

DRAFT #1 (06/24/2009)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
June 15, 2009

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:** **TIME:** 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**
Present: Mayor George C. Nebel, Council President Stanley F. Witkowski, Councilmen Steve Gillingham, Peter R. Strohm, Donald S. Ness, James J. Brown and Councilwoman Ann Elizabeth Nelson
Absent: None

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Chief Financial Officer Michelle Swisher, Police Chief Mark Wright, Fire Chief Laurence Gilman and Emergency Management Coordinator Robert S. McIntyre, Jr.

- 4. PLEDGE OF ALLEGIANCE:** The Mayor led 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. Mayor Nebel stated that although he and the council members go through the agenda rapidly, these matters are worked on over several weeks leading up to the monthly council meetings.

- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 06/15/2009 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the minutes of the Regular Meeting of May 18, 2009 be approved as distributed. The motion was seconded by Councilman Brown and approved by unanimous voice vote.

- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**
FINANCE COMMITTEE, COUNCILMAN WITKOWSKI
 - A.** Councilman Witkowski introduced the Municipal Finance Officer Michelle Swisher who presented the monthly finance report.
 - B. Action Items:**

Councilman Witkowski moved the following two (2) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 06/15/2009 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER April 30, 2009

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2009 municipal budget as of April 30, 2009; and

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

| ACCOUNT | BUDGET | EXPENDED BALANCE YEAR TO DATE | ENCUMBERED |
|---------------------------------|----------------|-------------------------------------|-----------------|
| 2009 Current Year Appropriation | \$2,155,266.59 | \$1,368,299.02 723,699.31 | \$ 63,268.26 \$ |
| 2008 Appropriation Reserves | \$ 337,600.67 | \$ 118,925.85 215,648.38 | \$ 3,026.44 \$ |
| Capital | \$ 968,028.99 | \$ 112,087.82 855,941.17 | \$ |

| ACCOUNT | REVENUE THIS MONTH | REVENUE YEAR TO DATE |
|---------------|--------------------------|-------------------------|
| Cash Receipts | \$ 556,876.73 | \$2,577,232.94 |

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. 06/15/2009 – 03: PAYMENT OF BILLS FOR THE MONTH OF June 2009

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$334,770.77** 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.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Reports of the Public Safety Committee: Councilman Gillingham introduced Chief Wright who presented the report of the Police Department. This was followed by the introduction of Fire Chief Laurence Gilman who presented the report of the Mantoloking Fire Co. No. 1. Further introduction was made of Robert S. McIntyre, Jr. who presented the Emergency Management report. Councilman Gillingham concluded with the presentation of the report of the Municipal Court.

B. Action Items:

Councilman Gillingham moved the following two (2) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 06/15/2009 – 04: AWARD OF SALE OF USED MUNICIPAL SURPLUS PROPERTY (POLICE VEHICLE)

WHEREAS, the Borough Clerk advertised for sealed bids for the sale of (A) one, 2004 Ford Crown Victoria, unmarked law enforcement vehicle, VIN No. 2FAFP71W24X100115; and

WHEREAS, bids were publicly opened and read aloud at 12:30 p.m. on June 10, 2009 in the office of the Borough Clerk with the following results:

| Bidder | Amount of Bid |
|--|-------------------|
| <i>Grace Quality Used Cars, Inc., Morrisville, Pa.</i> | <i>\$2,868.00</i> |
| <i>Mr. Dan Dames, Manasquan, NJ</i> | <i>\$2,700.00</i> |
| <i>Liberty Motors, Inc., Jersey City, NJ</i> | <i>\$2,131.99</i> |
| <i>Police Car Store, LLC, Bala Cynwyd, Pa.</i> | <i>\$2,109.00</i> |
| <i>Bay Ridge Motors, Inc., Staten Island, NY 10310</i> | <i>\$1,817.00</i> |
| <i>Jersey One Auto Sales, Inc., Jersey City, NJ</i> | <i>\$1,680.00</i> |

WHEREAS, the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it **RESOLVED**, this 15th day of June, 2009, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of Grace Quality Used Cars, Inc., the sum of \$2,868.00, is hereby accepted upon the following terms and conditions:

- (i) payment for and removal of the vehicle from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
- (ii) payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;
- (iii) the purchaser shall, upon delivery, accept the bill of sale or title document and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations or warranties of any nature whatsoever. Title shall pass upon delivery of payment to the Borough.

RESOLUTION NO. 06/15/2009 – 05: AWARD OF SALE OF USED MUNICIPAL SURPLUS PROPERTY (BOAT TRAILER)

WHEREAS, the Borough Clerk advertised for sealed bids for the sale of (B) one, 1999 Load Rite boat trailer, VIN No. 5A4TZ3R17X2050010; and

WHEREAS, bids were publicly opened and read aloud at 12:30 p.m. on June 10, 2009 in the office of the Borough Clerk with the following results:

| Bidder | Amount of Bid |
|---|-----------------|
| <i>Liberty Motors, Inc., Jersey City, NJ</i> | <i>\$355.99</i> |
| <i>Jersey One Auto Sales, Inc., Jersey City, NJ</i> | <i>\$388.00</i> |
| <i>Mr. Dan Dames, Manasquan, NJ</i> | <i>\$112.12</i> |

WHEREAS, the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it **RESOLVED**, this 15th day of June, 2009, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

2. The bid of Jersey One Auto Sales, Inc., the sum of \$388.00, is hereby accepted upon the following terms and conditions:

- (i) payment for and removal of the trailer from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
- (ii) payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;

- (iii) the purchaser shall, upon delivery, accept the bill of sale and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations or warranties of any nature whatsoever.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

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

C. Action Items:

Councilwoman Nelson moved the following three (3) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 06/15/2009 – 06: MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACT FOR 2009 (OCEAN COUNTY SCHEDULE “C” PROGRAM)

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 amendatory agreement in accordance with the following list, which identifies the services and providers thereof. Said contract is 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.

