

DRAFT #2 (07/02/10)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
June 21, 2010

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**
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. and Police Chief Mark Wright
- 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. No comments were made.
- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 06/21/2010 - 01: APPROVAL OF MINUTES
Councilwoman Nelson moved that the minutes of the Regular Meeting of May 17, 2010 be approved as distributed. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.
- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**
FINANCE COMMITTEE, COUNCILMAN WITKOWSKI
 - A. Councilman Witkowski presented the monthly finance report.
 - B. **Action Items:**

Councilman Witkowski moved the following four (4) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 06/21/2010 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER April 30, 2010

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2010 municipal budget as of April 30, 2010; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED	
2010 Current Year Appropriation	\$4,079,249.10	\$1,509,816.17 2,427,598.33	\$ 141,834.60	\$
2009 Appropriation Reserves	\$ 385,348.95	\$ 107,321.70 266,439.49	\$ 11,587.76	\$
Capital	\$1,071,939.99	\$ 191,007.82 880,932.17		\$

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 662,665.40	\$3,078,010.90

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. 06/21/2010 – 03: PAYMENT OF BILLS FOR THE MONTH OF June 2010

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$309,008.21** 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. 06/21/2010 – 04: PROVIDING FOR THE ENGAGEMENT OF CREDIT CARD PROCESSING VENDOR

WHEREAS, the Borough of Mantoloking had formerly contracted with TD bank to provide credit card services for the Borough at no charge for both the Court and the Finance Office; and

WHEREAS, it is no longer feasible for TD Bank to continue to pay for all of the services associated with that credit card machine for the Finance Office, but will maintain the cost of the machine in the Court ; and

WHEREAS, the cost of maintaining the credit card machine in the Finance Office is quite prohibitive but the Borough would like to maintain the service for the taxpayers of the Borough ; and

WHEREAS, the undertaking will be on an at will basis,

NOW, THEREFORE BE IT RESOLVED, that this 21st day of June, 2010 that the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey as follows:

- 1) The Borough shall, effective July 1, 2010, utilize the services of Heartland Payment Systems as its credit card service provider.
- 2) A service fee of 3% will be assessed on each transaction to be borne by the person making the charge transaction. The 3% will be charged on the specific dollar amount of the transaction.
- 3) The person making the charge will be advised as to the specific amount of the fee before the transaction takes place. If they feel that the fee is too high they will be able to stop that transaction before it begins.
- 4) The fees will only apply to transactions taking place in the Finance Office, i.e.: tax payments, beach badge sales, construction and any other transactions that may be credited to the Current Account of the Borough of Mantoloking.
- 5) The percent of the service fee will be adjusted accordingly as market conditions evolve.
- 6) The Chief Financial Officer is hereby authorized to take such action as may be necessary to implement the purposes of this Resolution.

RESOLUTION NO. 06/21/2010 – 05: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE- PRISCILLA A. LEUCK

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, Priscilla A. Leuck has been caused to utilize all of her allocated sick leave for 2010 and has petitioned for an increased allotment of sick leave for 2010; and

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

IT IS NOW, THEREFORE, this 21st day of June, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Priscilla A. Leuck is hereby granted seventy (70) hours additional sick leave to cover her absence through June 25, 2010.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Reports of the Public Safety Committee: Councilman Gillingham introduced Chief Mark Wright who presented the reports of the Police Department. Councilman Gillingham concluded with the presentation of the reports of the Municipal Court, Fire Company and Emergency Management.

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. 06/21/2010 – 06: APPOINTMENT OF PERSONNEL – SEASONAL/PART TIME HELP

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>Vitolo, Anthony</i>	<i>Special Class II Officer</i>	<i>June 21, 2010</i>	<i>(Academy Attend) \$7.25/Hr</i>
<i>Popaca, John</i>	<i>Special Class II Officer</i>	<i>June 21, 2010</i>	<i>(Academy Attend) \$7.25/Hr</i>
<i>Gambarella, Ed</i>	<i>Special Class I Officer</i>	<i>May 22, 2010</i>	<i>\$9.50/Hour</i>

RESOLUTION NO. 06/21/2010 – 07: PROVIDING FOR REJECTION OF ALL BIDS FOR THE PURCHASE OF SURPLUS VEHICLE (1992 CHEVROLET VAN)

WHEREAS, on May 17, 2010, the Borough, upon conditions, accepted the bid of Junk-4-Less, Orlando, Florida, \$12,850.00, for the purchase of the surplus vehicle; and

WHEREAS, notice of award was provided to the bidder; and

WHEREAS, the bidder has failed to perform, i.e. to pay in accordance with the terms of award; and

WHEREAS, the next highest bid, \$3,228.00, is less than the minimum bid of \$5,000.00.

IT IS NOW, THEREFORE, this 21st day of June, 2010, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. the award to Junk-4-Less, is rescinded;
2. the bid of Robert Ferreira, \$3,228.00, is rejected as non-confirming to bid specifications;
3. the sale of the vehicle shall be re-advertised with a minimum bid requirement of \$5,000.00;
4. the terms of sale shall be cash or an unendorsed bank check payable to the order of the Borough of Mantoloking, within seven (7) days of award;
5. Buyer shall, upon delivery, acknowledge in writing that the sale is made on an “as is”, “where is” basis, without representation or warranties of any nature. Title shall pass upon payment.

PUBLIC HEARING: Mayor Nebel opened the meeting for a Public Hearing on Ordinance No. 587 – Amendment to the Land Use Ordinance (Dumpster and Storage Unit Containers). No comments were made.

Councilman Witkowski moved the following resolution.

