

DRAFT #1 04/23/2014

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

MINUTES – REGULAR BUSINESS MEETING

APRIL 22, 2014

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 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. 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, James J. Brown, Robert S. McIntyre, Chris Nelson, Councilwoman Ann Elizabeth Nelson

Absent: None

Also Present: Deputy Borough Clerk Lynne Hazelet, Borough Attorney Edwin J. O'Malley, Jr., Flood Plain Manager Robert Mainberger

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.
5. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel opened the meeting for public comment and questions about the agenda.
No comments.

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

6. **RESOLUTION NO. 04/22/2014 – 01: MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed:

Special Meeting of December 10, 2013

Regular Meeting December 17, 2013

Workshop Meeting January 2, 2014

Business Organization Meeting January 7, 2014

Regular Meeting January 7, 2014

Workshop Meeting of February 5, 2014

Regular Meeting of February 11, 2014

Workshop Meeting March 12, 2014
Regular Meeting of March 18, 2014
Special Meeting of April 7, 2014
Workshop Meeting of April 16, 2014

COMMITTEE REPORTS AND RECOMMENDATIONS

7. **FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved the following four Resolutions. The motion was seconded by Councilwoman B. Nelson and approved by unanimous voice vote.

RESOLUTION NO. 04/22/2014 - 02: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2014 municipal budget as of February 28, 2014; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2014 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2014 Temporary Budget		1,818,100.00	721,889.79	55,784.75	1,040,425.46
2013 Appropriation Reserve	5,671,304.96	405,798.24	71,994.35	55,845.40	277,958.49
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Subtotal Sandy Emergency		1,371,644.74	60,149.06	9,692.50	1,301,803.18
Capital		2,006,853.92	0.00	0.00	2,006,853.92

RESOLUTION NO. 04/22/2014 - 03: PAYMENT OF BILLS FOR THE MONTH OF APRIL 2014

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$ 1,466,571.74 and recommended that they be paid, now, therefore, be it:

RESOLVED, the Mantoloking Borough Council Approve payment of the above referenced bills and directs that a copy attached to and made part of the minutes of this meeting.

RESOLUTION NO. 04/22/2014 - 04: REFUND OF FEES & OVERPAYMENTS

RESOLVED, the Borough Council authorizes the Chief Financial Officer to refund the following for the reason(s) indicated:

<u>TO</u>	<u>REASON</u>	<u>AMOUNT</u>
Louis & Luisa Angioletti	Overpayment of property taxes: Blk 13 Lt 7	\$1,320.80

PUBLIC HEARING: Mayor George C. Nebel opened the meeting for a public hearing on Ordinance No. 636, which had been introduced at the April business meeting and available for public review since that time. No one spoke to the proposed ordinance.

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

RESOLUTION NO. 04/22/2014 - 05: ADOPTION OF ORDINANCE NO. 636 – TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, on the 22nd day of April, 2014 a public hearing on Ordinance No. 636 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. 636

ORDINANCE TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap law, NJSA 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Mantoloking in the County of Ocean finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3% increase in the budget for said year, amounting to \$103,782.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as a cap exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Mantoloking, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 3.5%, amounting to \$121,079.00 and that the CY 2014 municipal budget for the Borough of Mantoloking be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

PUBLIC HEARING: Mayor George C. Nebel opened the meeting for a public hearing on the proposed 2014 municipal budget which had been introduced at the April business meeting and available for public review since that time. Two persons spoke to the proposed budget.

RESOLUTION NO. 04/22/2014 – 06: TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2014 was approved on March 18, 2014 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

Now, therefore be it resolved by the Borough of Mantoloking, County of Ocean that the following amendments to the approved budget of 2014 be made

Be it further resolved, that two certified copies of this resolution be filed forthwith to the office of the Director of Local Government Serviced for certification of the local municipal budget so amended.

