

DRAFT #2 (01/18/2013)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
JANUARY 22, 2013
4:30 P.M.
G. Harold Antrim Elementary School
401 Niblick Street
Point Pleasant Beach, New Jersey

The regular monthly meeting of the Mayor and Council will be held this day in the auditorium of the G. Harold Antrim Elementary School.

- 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:** None were distributed.

7. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN STEVE GILLINGHAM

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
November 30, 2012**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2012 municipal budget as of November 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	\$7,049,321.94	\$ 3,501,392.20	\$ 222,653.88	\$ 3,325,275.86
2011 Appropriation Reserves	\$ 447,185.84	\$ 154,986.11	\$ 6.55	\$ 292,193.18
Capital	\$1,185,452.26	\$ 425,209.52		\$ 760,242.74

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,330,923.68	\$9,258,575.76

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
5 YEAR EMERGENCY-SANDY	\$3,000,000.00	\$ 209,522.20	\$ 89,977.45	\$ 2,700,500.35

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 JANUARY 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$368,668.56** 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: APPOINTMENT OF OFFICIALS

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

Name	Position	Effective Date
Courtney Bixby	Planning Board Class II Member	01/01/2013 - 12/31/2013
Stanley F. Witkowski	Planning Board Class IV Member	01/01/2013 - 12/31/2014

RESOLUTION: AMEND RESOLUTION NO. 11/19/2012 – 07: OTHER PROFESSIONAL SERVICE AND CONTRACTS FOR 2012/2013

WHEREAS, the Borough of Mantoloking has a need to acquire Professional Services as traditional contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 (as appropriate); and,

WHEREAS, Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and,

WHEREAS, the anticipated term of the contract is October 30, 2012 - May 1, 2013; and

WHEREAS, the following have submitted proposals indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Special Counsel	Christopher Nelson, Esq.	\$100.00 per hour	Emerging Wave Consulting LLC

And

WHEREAS, as may be applicable pursuant to N.J.S.A. 19:44-A-20.4, et seq. obligates the professional contractors to certify that they have not made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, the Business Entity Disclosure Certification shall be executed prior to execution of the professional services contract, and

WHEREAS, a Certificates of Availability of Funds issued by the Chief Financial Officer has been submitted pursuant to N.J.A.C. 5:30-5.4.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking authorize the Mayor to enter into the contracts with the professional contractors as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. And,

BE IT FURTHER RESOLVED that notice of this action is published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

PUBLIC SAFETY COMMITTEE, COUNCILMAN ROBERT MC INTYRE:

A. Reports of the Public Safety Committee: Councilman McIntyre will present the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

B. Action Items:

Councilman McIntyre moves the following ___ resolutions:

RESOLUTION: APPOINTMENT OF PERSONNEL – HURRICANE RECOVERY EMERGENCY 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:

Name	Position	Effective Date	Salary
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Andy Frizzell	OEM Clerical - Debris/Demo Coordinator	01/02/13 – 05/01/13	\$25.00/hour
Patrick Smith	OEM Clerical – Debris/Demo Coordinator	01/02/13 – 05/01/13	\$25.00/hour
Kurt Akerson	OEM Clerical – Debris/Demo Coordinator	01/02/13 – 05/01/13	\$25.00/hour
Kelly Burdge	OEM Clerical	01/02/13 – 05/01/13	\$13.00/hour

RESOLUTION: ACCEPTANCE OF RESIGNATION, JENNIFER EATON

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accepts the following resignation(s):

Name	Position	Effective Date
Jennifer Eaton	PT Court Administrator and PT Administrative Assistant	January 25, 2013

RESOLUTION: APPOINTMENT OF PERSONNEL

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

Name	Position	Effective Date	Salary
	PT Court Administrator	January 22, 2013	
	PT Deputy Court Admin	January 22, 2013	

RESOLUTION: APPROVAL TO REVISE AND READOPT THE 2013 LOCAL EMERGENCY PLANNING COMMITTEE

BE IT RESOLVED that the following named persons are hereby appointed as members of the Borough of Mantoloking Local Emergency Planning Committee (LEPC) for the year 2013. The Coordinator is appointed for a term of three (3) years:

- Robert S. McIntyre, Emergency Management Coordinator (Term Expires 12/31/2014)
- Courtney Bixby, Deputy Emergency Management Coordinator
- Steve Gillingham, Borough Council President
- Irene H. Ryan, Borough Clerk
- Mark Wright, Chief of Police
- William Heckman, Borough Superintendent
- Dr. Michael Doyle, Director, Board of Health
- Sandra McIntyre, Board of Health Member
- Denise Boughton, H.E.L.P. Coordinator
- Lawrence Plevier, P.E., (Borough Engineer), Damage Assessment Officer
- Ocean County Department of Social Services

Thomas McIntyre, Community Group-Mantoloking Yacht Club
 Edwin J. O'Malley, Jr., Borough Attorney
 Michelle Swisher, Chief Financial Officer
 Edwin C. O'Malley-Ocean County Amateur Radio Emergency Services

