

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
July 18, 2005

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, John H. Jones, George C. Nebel, Douglas J. Popaca

ABSENT: Councilman Alan C. Laymon

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.

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 07/18/2005 - 01: APPROVAL OF MINUTES

Councilman Nebel moved that the following minutes as distributed are approved.

Regular Meeting of June 20, 2005.

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

7. MAYOR'S REPORT

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. 07/18/2005 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER
May 31, 2005 AND AUTHORIZATION TO MOVE ALL BOROUGH FUNDS TO COMMERCE BANK

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2005 municipal budget as of May 31, 2005; and

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

	Cash Balance	Appropriation Balance	Fund Balance
Current Fund	1,391,745.20	1,878,758.22	6,437,513.98
Reserve Year		162,828.45	
Payroll			6,035.42
Trust & Escrow Fund	97,306.34		66,521.92
General Capital Fund	1,053,961.49		3,454,227.71
Total	2,543,013.03		

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.

FURTHER RESOLVED, to approve the recommendation of the Borough Chief Financial Officer, Michelle Swisher to move all Borough funds to Commerce Bank.

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

Councilman Jones moved the following:

RESOLUTION NO. 07/18/2005 – 03: AUTHORIZATION OF PROPERTY REASSESSMENT PROJECT BY BOROUGH TAX ASSESSOR FOR 2007 UPDATE OF PROPERTY VALUES

WHEREAS, the State of New Jersey has set forth various criteria to judge the need for a property revaluation of a given municipality.

WHEREAS, the Mayor and Council received advance notification from the Ocean County Board of Taxation, correspondence dated January 13, 2005, informing the governing body that an Order for Revaluation is pending.

WHEREAS, the Ocean County Tax Administrator referred to the State guidelines and other statistical data that will become available in October, 2005.

WHEREAS, the Tax Assessor of the Borough of Mantoloking has recommended a property reassessment as opposed to a more costly property revaluation by an outside private company.

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking, County of Ocean, New Jersey **RESOLVES** to authorize the Borough Tax Assessor to conduct a property reassessment in 2006 for submission to the Ocean County Tax Board for year 2007 update and equalization of all property and improvements in the Borough of Mantoloking.

The motion was seconded by Councilman Popaca and approved by majority of all council members present in accordance with the following roll call voice vote:

Gillingham	-	No	Husted	-	Yes	Nebel	-	No
Popaca	-	Yes	Jones	-	Yes			

Councilman Nebel moved the following:

RESOLUTION NO. 07/18/2005 – 04: AUTHORIZE APPLICATION TO WAIVE INTERIOR INSPECTIONS OF BUILDINGS IN 2006 TAX REASSESSMENT

WHEREAS, James Anderson, Tax Assessor of the Borough of Mantoloking has recommended that he file an application to the Ocean County Tax Board to request that interior inspections be waived for the approved property reassessment project in 2006.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey that due to the records maintained in the office of the Tax Assessor are up to date and very few sales activity is experienced, it is approved that the Tax Assessor make an application of waiver for interior inspections.

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

9. ORDINANCES: Councilman Popaca moves the following:

Councilman Popaca moved the following:

RESOLUTION NO. 07/18/2005 – 05: PUBLIC HEARING/ADOPTION OF ORDINANCE NO. 499 – REGULATION OF CRITICAL FACILITIES WITHIN THE 500 YEAR FLOOD PLAIN

WHEREAS, on the 18th day of July, 2005 a public hearing on Ordinance No. 499 was held. No public comments were made.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance No. 499 entitled: (Copy attached)

**ORDINANCE NO. 499
AN ORDINANCE AMENDING ORDINANCE NO. 465 THE LAND USE ORDINANCE OF THE
BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AND PROVIDING FOR
REGULATION OF CRITICAL FACILITIES WITHIN THE 500 YEAR FLOOD PLAIN**

The motion was seconded by Councilman Husted and 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 nine (9) resolutions. They were seconded by Councilman Jones and unanimously approved by voice vote.

