

**DRAFT #1 (03/05/2014)**

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**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES OF THE REGULAR BUSINESS MEETING**

**November 26, 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, Robert S. McIntyre, Councilwoman Ann Elizabeth Nelson

**Absent:** Councilmen James J. Brown and Donald S. Ness

**Also Present:** Municipal Clerk Irene H. Ryan, Borough Attorney, Edwin J. O'Malley, Jr., Special Consultant Christopher Nelson, Chief Mark Wright

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

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**MAYOR AND COUNCIL**

**MINUTES OF THE REGULAR BUSINESS MEETING**

**November 26, 2013**

**4:30 P.M.**

**Mantoloking Yacht Club**

**1224 Bay Avenue**

**Mantoloking, New Jersey**

**6. RESOLUTION: MINUTES OF PREVIOUS MEETINGS:**

None

**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 3 resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

**RESOLUTION NO. 11/26/2013 – 01 : ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

September 30, 2013

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2013 municipal budget as of September 30, 2013; and

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

| <u>ACCOUNT</u>                 | <u>ORIGINAL<br/>2012 BUDGET</u> | <u>2013<br/>BUDGET</u> | <u>EXPENDED<br/>YEAR TO DATE</u> | <u>ENCUMBERED</u>               | <u>BALANCE</u>      |
|--------------------------------|---------------------------------|------------------------|----------------------------------|---------------------------------|---------------------|
| 2013 Current Yr. Appropriation |                                 | \$5,671,304.96         | \$3,100,561.63                   | \$ 118,435.87                   | \$2,452,307.46      |
| 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.    |                                 | <u>\$6,454,059.22</u>  | <u>\$4,038,810.51</u>            | <u>\$2,327,369.37</u>           | <u>\$ 87,879.34</u> |
| Total 2012 Approp Reserve      |                                 | \$6,894,145.99         | \$4,114,928.79                   | \$2,328,496.50                  | \$ 450,720.70       |
| <b>CAPITAL</b>                 |                                 | \$ 734,242.74          | \$ 18,322.06                     | \$ 0.00                         | \$ 715,920.68       |
|                                |                                 |                        | <u>REVENUE<br/>THIS MONTH</u>    | <u>REVENUE<br/>YEAR TO DATE</u> |                     |
| <b>CASH RECEIPTS</b>           |                                 |                        | \$ 519,758.37                    | \$17,307,826.60                 |                     |

now, therefore, be it

**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 3 resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 11/26/2013 – 02 : PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$781,487.96 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. 11/26/2013 – 03: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2013

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

NOW, THEREFORE BE IT RESOLVED, the borough council approves the following transfers in the 2013 Municipal Budget:

| <u>CURRENT ACCOUNT</u> |    | <u>TO</u>  | <u>FROM</u> |
|------------------------|----|------------|-------------|
| CLERK                  | SW |            |             |
| FINANCE                | SW |            |             |
| FINANCE                | OE |            |             |
| AUDIT                  | OE |            |             |
| TAX ASSESSOR           | SW |            |             |
| LEGAL                  | OE |            |             |
| PLANNING               | OE | \$4,500.00 |             |
| CONSTRUCTION           | SW |            | \$2,000.00  |
| FIRE SUB-CODE          | SW |            | 2,500.00    |
| PLUMBING SUB-CODE      | SW |            | 1,500.00    |
| LIABILITY INSURANCE    | OE |            |             |
| HEALTH WAIVER          | OE | 1,500.00   |             |
| GROUP HEALTH           | OE |            |             |
| UNIFORM FIRE SAFETY    | SW |            |             |
| ROAD REPAIR            | SW |            |             |
| ROAD REPAIR            | OE |            |             |
| GARBAGE                | OE |            |             |

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. 11/26/2013 – 03: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2013

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal

Councilman Gillingham moved the following five (5) resolutions. The motion was seconded by Councilman Strohm and was approved unanimously by voice vote.

RESOLUTION NO. 11/26/2013 – 04: ADOPTING CORRECTIVE ACTION PLAN IN RESPONSE TO AUDIT, AS OF 12/31/2012 FINDINGS

WHEREAS, the audit of the Borough's financial records for the period ending December 31, 2012, included four (4) "findings" concerning:

1. A resolution relative to the change in the named custodian of the Borough's petty cash fund be adopted by the governing body and filed with the Division of Local Government Services for approval.
2. The Borough authorize all change funds by resolution.
3. The Borough's payment of claims ordinance be updated for all authorized check signers.
4. The Borough file State of New Jersey monthly dog license reports on a timely basis.

WHEREAS, the Borough is obliged to adopt a Corrective Plan in response to said findings.

