

**DRAFT #3 (02/17/2012)**

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

**AGENDA – REGULAR BUSINESS MEETING**  
**FEBRUARY 21, 2012**  
**4:30 P.M.**  
**BOROUGH HALL**

The regular monthly meeting of the Mayor and Council will be held this day in the meeting room of Borough Hall.

- 1. CALL TO ORDER:**                      **TIME:**
  
- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel will 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:**  
    **Absent:**  
  
    **Also Present:**
  
- 4. PLEDGE OF ALLEGIANCE:** The Mayor will lead the assembly in the Pledge of Allegiance.
  
- 5. PRIVILEGE OF THE FLOOR:** The Mayor will open the meeting for public comment and questions about the agenda.
  
- 6. MINUTES OF PREVIOUS MEETINGS:** Regular Meeting of January 17, 2012 (Final, complete copies attached.)
  
- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI - Absent**

A. Councilman Gillingham will introduce the Municipal Finance Officer Michelle Swisher who will present the monthly finance report.

**B. Action Items:**

Councilman Gillingham moves the following \_\_\_\_\_ resolutions.

**RESOLUTION: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

**December 31, 2011**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2011 municipal budget as of December 31, 2011; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2011 Current Year Appropriation	\$4,060,011.94	\$3,612,479.10	\$ 83,252.23	\$ 364,280.61
2010 Appropriation Reserves	\$ 376,253.59	\$ 143,195.72	\$ 175.00	\$ 232,882.87
Capital	\$1,650,518.26	\$ 354,925.77		\$1,295,592.49

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$191,481.40	\$9,567,242.35

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: PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2012**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,773,431.65** 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: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #1**

**WHEREAS**, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$1,096,600.00.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Mantoloking, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following

emergency temporary budget appropriations in the 2012 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

**BE IT FURTHER RESOLVED** that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&amp;W</u>	<u>OE</u>
Municipal Clerk	\$ 20,000.00	
Finance	12,000.00	\$2,000.00
Audit		10,000.00
Tax Collector	2,000.00	
Tax Assessor	3,000.00	500.00
Legal		25,000.00
Engineering		25,000.00
Planning	5,000.00	
Construction	8,000.00	2,000.00
Sub-Code Plumbing	1,000.00	
Sub-Code Fire	1,000.00	
Sub-Code Electrical	1,000.00	
Police	150,000.00	
Liability Insurance		
Municipal Prosecutor		
Public Defender		1,000.00
Workmen's Comp		10,000.00
Group Health Ins		40,000.00
Emergency Management		
Fire Official	1,000.00	
Road Repair	23,000.00	25,000.00
<u>DEPARTMENT</u>	<u>S&amp;W</u>	<u>OE</u>
Garbage		30,000.00
Buildings & Grounds		10,000.00
Sewer		10,000.00
Dog Account		500.00
Beach Guard		-3,000.00
Beach Maintenance		40,000.00
Electric		2,000.00
Telephone		4,000.00
Water		1,000.00
Fire Hydrant		5,000.00
Natural Gas		
Gasoline		7,000.00
Ocean County Utility Auth		40,000.00
Contingent		
PERS		52,100.00
Social Security		20,000.00
PFRS		155,000.00
Court	7,000.00	2,000.00
Note Principal		350,000.00
Note Interest		6,500.00

TOTAL		\$234,000.00	\$ 872,600.00
GRAND TOTAL	\$1,106,600.00		

**RESOLUTION: PROVIDING FOR AWARD OF CONTRACT FOR MUNICIPAL AUDITOR**

WHEREAS, the Borough Council solicited proposals from individuals and firms interested in serving as the municipal auditor for the 2012 fiscal year; and

WHEREAS, proposals and supporting documentation were received from the following:

Gerard Stankiewicz, CPA, RMA	\$23,000.00
Robert S. Oliwa, CPA, RMA	\$22,800.00
William E. Antonides, CPA, RMA	\$24,250.00; and

WHEREAS, a Committee appointed by the Mayor interviewed persons who made proposals, considered their proposals on the basis of quality of service offered, price, delivery and other applicable factors in the interest of the Borough, and has recommended the engagement of Robert S. Oliwa, CPA, RMA, as Municipal Auditor for 2012; and

WHEREAS, Robert S. Oliwa, CPA, RMA, has submitted all of the required documentation, including an executed Business Entity Disclosure Certification; and

WHEREAS, the Chief Financial Officer has provided a written certification that the value of the professional services contract exceeds \$17,500.00; and

WHEREAS, a Certificate of Availability of Funds issued by the Chief Financial Officer has been provided.

IT IS NOW, THEREFORE, this 21st day of February, 2012, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mayor is authorized to execute a Professional Services Contract with Robert S. Oliwa, CPA, RMA, as Borough Auditor for the 2012 fiscal year at a cost of \$22,800.00;
2. The Business Entity Disclosure Certification and the Determination of Value shall be placed on file with this Resolution.
3. Notice of this Professional Services Contract award, without competitive bidding, shall be published according to law.