RESOLUTION NO. 07/18/2005 – 06: PAYMENT OF BILLS FOR THE MONTH OF JULY 2005

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$217,885.87** 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. 07/18/2005 – 07: APPROVE RELEASE OF CASH SURETY BOND TO DANIEL S. CUSACK, INC.

WHEREAS, the Borough is the beneficiary of a Cash Surety Bond posted by the following:

1. Daniel S. Cusack, Inc., 1411 Ocean Avenue, Demolition of garage \$1,000.00

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 18th day of July, 2005, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Cash Surety Bond posted by Daniel S. Cusack, Inc. 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. 07/18/2005 – 08: CONSIDER REFUND ON PURCHASE OF BOROUGH FLAG TO FRANCIS CRIVELLI

WHEREAS, Francis Crivelli purchased a Borough Flag during the month of June, 2005 for \$25.00; and

WHEREAS, the flag was reported by Francis Crivelli to be the wrong size for her flag pole; and

WHEREAS, the Borough Chief Financial Officer has deemed it appropriate to refund the purchase at this time.

IT IS NOW, THEREFORE, this 18th day of July, 2005, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced purchase by Francis Crivelli 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. 07/18/2005 - 09: AUTHORIZED SALE OF MUNICIPAL SURPLUS PROPERTY

WHEREAS, the Borough of Mantoloking has determined that certain personal property, to wit:

- (A) 2003 Used Ford Crown Victoria police vehicle (VIN NO. 2FAFP71W53X112807; and
- (B) Used Public Works Utility Trailer with three axles and 19 ft. bed are surplus property; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder.

IT IS NOW, THEREFORE, this 18th day of July, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

The equipment:

- (A) 2003 Used Ford Crown Victoria police vehicle (VIN NO. 2FAFP71W53X112807; and
- (B) Used Public Works Utility Trailer with three axles and 19 ft. bed are surplus property; and are hereby declared to be surplus, no longer needed for public purposes; and
- (C) The Borough Clerk is hereby authorized and directed to advertise a public sale of said property by sealed bid in accordance with the applicable law.
- (D) The Borough reserves the right to reject any and all bids if it determines that to do so will be in the public interest.

RESOLUTION NO. 07/18/2005 - 10: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$1,362.80, which is now available from the State of New Jersey, Administrative Office of the Courts.

BE IT FURTHER RESOLVED, that the like sum of \$1,362.80 is hereby appropriated under the caption of 2005 Alcohol Rehab Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Administrative Office of the Courts in the amount of \$1,362.80.

RESOLUTION NO. 07/18/2005 - 11: PROPERTY TAX PAYMENT EXTENSION OF QUARTERLY DUE DATE

WHEREAS, the municipal budget of the **BOROUGH OF MANTOLOKING** was delayed through circumstances beyond the control of the municipality, and

WHEREAS, the **BOROUGH OF MANTOLOKING** has been put in a position of not being able to mail tax bills to property owners in the time period enabling taxes to be paid on

the statutory date of August 1, 2005 as stated in N.J.S.A. 54:4-66.

NOW, THEREFORE, BE IT RESOLVED that a “grace period” is hereby established for the payment of third quarter 2005 taxes due the **BOROUGH OF MANTOLOKING**, and

BE IT FURTHER RESOLVED that a revision to the due date for quarterly taxes be established from August 1, 2005 to August 15, 2005, during which time interest charges will not be assessed. However, taxes not paid by August 15, 2005, will be charged interest from the original due date of August 1, 2005 at the rates of interest stated in Resolution No. 01/03/2005-07 of the **BOROUGH OF MANTOLOKING**.

1. **The Tax Collector is hereby authorized and directed to charge 8% Per annum on the first \$1,500 of taxes becoming delinquent after the due date and 18% per annum on any amount of taxes in excess of \$1,500 becoming delinquent after due date.**
2. **A certified copy of this resolution shall be provided by the Borough Clerk to the Tax Collector, Borough Attorney and Borough Auditor for the Borough of Mantoloking.**

RESOLUTION NO. 07/18/2005 – 12: BOROUGH BEACH BADGES FREE OF CHARGE OR FEE

WHEREAS, in recognition of their service to and identification with the Borough, it has been customary for the Borough to distribute, free beach badges, to Borough employees and members of the Volunteer Fire Company; and

WHEREAS, it is the desire of Council, in the public interest, to continue this salutary policy.

