

DRAFT # 4 09/15/2014

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

AGENDA – REGULAR BUSINESS MEETING

September 16, 2014

5:30 p.m.

Mantoloking Yacht Club

1224 Bay Avenue

Mantoloking, New Jersey

The regular monthly meeting of the Mayor and Council will be held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** **TIME:**

2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. 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** Mayor George C. Nebel will lead the assembly in the Pledge of Allegiance.

PLAQUE PRESENTATION: Mayor Nebel will present award to Michelle Swisher

5. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel will open the meeting for public comments and questions about the agenda.

6. **MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approves the following minutes as printed and distributed:

Workshop Meeting August 13, 2014
Regular Meeting August 19, 2014

COMMITTEE REPORTS AND RECOMMENDATIONS

7. **FINANCE COMMITTEE**, Councilman Gillingham will present the monthly finance report and moves the following:

A. RESOLUTION: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2014 municipal budget as of July 31, 2014; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2014 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2014 Temporary Budget		7,555,401.96	5,146,399.96	188,113.72	2,220,888.28
2013 Appropriation Reserve	5,671,304.96	405,798.24	15,273.33	26,560.00	363,964.91
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Subtotal Sandy Emergency		1,371,644.74	209,900.78	4,866.21	1,156,877.75
Capital		2,014,353.92	69,546.82	0.00	1,944,807.10

B. RESOLUTION: PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2014

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$1,666,764.68 and recommended that they be paid, now, therefore, be it:

RESOLVED, the Mantoloking Borough Council Approve payment of the above referenced bills and directs that a copy attached to and made part of the minutes of this meeting.

C. RESOLUTION: OFFICIAL PERSONNEL DESIGNATION

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
Beverley Konopada	Acting Borough Clerk Assessment Search Officer Public Agency Compliance Officer-PACO Insurance Commissioner Records Project Manager-DARM Contract Administrator for Solid Waste Local Registrar of Vital Statistics	October 1, 2014	\$48,000.00

D. RESOLUTION: PROVIDING FOR APPROVAL OF SERVICE AGREEMENT WITH ACTION DATA SERVICES

WHEREAS, there is a continuing need for payroll services; and
WHEREAS, Action Data Services is the current provider of the recited services under agreement/arrangement which is about to expire; and
WHEREAS, the proposal of Action Data Services dated September 1, 2014, has been reviewed and is recommended by the Chief Financial Officer; and
WHEREAS, funds are available.

IT IS NOW, THEREFORE, this 16th day of September, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The proposal described above is hereby accepted (a one-year term) with a one-year extension option;
2. The Mayor is requested and authorized to execute the proposed Contract.

E. RESOLUTION: TO CANCEL SEWER BILLING ON PROPERTY LOCATED AT BLK 21 LOT 19, ALSO KNOWN AS 974 BARNEGAT LANE

WHEREAS, the Mayor and Council of the Borough of Mantoloking has set a criteria for the billing of the sewer for 2014,

WHEREAS, that criteria is that if a structure, any structure, is present on the property at the time of the sewer billing then a sewer bill would be recorded on that property,

WHEREAS, it has since come to the Borough's attention that a sewer billing was recorded on a property located at 974 Barnegat Lane. Property owner Susan Lucas has explained that the structure currently on the 974 Barnegat Lane property has been delayed from demolition because of extenuating circumstances regarding the sewer line on the property

AND WHEREAS, the Mayor and Council have concurred that this particular property does not fit the criteria for which the sewer billing was set,

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the sewer billing for the property located at Block 21, Lot 19, known as 974 Barnegat Lane be canceled along with all applicable interest until such time as the structure is demolished and a new structure put into its place.

<u>YEAR</u>	<u>SEWER AMOUNT</u>
2014	\$288.06

8. **PUBLIC SAFETY COMMITTEE**, Councilman Robert McIntyre will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moves the following:

A. **RESOLUTION: ESTABLISHING POLICE CHIEF SELECTION PROCESS AND PROCEDURES**

(CHECK WEBSITE FOR LATER POSTING OF PROPOSED RESOLUTION.)

9. **PUBLIC WORKS COMMITTEE**, Councilwoman Nelson will present reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moves the following:

A. **RESOLUTION: PAYMENT NO. 19– EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-01)**

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-01) to provide Emergency Bypass Pumping System; and
WHEREAS, the Contractor has submitted Payment Application No.19, in the sum of \$7,227.50 and
WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No.19 be paid, now, therefore, be it
RESOLVED, the Mantoloking Borough Council hereby approves payment of the claim.