**RESOLUTION: APPROVAL OF EMPLOYEE DENTAL PLAN POLICY ENDORSEMENT**

WHEREAS, on March 17, 2003 the Mayor and Council approved the Borough's participation in a dental health insurance plan with Monumental Life Insurance Company, formally known as Peoples Benefit Life Insurance Company, effective April 1, 2003, and

WHEREAS, the Borough employees have benefited from their participation in the plan partially, at their own cost, and

WHEREAS, the Monumental Life Insurance Company has notified the Borough of Mantoloking that the monthly premium rates have changed. The change is a rate increase in all categories as outlined, policy endorsement effective April 1, 2012:

\$58.14 for One Party
\$116.29 for Two Party
\$155.03 for Three Party

and therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the afore schedule of changes to the Monumental Life Insurance Company Master Policy No. GD3138 is hereby approved and, be it

FURTHER RESOLVED, that the Policy Endorsement be executed by the Mayor and made a part of the Master Policy.

**RESOLUTION: TO ADOPT A TEMPORARY CAPITAL BUDGET #1**

**WHEREAS**, the Borough of Mantoloking has not adopted its 2012 municipal budget and therefore has not adopted the 2012 Capital portion of that budget,

**WHEREAS**, the Borough of Mantoloking desires to constitute the 2012 Temporary Capital Budget of said municipality,

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Mantoloking approve as follows:

SECTION 1. The 2012 Temporary Capital Budget of the Borough of Mantoloking is hereby constituted by the adoption of a schedule to read as follows:

<u>PROJECT</u>	<u>EST COST</u>	<u>CAPITAL IMPROV FUND</u>	<u>DEBT AUTHORIZED</u>
Old Bridge/Bay Ave Road Project	\$ 90,000.00	\$5,000.00	\$85,000.00
<b>TOTAL</b>	<b>\$ 90,000.00</b>	<b>\$5,000.00</b>	<b>\$85,000.00</b>

Section 2. The Clerk be and is hereby authorized to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after adoption of these projects for 2012 Temporary Capital Budget, to be included in the 2012 Permanent Capital Budget as adopted.

**PUBLIC HEARING:** Mayor Nebel will open the meeting for a Public Hearing on Ordinance No. 606 – 2012 Budget Cap Bank. \_\_\_\_\_ comments were made.

**RESOLUTION: ADOPTION OF ORDINANCE NO. 606 – BUDGET CAP BANK**

**WHEREAS**, on the 21<sup>st</sup> day of February, 2012 a public hearing on Ordinance No. 606 was held and \_\_\_\_\_ 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. 606**

**ORDINANCE TO EXCEED THE 2012 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 2.5% 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 2012 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 1% increase in the budget for said year, amounting to \$31,335.90 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 2012 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 \$109,675.65 and that the CY 2012 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 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:**

Councilman Gillingham moves the following \_\_\_\_\_ resolutions:

**RESOLUTION: IN SUPPORT OF THE NATIONAL MULTIPLE SCLEROSIS SOCIETY'S NEW JERSEY METRO CHAPTER "COAST THE COAST" BIKE MS RIDE**

WHEREAS, the National Multiple Sclerosis Society's New Jersey Metro Chapter, have requested permission to utilize roadways in the Borough in conjunction with the "Coast the Coast" Bike MS Ride, on Saturday, May 19, 2012; and

WHEREAS, the Mayor and Council wish to endorse and support National Multiple Sclerosis Society's New Jersey Metro Chapter.

IT IS NOW, THEREFORE, this 21<sup>st</sup> day of February 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize roadways within the Borough, as part of the "Coast the Coast" Bike MS Ride is hereby granted subject only to endorsement by the Chief of Police.
1. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to The National Multiple Sclerosis Society's New Jersey Metro Chapter, Attention: Brian Hurwitz, Logistics & Special Projects Director.
2. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

**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 moves the following \_\_\_\_\_ resolutions.

**RESOLUTION: APPOINTMENT OF PERSONNEL – PART TIME HELP**

*RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointments with the terms and conditions indicated:*

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
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Robert Torrance	Deputy Fire Sub Code Official	February 1, 2012	\$ 25.00/Hour
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**RESOLUTION: PROVIDING FOR EXECUTION OF SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR HAVA SECTION 26 GRANT (AUTOMATIC DOOR OPENER)**

WHEREEAS, the Borough applied for a HAVA Section 261 Grant to provide funding for polling place accessibility; and

WHEREAS, the New Jersey Division of Elections has approved a grant of \$3,245.00 for door installation which will facilitate handicapped access in compliance with ADA regulations; and

WHEREAS, the grant funds are to be administered by Ocean County; and

WHEREAS, the execution of a Shared Services Agreement will facilitate and permit utilization of the grant; and

WHEREAS, the annexed "Shared Services Agreement" has been Approved, as to form, by counsel.

