

DRAFT #1 (01/31/2014)

THE BOROUGH OF MANTOLOKING MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING

September 17, 2013

**4:00 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.

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:00 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, Councilman Ness, Councilwoman Nelson, Councilman McIntyre, Councilman Brown

Absent: None

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Dune Consultant Robert Mainberger

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

RESOLUTION NO. 09/17/2013 - 01: 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 pending contract negotiation and/or matters of attorney-client privilege

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

RESOLUTION NO. 09/17/2013 - 02: RECONVENE INTO OPEN SESSION

Councilman Gillingham moved to return to Open Session. The motion was seconded by Councilman Ness

and approved by unanimous voice vote at 4:31 p.m.

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.
One comment was made about janitorial services.

6. 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:** Presentation on the Financial Recovery after Storm Sandy.

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

RESOLUTION NO. 09/17/2013 - 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER July 31, 2013

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

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

<u>ACCOUNT</u>	<u>ORIGINAL</u> <u>L</u> <u>2012</u>	<u>2013</u> <u>BUDGET</u>	<u>EXPENDED</u> <u>YEAR TO DATE</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2013 Current Yr. Appropriation		\$5,671,304.96	\$2,066,054.92	\$ 58,316.62	\$3,546,933.42

2012 Appropriation Reserves	\$4,034,728.78	\$ 440,086.77	\$ 76,060.66	\$ 1,184.75	\$ 362,841.36
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Sub-Total 5 Yr. Sandy Emer.		\$6,454,059.22	\$3,338,932.09	\$2,906,979.12	\$ 208,148.01
Total 2012 Approp Reserve		\$6,894,145.99	\$3,414,992.75	\$2,908,163.87	\$ 570,989.37
CAPITAL		\$ 734,242.74	\$ 16,661.03	\$ 0.00	\$ 717,581.71
CASH RECEIPTS		<u>REVENUE</u> <u>THIS MONTH</u>	<u>REVENUE</u> <u>YEAR TO DATE</u>		
		\$7,784,249.30	\$14,741,985.36		

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. 09/17/2013 – 04 : PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$1,496,775.97 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. 09/17/2013 – 05 : REQUESTING THE REFUND OF INTEREST ON TAXES

WHEREAS, the Borough of Mantoloking in October of 2012 issued Added and Omitted Tax bills

WHEREAS, one of the Added and Omitted tax bills went to the property known as 917 Lagoon Lane. That bill, because of Hurricane Sandy and the problems with the mail and the post office, was never received

WHEREAS, the homeowners have requested that the Mayor and Council of the Borough of Mantoloking suspend the interest attributable to this property with regard to the added and omitted tax bill

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be authorized to credit the following to the current open property taxes regarding Block 16, Lot 8

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>REFUND NAME</u>	<u>AMOUNT</u>
BLK 16 LT 8	917 Lagoon Lane	Shore House LLC	\$92.55

RESOLUTION NO. 09/17/2013 – 06 : REQUESTING THE REFUND OF TAX OVERPAYMENTS

WHEREAS, as a result of a town-wide re-assessment due to the destructive nature of Hurricane Sandy an overpayment has occurred on tax accounts for the Borough of Mantoloking, and

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

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

BLOCK/

LOT	PROPERTY ADDRESS	REFUND NAME	AMOUNT
BLK 22			
LT 40	1096 Barnegat Lane	Henry & Mary Suzanne Stadelmann	\$659.51
BLK 5			
LT 8	1017 East Avenue	Jay & Daniel Allen	\$4,851.89
BLK 29			
LT 1	1200 Bay Avenue	John & Patricia Hughes	\$3,235.31

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 Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 09/17/2013 – 07 : 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:

Name	Position	Effective Date	Salary
<i>Paul Scott Hulse</i>	<i>Class I Special Officer</i>	<i>09/17/13 - 12/31/13</i>	<i>\$9.00/hour</i>
<i>Steve Moore</i>	<i>Class II Special Officer</i>	<i>09/17/13 - 12/31/13</i>	<i>\$13.00/hour</i>
<i>Megan Wright</i>	<i>Clerical Assistant</i>	<i>09/01/13 – 12/31/13</i>	<i>\$8.50/hour</i>

RESOLUTION NO. 09/17/2013 – 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

WHEREAS, it is the desire of the Mayor and Council to transfer ownership of these items to the persons named below in consideration of the receipt of \$290.00 for each item.

