10/22/2013 - 18: ADOPTION OF ORDINANCE NO. 630 – ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN

safety, and welfare; and

WHEREAS, the Mayor and Council of the Borough of Mantoloking have concluded that it is necessary, desirable, and appropriate for the Borough to undertake a beach replenishment, maintenance, revetment, and dune construction project; and

WHEREAS, there is currently private ownership of certain portions of the lands where said beach replenishment, maintenance, revetment, and dune construction project shall be undertaken; and

WHEREAS, by adoption of this Ordinance the Borough of Mantoloking authorizes the taking of perpetual easements in a portion of each identified privately owned property by condemnation/eminent domain so that the Borough and other entities or agents acting on behalf of the Borough of Mantoloking shall have access onto, over, and through said privately owned real property for the purpose of taking any and all actions necessary for completing said beach replenishment, maintenance, revetment, and dune construction project; and

WHEREAS, the Mayor and Council of the Borough further find that a public use and purpose would be served for the benefit of Borough of Mantoloking and the communities that the barrier Island protects by acquiring certain property interests in the aforesaid property, including, but not limited to, the promotion, protection, and preservation of the public health, safety, and welfare of the Borough of Mantoloking and its inhabitants by the acquisition of certain interests in said real property for storm damage and flood area mitigation through conducting the said beach replenishment, maintenance, revetment, and dune construction project, to protect public infrastructure located with the Borough of Mantoloking, to mitigate future storm damage and associated public recovery expenditures, and for the protection, preservation, and conservation of precious natural resources; and

WHEREAS, the Mayor and Council of the Borough of Mantoloking are authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1 et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/eminent domain as long as just compensation is paid for the same;

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

1. **RECITALS INCORPORATED:** The above recitals are incorporated into this section of the Ordinance as if desirable, and appropriate for the Borough to undertake a beach replenishment, maintenance, revetment, and dune construction project; and

WHEREAS, there is currently private ownership of certain portions of the lands where said beach replenishment, maintenance, revetment, and dune construction project shall be undertaken; and

WHEREAS, by adoption of this Ordinance the Borough of Mantoloking authorizes the taking of perpetual

2. **SPECIFIC FINDINGS:** The Mayor and Council of the Borough of Mantoloking find that the beach replenishment, maintenance, revetment, and dune construction project will promote and protect the health, safety, and welfare of residents of the Borough of Mantoloking, and will prevent property damage and loss due to flooding, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.

3. **AUTHORIZE CONDEMNATION:** The Mayor and Council of the Borough of Mantoloking specially authorize any and all necessary and appropriate actions by Borough officials including the Mayor, Borough Clerk, Borough Attorney, and/or Special Condemnation Attorney, in conjunction with the Office of Flood Hazard Risk Reduction Measures within the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property interests in the properties as set forth herein through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Borough to the property owner(s) in the full amount of the appraised value of the property interest that the Borough seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

4. **IDENTIFICATION OF PROPERTY:** The properties for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance are located in the Borough of Mantoloking and listed on the Borough of Mantoloking tax map, the legal descriptions of which are attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements in the properties identified herein.

5. **OFFICIALS AUTHORIZED:** All appropriate officials of the Borough of Mantoloking, including, but not limited, to the Mayor, Borough Clerk, Borough Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Borough of Mantoloking are authorized by this Ordinance to sign any and all documentation and take any and all other actions to effectuate the above property taking and to further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.

3. **AUTHORIZE CONDEMNATION:** The Mayor and Council of the Borough of Mantoloking specially authorize any and all necessary and appropriate actions by Borough officials including the Mayor, Borough Clerk, Borough Attorney, and/or Special Condemnation Attorney, in conjunction with the Office of Flood Hazard Risk Reduction Measures within the New Jersey Department of Environmental Protection and/or any other

6. **PURCHASE OF PROPERTY:** If a determination is made by a majority vote of the governing body of the Borough of Mantoloking that the purchase of an easement is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Borough of Mantoloking, including, but not limited to, the Mayor, Borough Clerk, Borough Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Borough of Mantoloking.

