

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
February 13, 2007

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall.

- 1. CALL TO ORDER: TIME: 4:30 p.m.**
- 2. OPEN PUBLIC MEETING STATEMENT: Mayor Nebel**
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 Douglas J. Popaca, Councilmen John H. Jones, Peter R. Strohm, Steve Gillingham, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson
Absent: None
- 4. 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 NO. 02/13/2007 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the following minutes are approved as distributed. Organization Meeting of January 7, 2007 and Regular Meeting of January 16, 2007. The motion was seconded by Councilman Popaca and unanimously approved by voice vote.
- 7. MAYOR'S REPORT**

Councilman Popaca moved the following:

RESOLUTION NO. 02/13/2007 – 02: PUBLIC HEARING AND ADOPTION OF ORDINANCE NO. 530 – ESTABLISH ENVIRONMENTAL COMMISSION

WHEREAS, on the 13th day of February, 2007 a public hearing on Ordinance No. 530 was held and no comments were made by the public.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance entitled: (Copy attached)

ORDINANCE NO. 530

**AN ORDINANCE ESTABLISHING AN ENVIRONMENTAL COMMISSION
IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY**

- 8. DEPARTMENT REPORTS**
 - A. Police Report
 - B. Municipal Court Report

- C. Fire Report
- D. Emergency Management Coordinator Report
- E. Public Works Superintendent Report
- F. Construction Official Report
- G. Land Use Officer Report
- H. Chief Financial Officer Report

9. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

- A. Report of the Municipal Finance Officer
- B. Action Items:

Councilman Witkowski moved the following seven (7) resolutions. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 02/13/2007 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER December 31, 2006

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2006 municipal budget as of December 31, 2006; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2006 Current Year Appropriation	\$3,275,544.81	\$2,922,297.13	\$ 60,446.12	\$ 292,801.56
2005 Appropriation Reserves	\$ 332,598.39	\$ 174,279.74	\$ 54.95	\$ 158,263.70
Capital	\$1,222,666.35	\$ 631,879.23		\$ 590,787.12

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 166,658.38	\$8,154,403.79

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. 02/13/2007 – 04: TO ADOPT APPROPRIATION RESERVE TRANSFER #2

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 2006 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 2006 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Fire	OE	\$4,000.00	
Buildings & Grounds	OE		\$4,000.00
Police	SW	5,000.00	
Beach Guard	OE		5,000.00
Engineering	OE	4,000.00	
Plumbing sub-code	OE		2,000.00

Fire sub-code	OE		2,000.00
Total		\$13,000.00	\$13,000.00

RESOLUTION NO. 02/13/2007 – 05: PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2007

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$313,249.85** and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves 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. 02/13/2007 – 06: OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2007

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. 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>
Police Physician	Dr. George Jarahian, Jr.	\$408/Person +\$88/PSA Test	George Jarahian, Jr., M.D.
Dune Consultant	Dr. Stewart Farrell	\$750 for Annual Dune Survey	Richard Stockton College
Public Defender	James J. Gluck, Esq.	\$200/Court Case + \$100/Hr.	Gluck, Allen & Gertner, L.L.C.
Alternate Public Def.	Robert W. Allen, Esq.	for Extraordinary Services	

RESOLUTION NO. 02/13/2007 – 07: MISCELLANEOUS SERVICE AND MAINTENANCE CONTRACTS FOR 2007

WHEREAS, the award of contracts for 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:

3. 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>
Computer Software Maint.	\$1,825 Annual Support Services for Construction Dept.	Mitchell Humphrey & Co.

RESOLUTION NO. 02/13/2007 – 08: 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 Peoples Benefit Life Insurance Company effective April 1, 2003, and

WHEREAS, the Borough employees have benefited from their participation in the plan at their own cost, and

WHEREAS, the Peoples Benefit 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 in the attached, policy endorsement effective April 1, 2007 and therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the attached schedule of changes to the Monumental Life Insurance Company Master Policy 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.

