

DRAFT #2 (02/13/2008)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
January 22, 2008

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall with the following actions:

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.

- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel 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**
Mayor George C. Nebel, Council President Steve Gillingham, Councilmen John H. Jones, Peter R. Strohm, Donald S. Ness, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson
Absent: None

Also present: Irene H. Ryan, Borough Clerk, Edwin J. O'Malley, Jr., Borough Attorney, Michelle Swisher, Municipal Finance Officer, Thomas S. Guldin, Borough Engineer, Mark Wright, Chief of Police

- 4. PLEDGE OF ALLEGIANCE:** The Mayor lead the assembly in the Pledge of Allegiance

- 5. PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda.

- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 01/22/2008 - 01: APPROVAL OF MINUTES
Councilwoman Nelson moved that the following minutes as distributed be approved:
Regular Meeting of December 17, 2007 and Organization Meeting of January 7, 2008. The motion was seconded by Councilman Strohm and unanimously approved by voice vote.

7. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

A. Report of the Municipal Finance Officer: Councilman Witkowski introduced the Municipal Finance Officer who presented the financial reports for the month of November 2007.

B. Action Items:

Councilman Witkowski moved the following nine (9) resolutions. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 01/22/2008 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER
November 30, 2007

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of November 30, 2007; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED	
2007 Current Year Appropriation	\$3,664,136.26	\$3,068,794.05	\$ 39,390.24	\$ 555,951.97
2006 Appropriation Reserves	\$ 347,177.11	\$ 122,688.04	\$ 3,859.05	\$ 220,630.02
Capital	\$1,225,572.01	\$ 230,405.02		\$ 995,166.99

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,174,658.79	\$7,874,659.30

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 NO. 01/22/2008 – 03: TO ADOPT 2007 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 2007 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 2007 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Engineering	OE	\$ 5,000.00	
Planning	OE		\$10,000.00
Police	SW	3,000.00	
Beach Maintenance	OE	20,000.00	
Finance	OE		2,000.00
Audit	OE		3,000.00
Buildings & Grounds	OE		8,000.00
Sewer	OE		5,000.00
Total		\$28,000.00	\$28,000.00

RESOLUTION NO. 01/22/2008 – 04: PAYMENT OF BILLS FOR THE MONTH OF JANUARY 2008

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$ 250,395.71 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 NO. 01/22/2008 – 05: INTRODUCTION OF ORDINANCE NO. 545

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. 545

**AN ORDINANCE FIXING THE SALARY AND COMPENSATION OF CERTAIN OFFICERS,
POSITIONS, AND EMPLOYEES IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY,
NEW JERSEY TO BE KNOWN AS THE “MANTOLOKING BOROUGH SALARY ORDINANCE”
AND RESCINDING ORDINANCE 526**

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 at cost 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 NO. 01/22/2008 – 06: ESTABLISHMENT OF EMPLOYEE SALARIES FOR 2008

WHEREAS, the Mayor has recommended annual salaries for all borough employees for 2008, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following schedule of salaries for 2008. (See attached SCHEDULE OF 2008 SALARIES)

RESOLUTION NO. 01/22/2008 – 07: RELEASE OF 2007 UNUSED VACATION AND COMP TIME FOR BOROUGH PUBLIC WORKS EMPLOYEE

WHEREAS, Laurence Gilman, Public Works Laborer, has accrued unused vacation, 40 hours, as of December 31, 2007; and

WHEREAS, it is the desire of Council to now pay Mr. Gilman for these benefits in lieu of the continued accrual thereof, and

WHEREAS, funds are available for this purpose.

IT IS NOW, THEREFORE, this 22nd day of January, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That Laurence Gilman shall, forthwith, be compensated for his accrued vacation, 40 hours, as of December 31, 2007, at the gross rate of \$24.00 per hour.

