

DRAFT #2 (02/22/2013)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
FEBRUARY 26, 2013
4:30 P.M.
Brick Township Municipal Building
401 Chambers Bridge Road
Brick, New Jersey

The regular monthly meeting of the Mayor and Council will be held this day in the Courtroom of the Brick Township Municipal Building.

- 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:

RESOLUTION: APPROVAL OF MINUTES

Councilman Gillingham moved that the minutes of the Regular Meeting of December 17, 2012, Organization Meeting of January 7, 2013, Regular Meeting of January 22, 2013 and Special Meeting of February 6, 2013 be approved as 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 December 31, 2012

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

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

FUND	CASH BALANCE	APPROPRIATION BALANCE	FUND BALANCE
2012 Current Year	\$2,587,750.82	\$ 432,963.47	\$1,241,247.71
Storm Sandy Emergency	\$ 721,625.58	\$ 721,625.58	
2011 Appropriation Reserves	\$1,185,452.26	\$ 292,193.18	
Animal Control Fund	\$ 302.40	\$ 302.40	\$ 302.40
Trust & Escrow Fund	\$ 525,160.25	\$ 525,160.25	\$ 525,160.25
Capital Account	\$ 311,760.58	\$ 760,242.74	\$ 412,623.52
Beach Restoration Fund	\$1,056,852.15		
TOTAL	\$5,203,451.78	\$2,732,487.62	\$2,179,333.88

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 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$625,986.86 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: AUTHORIZE THE AWARD OF CONTRACTS FOR 2013 PROFESSIONAL SERVICES

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 contracts is one (1) year; and

WHEREAS, the following have submitted proposals by February 26, 2013 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Attorney	Edwin J. O' Malley, Jr., Esq	\$_____/Hr. +Misc Exp	OMalley, Surman & Michelini
Auditor	Robert S. Oliwa, R.M.A.	\$22,800.00 + Misc. Exp.	Oliwa and Company, CPA

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.

RESOLUTION: AUTHORIZE MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2013

WHEREAS, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations 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 and maintenance 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.

<u>SERVICE</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Computer Software Maint.	\$10,829.Annual+\$150/Hr Misc Serv	Edmunds & Associates, Inc.
Grant Research/Maint. Services	\$4,500 For One (1) Month	Greener By Design LLC

RESOLUTION: TO ADOPT APPROPRIATION RESERVE TRANSFER #1

WHEREAS, N.J.S.A. 40A: 4-59 provides that in the first 3 months of the fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopted by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

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 Appropriation Reserves exists; and

WHEREAS, it is recommended that these appropriation reserve transfers be made;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Mantoloking that the following budget transfers be made for the 2012 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Buildings & Grounds	OE		\$5,000.00
Gasoline	OE	\$5,000.00	
Total		\$5,000.00	\$5,000.00

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 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$428,000.00.00.

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 2013 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&W</u>	<u>OE</u>
Municipal Clerk	\$ 10,000.00	
Finance	6,000.00	
Audit		
Tax Collector	1,000.00	
Tax Assessor	7,000.00	
Legal		10,000.00
Engineering		
Planning	5,000.00	
Construction	12,000.00	2,000.00
Sub-Code Plumbing	1,000.00	
Sub-Code Fire	1,000.00	
Sub-Code Electrical	1,000.00	
Police	40,000.00	
Liability Insurance		
Municipal Prosecutor		
Public Defender		
Workmen' s Comp		
Group Health Ins		30,000.00
Emergency Management		
Fire Official		
<u>DEPARTMENT</u>	<u>S&W</u>	<u>OE</u>
Road Repair	40,000.00	

Garbage		
Buildings & Grounds		
Sewer		
Dog Account		
Beach Guard		
Beach Maintenance		
Electric		
Telephone		1,000.00
Water		
Fire Hydrant		
Natural Gas		
Gasoline		
Ocean County Utility Auth		20,000.00
Contingent		
PERS		49,000.00
Social Security		17,000.00
PFRS		173,000.00
Court	2,000.00	
Note Principal		
Note Interest		
TOTAL	\$126,000.00	\$ 302,000.00
GRAND TOTAL	\$ 428,000.00	

RESOLUTION: SPECIAL EMERGENCY APPROPRIATION TO THE 2012 BUDGET DUE TO DAMAGES CAUSED BY HURRICANE SANDY AND ISSUANCE OF SPECIAL EMERGENCY NOTE

(NEED TEXT)

RESOLUTION: AUTHORIZE FEMA LOAN APPLICATION

(NEED TEXT)

RESOLUTION: INTRODUCTION OF ORDINANCE NO. 619 – TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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. 619

ORDINANCE TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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, 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.

