

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
March 21, 2005
BOROUGH HALL

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: 8:00 p.m.

2. OPEN PUBLIC MEETING STATEMENT: Mayor Dunbar

This meeting is called pursuant to the provisions of the New Jersey Open Public Meetings Law. This meeting date was included in a list of meetings sent to the Ocean County Observer, Asbury Park Press, and Ocean Star and posted continuously on the bulletin board in the Municipal Building since December 21, 2004. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

Mayor William K. Dunbar, III, Council President Steve Gillingham, Councilmen Elbert E. Husted, III, Alan C. Laymon, George C. Nebel, Douglas J. Popaca

ABSENT: Councilman John H. Jones

RESOLUTION NO. 03/21/2005 – 01: APPROVAL OF FUTURE ABSENCES

Councilman Laymon moved that Councilman Nebel be excused from the April 18, 2005 Regular Meeting of the Mayor and Council. The motion was seconded by Councilman Popaca and unanimously approved by voice vote.

4. PLEDGE OF ALLEGIANCE

5. PRIVILEGE OF THE FLOOR: The Mayor will open the meeting for public comment and questions about the agenda and any other matter of public interest.

Councilman Gillingham moved the following:

RESOLUTION NO. 03/21/2005 – 02: MEMORIAL OF CHESTER J. ORTLEY, JR.

WHEREAS, Chester "Chet" J. Ortley, Jr. served as a member of the Police Department of the Borough and as Borough Superintendent, from December 18, 1971 through March 1, 1989; and

WHEREAS, Chet exemplified the highest standard of dedicated public service to the Borough and its residents with unalloyed dedication to proper efficiency and effective performance of his duties; and

WHEREAS, Chet at all times demonstrated independent initiative in a manner designed to accomplish all tasks within the scope of his responsibilities in a forthright and outstanding fashion, in the interest of the residents of the Borough; and

WHEREAS, following his retirement from public service, he remained a fixture within the Borough until his passing on March 12, 2005, having assisted many residents in a broad array of undertakings in a pleasant, reliable and competent manner; and

WHEREAS, Chet was justifiably proud of his service in the U.S. Marine Corps, the public service of his son, Chief Richard Ortley, and his family's ancient origins in Ocean County; and

WHEREAS, Chet embodied all of the positive characteristics of an honorable, self-reliant citizen and public servant; and

WHEREAS, it is the desire of the Mayor and Council to recognize his exemplary character and contributions and to express their condolences to his family.

IT IS NOW, THEREFORE, this 21st day of March, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The life and outstanding contributions of Chester Ortley are hereby acknowledged and recognized with sincere appreciation.
2. The Mayor and Council do hereby extend their heartfelt condolence to his family.
3. A true copy of this Resolution shall be delivered to Lillian Ortley.

The motion was seconded by Councilman Popaca and unanimously approved by voice vote.

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 03/21/2005 – 03: APPROVAL OF COUNCIL MEETING MINUTES

Councilman Nebel motioned to approve the minutes of the Regular Meeting of February 15, 2005 and Closed Session of February 15, 2005. The motion was seconded by Councilman Husted and unanimously approved by voice vote.

7. MAYOR'S REPORT

ANNOUNCEMENT OF NEW SEASONAL BOROUGH HALL OPEN HOURS

May 1, 2005 – September 30, 2005 Office Hours will be 9:00 a.m. to 3:00 p.m.

Mayor Dunbar reported on a meeting that took place today in Trenton with the N.J. Department of Transportation (NJDOT). In order to remedy our drainage problems on Barnegat Lane, the Borough must intersect with the NJDOT storm drain system or build additional storm drains. The NJDOT was not receptive to our request to intersect with NJDOT storm drain pipes. However, they did instruct us to apply for an additional \$100,000 grant to build new storm drains around the NJDOT pipes. We were assured that the grant application would be approved.

Councilman Nebel moved the following:

RESOLUTION NO. 03/21/2005 – 04: CONFIRMING THE APPOINTMENT OF OFFICIALS

WHEREAS, vacancies exist in the office of Alternate Municipal Prosecutor; and

WHEREAS, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such as Alternate Municipal Prosecutors; and

WHEREAS, AFTER DUE DELIBERATION, the Mayor and Council have determined that the following individual is nominated for this vacancy:

2005 Alternate Municipal Prosecutor, Douglas W. Jones, Jr.

IT IS NOW, THEREFORE, this 21st day of March, 2005, Resolved by the Mayor and Council of the Borough of Mantoloking, as follows:

1. That the Council does, by this Resolution, hereby confirm, ratify, and approve the nomination and appointment and term of office identified in both as to those officers and positions wherein the Mayor has the right to nominate and appoint with the advice and consent of Council or otherwise, and as to those offices and positions wherein the Council has the right to select said individuals or entities.

