

DRAFT #2 (07/16/2012)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
JUNE 18, 2012

The regular monthly meeting of the Mayor and Council will be held this day in the meeting room of Borough Hall with the following actions:

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.
- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel read the following statement:
In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.
- 3. ROLL CALL**
Present: Mayor George C. Nebel, Council President Steve Gillingham, Councilmen Donald S. Ness, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson
Absent: Councilman James J. Brown

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Chief Financial Officer Michelle Swisher, Police Chief Mark Wright and Emergency Management Coordinator Robert S. McIntyre
- 4. PLEDGE OF ALLEGIANCE:** The Mayor led the assembly in the Pledge of Allegiance.
- 5. PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda. No comments were made.
- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 06/18/2012 - 01: APPROVAL OF MINUTES
Councilman Strohm moved that the minutes of the Regular Meeting of May 21, 2012 and Executive Session of May 21, 2012 be approved as distributed. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.
- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

- A. Councilman Witkowski introduced the Municipal Finance Officer Michelle Swisher who presented the monthly finance report.
- B. **Action Items:**

Councilman Witkowski moved the following seven (7) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 06/18/2012 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER April 30, 2012

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

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2012 Current Year Appropriation	\$4,034,728.78	\$ 1,731,531.76	\$ 92,693.42	\$2,210,503.60
2011 Appropriation Reserves	\$ 447,532.84	\$ 153,32.93	\$ 87.76	\$ 293,812.15
Capital	\$1,295,592.49	\$ 7,957.69		\$1,287,634.80

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 801,006.91	\$3,065,810.59

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. 06/18/2012 – 03: PAYMENT OF BILLS FOR THE MONTH OF JUNE 2012

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$472,235.79** 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. 06/18/2012 – 04: REQUESTING THE REFUND OF SEWER USE OVERPAYMENTS – BLOCK 24, LOT 43; BLOCK 24, LOT 14; BLOCK 6, LOT 3

WHEREAS, an overpayment has occurred on sewer 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/

<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>REFUND NAME</u>	<u>AMOUNT</u>
BLK 24 LT 43	1103 BARNEGAT LANE	JAMES & BARBARA TURRO	\$296.74
BLK 24 LT 14	1043 BARNEGAT LANE	NANCY DOUGHERTY	\$305.42
BLK 6			

LT 3 1004 EAST AVENUE SCOTT& ELIZABETH GILLIN \$305.42

RESOLUTION NO. 06/18/2012 – 05: REQUESTING THE REFUND OF TAX OVERPAYMENTS – BLOCK 27, LOT 23

WHEREAS, 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/

<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>REFUND NAME</u>	<u>AMOUNT</u>
BLK 27			
LT 23	1208 OCEAN AVENUE	HORACE & MARY MARUCCI	\$1,907.12
Mailing Address:	28 Zircon Way		
	Woodland Park, NJ 07424		

RESOLUTION NO. 06/18/2012 – 06: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO A TAX APPEAL OF BLOCK 23, LOT 15.01

WHEREAS, a State Tax Court Judgment has been favorably awarded to Joan & Cornelius Calandriello, Block 23, Lot 15.01, for the fiscal year 2011; and,

WHEREAS, such judgment has resulted in an overpayment of 2011 property taxes in the amount of \$2,043.35,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$2,043.35 for said overpayment to Joan & Cornelius Calandriello, c/o McKirdy & Riskin, PA, 136 South Street, PO Box 2379, Morristown, NJ 07962-2379, for the property known as 1049 ½ Ocean Ave, Mantoloking, NJ 08738.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

RESOLUTION NO. 06/18/2012 – 07: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO A TAX APPEAL ON BLOCK 22, LOT 2

WHEREAS, a State Tax Court Judgment has been favorably awarded to Seas the Day LLC, Block 22, Lot 2, for the fiscal year 2011; and,