IT IS NOW, THEREFORE, this 26<sup>th</sup> day of November, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the attached Corrective Action Plan dated October 28, 2013 (copy attached) is hereby adopted.

RESOLUTION NO. 11/26/2013 – 05: ACCEPTANCE OF 2012 MUNICIPAL AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and,

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

And,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit for the year 2012, RESOLUTION NO. 11/26/2013 – 04: ADOPTING CORRECTIVE ACTION PLAN IN RESPONSE TO AUDIT, AS OF 12/31/2012 FINDINGS

WHEREAS, the audit of the Borough's financial records for the period ending December 31, 2012, included four (4) "findings" concerning:

1. A resolution relative to the change in the named custodian of the Borough's petty cash fund be adopted by the governing body and filed with the Division of Local Government Services for approval.
2. The Borough authorize all change funds by resolution.

(45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and,

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Mantoloking, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 11/26/2013 - 06: REQUESTING A CHANGE IN THE CUSTODIAN OF THE PETTY CASH FUND

WHEREAS, William Crelin was the custodian of the Borough of Mantoloking Petty Cash Fund prior to 2004, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Mantoloking is changing custodians to Michelle Swisher; and

WHEREAS, Michelle Swisher is bonded in the amount of \$1,000,000.00 by virtue of a blanket insurance bond.

NOW, THEREFORE BE IT RESOLVED that the Borough of Mantoloking, County of Ocean hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

RESOLUTION NO. 11/26/2013 - 07: MEMORIALIZING THE CHANGE FUNDS IN THE BOROUGH OF MANTOLOKING

least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

WHEREAS, two such funds exist in the Borough of Mantoloking, one for the Chief Financial Officer who shall be named as custodian and one for the Court Administrator who shall be named as custodian of that fund in the amount of \$100.00 for each change fund

NOW, THEREFORE BE IT RESOLVED that the Borough of Mantoloking, County of Ocean hereby authorizes such action.

**RESOLUTION NO. 11/26/2013 – 08: REQUESTING REFUND OF POLICE OUTSIDE EMPLOYMENT FEES**

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following Police Outside Employment accounts which have been completed,

WHEREAS, the projects have been completed and the balance left on the account is due back to the contractors,

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Council of the Borough of Mantoloking authorize the Chief Financial Officer to refund the following balances:

| <u>Escrow Applicant</u> | <u>Amount</u> |
|-------------------------|---------------|
| New Jersey Natural Gas  | 250.80        |

**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 2 resolutions. The motion was seconded by Councilman Gillingham and approved unanimously by voice vote.

**RESOLUTION NO. 11/26/2013 – 09: 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>Thomas Restaino</i> | <i>Class II Special Officer/Academy Recruit</i> | <i>December 1, 2013</i> | <i>No Compensation</i> |

NOW, THEREFORE BE IT RESOLVED that the Borough of Mantoloking, County of Ocean hereby authorizes such action.

**RESOLUTION NO. 11/26/2013 – 08: REQUESTING REFUND OF POLICE OUTSIDE EMPLOYMENT FEES**

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following Police Outside Employment accounts which have been completed,

**RESOLUTION No. 11/26/2013 – 10 : INTRODUCTION OF ORDINANCE NO. 632 – ESTABLISHING STOP SIGN AT INTERSECTION OF EAST AVENUE AND MATHIS PLACE**

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. 632**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR AMENDMENT OF THE  
MUNICIPAL CODE, CHAPTER VII OF THE REVISED GENERAL ORDINANCE  
OF THE BOROUGH OF MANTOLOKING (ORDINANCE 531),  
ESTABLISHING STOP SIGNS AT THE INTERSECTION  
OF MATHIS PLACE AND 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](http://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. 631 – PROVIDING FOR AMENDMENT OF THE MUNICIPAL CODE, CHAPTER VII OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF MANTOLOKING (ORDINANCE 531), ESTABLISHING STOP SIGNS ON EAST AVENUE

Councilman McIntyre moved the following resolution. The motion was seconded by Councilman Gillingham and approved unanimously by voice vote.

**RESOLUTION NO. 11/26/2013 - 11: ADOPTION OF ORDINANCE NO. 631 – ESTABLISHING STOP SIGNS ON EAST AVENUE**

WHEREAS, on the 26<sup>th</sup> day of November, 2013 a public hearing on Ordinance No. 631 was adopts on first reading (title only) the following Ordinance:

**ORDINANCE NO. 632**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR AMENDMENT OF THE  
MUNICIPAL CODE, CHAPTER VII OF THE REVISED GENERAL ORDINANCE**

ORDINANCE NO. 631

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

WHEREAS, the Police Department and the Office of Emergency Management have recommended the installation of stop signs at the intersections of Stephens Place and Williams Place with East Avenue; and

WHEREAS, the interest of public safety will be advanced by such action.