7. **REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. **SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

9. **EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

EXHIBIT A

IDENTIFICATION OF PROPERTY

ORDINANCE NO. 630

Texiera: Block 23, Lot 22

Maltese: Block 23, Lot 26

Calabrese: Block 23, Lot 37

Roberts/Gusmer: Block 23, Lot 52

Levin/Meyer: Block 26, Lot 4

Hartzband: Block 26, Lot 5

property interest through condemnation/eminent domain, then all appropriate officials of the Borough of Mantoloking, including, but not limited to, the Mayor, Borough Clerk, Borough Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Borough of Mantoloking.

7. **REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

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

RESOLUTION NO. 10/22/2013 – 19: APPOINTMENT OF PERSONNEL – 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:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
<i>Dorothy Alexander</i>	<i>Certified Recycling Coordinator</i>	<i>October 1, 2013 – September 30, 2014</i>	<i>Per Shared Services Agreement w/ Toms River Township</i>

RESOLUTION NO. 10/22/2013 – 20: PROVIDING FOR EXECUTION OF SHARED SERVICES AGREEMENT WITH TOWNSHIP OF TOMS RIVER, OCEAN COUNTY FOR CERTIFIED RECYCLING PROFESSIONAL

WHEREAS, the Borough is statutorily required to utilize the services of a Certified Recycling Professional to prepare the Annual Recycling Tonnage Reports; and

WHEREAS, the County of Ocean has offered to provide the required services pursuant to the terms and conditions of the annexed Shared Services Agreement; and

WHEREAS, the form of Agreement has been approved by counsel and funds are available;

- 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:

1. The terms and conditions of the proposed Shared Services Agreement shall be and hereby are accepted.
2. The Mayor and Clerk are requested and authorized to execute the Agreement.

RESOLUTION NO. 10/22/2013 – 21: RECYCLING ENHANCEMENT ACT TAX IDENTIFICATION STATEMENT
2013

WHEREAS, The Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of Mantoloking that the Borough of Mantoloking certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2012 in the amount of \$2,592.08. Documentation supporting this submission is available at 340 Drum Point Road, Brick, New Jersey and shall be maintained for no less than five years from this date.

RESOLUTION NO. 10/22/2013 – 22: SUBMISSION OF ANNUAL RECYCLING REPORT, ANNUAL TONNAGE REPORT AND APPLICATION FOR 2012 TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and the Mayor and Clerk are requested and authorized to execute the Agreement.

RESOLUTION NO. 10/22/2013 – 21: RECYCLING ENHANCEMENT ACT TAX IDENTIFICATION STATEMENT
2013

WHEREAS, The Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and

programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the Borough of Mantoloking and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking that Donald S. Ness hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Dorothy Alexander, Certified Recycling Professional to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION NO. 10/22/2013 – 23: PROVIDING FOR THE PUBLICATION OF INVITATION TO BIDDERS
SOLID WASTE AND RECYCLABLE COLLECTION AND REMOVAL SERVICE**

WHEREAS, there exists a need to solicit bids for solid waste and recyclable collection and removal services in anticipation of expiration of the current contract term, with Republic Services, Inc., d/b/a Marpal, on March 1, 2014.

IT IS NOW, THEREFORE, this 22nd day of October, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Mayor is requested to forthwith initiate the public regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel announced that the Christmas Tree Lighting will be Sunday, December 8th at 4:30 p.m. at the Mantoloking Yacht Club.

9. PUBLIC COMMENTS PERIOD

Chris Nelson Presentation # 17
There was a question and answer period after the presentation.

10. NEXT MEETING –

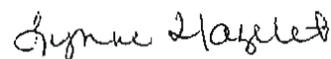
Council Workshop Meeting, Thursday, November 21, 2013 at 8:30 a.m. at the Mantoloking Borough Offices, 340 Drum Point Rd., Brick, NJ

Regular Council Meeting, Tuesday, November 26, 2013 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

11. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Gillingham to adjourn. The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 5:00 p.m.

Respectfully Submitted,



Lynne Hazelet

Deputy Borough Clerk

9. PUBLIC COMMENTS PERIOD

Chris Nelson Presentation # 17
There was a question and answer period after the presentation.