IT IS NOW, THEREFORE, this 17th day of September, 2013, **RESOLVED** by the Mayor and Council of the 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.

Buyer's Name	Description	Serial No.
Mark a. Wright	Sig Sauer P220 Stainless Cal. 45	G407072
John A. Barcus	Sig Sauer P220 Stainless Cal. 45	G330845
Eugene Saccone	Sig Sauer P220 Stainless Cal. 45	G303956
Eugene Saccone	Sig Sauer P220 Stainless Cal. 45	G407069

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.

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 628

- Bond Ordinance for Structural Repairs and Purchase of Equipment

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

RESOLUTION NO. 09/17/2013 – 09 : ADOPTION OF BOND ORDINANCE NO. 628 – BOND ORDINANCE FOR STRUCTURAL REPAIRS AND PURCHASE OF EQUIPMENT

WHEREAS, on the 17th day of September, 2013 a public hearing on Ordinance No. 628 was held and no comment 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.: 628

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
STRUCTURAL REPAIRS OF THE MANTOLOKING FIRE HOUSE AND
PURCHASE OF EQUIPMENT FOR THE OPERATIONS OF THE MANTOLOKING
FIRE HOUSE, POLICE DEPARTMENT, PUBLIC WORKS DEPARTMENT
AND THE TEMPORARY BOROUGH OFFICES AT A COST OF \$125,000.00,**

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

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

SECTION 1: The improvements/purchase described in Section 3 of this Bond Ordinance are hereby authorized by the Borough of Mantoloking, County of Ocean and State of New Jersey. For the said purpose stated in said Section 3, there is hereby appropriated the sum of \$125,000.00, said sum being inclusive of all appropriations heretofore made for this purpose. There is also appropriated from the capital improvement fund of the Borough of Mantoloking the sum of \$6,300.00 as a down payment for the contemplated improvements/purchase.

SECTION 2: For the financing of said purpose and to meet the said \$125,000.00 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$118,700.00 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements/purchase, the negotiable notes of the Borough in a principal amount not exceeding \$118,700.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law.

SECTION 3: (a) The purpose for which said obligations are to be issued is for structural repairs of the Mantoloking Fire House and purchase of equipment for the operations of the Mantoloking Fire House, Police Department, Public Works Department and the Temporary Borough Offices.

(b) The estimated amount of bonds or notes to be issued for said purpose is \$118,700.00.

(c) The estimated cost to the Borough of said project is \$125,000.00.

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

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

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

(c) The supplemental debt statement required by said Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the Office

of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough, as defined in said Law, is increased by the authorization of the bonds and notes provided in this Bond Ordinance by \$118,700.00, and the issuance of said obligations authorized by this Bond Ordinance will be within the debt limitations prescribed by Law.

(d) An aggregate amount not exceeding \$12,000.00 for interest on said obligations, cost of issuing said obligations and other items of expense listed in and permitted under Section 40A:2-20 of said Law may be included as part of the cost of said improvements/purchase, and is included in the foregoing estimate thereof.

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

SECTION 5: All funds received from any sources by way of grant, gift or otherwise for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements/purchase or to payment of the obligations (Bonds and Notes) issued pursuant to this Ordinance.

The amount of debt obligations authorized herein shall be directly reduced to the extent that the funds described herein are actually received.

SECTION 6: The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal and interest on the obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited

obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

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

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON

A. Reports of the Public Works: Councilwoman Nelson will present reports from the Public Works Superintendent, Construction Official and Land Use Officer.