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

1. Section 7-26 – Stop Intersections is hereby amended by addition of the following:

| <u>Intersection</u>            | <u>Stop Sign on</u> |
|--------------------------------|---------------------|
| East Avenue and Stephens Place | East Avenue         |
| East Avenue and Williams Place | East Avenue         |

2. All other portions or provisions of Chapter VII, not specifically amended shall remain in full force and effect.
3. This Ordinance shall be in full force and effect from and after final adoption according to law.

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 Strohm and was approved unanimously by voice vote.

RESOLUTION NO. 11/26/2013 – 12: APPROVAL OF AWARD OF CONTRACT FOR REMOVAL OF TREES  
IN WALKWAY NO. 4 RIGHT-OF-WAY

WHEREAS, the Municipal Engineer solicited quotations for the Removal of Trees in the Walkway No. 4 Right-of-Way, Contract No. 2013-5; and

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

WHEREAS, the Police Department and the Office of Emergency Management have recommended the installation of stop signs at the intersections of Stephens Place and Williams Place with East Avenue; and

WHEREAS, the interest of public safety will be advanced by such action.

| Contractor  | Amount of Quotation |
|---|---------------------|
| <i>Base Bid – Removal and Stump Grinding of One (1) Dead Tree</i>           |                     |
| <i>Falkinburg's Tree Expert Co., LLC</i>                                    | <i>\$150.00</i>     |
| <i>Clintar</i>  | <i>\$700.00</i>     |
| <i>Alternate Bid Item A – Removal and Stump Grinding of Seven (7) Trees</i> |                     |
| <i>Falkinburg's Tree Expert co., LLC</i>                                    | <i>\$1,400.00</i>   |
| <i>Clintar</i>  | <i>\$6,300.00</i>   |

WHEREAS, the bid submissions have now been reviewed by the Borough Engineer and Borough Attorney, now therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of \$1,400.00 (Alternate Bid Item A) for the tree removal work to Falkinburg's Tree Expert Co., LLC, Brick, New Jersey.

**RESOLUTION NO. 11/26/2013 – 13: REFUND ESCROW BALANCE TO RICHARD AND GAIL KENDER**

WHEREAS, the Borough of Mantoloking Joint Land Use Board received a Variance Application submitted by Richard And Gail Kender on April 30, 2013; and

WHEREAS, Richard and Gail Kender submitted a check in the amount of \$1,500.00 as required escrow for Variance Application; and

WHEREAS, the Borough of Mantoloking Joint Land Use Board has reviewed and approved such Variance Application submitted by Richard and Gail Kender on May 15, 2013; and

WHEREAS, Richard and Gail Kender have a balance of \$55.00 in said escrow account after professional invoices have been submitted for billing; and

WHEREAS, the Joint Land Use Board agrees to refund such balance of \$55.00 to Richard and Gail Kender; and

NOW THEREFORE BE IT RESOLVED, on the 26<sup>th</sup> day of November, 2013 the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey authorizes the Chief Financial Officer to refund \$55.00 to Richard and Gail Kender from escrow account number T-13-56-852-001-878.

|   |                   |
|---|-------------------|
| <i>Falkinburg's Tree Expert Co., LLC</i>                                    | <i>\$150.00</i>   |
| <i>Clintar</i>  | <i>\$700.00</i>   |
| <i>Alternate Bid Item A – Removal and Stump Grinding of Seven (7) Trees</i> |                   |
| <i>Falkinburg's Tree Expert co., LLC</i>                                    | <i>\$1,400.00</i> |
| <i>Clintar</i>  | <i>\$6,300.00</i> |

WHEREAS, the Contractor has submitted Payment Application No. 10, in the sum of \$8,673.00; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated November 18, 2013, (Exhibit A, attached) recommended Payment Application No. 10 be paid.

IT IS NOW, THEREFORE, this 26<sup>th</sup> day of November, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 10 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

**RESOLUTION NO. 11/26/2013 – 15: PROVIDING FOR APPROVAL OF SETTLEMENT OF LITIGATION BETWEEN D & J MAZZA DEMOLITION, INC. AND THE BOROUGH**

WHEREAS, D & J Mazza Demolition, Inc. initiated litigation concerning the Borough's rejection of the Mazza request to withdraw its low bid on the Private Property Demolition and Removal Project; and

WHEREAS, the Borough asserted a Counterclaim seeking damages from Mazza for loss of the low bid price; and

WHEREAS, neither party has admitted liability to the other; and

WHEREAS, the Borough Attorney has advised that the prospects for ultimate success do not warrant the continued expense of litigation and that settlement would be advantageous.