RESOLUTION NO. 01/22/2008 – 08: MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2008

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. 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>
Construction Dept. Computer Software Maintenance	\$ 1,900.00 Annually	Mitchell Humphrey & Company
Tax Collection, Finance, Utility Billing Computer Software Maint.	\$ 7,455.00 Annually	Edmunds & Associates, Inc.
Schedule “C” County Maintenance	\$ 3,000.00 Annually	County of Ocean
CDL License Drug Screening & Physical	\$30 to \$65/Procedure	Shore Health Occupational Medicine

RESOLUTION NO. 01/22/2008 – 09: AUTHORIZING THE AWARD OF A CONTRACT FOR 2008 PROFESSIONAL SERVICES

WHEREAS, the Borough of Mantoloking has a need to acquire Professional Services as a 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 January 21, 2008 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>
Borough Attorney	Edwin J. O'Malley, Jr., Esq.	\$145/hr. - \$225/hr. + Misc. Expenses

AND

WHEREAS, the professional contractors have submitted a Business Entity Disclosure Certification which certifies 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, 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 authorized 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 NO. 01/22/2008 – 10: OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2008

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:

2. 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. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.
3. 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	Steven A. Zabarsky, Esq.	\$100 - \$150 per hour	Citta,Holzapfel,,Zabarsky
Public Defender	James J. Gluck, Esq.	\$200/Case+\$100/Hr. Misc Serv	Gluck, Allen & Gertner
Police Dept. Physician	George Jarahian, Jr., M.D.	\$8-\$171/Office Visit/Procedures	(Sole Proprietor)
Conflicts Prosecutor	Joseph D. Coronato, Esq.	\$100-\$125 per hour	Mulvaney Coronato & Brady

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Reports of the Public Safety Committee: Councilman Gillingham introduced the Chief of Police who presented the Police Department report for the month of December 2007. Councilman Gillingham then presented reports from the Municipal court, Fire Company and Office of Emergency Management.

B. Action Items:

Councilman Gillingham moved the following:

RESOLUTION NO. 01/22/2008 – 11: ADOPTION OF REVISED 2008 LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

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 2008. The Coordinator is appointed for a term of three (3) years:

- Robert S. McIntyre, Emergency Management Coordinator (Term Expires 12/31/2008)
- Steve Gillingham, Deputy Emergency Management Coordinator
- Courtney Bixby, Mantoloking Fire Company No. 1
- Irene H. Ryan, Borough Clerk
- Mark Wright, Chief of Police
- William Heckman, Borough Superintendent
- Dr. Michael Doyle, Director, Board of Health
- Denise Boughton, H.E.L.P. Coordinator
- Ocean County Department of Social Services
- G. Sandy Diehl, Community Group-Mantoloking Yacht Club
- Edwin J. O’Malley, Jr., Borough Attorney
- Michelle Swisher, Chief Financial Officer
- Editor-The Mantoloking Reporter
- Craig Goldman, Member-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.

Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

A. Reports of the Public Works Committee: Councilwoman Nelson presented reports from the Borough Superintendent, Construction Official and Land Use Officer.

B. Action Items:

Councilwoman Nelson moved the following:

RESOLUTION NO. 01/22/2008 – 12: AWARD OF CONTRACT FOR FENCE REPLACEMENT (MATERIALS, ONLY) AT HERBERT STREET PUMP HOUSE

*WHEREAS, the Borough Engineer, Thomas S. Guldin, P.E. solicited quotes for the furnishing fence material for replacement at the Herbert Street Pump House in the Borough of Mantoloking; and
WHEREAS, the quotations were received on January 15, 2008 with the following results:*

Vendor	Amount of Quote	Bid Bond	Surety Guarantee	Non-Collusion	Owner Disclosure	Site Visitation	NJ Bus Reg Cert.	Subcontractors
Carl’s Fencing & Decking, Inc.	\$4,342.00	-	-	-	-	-	X	-
Missing Link Fence	No response.							
Coastal Fence Co.	No response.							
Academy Fence Supply	No response.							

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 \$4,342.00 for the furnishing of fence material for replacement at the Herbert Street Pump House to Carl’s Fencing & Decking, Inc., Toms River, New Jersey.*

Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES

- A. Councilman Jones reported on the activities of the Dune & Beach Renourishment Committee.
- B. Action Items: None

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM

- A. Councilman Strohm reported on the activities of the Legislative Action Committee
- B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN NESS

- A. Councilman Ness reported on the activities of the Mantoloking Committee
- B. Environmental Commission Report
- C. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

9. **PUBLIC COMMENTS PERIOD:** Members of the public commented on the need for beach replenishment, considerations for the Planning Board of Adjustment, noise pollution, and the monthly financial report.

10. **NEXT MEETING** Regular Council Meeting of Tuesday, February 19, 2008 @ 4:30 p.m.

11. ADJOURNMENT

There being no further business for this meeting, Councilman Gillingham moved to adjourn. Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote at 5:18 p.m.

Respectfully submitted,

Irene H. Ryan, R.M.C.
Municipal Clerk