WHEREAS, such judgment has resulted in an overpayment of 2011 property taxes in the amount of \$1,263.96,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$1,263.96 for said overpayment to Seas the Day LLC, c/o John R. Lloyd, Esq., Nowell Amoroso Klein Bierman, PA, 155 Polifly Road, Hackensack, NJ 07601, for the property known as 1020 Barnegat Lane, Mantoloking, NJ 08738.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

RESOLUTION NO. 06/18/2012 – 08: TO CANCEL CAPITAL ORDINANCE BALANCES OF COMPLETED PROJECTS

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

ORD NO.	DATE AUTH	PROJECT	AMOUNT CANCELLED	
			FUNDED	UNFUNDED
			CAP SURPLUS	Def Charge
389	04/20/1998	Cathodic protection	\$36,997.21	
445/				
464	05/20/2002	Sewer pump upgrade	4,688.67	
475	04/19/2004	Runyon drainage	27,037.25	
476	04/19/2004	Downer bulkhead	29,683.95	
489	02/15/2005	Police equipment	963.95	
492	04/18/2005	Surge Supression system	7,088.65	
511	02/21/2006	Resurface Runyon Ln	52,305.23	
513	02/21/2006	GPS/GIS	615.30	
515	02/21/2006	Walkway #1	4,187.71	
533	03/19/2007	Roadway improvements	100,247.57	
536	03/19/2007	Arnold bulkhead	3,708.63	
539	03/19/2007	GPS/GIS	8,343.58	
547	02/19/2008	Sewer wet well	25,026.64	
548	04/21/2008	East Ave road improve	30,900.20	
549	04/21/2008	Arnold Ave reventment	2,026.60	
550	04/21/2008	Back Bay bulkhead	9,213.84	
553	04/21/2008	Raise generator	28,124.07	
555	04/21/2008	Surge Supression system	24,235.62	
565	04/20/2009	Bergen/Channel	7,260.47	
567	04/20/2009	Air conditioning/court	3,655.00	
568	04/20/2009	Walkway #3	1,542.61	
570	04/20/2009	Fire escape	190.00	
571	05/18/2009	Bay Ave remediation		288.60
572	04/20/2009	Police computer		118.88
580	03/22/2010	Police Suv		1,690.00
TOTAL			\$408,042.75	\$ 2,097.48

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

- A. Reports of the Public Safety Committee:** Councilman Gillingham will present the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.
- B. Action Items:** None

PUBLIC WORKS COMMITTEE, COUNCILWOMAN 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 two (2) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 06/18/2012 – 09: AUTHORIZE SALE OF MUNICIPAL PERSONAL PROPERTY

WHEREAS, the Borough of Mantoloking has determined that certain personal property, to wit:

- (A) 2000 Ford 150 Pickup Truck, VIN: 1FTZF1721YNB20021; and
- (B) 1987 Fiat Allis T-7 Tractor, SERIAL NO. 0052285, MODEL NO. 140

are surplus property; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder.

IT IS NOW, THEREFORE, this 18th day of June, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The equipment:

- (A) 2000 Ford 150 Pickup Truck, VIN: 1FTZF1721YNB20021; and
- (B) 1987 Fiat Allis T-7 Tractor, SERIAL NO. 0052285, MODEL NO. 140

are hereby declared to be surplus, no longer needed for public purposes; and

2. The Borough Clerk is hereby authorized and directed to advertise a public sale of said property by sealed bid in accordance with the applicable law.

3. The Borough reserves the right to reject any and all bids if it determines that to do so will be in the public interest.

RESOLUTION NO. 06/18/2012 – 10: AUTHORIZE PARTIAL PAYMENT FOR LAGOON LANE IMPROVEMENTS (CONTRACT NO. 2011-1) – PAYMENT NO. 1

WHEREAS, the Borough has entered into a Contract with Black Rock Enterprises, LLC (Contract 2011-1) to complete roadway improvements: and

WHEREAS, the Contractor's Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Lawrence Plevier, P.E. in the sum of \$114,868.15, by letter dated June 11, 2012; and

WHEREAS, funds have heretofore been appropriated by Ordinance No. 581.

