

**DRAFT #2 (06/14/2012)**

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

**AGENDA – REGULAR BUSINESS MEETING**  
**JUNE 18, 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 May 21, 2012 and Executive Session of May 21, 2012 (Final, complete copies attached.)
  
- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

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

**B. Action Items:**

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

**RESOLUTION: 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: PAYMENT OF BILLS FOR THE MONTH OF APRIL 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: 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: 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/**

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

**RESOLUTION: 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: 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: 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 CAP SURPLUS	UNFUNDED Def Charge
389 445/	04/20/1998	Cathodic protection	\$36,997.21	
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
<b>TOTAL</b>			<b>\$408,042.75</b>	<b>\$ 2,097.48</b>

**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: CONFIRMING APPOINTMENT OF MUNICIPAL PROSECUTOR**

**WHEREAS**, a vacancy exists in the Office of Municipal Prosecutor; and

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

**WHEREAS**, the Mayor has recommended Kim Pascarella, Esq. to serve as Municipal Prosecutor; and

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

**IT IS NOW, THEREFORE**, this 18<sup>th</sup> day of June, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Kim Pascarella, Esq., Licensed Municipal Prosecutor, is hereby appointed as Municipal Prosecutor of the Borough of Mantoloking.

**RESOLUTION: AUTHORIZED OTHER PROFESSIONAL SERVICE CONTRACT FOR 2012**

**WHEREAS**, the award of contracts for professional services in the Borough, enumerated in this resolution, is necessary and in the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.
2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Prosecutor	Kim Pascarella, Esq.	\$_____ per hour	

**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: 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 18<sup>th</sup> 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: 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 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 \_\_\_\_\_.

IT IS NOW, THEREFORE, this 18<sup>th</sup> 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 will open the meeting to public for a hearing on Ordinance No. 613 – REVISE CONSTRUCTION PERMIT FEES

**RESOLUTION: ADOPTION OF ORDINANCE NO. 613 – REVISE CONSTRUCTION PERMIT FEES**

WHEREAS, on the 18<sup>th</sup> day of June, 2012 a public hearing on Ordinance No. 613 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. 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.

**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: None

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

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

Councilman Ness moves the following resolution:

**RESOLUTION: 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: 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 18<sup>th</sup> 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**

**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, July 16, 2012 @ 4:30 p.m.

**13. ADJOURNMENT**