

**DRAFT #3 (10/12/2012)**

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

**AGENDA – REGULAR BUSINESS MEETING**  
**OCTOBER 15, 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.

Memorial of David P. Loughran

Municipal Prosecutor 1982-2001, Planning Board Member 1988-2002, Emergency Management Coordinator 1986-2003

- 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 September 17, 2012 and Closed Session of September 17, 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 August 31, 2012**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2012 municipal budget as of August 31, 2012; and

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

| ACCOUNT                         | BUDGET         | EXPENDED<br>YEAR TO DATE | ENCUMBERED   | BALANCE        |
|---------------------------------|----------------|--------------------------|--------------|----------------|
| 2012 Current Year Appropriation | \$4,041,973.78 | \$ 2,801,711.45          | \$ 85,049.82 | \$1,155,212.51 |
| 2011 Appropriation Reserves     | \$ 447,532.84  | \$ 154,311.11            | \$ 87.76     | \$ 293,133.97  |
| Capital                         | \$1,185,452.26 | \$ 390,253.76            |              | \$ 795,198.50  |

| ACCOUNT       | REVENUE<br>THIS MONTH | REVENUE<br>YEAR TO DATE |
|---------------|-----------------------|-------------------------|
| Cash Receipts | \$1,882,031.43        | \$7,368,674.76          |

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 OCTOBER 2012**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$262,989.53** 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: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2012**

**WHEREAS**, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

**WHEREAS**, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2012 Municipal Budget exists; and

**WHEREAS**, it is recommended that these budget transfers be made and are to become effective November 1, 2012;

**NOW, THEREFORE BE IT RESOLVED**, that the following budget transfers be made in the 2012 Municipal Budget:

| <b>CURRENT ACCOUNT</b> |    | <b>TO</b>         | <b>FROM</b>       |
|------------------------|----|-------------------|-------------------|
| ROAD REPAIR            | SW | \$1,000.00        |                   |
| CLERK                  | SW | 100.00            |                   |
| SEWER                  | OE |                   | \$1,100.00        |
| POLICE                 | OE | 5,000.00          |                   |
| BEACH                  | OE |                   | 5,000.00          |
| <b>TOTAL</b>           |    | <b>\$6,100.00</b> | <b>\$6,100.00</b> |

**RESOLUTION: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE – LYNNE A. HAZELET**

**WHEREAS**, as a matter of policy the Borough Council may, in its discretion, upon petition, grant extensions to an employee’s sick leave; and

**WHEREAS**, due to demonstrated need, Lynne A. Hazelet has been caused to utilize all of her allocated sick leave for 2012 and has petitioned for an increased allotment of sick leave for 2012; and

**WHEREAS**, Council is satisfied that the circumstances presented are extraordinary and that Lynne a. Hazelet is deserving of its favorable consideration of her petition.

**IT IS NOW, THEREFORE**, this 15<sup>th</sup> day of October, 2012 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Lynne A. Hazelet is hereby granted forty-nine (49) hours additional sick leave to cover her absence through October 2, 2012.

**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 resolution:

**RESOLUTION: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

**WHEREAS**, **NJS 40A:4-87** provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$6,754.57, which is now available from the State of New Jersey, Division of Motor Vehicles, 2012 Drunk Driving Enforcement Grant.

**BE IT FURTHER RESOLVED**, that the like sum of \$6,754.57 is hereby appropriated under the caption of 2012 DDEF Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, Division of Motor Vehicles.

**PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON (Absent)**

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

**B. Action Items:**

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

**RESOLUTION: APPROVE RELEASE OF SURETY BOND TO BEAUMONT BUILDERS, INC.**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by Beaumont Builders, Inc. in conjunction with the demolition of a single family home at property located at 924 Barnegat Lane; and

**WHEREAS**, the Construction Official, John Wardell, has advised that a final inspection has been completed, the debris has been completely cleared and it is appropriate to release the Bond at this time.

**IT IS NOW, THEREFORE**, this 15<sup>th</sup> day of October, 2012, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Beaumont Builders, Inc. in the amount of \$1,000.00 shall be released, forthwith;
2. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

**RESOLUTION: APPOINTMENT OF PERSONNEL – SEASONAL/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:

| <b>Name</b>       | <b>Position</b>                                                                            | <b>Effective Date</b> | <b>Salary</b> |
|-------------------|--------------------------------------------------------------------------------------------|-----------------------|---------------|
| Michael J. Giblin | Fire Subcode Official & Deputy Fire Official                                               | October 16, 2012      | \$ 4,500/Year |
| Eric Sudia        | Electrical Code Official                                                                   | October 16, 2012      | \$4,500/Year  |
| S. Charles West   | Plumbing Code Official                                                                     | October 16, 2012      | \$4,500/Year  |
| Douglas Applegate | Deputy Construction Official, Deputy Building Subcode Official & Deputy Building Inspector | October 16, 2012      | \$35/Hour     |

**RESOLUTION: INTRODUCTION OF ORDINANCE NO. 616 – AMEND SALARY AND COMPENSATION ORDINANCE NO. 591**

**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. 616**

**(NEED TEXT)**

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 APPROVAL OF CHANGE ORDER NO. 1-FINAL AND PAYMENT APPLICATION NO. 2 - FINAL PAYMENT FOR CONTRACT NO. 2011-1 (LAGOON LANE IMPROVEMENTS) TO BLACK ROCK ENTERPRISES, LLC**

**WHEREAS**, the Contractor has submitted Change Order No. 1 – Final, dated August 16, 2012, and Payment Application No. 2 - Final, in the sum of \$2,503.63; and

**WHEREAS**, the Borough engineer has recommended approval of the Change Order and the requested payment, subject to legal review of contractually required “close-out” documents; and

**WHEREAS**, counsel has reviewed copies of the tendered close-out documents, more particularly Final Release and Indemnity Agreement, Maintenance Bond No. HGNE-NE-10-154-010650 dated October 10, 2012, issued by Hudson Insurance Company and Consent of Surety to Final Payment dated October 10, 2012 issued by Hudson Insurance Company, all of which are deemed acceptable.

**IT IS NOW, THEREFORE**, this 15<sup>th</sup> day of October, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The contractually required close-out documents tendered by Black Rock Enterprises, LLC are hereby accepted. (Original signed documents to be provided prior to release of funds);
2. Change Order No. 1 – Final is approved;
3. Payment Application No. 2 - Final in the sum of \$2,503.63 is approved, subject to NJDOT approval.

**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

**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, November 19, 2012 @ 4:30 p.m.

**13. ADJOURNMENT**