IT IS NOW, THEREFORE, this 18th day of June, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 to Black Rock Enterprises, LLC. is hereby approved in the sum of \$114,868.15 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

PUBLIC HEARING Mayor Nebel opened the meeting to the public for a hearing on Ordinance No. 613 – REVISE CONSTRUCTION PERMIT FEES

Councilwoman Nelson moved the following resolution.

RESOLUTION NO. 06/18/2012 – 11: ADOPTION OF ORDINANCE NO. 613 – REVISE CONSTRUCTION PERMIT FEES

WHEREAS, on the 18th day of June, 2012 a public hearing on Ordinance No. 613 was held and no comments were made by the public, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

ORDINANCE NO. 613

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 13, SUBCHAPTER 13-3.1, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007

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

1. Chapter 13, Building and Housing, Sub-Chapter 13-3.1, Building Subcode Fees, is amended by the deletion of sub-article b.
2. Chapter 13, Building and Housing, Sub-Chapter 13-3.1, Building Subcode Fees, sub-article b is amended as follows:
 - b. Fees for renovations, alterations, repairs, and site construction or associated with premanufactured construction shall be based upon the estimated cost of the work. For \$1.00 to \$50,000.00 the fee shall be \$20.00, per \$1,000.00 with a minimum fee of \$45.00; for \$50,001.00 to \$100,000.00, the fee shall be in the amount of \$14.00, per \$1,000.00; and for cost over \$100,001.00, the fee shall be in the amount of \$12.00, per \$1,000.00.
3. All provisions of Chapter 13 which are not specifically amended by this Ordinance shall remain in full force and effect.
4. This Ordinance shall become effective upon final adoption.

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

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

- A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program
- B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN (Absent)

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN NESS

- A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.
- B. Action Items:

Councilman Ness moved the following two (2) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 06/18/2012 – 12: SUBMISSION OF ANNUAL RECYCLING REPORT, ANNUAL TONNAGE REPORT AND APPLICATION FOR 2011 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

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing 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 2011 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 John Keynton, 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. 06/18/2012 – 13: CONFIRMING APPOINTMENT OF MANTOLOKING COMMITTEE - SOLID WASTE & RECYCLING SUBCOMMITTEE MEMBER

WHEREAS, the Mayor desires to appoint an additional member of the Solid Waste and Recycling Subcommittee; and

WHEREAS, such Officer shall be appointed by the Mayor with the consent of Council; and

WHEREAS, the Mayor has recommended Andrew J. Naporano to serve as a member; and

WHEREAS, it is the desire of Council to accept the nomination and to confirm the appointment.

IT IS NOW, THEREFORE, this 18th day of June, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Andrew J. Naporano, is hereby appointed as a member of the Solid Waste and Recycling Subcommittee in the Borough of Mantoloking.

8. MAYOR AND COUNCIL COMMENTS

Councilman Witkowski commented on the success of the June 18, 2012 Garden Tour conducted by the Bay Head and Mantoloking Seaweeders Garden Club.

9. PUBLIC COMMENTS PERIOD

Four commentators spoke about the highway pedestrian crosswalks, borough badge checkers, the beach bulldozing project and communication with JCP&L during weather emergencies.

10. EXECUTIVE SESSION

Councilman Strohm moved the following resolution.

RESOLUTION NO. 06/18/2012 – 14: 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 specific prospective or current employees unless all who could be adversely affected request an open session.

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

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote at 5:05 p.m.

11. OPEN SESSION AS NECESSARY

The Mayor and Council returned to open session at 6:00 p.m. No further action was taken in open session.

12. NEXT MEETING Regular Meeting, Monday, July 16, 2012 @ 4:30 p.m.

13. ADJOURNMENT

There being no further action for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Strohm and unanimously approved by voice vote at 6:01 p.m.

Respectfully submitted,

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