IT IS NOW, THEREFORE, this 21st day of February, 2012, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. the grant is accepted in accordance with this terms;
2. the Mayor is authorized to execute the annexed Shares Services Agreement with Ocean County;
3. the Borough shall accept the April 23, 2010, proposal of Inclusion Solutions to provide and install the automatic door upon the condition that the installation shall be completed not later than May 1, 2012.

**RESOLUTION: INTRODUCTION OF CAPITAL ORDINANCE NO. 607 – AMENDMENT OF ORD. NO. 595.**

**OLD BRIDGE STREET AND BAY AVENUE ROAD IMPROVEMENT PROJECTS**

*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: 607**

**AN ORDINANCE SUPPLEMENTING BOND ORDINANCE 595 OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY AND PROVIDING ADDITIONAL FUNDS (\$90,000.00) FOR THE PROJECT:**

**OLD BRIDGE STREET AND BAY AVENUE ROAD CONSTRUCTION  
AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$85,000.00,  
AND APPROPRIATING THE SUM OF \$5,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE**

*and be it*

*FURTHER RESOLVED, the attached Comprehensive Resolution of Introduction is hereby adopted, 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.*

**RESOLUTION: PROVIDING FOR AWARD OF CONTRACT FOR LAGOON LANE IMPROVEMENTS TO BLACK ROCK ENTERPRISES, LLC, CONTRACT NO. 2011-1**

WHEREAS, the Borough has received a bid from Black Rock Enterprises, LLC, which bid is the lowest responsive, responsible bid submitted for the captioned project; and

WHEREAS, the Borough Engineer and the Borough attorney have reviewed the bid documents submitted and have recommended award of the Contract to Black Rock Enterprises, LLC, and;

IT IS NOW, THEREFORE, this 21<sup>st</sup> day of February, 2012, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Contract is hereby awarded to Black Rock Enterprises, LLC, in the sum of \$158,237.50;
2. The award of Contract is subject to the following:
  - a. the filing of a Certificate of Funds Availability; and
  - (b) approval by the New Jersey Department of Transportation pursuant to regulations and conditions of agreement (State Aid project);
3. Upon satisfaction of the forgoing and the bidder's compliance with post-award requirements, as approved by Borough counsel, the Mayor is authorized to execute the Contract with Black Rock Enterprises, LLC.
4. The bid security of the unsuccessful bidders shall be released upon mutual execution of the Contract between the Borough and Black Rock Enterprises, LLC.

**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**

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. Action Items:

Councilman Brown moves the following resolution:

**RESOLUTION: PROVIDING FOR ADOPTION OF "THE FLOOD MITIGATION PLAN FOR THE BOROUGH OF MANTOLOKING"**

WHEREAS, the Borough of Mantoloking has experienced severe damage from hurricanes, and flooding, on many occasions in the past century, resulting in property loss, loss of life, economic hardship, and threats to public health and safety; and

WHEREAS, a Flood Mitigation Plan, revised as of January, 2012, (the Plan) has been approved by the Federal Emergency Management Agency (FEMA) as is evidenced by the confirmatory letter dated November 7, 2008, wherein the State of New Jersey, Division of State Police, Emergency Management Section, advised of the fact of FEMA approval; and

WHEREAS, the Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that face Mantoloking; and

WHEREAS a public meeting was held to review the Plan as required by law.

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

1. The Flood Mitigation Plan, revised as of January, 2012, is hereby adopted as an official Plan of the Borough of Mantoloking.

2. The respective Borough officials identified in the strategy of the Plan are hereby directed to implement the recommended actions assigned to them. These officials will meet and report quarterly on their activities, accomplishments, and progress to the Flood Mitigation Planning Committee.

3. The Flood Mitigation Planning Committee will provide annual progress reports on the status of implementation of the Plan to the Mayor and Borough Council. This report shall be submitted to the Borough Council by September 1st of each year.

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

- A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.
- B. Action Items: None

**8. MAYOR AND COUNCIL COMMENTS**

**9. PUBLIC COMMENTS PERIOD**

**10. EXECUTIVE SESSION**

**RESOLUTION: 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: (select one or more)*

- a matter rendered confidential by federal or state law*
- a matter in which release of information would impair the right to receive government funds*
- material the disclosure of which constitutes an unwarranted invasion of individual privacy*
- a collective bargaining agreement and/or negotiations related to it*
- a matter involving the purchase, lease, or acquisition of real property with public funds*
- protection of public safety and property and/or investigations of possible violations or violations of law*
- pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege*

- specific prospective or current employees unless all who could be adversely affected request an open session*
- deliberation after a public hearing that could result in a civil penalty or other loss, and be it*

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

**11. OPEN SESSION AS NECESSARY**

**12. NEXT MEETING** Regular Meeting, Monday, March 26, 2012 @ 4:30 p.m.

**13. ADJOURNMENT**