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: AUTHORIZED OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2013

WHEREAS, the award of contracts for professional services and maintenance of Borough facilities, equipment and personnel obligations, 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 and maintenance 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	Joseph D. Coronato, Esq.	\$100-\$150/Hr.+Misc Exp	Coronato, Brady &Kunz
Public Defender	Margarie M. Herlihy, Esq.	\$200/Case +\$100/Hr. Misc	Herlihy & Young
Police Physician	George Jarahian, Jr., M.D.	\$335 per officer	Jarahian Medical LLC
Alt/Conflicts Prosecutor	Bonnie R. Peterson, Esq.	\$150 per hour + Misc. Exp.	Bonnie R. Peterson
Alt/Conflicts Prosecutor	Kim A. Pascarella, Esq.		

RESOLUTION: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2013

WHEREAS, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations 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 and maintenance 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.

<u>SERVICE</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Animal Control Services	\$3,000 Annual+Emergency Vet Care	Jersey Shore Animal Center

RESOLUTION: APPROVED AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING THE PROSECUTOR’ S PROGRAM FY 2013

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “ Prosecutor’ s Program” ; and

WHEREAS, to the extent officers of the Borough’ s Police Department provide services under this Agreement, the County will provide compensation at the rate of, not to exceed \$62.70 per hour; and

WHEREAS, all the terms and conditions of the proposed Interlocal Service Agreement have been reviewed by counsel; and

WHEREAS, participation has been endorsed by the Chief of Police.

IT IS NOW, THEREFORE, this 26th day of February, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the 2013 Interlocal Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

RESOLUTION: APPROVED INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING THE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM FY2013

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “ Driving While Intoxicated Enforcement Program” ; and

WHEREAS, to the extent officers of the Borough’ s Police Department provide services under this Agreement, the County will provide compensation at the rate of, not to exceed, \$62.70 per hour; and

WHEREAS, all the terms and conditions of the proposed Interlocal Service Agreement have been reviewed by counsel; and

WHEREAS, participation has been endorsed by the Chief of Police.

IT IS NOW, THEREFORE, this 26th day of February, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the 2013 Interlocal Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

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, 2013:

\$62.21 for One Party

\$124.43 for Two Party

\$165.83 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.

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 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:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
<i>Lawrence Plevier, P.E.</i>	<i>Acting Part-Time Zoning and Land Use Officer</i>	<i>02/07/2013-02/25/2013</i>	<i>Per General Engineering Contract</i>
<i>Barbara Woolley-Dillon</i>	<i>Part-Time Zoning and Land Use Officer</i>	<i>02/26/2013</i>	<i>\$25,000 Annual</i>
<i>Colleen Malvasio</i>	<i>Planning Board Recorder, Min. 3 Hrs. at \$25/Hour</i>	<i>02/04/2013</i>	<i>\$25.00/Hour</i>

RESOLUTION: AUTHORIZED THE AWARD OF CONTRACTS FOR 2013 PROFESSIONAL SERVICES

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 contracts is one (1) year; and

WHEREAS, the following have submitted proposals by February 26, 2013 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Borough Engineer	Lawrence Plevier P.E.	\$40.- \$200/Hour + Misc Exp	Hatch, Mott, MacDonald
Stormwater Program Coordinator			
Ocean County Block Grant Program Representative		“ “	
Assistant Engineer	Robert Mainberger, P.E.	\$40-\$200/Hour + Misc Exp	Hatch, Mott, MacDonald

Municipal Planner

Dune Inspector

Flood Plain Manager

Community Rating System Coordinator

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.

RESOLUTION: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2013

WHEREAS, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations 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 and maintenance 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.

SERVICE

PROVIDER

CONTRACT AMOUNT

Schedule “ C” Program, Road Dept.	County of Ocean	\$4,000.00 (Not to exceed.)
Schedule “ C” Program, Vehicle Services	County of Ocean	\$1,000.00 (Not to exceed.)
Construction Official Computer Software Maint.	Mitchell Humphrey & Co.	\$2,085.00

RESOLUTION: CONSIDER CHANGE ORDER REQUEST FOR EMERGENCY AWARD OF CONTRACT FOR EMERGENCY ROADWAY REPAIRS AND RECONSTRUCTION – IEW CONSTRUCTION GROUP, INC. - CHANGE ORDER NO. 4

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

WHEREAS, to compensate the Contractor for restoration and repair of unforeseen items, including damaged 8” diameter DIP storm sewer pipe with the shoring of a damaged utility pole with transformer, repair of concrete storm inlets, and restoration of 4” thick concrete sidewalk; for exploratory excavation and test pits to locate damaged sanitary sewer laterals as identified on CCTV video inspection; for the compensation for overtime shift to complete the preparation of DGA base course and repairs to utilities to allow for the paving restoration to be completed prior to foul weather and maintain the project schedule; to adjust the Contract line items, which have been completed under the terms of the Contract, to reflect as-built final conditions; and for the adjustment to the scope of work due to substantial changes to the Contract for various roadway restoration and repair work to be completed at twenty four (24) locations at varying degrees of material quantities and limits of repairs at each specific work location throughout the Borough.