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

Councilman Gillingham moved the following:

RESOLUTION NO. 03/21/2005 – 05: NATIONAL VOLUNTEER WEEK, APRIL 17-23, 2005 "INSPIRE BY EXAMPLE"

WHEREAS, the week of April 17-23, 2005 has been so proclaimed National Volunteer Week in recognition of the Retired and Senior Volunteer Program (RSVP) sponsored by the Ocean County Board of Social Services; and

WHEREAS, the theme of this years recognition is "Inspire by Example"; and

WHEREAS, the recognition focuses on the outstanding contributions, service, and support of volunteers at the local, state and national levels; and

WHEREAS, the Ocean County Board of Social Services recognizes the support given by volunteers to the needs of the communities of Ocean County, such as increasing the capacity of agencies and organizations to provide services, increasing the ability of recipients of service to lead more productive and independent lives and fostering the concept of service to the community.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking that it hereby proclaims the week of April 17-23, 2005 as National Volunteer Week and honors all of the volunteers of the Borough of Mantoloking for their outstanding service to our community; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Ocean County Board of Chosen Freeholders, Corporation for National Service, the Mantoloking Fire Co. No. 1, the Seaweeders Garden Club of Bay Head and Mantoloking, the First Aid Squad of Point Pleasant Beach, Bay Head and Mantoloking, the Dover, Brick First Aid Save Barnegat Bay Organizations.

The motion was seconded by Councilman Laymon and unanimously approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION: NO. 03/21/2005 – 06: OPPOSITION TO THE FAST TRACK PERMITTING ACT, P.L. 2004, C.89

WHEREAS, the New Jersey legislature passed P.L. 2004, c. 89 – the Fast Track Permitting Act in seven days so that very little public testimony or input from local government was possible;

WHEREAS, the Fast Track Permitting Act expedites permit review in legislatively designated “smart growth areas” that cover about 40% of the state;

WHEREAS, provisions of the Fast Track Permitting Act promote the by-passing of local planning and goals in favor of expedited development projects;

WHEREAS, environmentally sensitive areas in urban and suburban regions are special havens, vulnerable to development pressures where expedited permits would increase the risk of environmental damage;

WHEREAS, existing infrastructure cannot support the magnitude of development encouraged by the Fast Track Permitting Act and the law makes no provision for needed infrastructure, so the burden will fall on local tax payers;

WHEREAS, the Law provides advantages only to certain applicants who are willing and able to pay the extra fees;

WHEREAS, the Law provides limited opportunity for the public or local officials to comment on expedited permits;

WHEREAS, the Law allows sewer lines, water lines and treatment works facilities as well as other projects to be constructed without a DEP application, public hearings or comment and allows State agencies to delegate their permitting authority to third party professionals for permits-by-rule;

WHEREAS, the Law does not only apply to private developers, but to government agencies whose projects generally entail significant environmental impacts;

WHEREAS, the 45-day deadline for permit approvals will not allow the State agencies, municipalities and other interested parties enough time to ensure proper review of most permits;

WHEREAS, the Fast Track Permitting Act ignores the constitutional requirement for equal protection for residents from different areas of the state;

WHEREAS, the Fast Track Permitting Act prohibits judicial appeal of decisions made by the Office of Administrative Law, another constitutional right;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Mantoloking opposes Fast Track Permitting Act and strongly urges the Legislature to reconsider and repeal this damaging, ill-considered law.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Governor and the legislators of Districts 9th, 10th and 30th.