	<u>FROM</u>	<u>TO</u>
8. General Appropriations		
(A) Operations - Within "CAPS"		
Insurance		
Employee Group Health	326,494.00	327,404.00
Total Operations (Items 8(A)) Within "CAPS"	3,243,390.00	3,244,300.00

Total Operations including Contingent - Within "CAPS"	3,244,290.00	3,245,200.00
Detail:		
Other Expenses	1,521,414.00	1,522,324.00
(H-1) Total General Appropriations for Municipal		
Purposes within "CAPS"	3,583,590.00	3,584,500.00
8. General Appropriations		
(A) Operations - Excluded from "CAPS"		
Employee Group Health Insurance (P.L. 2007, C.62)	7,506.00	6,596.00
Total Other Operations - Excluded from "CAPS"	445,506.00	444,596.00
Total Operations - Excluded from "CAPS"	873,496.23	872,586.23
Other Expenses	719,496.23	718,586.23
(H-2) Total General Appropriations for Municipal		
Purposes Excluded from "CAPS"	3,689,100.38	3,688,190.38
(O) Total General Appropriations for Municipal		
Purposes Excluded from "CAPS"	3,689,100.38	3,688,190.38

RESOLUTION NO. 04/22/2014 - 07: ADOPTION OF THE 2014 MUNICIPAL BUDGET

WHEREAS, on March 18, 2014 Mayor and Council approved summary statements of revenues and appropriations and determined that they constitute the municipal budget for the year 2014 and **WHEREAS**, on the 22nd day of April, 2014 a public hearing on the 2014 municipal budget was held and 3 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 budget for 2014.

Revenue and Appropriation Summaries

<u>Summary of Revenues</u>	<u>Anticipated Revenues</u>	
	<u>2014</u>	<u>2013</u>
1. Surplus	\$820,000.00	\$528,000.00
2. Total Miscellaneous Revenues	3,739,354.38	2,813,626.96
3. Receipts from Delinquent Taxes	35,000.00	70,000.00
4. Local Tax for Municipal Purposes	2,961,047.58	2,259,678.00
Total General Revenues	\$7,555,401.96	5,671,304.96

Summary of Appropriations	Appropriations	
	2014	2013
1. Operating Expenses: Salaries and Wages	\$1,876,876.00	\$1,629,920.00
Other Expenses	2,240,910.23	1,756,692.96
2. Deferred Charges and Statutory Expenditures	2,776,224.15	1,937,000.00
3. Capital Improvements	323,000.00	85,500.00
4. Debt Service	55,680.00	6,000.00
5. Reserve for Uncollected Taxes	282,711.58	256,192.00
Total General Appropriations	<u>\$7,555,401.96</u>	<u>\$5,671,304.96</u>
<u>Total Number of Employees (full and part-time)</u>	<u>33</u>	<u>59</u>

Balance of Outstanding General Debt Obligations

Interest	\$0.00
Principal	0.00
Outstanding Balance at December 31, 2013	0.00

RESOLUTION NO. 04/22/2014 – 08: ESTABLISHMENT OF EMPLOYEE SALARIES FOR 2014

WHEREAS, the Mayor has recommended annual salaries for borough employees for 2014, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following schedule of salaries for 2014:

2014 REGULAR EMPLOYEES

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Boettger, Elizabeth	Court Administrator	18,360.00
	Court Call Out Incidents (3HR. Minimum)	20.00/HR
DalCorso, Gary	Tax Assessor/Tax Appeal Agent	14,950.00
Dillon, Barbara Wooley-	Zoning & Land Use Official	25,500.00
Gilman, Laurence	Public Works Manager	61,973.85

	Janitor Services	44.69/HR
Hazelet, Lynne	Deputy Borough Clerk/Deputy Registrar/ Technical Assistant to Construction Off	40,430.21
	Planning Bd Recording Sec (3 HR Min)	25.00/HR
Heckman, William	Public Works Superintendent	78,370.58
Hulse, Paul Scott	Public Works Laborer	57,039.42
Konopada, Beverly	Police Dispatcher/Administrative Assistant 1/1/14-3/31/14	30,296.45
	Acting Municipal Clerk 4/1/13	
	Alt. Deputy Registrar 4/1/14-6/30/14	
	Registrar 7/1/14	500.00/month
Leuck, Priscilla	Administrative Assistant	36,308.41
Malvasio, Colleen	Administrative Assistant/TACO	38,760.00
	Planning Bd Recording Sec (3HR MIN)	25.00/HR
Popaca, Gregory	Police Officer 1/1/14-11/7/14	65,828.50
	11/8/14-12/31/14	72,276.98
Ryan, Irene	Municipal Clerk 1/1/14-6/30/14	
	Assessment Search Officer	
	Public Agency Compliance Officer	
	Insurance Commissioner	
	Qualified Purchasing Agent	
	Archives and Records Manager	
	Contract Administrator	95,953.26
	Registrar of Vital Statics	200.00
Skinner, Tim	Construction Official/Acting Building Sub-code Official 1/1/14-4/11/14	72,500.00
	Construction Official/Building Sub-Code Part-time 4/14/14	55.00/HR
Swisher, Michelle	Chief Financial Officer	80,566.00
	Tax Collector	12,414.63
Wills, Charles	Fire Official	3,504.62
Wright, Mark	Police Chief	130,960.50