RESOLUTION NO. 06/21/2010 - 08 ADOPTION OF ORDINANCE NO.587 – AMEND LAND USE ORDINANCE (DUMPSTER AND STORAGE UNIT CONTAINERS)

WHEREAS, on the 21st day of June, 2010 a public hearing on Ordinance No. 587 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.587

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR RESCISSION OF SECTION 30-4.14, TEMPORARY FACILITIES, CHAPTER XXX, LAND USE REGULATIONS, ORDINANCE 531, AND ADOPTION OF REVISED REGULATIONS FOR TEMPORARY FACILITIES

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

A. Reports of the Public Works: Councilwoman Nelson presented reports from 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. 06/21/2010 – 09: REQUESTING NJDOT AWARD DEADLINE EXTENSION

WHEREAS, the Borough is the recipient of a New Jersey DOT Municipal Aid Program Grant from fiscal year 2009 for the Channel Lane and Bergen Avenue Improvements project in the sum of \$110,000.00; and

WHEREAS, the New Jersey DOT Contract award date is July 28, 2010; and

WHEREAS, at this time the Contract Drawings are approximately 75% complete and drawings and progress prints are available in the Office of the Borough engineer; and

WHEREAS, the project scope of work is the improvement of roadway conditions and to address the frequency of street flooding, which is a result of surcharging from storm sewer; and

WHEREAS, the initial design concept was to raise the street elevation which would necessitate significant restoration and modification of private improvements, including lawns, landscaping, fences, lighting, driveways, walkways and utilities, along with the acquisition of temporary construction easements;

WHEREAS, as a result of the desire to mitigate private property disturbance, the cost of reconstruction, there is an ongoing effort to identify a potential alternate solution, without the need to revise the street elevation. Flood control measures (check valves) were installed by the Municipal Department of Public Works on November 10, 2009. The anticipated function of the check value is to allow storm water to drain from the street to downstream waters and to prevent waters from surcharging the storm sewer during high tides and adverse winds. The Borough has obtained a closed circuit television video inspection of the existing pipes, including points of infiltration which could or may facilitate by-passing of check valves; and

WHEREAS, further investigation revealed the existence of an abandoned storm sewer outfall, a significant source of infiltration. This source will be plugged by the DPW; and

WHEREAS, the Borough has, by Ordinance, imposed a moratorium on work within the Municipal right-of-way between July 4th and Labor day; and

WHEREAS, it is useful and appropriate to allow for a monitoring period to evaluate the efficiency of the new valves and the result of plugging of the abandoned outfall and to review the CCTV's inspection videos to make a final determination of the scope of work, to complete the Contract Documents and to receive bids at a date more proximate to the actual construction period following the summer moratorium.

IT IS NOW, THEREFORE, this 21st day of June, 2010, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. that the Borough shall and hereby does request that the New Jersey DOT, Local Aid Office, grant a six (6) month extension of the deadline for Contract award for this project;
2. the rationale in support for this request is set forth in the prefatory recitals which are deemed substantive and are incorporated in this Resolution;
3. a true copy of this Resolution shall be forwarded forthwith to:
 - a. The New Jersey DOT, Local Aid Office (Project Manager); and
 - b. Hatch Mott McDonald (Larry Plevier, P. E.)

RESOLUTION NO. 06/21/2010 – 10: INTRODUCTION OF ORDINANCES NO. 588 AND 589

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. 588

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
REGARDING REFUSE CONTAINERS/DUMPSTERS**

ORDINANCE NO. 589

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
REGARDING PRIVATE STORM DRAIN INLET RETROFITTING**

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 8:30am – 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.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

- A. **Report of the Dune & Beach Renourishment Committee** Councilman Strohm presented the current Dune Inspectors report.
- B. **Action Items:** None

MANTOLOKING COMMITTEE, COUNCILMAN NESS

- A. Councilman Ness reported that no reports of the Mantoloking Committee and the Environmental Commission were submitted.
- B. **Action Items:** None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. **Action Items:**

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

RESOLUTION NO. 06/21/2010 – 11: INTRODUCTION OF ORDINANCE NO. 590 – AMEND MUNICIPAL RECYCLING ORDINANCE

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. 590

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR THE COLLECTION OF
RECYCLABLE MATERIAL, AND PROVIDING PENALTIES FOR
VIOLATIONS AND RESCINDING ORDINANCE NO. 264, AS AMENDED**

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 8:30am – 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. 06/21/2010 – 12: RECYCLING ENHANCEMENT ACT REQUIRED TAX IDENTIFICATION STATEMENT

WHEREAS, The Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of Mantoloking that the Borough of Mantoloking hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2009 in the amount of (\$1,317.00). Documentation supporting this submission is available at 202 Downer Avenue and shall be maintained for no less than five years from this date.

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel announced that due to property sales falling ten percent or more below assessed values, the Borough will conduct a reassessment this Fall as approved by the Ocean County Tax Board. Councilman Brown announced that the Electronics Recyclable pick up is scheduled for Monday, June 28, 2010. In addition, he reported that Ocean County is not reconsidering their decision on the elimination of Hazardous Waste Disposal collections in 2010. They will review this decision in 2011 for reconsideration in that year. Councilwoman Nelson commended the police department for their help during the Seaweeder’s Garden Club Tour.

9. PUBLIC COMMENTS PERIOD

Comments were made by two public attendants about the six month extension of the Channel Lane and Lagoon Lane roadway upgrade and dune bulldozing.

10. NEXT MEETING Regular Council Meeting, July 19, 2010 @ 4:30 p.m.

11. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Brown and approved by unanimous voice vote at 5:00 p.m.

Respectfully submitted,

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