RESOLUTION NO. 02/13/2007 – 09: TO ADOPT A TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough of Mantoloking has not adopted its 2007 municipal budget and therefore has not adopted the 2007 Capital portion of that budget,

WHEREAS, the Borough of Mantoloking desires to constitute the 2007 Temporary Capital Budget of said municipality,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mantoloking approve as follows:

SECTION 1. The 2007 Temporary Capital Budget of the Borough of Mantoloking is hereby constituted by the adoption of a schedule to read as follows:

PROJECT	EST COST	CAPITAL IMPROV FUND	DEBT AUTHORIZED
Purchase Backhoe	\$94,000.00	\$10,000.00	\$84,000.00
TOTAL	\$94,000.00	\$10,000.00	\$84,000.00

Section 2. The Clerk be and is hereby authorized to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after adoption of these projects for 2007 Temporary Capital Budget, to be included in the 2007 Permanent Capital Budget as adopted.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Activities of the Public Safety Committee

B. Action Items:

Councilman Gillingham reports on Borough Dog Regulations and Roadway Intersection/Right-of-Way Sight Triangles.

PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA

A. Activities of the Public Works & Public Works Facilities Committees

B. Action Items:

Councilman Popaca moved the following four (4) resolutions. Councilman Witkowski seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 02/13/2007 – 10: APPOINTMENTS AND EMPLOYEE SALARY DESIGNATION

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following amendment of the 2007 Salary Resolution with the terms and conditions indicated:

Name	Position	Effective Date	Salary
Laurence H. Gilman	PT Public Works Laborer	January 25, 2007	\$18.75/Hour

RESOLUTION NO. 02/13/2007 – 11: RELEASE OF 2006 UNUSED VACATION FOR BOROUGH SUPERINTENDENT

WHEREAS, William Heckman, Borough Superintendent, has accrued unused vacation, 35.75 hours, as of December 31, 2006; and

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

WHEREAS, funds are available for this purpose.

IT IS NOW, THEREFORE, this 13th day of February, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That William Heckman shall, forthwith, be compensated for his accrued vacation, 35.75 hours, as of December 31, 2006, at the gross rate of \$29.18 per hour.

RESOLUTION NO. 02/13/2007 – 12: INTRODUCTION OF ORDINANCE NO. 532 – BOND ORDINANCE FOR PURCHASE OF PUBLIC WORKS BACKHOE

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. 532

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF PUBLIC WORKS BACKHOE AT A COST OF \$94,000.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$84,000.00, AND APPROPRIATING THE SUM OF \$10,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE

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 8:30a.m. – 4:30p.m. ***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. 02/13/2007 – 13: PROVIDING FOR TERMINATION OF PARTICIPATION IN COOPERATIVE PRICING AGREEMENT WITH THE TOWNSHIP OF STAFFORD

WHEREAS, The Borough has heretofore entered into a Cooperative Pricing Agreement for purchase of work, materials and supplies and wherein the Township of Stafford is the Lead Agency; and

WHEREAS, based upon recommendations from the Public Works Committee, the Borough Council has determined that continued participation is not in the economic interest of the Borough; and

WHEREAS, the Agreement, by its terms, provides for termination by a Participating Contract Unit.

IT IS NOW, THEREFORE, this 13th day of February, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Continued participation in the above described purchasing cooperative is not in the economic interest of the Borough of Mantoloking;
2. The Borough of Mantoloking does hereby terminate its participation, effective upon the adoption of this Resolution;

3. A true copy of this Resolution shall be delivered forthwith to the Township of Stafford, Attention: Kathleen McCarthy Capron, RPPO.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES

- A. Activities of the Dune & Beach Renourishment Committee
- B. Action Items: None

Councilman Jones reported on the Borough Administrative Code (Ordinance No. 531).

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM

- A. Activities of the Legislative Action Committee
- B. Action Items

MANTOLOKING COMMITTEE, COUNCILWOMAN ANN ELIZABETH NELSON

- A. Activities of the Mantoloking Committee
- B. Action Items: None

10. MAYOR AND COUNCIL COMMENTS

11. PUBLIC COMMENTS PERIOD

12. EXECUTIVE SESSION AS NECESSARY

Councilman Popaca moved the following:

RESOLUTION NO. 02/13/2007 – 14: 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 pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege and specific prospective or current employees unless all who could be adversely affected request an open session.

FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.

Councilman Jones seconded the motion and the council adjourned the open portion of this meeting at 5:04 p.m. This was unanimously approved by voice vote.

13. OPEN SESSION AS NECESSARY

The Mayor and Council reconvened at 6:02 p.m. and the public was invited to return to the meeting room. No action was taken.

14. NEXT MEETING Regular Council Meeting of Monday, March 19, 2007

15. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Gillingham to adjourn at 6:03p.m. Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

Respectfully submitted,

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