2014 PART TIME/ SEASONAL EMPLOYEES

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
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Applegate, Douglas	Deputy Construction Official	28.00/HR
	Deputy Building Inspector	28.00/HR
	Deputy Building Sub-code Inspector	28.00/HR
Morris, Samuel	Magistrate	1,492.14/Court Session
Safeer, Stuart	Acting Electrical Code Official	35.00/HR
Smith, Pat	Administrative Assistant	25.00/HR
Torrance, Robert	Acting Fire Subcode Official	35.00/HR
Newton, Lisa	Deputy Court Administrator	15.00/HR
	Court Call-Outs (3hrs Min)	15.00/HR
	Court Violations Clerk	100.00/Court Session

8. PUBLIC SAFETY COMMITTEE, Councilman McIntyre presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following 2 Resolutions. The motion was seconded by Councilwoman B. Nelson and approved by unanimous voice vote.

RESOLUTION 04/22/2014 - 09: APPROVING PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2014

RESOLVED the Mantoloking Borough Council authorizes the Mayor and Clerk to:

1. Execute the following service and maintenance agreements,
2. Make copies of the contracts available for inspection at the Clerk’s office during regular business hours, and
3. Publish notice of this action as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24:

<u>Service</u>	<u>Contractor</u>	<u>Contract Amount</u>
<i>Public Defender</i>	<i>Margarie M. Herlihy, Esq.</i>	<i>\$250.00 per case \$100.00 Hr. for extra ordinary services</i>
<i>Police Physician</i>	<i>George Jarahian, Jr. M.D.</i> <i>General & Internal Medicine</i>	<i>\$327.00 Per examination</i>

RESOLUTION NO. 04/22/2014 - 10: PROVIDING FOR AN AMENDMENT TO POLICE

DEPARTMENT RULES AND REGULATIONS

**RESOLUTION OF THE MAYOR AND COUNCIL
AMENDING THE RULES AND REGULATIONS OF
THE POLICE DEPARTMENT OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY**

WHEREAS, the Borough Council is the “responsible authority” for oversight of the Police Department; and

WHEREAS, pursuant to the Revised General Ordinances, Article IV, Section 2-22.1h, the Mayor and Council may adopt and amend the Rules and Regulations of the Department.

IT IS NOW, THEREFORE, this 22nd day of April, 2014, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that:

1. The attached proposed Amendment of the Rules and Regulations of the Police Department is adopted, with immediate effect;
2. All provisions inconsistent with or at variance from these amendatory provisions are deleted.
3. The Rules and Regulations, as now amended, are hereby readopted.
4. A certified true copy of this Resolution shall be delivered to the Chief of Police.

additions

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BOROUGH OF MANTOLOKING
AMENDMENT TO POLICE MANUAL (RULES AND REGULATIONS)*
APRIL 22, 2014

Article 2.7 PERSONNEL REGULATIONS

2.7.1 Citizenship, Character and Education:

2.7.1.1 Except as otherwise provided by law, no person shall be appointed as a member of the Police Department and force unless the candidate:

- (a) No change
- (b) No change
- (c) Is able to read, write and speak the English language well and intelligently and is a graduate of an accredited high school and possesses a recognized equivalency certificate or holds not less than an Associate’s Degree from an accredited college or shall have served at least two (2) years as a full time regular police officer or shall have honorably served on full time active duty in the United States Military Service.
- (d) No change
- (e) No change
- (f) Demonstrates the ability to communicate his comprehension and awareness of evolving societal trends and attitudes together with his adaptability to adjust in such context.

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Article 2.7.2 SPECIFIC PERSONNEL REQUIREMENTS.