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

Councilman Laymon moved the following:

RESOLUTION NO. 03/21/2005 – 07: SUPPORT REMOVAL OF THE PROPOSAL TO ELIMINATE THE HOMESTEAD REBATE AND NEW JERSEY SAVER REBATE PROGRAMS

WHEREAS, Ocean County, one of the fastest growing counties in the State, is home to one of the largest senior populations in the state; and

WHEREAS, the vast majority of our seniors are living on fixed incomes and have come to rely on their New Jersey Homestead Rebate and New Jersey Saver Rebate in order to meet their living expenses; and

WHEREAS, the New Jersey Homestead Rebate Program and the New Jersey Saver Rebate Program are the only real property tax relief programs in our State and the elimination of this tax relief is proposed with no changes to school and municipal aid; and

WHEREAS, in 2003, 95,778 Ocean County residents received the Homestead Rebate totaling \$81,402,099 and 85,754 residents received the NJ Saver Rebate, totaling \$58,220,150; and

WHEREAS, taking this assistance away will financially harm some of our most vulnerable residents while placing an additional burden upon the rest of our residents who pay property taxes; and

WHEREAS, as prices escalate on such necessary items as prescription drugs, gasoline and utilities, this budget would ask the residents of Ocean County and the entire State to sacrifice again, and to tighten their belts again, in order to balance a state budget that has been spiraling out of control for some time; and

WHEREAS, while a balanced state budget is of extreme importance, we cannot continue to balance spending measures by decreasing or eliminating rebates our residents have been using to meet the needs of daily living.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey hereby urges the removal of the proposal to eliminate the Homestead Rebate and New Jersey Saver Rebate programs.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Mantoloking urges the passage of a similar resolution by all municipalities within Ocean County.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to Acting Governor Richard Codey, the members of the 9th, 10th and 30th Legislative Districts, the Ocean County Board of Chosen Freeholders and the Mayors of all Ocean County Municipalities.

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

8. DEPARTMENT REPORTS

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

Councilman Nebel moved the following:

RESOLUTION NO. 03/21/2005 – 08: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER
January 31, 2005

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2004 municipal budget as of January 2005; and

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

	Cash Balance	Appropriation Balance	Fund Balance
Current Fund	732,235.02	417,383.02	2,117,266.81
Reserve Year		195,204.36	
Payroll			16,650.57
Trust & Escrow Fund	92,075.99		45,126.07
General Capital Fund	977,983.61		2,687,418.20
Total	1,802,294.62		

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.

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

MAYOR DUNBAR ADDRESSED THE FOLLOWING:

PUBLIC HEARING ON 2005 MUNICIPAL BUDGET

Mayor Dunbar opened the meeting to the public for questions and comments on the proposed 2005 Municipal Budget. No comments were made.

Councilman Nebel moved the following:

RESOLUTION NO. 03/21/2005 – 09: Amendment of the Proposed 2005 Municipal Budget

WHEREAS, the local budget for the year 2005 was approved on the 15th day of February, 2005 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Mantoloking, County of Ocean that the following amendments to the approved budget of 2005 be made:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Anticipated Revenues		
3. Miscellaneous Revenues:		
State Aid without Offsetting Appropriations		
Energy Receipts Tax (PL 1997, chapters 162 & 167)	\$ 144,579.00	\$ 149,965.00
Municipal Homeland Municipal Assistance Act		25,000.00
Special Items of General Revenue		
Marine Patrol Donations	11,200.00	7,600.00
Total Miscellaneous Revenues	\$ 504,190.00	530,976.00
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	906,190.00	932,976.00
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for		
Uncollected Taxes	2,120,382.13	2,093,596.13
7. Total General Revenues	<u>\$ 3,026,572.13</u>	<u>\$ 3,026,572.13</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2005 municipal Budget so amended. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 03/21/2005 – 10: ADOPTION OF THE 2005 MUNICIPAL BUDGET

BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, that the budget Herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations of the amount of:

- (a) \$2,093,596.13 for municipal purposes, an
- (b) .00 for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) .00 to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) "NONE" Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

- 2. **Amount to be Raised by Taxation for Municipal Purposes (Item 6(a), Sheet 11) \$2,093,596.13**
Total General Appropriations \$3,026,572.13

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

9. **ORDINANCES:** Councilman Nebel moved the following:

RESOLUTION NO. 03/21/2005-11: INTRODUCTION OF BOND ORDINANCES NO. 492, 493, 494, 495 AND 496

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinances:

ORDINANCE NO. 492

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR ACQUISITION AND INSTALLATION OF A SURGE SUPPRESSION SYSTEM FOR THE MUNICIPAL BUILDING/FIRE HOUSE AT A PROJECT COST OF \$20,000.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$18,000.00, AND APPROPRIATING THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE

ORDINANCE NO. 493

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR GREEN ACRES FUNDING FOR LAND ACQUISITION AT A COST OF \$20,000.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$18,000.00, AND APPROPRIATING THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE

ORDINANCE NO. 494

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR RELOCATION OF STORM DRAINAGE FACILITIES ON RUNYON LANE AT A PROJECT COST OF \$82,800.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$77,600.00, AND APPROPRIATING THE SUM OF \$5,200.00 FROM THE CAPITAL IMPROVEMENT FUND UNDER RESERVE FOR SAID PURPOSE AND REPEALING ORDINANCE 475

ORDINANCE NO. 495

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR ACQUISITION AND INSTALLATION OF EQUIPMENT TO CONVERT FROM USE OF BIOXIDE SOLUTION IN LIEU OF CHLORINE AT THE SANITARY SEWERAGE PUMP STATION AT A PROJECT COST OF \$20,000.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$18,000.00, AND APPROPRIATING THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE

ORDINANCE NO. 496

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR CONSTRUCTION OF CROSSWALKS AT THE INTERSECTION OF DOWNER AVENUE AND BAY AVENUE AT A PROJECT COST OF \$20,000.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$18,000.00, AND APPROPRIATING THE SUM OF \$2,000.00 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 at cost during regular business hours, M-F 9am–1 pm, 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.

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

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

A. Activities of the Finance Committee

B. Action Items: Councilman Nebel moved the following six (6) resolutions. The motion was seconded by Councilman Husted and it was unanimously approved by voice vote.

RESOLUTION NO. 03/21/2005 – 12: PAYMENT OF BILLS FOR THE MONTH OF MARCH 2005

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$233,916.83** 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. 03/21/2005 – 13: 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 2004 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 2004 Appropriation Reserve balances.

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Fire Dept	OE	\$6,000.00	
Finance Dept	OE		\$2,000.00
Tax Collector	SW		2,000.00
Recycling	OE		2,000.00
Gasoline	OE	1,000.00	
Mun Clerk	OE		1,000.00
Total		\$7,000.00	\$7,000.00

RESOLUTION NO. 03/21/2005 – 14: PROFESSIONAL SERVICE CONTRACTS FOR 2005

WHEREAS, The Local Public Contracts Law requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contracts must be available for public inspection; and

WHEREAS, the award of contracts for the professional services enumerated in the **attached** Exhibit “A” 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 professional services agreements in accordance with the attached Exhibit “A”, which identifies the services and providers thereof. Copies of the contracts are available for inspection at the Clerk’s office during regular business hours.
2. These Contracts are awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(I) et. seq., the Local Public Contracts Law, because the contracts are for professional services by a person authorized by law to practice a recognized profession that is regulated by law.
3. Appropriate legal notice of this action shall be published once in the official newspaper of the Borough.

RESOLUTION NO. 03/21/2005 – 15: APPROVE RELEASE OF SURETY BOND TO MLZ CORP., LLC

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by MLZ Corp., LLC in conjunction with the demolition of a garage located at 1340 Bay Avenue, property owners, Michael and Lorraine Zimmermann; and

WHEREAS, the Construction Official, John Wardell, has advised that a final inspection has been completed, the debris has been completely cleared and it is appropriate to release the Bond at this time.

IT IS NOW, THEREFORE, this 15th day of February, 2005, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by MLZ Corp., LLC in the amount of \$1,000.00 shall be released, forthwith;
2. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

RESOLUTION NO. 03/21/2005 – 16: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE-NANCY KLUMB

WHEREAS, as a matter of policy the Borough Council may, in its discretion, upon petition, grant extensions to an employee’s sick leave; and

WHEREAS, due to demonstrated need, Nancy Klumb, has been caused to utilize all of her allocated sick leave for 2005 and has petitioned for an increased allotment of sick leave for 2005; and

WHEREAS, Council is satisfied that the circumstances presented are extraordinary and that Nancy Klumb is deserving of its favorable consideration of her petition.

IT IS NOW, THEREFORE, this 21st day of March, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Nancy Klumb is hereby granted three (3) hours and additional sick leave to cover her absence through February 21, 2005.