B. **RESOLUTION: AUTHORIZING ENGAGEMENT OF MELICK-TULLY AND ASSOCIATES, P. C. TO PROVIDE SOILS AND FOUNDATION INVESTIGATION FOR THE BOROUGH HALL CONSTRUCTION PROJECT (GEOTECHNICAL REPORT)**

WHEREAS, it is necessary to determine the soil – load bearing characteristics of the proposed site; and

WHEREAS, Council has considered the attached proposal of Melick-Tully and Associates dated August 21, 2014; and

WHEREAS, funds are available for this purpose.

IT IS NOW, THEREFORE, this 16th day of September, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Melick-Tully and Associates, P. C. is hereby engaged to perform Soils and Foundation Investigations for the proposed building to be constructed at Bay and Downer Avenues, Mantoloking, New Jersey in accordance with proposal/contract dated August 21, 2014, at a cost of \$5,500.00;
2. The Mayor is hereby authorized to execute the proposal/contract dated August 21, 2014, upon receipt of a Certificate of Insurance approved by counsel

C. RESOLUTION: AUTHORIZING COMMENCEMENT OF PHASE 2 FOR DESIGN-CONSTRUCTION OF REPLACEMENT BOROUGH HALL (CONSTRUCTION DOCUMENTS) B.L.D.G., LLC

WHEREAS, the Borough of Mantoloking has engaged B.L.D.G., LLC to provide services in conjunction with the design-construction of a replacement Borough Hall; and
WHEREAS, the Preliminary Design Phase has been completed and the Architect is ready to commence the Construction Documents Phase.

IT IS NOW, THEREFORE, this 16th day of September, 2014, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Preliminary Design Phase concept is approved;
2. The preparation of Construction Documents by B.L.D.G., L.L.C, pursuant to the terms and conditions of the June 17, 2014 Contract (AIA Document – B-104, 2007) in consideration of a fee of \$102,500.00 is hereby authorized.
3. A Certificate of Funds Availability has been filed.
4. Authorization for architecture services following the Borough’s approval of the Construction Documents Phase shall be by means of the adoption of a separate and subsequent Resolution of the governing body.\

D. RESOLUTION: INTRODUCTION OF ORDINANCE NO. 642 AMENDING FLAG POLE ORDINANCE

RESOLVED, Mantoloking Borough Council hereby adopts the first reading (title only) the following Ordinance:

ORDINANCE NO. 642

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX,
SECTION 30-6.17 (LAND USE REGULATIONS)
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING,**

BE IT ORDAINED as follows:

1. Section 30-6.17, Flagpoles, is hereby amended as follows (deletions by and additions by underline)
 - a. Flagpoles may be installed on any property within the Borough.
 - b. Flagpoles are not considered an accessory structure under the Land Use Regulations of the Borough of Mantoloking.
 - c. Flagpoles may extend fifteen (15) feet in height above the height of the primary structure as measured at the highest roof ridge line. Flagpoles on vacant land may not exceed 35’ in height.

pat 9/12/14 2:49 PM
Deleted: ~~strikeout~~

- d. A flagpole shall not be permitted within ten (10) feet of any property side line, ~~or rear lot line.~~
- e. Prior to installation of a flagpole within the Borough, an application for zoning permit, with the required fee, shall be submitted to the Land Use Officer. See Appendix C.

pat 9/12/14 2:52 PM
Deleted: .

- 2. All provisions of this Land Use Ordinance, not hereby amended shall remain in full force and effect.
- 3. This Ordinance shall be effective upon final adoption.

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.

10. **DUNE & BEACH RENOURISHMENT COMMITTEE**, Councilman Strohm will present the Reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.
No action items.

11. **MUNICIPAL SERVICES COMMITTEE**, Councilman Brown will present the report of the Municipal Services Committee.
No action item.

12. **MANTOLOKING COMMITTEE**, Councilman Chris Nelson will present the report of the Mantoloking Committee.
No action item.

A. RESOLUTION.: SUBMISSION OF ANNUAL RECYCLING REPORT, ANNUAL TONNAGE REPORT AND APPLICATION FOR 2013 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 2013 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 Chris Nelson hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Dorothy Alexander, 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.

OEM PRESENTATION, Sgt. Stacy Ferris & Chris Niebling will provide a status update on Beach Revetment, Route 35 Construction project, Garbage pick-up and other town projects.

13. **MAYOR AND COUNCIL COMMENTS-**

Casualty Loss Discussion
Public Adjuster Discussion

14. **PUBLIC COMMENT PERIOD**

15. **EXECUTIVE SESSION** (if required):

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.

16. OPEN SESSION (if required):

17. NEXT MEETING –

Council Workshop Meeting Wednesday, October 15, 2014 at 8:30 a.m. Temporary Borough Hall 340 Drum Point Road, Second Floor, Brick NJ

Regular Council Meeting, Tuesday October 21, 2014 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

18. ADJOURNMENT