WHEREAS, it is deemed to be in the public interest to accept Change Orders No. 4; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated January 29, 2013, (Exhibit “ A” , attached) recommended the execution of Change Order No. 4 which subtracted to an overall decrease of the total cost of the project by \$18,197.37 and contract total to \$446,067.01.

IT IS NOW, THEREFORE, this 26th day of February, 2013, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 4, is 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 FOR EMERGENCY BYPASS PUMPING SYSTEM TO MUNICIPAL MAINTENANCE CO. (CONTRACT NO. 2013-01)

WHEREAS, the Contractor has submitted Change Order No. 1 for one (1) additional day of work to complete replacement of the aluminum screen basket, hoist base, and davit hoist that were damaged during Hurricane Sandy, dated February 1, 2013, for an increase of \$2,100.00 for a revised contract price of \$100,000.00; and

WHEREAS, the Contractor has submitted Payment Application No. 1, in the sum of \$9,000.00; and

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

IT IS NOW, THEREFORE, this 26th day of February, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Change Order No. 1 - is approved;
2. Payment Application No. 1 - Final in the sum of \$9,000.00 is approved.

RESOLUTION: RATIFICATION OF AWARD OF EMERGENCY CONTRACT FOR DEMOLITION OF RESIDENTIAL STRUCTURES WITHIN MUNICIPAL RIGHT-OF-WAY

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E., solicited quotes for extraordinary emergency measures in the wake of Hurricane Sandy in an effort to reconstruct vital infrastructure throughout the Borough in the Borough of Mantoloking; and

WHEREAS, the remnants of four (4) residential structures are currently obstructing the general public and creating a health and safety concern within the municipal rights-of-way of East Avenue, Barnegat Lane and Lyman Street; and

WHEREAS, the hazardous conditions within the public rights-of-way in Mantoloking require the immediate performance of emergency services; and

WHEREAS, the quotations were received with the following results:

Vendor	Amount of Quote	Bid Bond	Surety	Non-Collusion	Owner	Site Visitation	NJ Bus Reg	Subcontractor
Ground Hawg Demolition	\$7,300.00							
Dane DeForest Demolition, Inc.	\$10,000.00							
RWV Land & Livestock South, Inc.	\$11, 500.00							
A-One Waste Solutions LLC	\$15,000.00							

And

WHEREAS, the quotations have been reviewed by the Borough Engineer and the 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 \$7,300.00 for the furnishing emergency demolition of residential structures within Municipal Rights-of-Way to Ground Hawg Demolition.*

PUBLIC HEARING – Mayor Nebel will open the meeting for a Public Hearing on Ordinance No. 617, Amendment to the Land Use Ordinance

RESOLUTION: ADOPTION OF ORDINANCE NO. 617 – AMENDMENT TO LAND USE REGULATIONS

WHEREAS, on the 26th day of February, 2013 a public hearing on Ordinance No. 617 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. 617

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS**

RESOLUTION: ADOPTION OF ORDINANCE NO. 618 – AMENDMENT OF THE FLOOD PREVENTION REGULATIONS

WHEREAS, on the 26th day of February, 2013 a public hearing on Ordinance No. 618 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. 618

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR ADOPTION OF REVISED MODEL
FLOOD DAMAGE PREVENTION ORDINANCE, PROVIDING FOR PENALTIES
FOR THE VIOLATION THEREOF AND REPEALING ORDINANCE NO. 525**

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

- A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program
- B. Action Items:

Councilman Strohm moves the following resolution:

RESOLUTION NO. 01/17/2012 – 18: AUTHORIZED OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2012

WHEREAS, the award of contracts for professional services and maintenance of Borough facilities, equipment and personnel obligations, 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 and maintenance 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>
Dune Consultant	Dr. Stewart Farrell	Monitor Beaches: (Not to exceed) \$20,715.68/Ann.; Meetings: \$1,262.16/Meet; Requested Special Services: \$6,444.90	Stockton College Coastal Res. Ctr.

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:

Councilman Ness moves the following resolution:

RESOLUTION: APPROVED SOLID WASTE & RECYCLING CONTRACT OPTION YEAR NO. 5 WITH REPUBLIC SERVICES OF NJ, LLC (D/B/A MARPAL COMPANY)

WHEREAS, pursuant to Contract dated March, 2009, between the Borough and Republic Services of NJ, LLC, the Borough may extend the Contract for an additional one (1) year term; and

WHEREAS, it is the judgment of the Mayor and Council that the public interest will be served by the exercise of the one (1) year extension option, at a price of \$134,853.00, for a term ending March 2, 2014 by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The 5th year Contract option shall be and hereby is exercised for the term ending March 2, 2014, at a cost of \$134,853.00;
2. Notice of this election of exercise of option shall be provided forthwith to Republic Services of NJ, LLC.

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, March 18, 2013 @ 4:30 p.m. at the G. Harold Antrim Elementary School, Point Pleasant Beach, NJ

13. ADJOURNMENT