IT IS NOW, THEREFORE, this 26<sup>th</sup> day of November, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The litigation shall be settled by mutual Stipulations of Dismissal, with prejudice, and General Releases;
2. The bid surety provided by Mazza shall be returned or released;
3. The Mayor and Borough Attorney are authorized to execute and deliver such documents as are necessary to implement this Resolution.

**RESOLUTION NO. 11/26/2013 – 16: 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>Salvatore Farruggia</i> | <i>Acting Plumbing<br/>Subcode Official</i> | <i>December 1, 2013 –<br/>December 31, 2013</i> | <i>\$35.00/Hour</i> |

November 18, 2013, (Exhibit A, attached) recommended Payment Application No. 10 be paid.

IT IS NOW, THEREFORE, this 26<sup>th</sup> day of November, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 10 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 11/26/2013 – 17: INTRODUCTION OF ORDINANCE NO. 633 – AMENDMENT TO LAND USE ORDINANCE

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinance:

ORDINANCE NO.: 633

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX OF THE  
REVISED GENERAL ORDINANCES LAND USE REGULATIONS

and be it

FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough' s Website, [www.mantoloking.org](http://www.mantoloking.org), and provided to anyone free of charge during regular business hours, M-F 8:30am – 4:30pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council' s direction to the contrary upon introduction.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

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

B. Action Items:

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

RESOLUTION NO. 11/26/2013 – 18: PROVIDING FOR APPROVAL AND EXECUTION OF STATE AID AGREEMENT FOR CONSTRUCTION OF SHEET STEEL REVETMENT

WHEREAS, the present post-Sandy condition of the beach and dune system within the Borough will not provide comprehensive protection from storm flooding and wave action upon the occasion of a significant storm event; and

WHEREAS, the currently ongoing reconstruction of N. J. Route 35 and associated Infrastructure may be

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.: 633

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX OF THE  
REVISED GENERAL ORDINANCES LAND USE REGULATIONS

WHEREAS, the New Jersey Department of Environmental Protection and the New Jersey Department of Transportation have successfully petitioned for Federal funding assistance for the steel revetment project; and

WHEREAS, the State of New Jersey (DEP) will provide substantial funding under and subject to the terms of the State Aid Agreement; and

WHEREAS, the terms and conditions negotiated will impose negligible cost upon the Borough, with Federal and State resources, being applied to full payment of all project construction and engineering costs; and

WHEREAS, counsel has approved the form of proposed Contract.

IT IS NOW, THEREFORE, this 26th day of November, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All the prefatory recitals are incorporated as substantive components of this Resolution.
2. The attached State Aid Agreement entitled:

STATE AID AGREEMENT

BETWEEN

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

AND

THE BOROUGH OF MANTOLOKING

PROJECT NO.: 4256-14

ROUTE 35 SHEETING PROJECT

BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,

shall be and is hereby approved.

3. The Mayor and Clerk are requested and authorized to execute the Agreement in several counterparts.

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN (Absent)

- A. Councilman Brown – No reports submitted.
- B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN DONALD NESS (Absent)

of the State Aid Agreement; and

WHEREAS, the terms and conditions negotiated will impose negligible cost upon the Borough, with Federal and State resources, being applied to full payment of all project construction and engineering costs; and

WHEREAS, counsel has approved the form of proposed Contract.

IT IS NOW, THEREFORE, this 26th day of November, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

## 8. MAYOR AND COUNCIL COMMENTS

Mayor congratulated Borough Engineer Larry Plevler who was named Engineer of the year. Route 35 will be closed starting December 3rd from Downer Ave. to Carpenter Lane, one lane will be opened.

The tree lighting will be December 8<sup>th</sup> at 4:30 at the Mantoloking Yacht Club.

Councilwoman Nelson report on Borough Hall replacement.

## 9. PUBLIC COMMENTS PERIOD

Special Consultant Chris Nelson made Presentation No. 18 update on what is happening in the Borough. Audience comments and questions were made.

## 10. NEXT MEETING –

Council Workshop Meeting, Wednesday, December 11, 2013 at 8:30 a.m. at the Mantoloking Borough Offices, 340 Drum Point Rd., Brick, NJ

Regular Council Meeting, Tuesday, December 17, 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 moved by Councilwoman Nelson to adjourn. The motion was seconded by Councilman McIntyre and approved by unanimous voice vote at 5:02 p.m.

Respectfully Submitted,



Irene H. Ryan, R.M.C.

route 35 will be closed starting December 3rd from Downer Ave. to Carpenter Lane, one lane will be opened.

The tree lighting will be December 8<sup>th</sup> at 4:30 at the Mantoloking Yacht Club.

Councilwoman Nelson report on Borough Hall replacement.

## 9. PUBLIC COMMENTS PERIOD