B. Action Items:

Councilwoman Nelson moved the following 8 resolutions. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

RESOLUTION NO. 09/17/2013 – 10 : 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>Paul Scott Hulse</i>	<i>Janitorial Services</i>	<i>08/16/13 – 12/31/13</i>	<i>\$43.82/hour</i>

RESOLUTION NO. 09/17/2013 – 11 : ACCEPTANCE OF RESIGNATION, CHARLES WEST

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accepts the following resignation:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>
<i>Charles West</i>	<i>PT Plumbing Subcode Inspector</i>	<i>September 12, 2013</i>

RESOLUTION NO. 09/17/2013 – 12 : PAYMENT ESTIMATE NO. 5 – RESIDENTIAL DEMOLITION AND DEBRIS REMOVAL PROJECT

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

WHEREAS, the Contractor has submitted Payment Application No. 5 in the sum of \$173,801.07; and

WHEREAS, it is deemed to be in the public interest to accept Payment Application No. 5; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter

dated September 11, 2013, (Exhibit A, attached) recommended Payment Application No. 5 be paid.

IT IS NOW, THEREFORE, this 17th day of September, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 5 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 09/17/2013 – 13 : CONSIDER CHANGE ORDER REQUEST FOR THE EMERGENCY TEMPORARY BYPASS PUMPING SYSTEM, CONTRACT NO. 2013-1, CHANGE ORDER NO. 2

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-1) to provide an Emergency Bypass Pumping System; and

WHEREAS, due to the need for extending the Contract time period an additional six (6) months, Municipal Maintenance Company has submitted Change Order No. 2.

WHEREAS, it is deemed to be in the public interest to accept Change Order No. 2; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated September 11, 2013, (Exhibit "B", attached) recommended the execution of Change Order No. 2 which added \$5,782.00 to the total cost of the project which is now \$135,400.00.

IT IS NOW, THEREFORE, this 17th day of September, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 2, is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 09/17/2013 – 14 : PROVIDING FOR PAYMENT ESTIMATE NO. 8 – 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. 8, in the sum of \$5,782.00; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated September 11, 2013, (Exhibit B, attached) recommended Payment Application No. 8 be paid.

IT IS NOW, THEREFORE, this 17th day of September, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 8 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 09/17/2013 – 15: REQUESTING REFUND OF ESCROW FEES

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following escrow account which has been completed,

WHEREAS, the Borough Engineer has been consulted and concurs that the following account is completed; and

WHEREAS, the balance left on the account is due back to the escrow applicant

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 escrow balance:

<u>Escrow Applicant</u>	<u>Amount</u>
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New Jersey Natural Gas Company \$176.12

RESOLUTION NO. 09/17/2013 – 16 : AWARD OF CONTRACT FOR FIRE HOUSE ROOF REPAIRS

WHEREAS, the Fire Chief, Laurence Gilman solicited quotations for the repair of the fire house roof in the Borough of Mantoloking; and

WHEREAS, the quotations were received on September 10, 2013 with the following results:

Bidder	Amount of Bid	Bid Bond	Surety Guarantee	Non-Collusion	Owner Disclosure	Site Visitation	Affirmative	Subcontractor	N.J. Bus. Reg.
Schuler Roofing & Siding, Inc.	\$6,600.00	N/A	N/A	N/A	N/A	N/A		N/A	X
Harris Construction Co.	\$8,600.00	N/A	N/A	N/A	N/A	N/A		N/A	
Kowalski Roofing	\$16,450.00	N/A	N/A	N/A	N/A	N/A		N/A	

And

WHEREAS, the quotations have been reviewed by the Purchasing Agent 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 \$6,600.00 for the furnishing of repairs to fire house roof to Schuler Roofing & Siding, Inc., Point Pleasant, New Jersey

RESOLUTION NO. 09/17/2013 – 17 : INTRODUCTION OF ORDINANCE NO. 629 – AMENDMENT TO THE 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. 629

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

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.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

- A. Councilman Strohm stated that no reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program were submitted.
- B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN

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

MANTOLOKING COMMITTEE, COUNCILMAN DONALD NESS

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

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel stated that the Tax Assessor will provide a letter to property owners with the assessment value decrease as a result of storm damage.

9. PUBLIC COMMENTS PERIOD

None

Presentation # 17 by Special Consultant Christopher Nelson at 4:51 p.m.

10. NEXT MEETING –

Regular Council Meeting, Tuesday, October 22, 2013 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

12. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Strohm and was approved by unanimous voice vote at 5:51 p.m.

Respectfully Submitted,

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