SERVICE - Schedule “C” Program, Road Department
BUSINESS NAME – County of Ocean
CONTRACT ORIGINAL AMOUNT - \$2,000.00
AMENDATORY CONTRACT AMOUNT - +\$2,000.00
YEAR TO DATE TOTAL - \$4,000.00

SERVICE- Schedule “C” Program, Vehicle Services
BUSINESS NAME – County of Ocean
CONTRACT ORIGINAL AMOUNT - \$1,000.00
AMENDATORY CONTRACT AMOUNT - \$0
YEAR TO DATE TOTAL - \$1,000.00

RESOLUTION NO. 06/15/2009 – 07: APPROVING SUBMITTAL A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BERGEN AVENUE AND LAGOON LANE IMPROVEMENTS PROJECT

WHEREAS, the Borough desires to avail itself of grant funding for the above described project; and

WHEREAS, the Borough Engineer, Larry Plevier, P.E. has forwarded the application electronically as acknowledged by the New Jersey DOT on June 12, 2009;

IT IS NOW, THEREFORE, this 15th day of June, 2009, **RESOLVED** that the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Mantoloking Borough-00667 to the New Jersey Department of Transportation on behalf of the Borough of Mantoloking;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mantoloking and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION NO. 06/15/2009 – 08: PETITIONING THE NEW JERSEY DOT FOR ACCELERATED CONSTRUCTION OF NEW JERSEY DOT ROADWAY IMPROVEMENTS ROUTE 35

WHEREAS, for several years, the New Jersey DOT project for improvements to Route 35, in Mantoloking and nearby communities, has been delayed, principally as a result of the lack of funds; and

WHEREAS, New Jersey DOT has recently expressed renewed interest in advancing the project to completion; and

WHEREAS, the availability of federal funds should facilitate the project; and

WHEREAS, local residents and the public, at large, will gain immediate benefit from the improved roadway in terms of safety, convenience and environmental betterment; and

WHEREAS, the New Jersey DOT has confirmed that the long-standing concerns of the Borough and its residents in regard to: width, curbing, sidewalks, and drainage improvements have been recognized and will be accommodated; and

WHEREAS, the Borough Engineer, Larry Plevier, P.E. has reviewed the current plans and has submitted extensive review comments to the New Jersey DOT Design Engineer; and

WHEREAS, representatives of the New Jersey DOT have conferred with Borough officials and have advised that funds will be available in 2010 and that the project is to commence in 2011.

IT IS NOW, THEREFORE, this 15th day of June, 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Prompt construction of the above described project will be in the general public interest in terms of safety, traffic operation and environmental enhancement;
2. The improved roadway will facilitate tourism, public convenience and the economy, generally, in the project area;
3. The Borough shall continue its efforts to insure that local concerns are addressed and appropriately incorporated in the final design and construction;
4. The New Jersey DOT is commended for its dedication and tenacity in the current effort to realize completion of this sorely needed, long delayed, improvement;
5. A copy of this Resolution shall be forwarded to all communities within the scope of this project and to the New Jersey DOT.

PUBLIC HEARING Mayor Nebel opened the meeting for a public hearing on Ordinance No. 571 – BAY AVENUE LOT REMEDIATION. No comments were made.

Councilwoman Nelson moved the following:

RESOLUTION NO. 06/15/2009 – 09: ADOPTION OF ORDINANCE NO. 571 – BAY AVENUE LOT REMEDIATION

WHEREAS, on the 15th day of June, 2009 a public hearing on Ordinance No. 571 was held and no 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 entitled: (Copy attached)

ORDINANCE NO. 571
**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
BAY AVENUE LOT REMEDIATION AT A COST OF \$26,000.00,
AUTHORIZING THE ISSUANCE OF BONDS AND NOTES**

IN THE PRINCIPAL SUM OF \$24,000.00, AND APPROPRIATING THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE

The motion was seconded by Councilman Ness and approved by unanimous voice vote.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

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

MANTOLOKING COMMITTEE, COUNCILMAN NESS

- A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.
- B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

9. PUBLIC COMMENTS PERIOD

Public comments were made by three commentators concerning the sounding of the fire Horn, the Borough parking lot and parking on Ocean Avenue.

10. EXECUTIVE SESSION

Councilman Gillingham moved the following resolution:

RESOLUTION NO. 06/15/2009 – 10: 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

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

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote at 5:08 p.m.

11. OPEN SESSION AS NECESSARY

The Mayor and Council reconvened at 5:56 p.m. No further action was made by the governing body.

12. NEXT MEETING Regular Council Meeting of July 20, 2009 @ 4:30 p.m.

13. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Witkowski to adjourn. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote at 5:57 p.m.

Respectfully submitted,

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