2.7.2.1 Patrolman.

(B) Effective as of May 1, 2015, all appointees to the position of full time regular police officer must be a graduate of an accredited high school and have not less than an Associate's Degree from an accredited college or shall have served at least two (2) years as a full time regular police officer in New Jersey, or shall have served at least two (2) years on active duty in the United States Military Services. Any appointments made prior to the operative date of

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*adopted July 20, 1998; revised January 22, 2002, December 15, 2003 – integrated and restated February, 2007.

this Amendment of this sub-article 2.7.2.1 (May 1, 2015) shall conform to the presently existing requirements concerning educational or service prerequisites. [This Amendment as to education requirements shall not be effective until May 1, 2015].

2.7.2.4 Chief

2.7.2.4(b) “. . . Should have served in the position of Sergeant, in the Department.

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Article 2:7-3. RANKING AND PROMOTION

2.7.3.2. Promotions The Borough Council may utilize such process and procedures as it may deem appropriate to facilitate the consideration and selection of a candidate for promotion. The process may include utilization of a written test, candidate interview, together with due consideration for the candidate's service record, disciplinary history, leadership and managerial skills appropriate to the position, recommendation of the Chief, if any, and length of service in the Department. The initial evaluation process shall be a function of the Public Safety Committee which shall report to the Borough Council. Council may accept or reject the recommendation. All promotions will require a one (1) year probationary period.

Article 3.3.3 Equipment:

3.3.3.1 Carrying Required Equipment When In Uniform:

- (k) Pager
- (k) Cellphone

3.3.3.2 Carrying Equipment in Civilian Clothes and On Duty:

- (h) Cellphone

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3.3.5 Personal Appearance:

3.3.5.1 Tattoos, brands, body piercing and other body art shall not be visible while a member is in any police uniform or other police business attire.

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9. PUBLIC WORKS COMMITTEE. Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moved the following 4 Resolutions. The motion was seconded by Councilman P. Strohm and approved by unanimous voice vote.

RESOLUTION NO. 04/22/2014 - 11: PAYMENT NO. 15 – 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. 15, in the sum of \$8,673.00; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No. 15 be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment of the claim.

RESOLUTION NO. 04/22/2014 -12: ACCEPTANCE OF RESIGNATION, Timothy J. Skinner

RESOLVED, the Mantoloking Borough Council accepts the following resignation(s):

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>
<i>Timothy J. Skinner</i>	<i>Construction Official and Building Subcode Official</i>	<i>April 11, 2014</i>

RESOLUTION NO. 04/22/2014 - 13: APPOINTMENT OF PERSONNEL

RESOLVED, Mantoloking Borough Council approves the following appointments with the terms and conditions indicated:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Salary</u>
<i>Ronald J Pizar</i>	<i>PT Fire Subcode Official</i>	<i>March 27, 2014</i>	<i>\$4,500.00 for up to 2 hours per week. Any-time worked over 2 hours up to 8 hours per week \$35.00/hour</i>
<i>Timothy J. Skinner</i>	<i>PT Construction Official/Building Sub-Code</i>	<i>April 12, 2014</i>	<i>\$55.00/per hour</i>

RESOLUTION NO. 4/22/2014-14: EXTENSION FOR LEASE ON TEMPORARY BOROUGH HALL

Two years subject to approval of Counsel to form

10. DUNE & BEACH RENOURISHMENT COMMITTEE, Councilman Strohm presented the Reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.
 No Action.

11. MUNICIPAL SERVICES COMMITTEE. Councilman Brown stated no report of the Municipal Services Committee.

12. MANTOLOKING COMMITTEE. Councilman Chris Nelson stated no report of the Mantoloking Committee.

13. MAYOR AND COUNCIL COMMENTS

Councilwoman Beth Nelson discussed the asbestos remediation going on now, by the middle of May the Town Hall will be taken down. The Deputy Zoning Officer is now working on Tuesdays and Thursdays and available by phone.

14. PUBLIC COMMENT PERIOD

Councilman Chris Nelson did an Update (true/false) Presentation on what we are hearing in the social media Comments and questions were made by several audience attendees.

15. NEXT MEETING

Council workshop Meeting, Wednesday May 14, 2014 a.m. at Borough Temporary Offices, 340 Drum Point Road, Brick, NJ

Regular Council Meeting, Tuesday May 20, 2014 @ 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

16. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilwoman Beth Nelson and approved by unanimous voice vote at 6:30 p.m.

Respectfully Submitted,

Lynne A. Hazelet
Deputy Borough Clerk