BE IT FURTHER RESOLVED that the Borough Coordinator of Emergency Management is authorized, upon adoption of this Resolution, to call necessary meetings, arrange for appropriate training sessions, and to set deadlines for responses in writing of the various sections of the Emergency Operations Plan as well as any further related requirements.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH 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

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

Name	Position	Effective Date	Salary
Gary DalCorso	Part-Time Tax Assessor Assistant	January 1, 2013	\$14,950.00
	Administrative Assistant	January 22, 2013	
Eric Sudia	Electrical Subcode Off.- Additional PT Hours Over Normal Weekly Work Schedule (2hrs/wk)	February 1, 2013	\$35/hour
S. Charles West	Plumbing Subcode Off – Additional PT Hours Over Normal Weekly Work Schedule (2hrs/wk)	February 1, 2013	\$35/hour
Michael J. Giblin	Fire Subcode Official – Additional PT Hours Over Normal Weekly Work Schedule (2hrs/wk)	February 1, 2013	\$35/hr

RESOLUTION: CONSIDER CHANGE ORDER REQUEST FOR EMERGENCY AWARD OF CONTRACT FOR EMERGENCY ROADWAY REPAIRS AND RECONSTRUCTION – IEW CONSTRUCTION GROUP, INC. - CHANGE ORDER NO. 1, 2 and 3(Alternate 1)

WHEREAS, the Borough has entered into a Contract with IEW Construction Group, Inc. to provide emergency roadway repairs and reconstruction; and

WHEREAS, due to the need for reconstruction of two (2) sanitary sewer manholes, IEW Construction Group, Inc. has submitted Change Order No. 1 for an increase of \$9,206.19; and

WHEREAS, due to the need for reconstruction of the bypass pump connection at the Herbert Street pump station site, IEW Construction Group, Inc. has submitted Change Order No. 2 for an increase of \$21,063.19; and

WHEREAS, due to the need for delivery, installation, and removal of two (2) Portable Variable Message Signs (PVMS), IEW Construction Group, Inc. has submitted Change Order No. 3 (Alternate 1) for an increase of \$2,900.00.

WHEREAS, it is deemed to be in the public interest to accept Change Orders No. 1, 2 and 3 (Alternate 1); and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated January 14, 2013, (Exhibit "A", attached) recommended the execution of Change Order No. 1, 2 and 3 (Alternate 1) which added to an overall increase of the total cost of the project by \$33,169.38 and contract total to \$464,264.38.

IT IS NOW, THEREFORE, this 22nd day of January, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1, 2 and 3 (Alternate 1), are hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION: PROVIDING FOR APPROVAL OF CHANGE ORDER NO. 1- AND PAYMENT APPLICATION NO. 1-FINAL FOR EMERGENCY INTERNAL INSPECTION AND CLEANING OF SANITARY SEWER SYSTEM , OSWALD ENTERPRISES

WHEREAS, the Contractor has submitted Change Order No. 1 for additional cleaning and internal inspection of various storm water pipelines, as required to determine the extents and limits for restoration of emergency roadway infrastructure and also to remediate emergency stormwater ponding conditions, dated January 11, 2013, for an increase of \$10,892.70; and

WHEREAS, the Contractor has submitted Payment Application No. 1 - Final, in the sum of \$60,777.70; and

WHEREAS, the Borough engineer has recommended approval of the Change Order and the requested payment, ; and

IT IS NOW, THEREFORE, this 22nd day of January, 2013, 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 Oswald Enterprises 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. 1 - Final in the sum of \$60,777.70 is approved.

RESOLUTION: AWARD OF CONTRACT, EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-1)

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. solicited quotes for the furnishing of an Emergency Bypass Pumping System (Contract No. 2013-1) in the Borough of Mantoloking; and

WHEREAS, the quotations were received on January 15, 2013 with the following results:

Bidder	Amount of Bid	Bid Bond	Surety	Non-Collusion	Owner	Site Visitation	Affirmative	Subcontractor
Municipal Maintenance Company	\$97,900.00							
EDC Electric	\$112,160.00							

Allied Construction Group, Inc.	\$126,860.00							
Rapid Pump & Meter Service Co., Inc.	\$181,315.00							
IEW Construction Group	\$227,700.00							

And

WHEREAS, the quotation has been reviewed by the Borough Engineer and Borough Attorney, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of \$97,900.00 for the furnishing of Wan Emergency Bypass Pumping System (Contract No. 2013-1) to Municipal Maintenance Company, Cinnaminson, New Jersey.

RESOLUTION: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BAY AVENUE AND ARNOLD STREET IMPROVEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Mantoloking formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013 Mantoloking Borough-00589 to the New Jersey Department of Transportation on behalf of the Borough of Mantoloking.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mantoloking and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

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

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN

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

MANTOLOKING COMMITTEE, COUNCILMAN DONALD 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 Council Meeting, Monday, February 25, 2013 @ 4:30 p.m.

13. ADJOURNMENT