RESOLUTION NO. 03./21/2005 -17: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME

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
<i>R. Stuart McIntyre, III</i>	<i>Laborer/Beach Badge Sales</i>	<i>April 15, 2005</i>	<i>\$7.00 per hour</i>

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Activities of the Public Safety Committee

B. Action Items: Councilman Gillingham moved the following two (2) resolutions. Councilman Nebel seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 03/21/2005 – 18: PROVIDING FOR REJECTION OF ALL BIDS FOR SIREN (MASS NOTIFICATION SYSTEM) BID DATE: MARCH 7, 2005

WHEREAS, three bidders submitted proposals in response to the invitation to bidders; and

WHEREAS, review of the technical specifications of bids tendered has revealed that none of the bidders included equipment which would permit attainment of the bid specifications as relate to facile and acceptable adjustment of sound volume, from a central location; and

WHEREAS, investigation has revealed that the equipment tendered would not ameliorate the site specific nuisance as perceived by persons proximate to the sound source and would not, if reduced in volume, provide adequate warning or notification signal; and

WHEREAS, the bid of Signal Division of Federal Signal Corp. is also materially deficient (failure to supply proof of Public Works Contractor's Registration); and

WHEREAS, the borough specifically reserved the right to reject all bids, in the public interest.

IT IS NOW, THEREFORE, this 21st day of March, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All of the bids received for this project are hereby rejected as unresponsive; additionally, the bid of Signal Division of Federal Signal Corp. is also rejected as being materially deficient, lack of documentation, above described.
2. Bid security provided shall be forthwith returned and/or released.
3. council will continue to consider means for possible resolution of the nuisance which is the focus of this project.

RESOLUTION NO. 03/21/2005 – 19: 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, Exhibit "B" policy endorsement effective April 1, 2005 and therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the attached Exhibit "B" schedule of changes to the Peoples Benefit Life Insurance Company Master Policy is hereby approved and, be it

FURTHER RESOLVED, that the Policy Endorsement be executed by the Borough's Insurance Commissioner, Irene H. Ryan and made a part of the Master Policy.

GARBAGE & RECYCLING COMMITTEE, COUNCIL

- A. Activities of the Garbage and Recycling Committee
- B. Action Items: None

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

- A. Activities of the Beautification of Mantoloking Committee
- B. Action Items:

Councilman Laymon announced the Spring Beach Sweep by Clean Ocean Action Organization will take place on Saturday, April 23, 2005. Mr. Laymon added that he will not seek another term of office as Councilman in 2005.

DRUG & ALCOHOL ALLIANCE & COUNTY BLOCK GRANT COMMITTEES, COUNCILMAN LAYMON:

- A. Activities of the Drug & Alcohol Alliance & Ocean County Block Grant Committees
- B. Action Items: None

PUBLIC WORKS & PUBLIC WORKS FACILITIES COMMITTEES, COUNCILMAN POPACA

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

- B. Action Items: Councilman Popaca moved the following four (4) resolutions. The motion was seconded by

Councilman Nebel and it was unanimously approved by voice vote.

RESOLUTION NO. 03/21/2005 – 20: CURB, SIDEWALK, AND STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (LYMAN STREET TO BERGEN AVENUE) CONTRACT NO. 2003-2, APPLICATION FOR PAYMENT NO. 1

WHEREAS, the Borough has entered into a Contract with F & P Contractors, Inc. (Contract 2003-2) to provide curb, sidewalk, and storm drainage improvements: and

WHEREAS, the Contractor's Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$42,202.72, by letter dated March 3, 2005; and

WHEREAS, funds have heretofore been appropriated by Ordinance 457.

IT IS NOW, THEREFORE, this 21st day of March, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 of F & P Contractors, Inc. is hereby approved in the sum of \$42,202.72 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

RESOLUTION NO. 03/21/2005 – 21: MISCELLANEOUS SERVICE AND MAINTENANCE CONTRACTS FOR 2005

WHEREAS, the award of contracts for services and maintenance of Borough facilities, equipment and personnel obligations enumerated in the attached Exhibit "C" 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:

4. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the attached Exhibit "C", 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.

RESOLUTION NO. 03/21/2005 – 22: PROVIDING FOR AWARD OF CONTRACT TO SUPPLY AND INSTALL ARCHIVES SHELVING TO DIVERSIFIED STORAGE SOLUTIONS, INC.

WHEREAS, the Borough Clerk advertised for sealed bids for an Archive Storage System; and
WHEREAS, bids were publicly opened and read aloud at 1:00 p.m. on March 11, 2005 in the office of the Borough Clerk with the following results:

Bidder	Amount of Bid	Bid Bond	Surety Guarantee	Non-Collusion	Owner Disclosure	Site Visit ation	Affirmative Action	Subcontractors
Furniture Advisors Inc.	\$16,047.33					X	X	
Diversified Storage Solutions	\$24,192.04	X	X	X	X	X	X	

And

WHEREAS, the Borough has received two (2) bids for this acquisition; and

WHEREAS, the bid of Furniture Advisors, \$16,047.35, did not, in several material elements, comply with the Bid specifications and instructions, including but not limited to bid security, Consent of Surety and Public Works Registration; and

WHEREAS, the bid of Diversified Storage Solutions, Inc., \$24,192.04, (base bid), and option (flooring), \$1,164.48, is deemed compliant with bid specifications.

IT IS NOW, THEREFORE, this 21 day of March, 2005, **RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Bid of Furniture Advisors is rejected as materially non-compliant;
2. The bid of Diversified Storage Solutions, Inc., is deemed responsive and the Contract is awarded in the sum of \$24,192.04;
3. The Mayor and Clerk are authorized to execute the Contract upon receipt of post-award documentation in such form as shall be approved by counsel.
4. A copy of this Resolution shall be forthwith delivered to Diversified Storage Solutions, Inc.

RESOLUTION NO. 03/21/2005 – 23: ADOPTION OF THE MUNICIPAL STORMWATER MANAGEMENT PLAN

WHEREAS, pursuant to provisions of N.J.A.C. 7:14A-25, the Borough is obligated to develop and adopt a Stormwater Management Plan; and

WHEREAS, it is the desire of the governing body to comply with this requirement; and

WHEREAS, the Borough Engineer, Stetler and Guldin Engineering, Inc. (Thomas S. Guldin, P.E.) has prepared a proposed Municipal Stormwater Management Plan dated March, 2005, a copy of which is attached to this Resolution; and;

WHEREAS, the governing body has reviewed the proposed Plan.

IT IS NOW, THEREFORE, this 21st day of March, 2005 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The attached document (14 pages) entitled "Municipal Stormwater Management Plan for The Borough of Mantoloking, March 2005" is hereby approved and adopted as the Stormwater Management Plan for the Borough of Mantoloking, Ocean County, New Jersey.
2. A true copy of this Resolution shall be forthwith delivered to Stetler and Guldin for submission to Ocean County in accordance with applicable process and regulations.

REGIONALIZATION & SHARED SERVICES COMMITTEE, COUNCILMAN POPACA:

- A. Activities of the Regionalization & Shared Services Committee
- B. Action Items: None

Councilman Popaca reported that water pressure problems are being checked out by the N.J. American Water Co. The 2004 franchise fees have been received from Comcast Cable Television in the amount of \$4,872.75.

UTILITY SERVICES COMMITTEE, COUNCILMAN POPACA:

- A. Activities of the Utility Services Committee
- B. Action Items:

LONG RANGE PLANNING COMMITTEE, COUNCILMAN HUSTED:

- A. Activities of the Long Range Planning Committee
- B. Action Items: None

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN HUSTED:

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

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN HUSTED:

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

DUNE WALK COMMITTEE

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

FLOOD STRATEGY COMMITTEE

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

NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE

- A. Activities of the NFIP Flood Hazard Mitigation Planning Committee
- B. Action Items: None

11.EXECUTIVE SESSION AS NECESSARY

Councilman Laymon moved the following:

RESOLUTION NO. 03/21/2005 – 24: 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 adjourn to closed session to discuss:

1. *a matter involving the purchase, lease, or acquisition of real property with public funds*
2. *pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege*

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

Councilman Popaca seconded the motion. It was unanimously approved by voice vote to enter into closed session at 8:30 p.m.

12.OPEN SESSION AS NECESSARY

The Mayor and Council reconvened at 9:50 p.m. The public was invited to return to the meeting room. No further action was taken.

13.NEXT MEETING Regular Meeting of April 18, 2005 at 8:00 p.m.

14. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Nebel to adjourn at 9:52 p.m. The motion was seconded by Councilman Gillingham and it was unanimously approved by voice vote.

Respectfully submitted,

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