IT IS NOW, THEREFORE, this 18th day of July, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All Borough employees and members of the Mantoloking Volunteer Fire Company shall, upon application, receive Borough beach badges (2005) without charge or fee.

RESOLUTION NO. 07/18/2005 – 13: APPOINTMENT OF PERSONNEL – CLERICAL 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
Jennifer B .Krieg	Court Violations Clerk	July 25, 2005	\$14.90 /Hour

RESOLUTION NO. 07/18/2005 – 14: ACCEPTANCE OF 2004 MUNICIPAL AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and,

WHEREAS, the Annual Report of Audit for the year 2004 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

And,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body (original attached), and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and,

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Mantoloking, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

- A. Activities of the Public Safety Committee
- B. Action Items: Councilman Gillingham moves the following:

AWARD OF CONTRACT FOR EMERGENCY PUBLIC NOTIFICATION SYSTEM

*The Borough Clerk advertised for sealed bids for the purchase and installation of an EMERGENCY PUBLIC NOTIFICATION SYSTEM., The bids were publicly opened and read aloud at 12:00 p.m. on July 18, 2005 in **the Public Meeting Room of the Borough Hall with the following results:***

Bidder	Amount of Bid	Bid Bond	Surety Guaranty	Non-Collusi	Owner Disclos	Site Visitati	Affirmative	Subcontractor
Bay Comm Inc.	\$60,941.10							
Acoustic Technology	\$38,200.00							
	\$							

It was the sense of the Council to examine the bids further in comparison to the Borough of Mantoloking needs. Therefore award of contract is deferred. No action taken.

Councilman Gillingham moved the following:

RESOLUTION NO. 07/18/2005 – 15: REGARDING AMENDMENT OF THE POLICE MANUAL

WHEREAS, the Borough of Mantoloking and its Chief of Police have deemed it appropriate to adopt a manual for police officers serving the Borough of Mantoloking, to set forth the rules and regulations of the Police Department and various personnel issues pertaining to members of the Police Department; and

WHEREAS, the Police Manual provides that the Borough Council may amend or revoke any portion of the Manual by duly adopted Resolution;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Section 2:7.2.4 of the Police Manual is deleted and replaced with the following:
2:7.2.4 Chief
 - (A) Should have served with the Borough of Mantoloking Police Department for a period of at least three (3) years;
 - (B) Should have served in the position of Lieutenant or Sergeant for at least two (2) years;
 - (C) Must have a minimum of ten (10) years police experience;
 - (D) In the event no personnel within the Department meet the established requirements for this rank, an outside appointment of a person who meets the requirements may be made after advertising, investigating and screening of applicants as per N.J.S.A. 40A:14-118. No person shall be passed over for any promotion or position for any reason, other than a deficiency in qualifications or just cause.

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

GARBAGE & RECYCLING COMMITTEE, COUNCIL

A. Activities of the Garbage and Recycling Committee

B. Action Items:

Councilman Gillingham moved the following:

RESOLUTION NO. 07/18/2005 – 16: SUBMISSION OF ANNUAL RECYCLING REPORT, ANNUAL TONNAGE REPORT AND APPLICATION FOR 2004 TONNAGE GRANT

WHEREAS, the Borough has continued to implement its recycling program in accordance with applicable regulations; and

WHEREAS, it desires to apply for and to receive any entitlement available under the Recycling Tonnage Grant Program, for 2004; and

WHEREAS, it is the desire of the Borough of Mantoloking to apply for all grants for which it is eligible; and

NOW, THEREFORE, this 18th day of July, 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough of Mantoloking does hereby file its 2004 recycling tonnage report and now applies for all of the Recycling Tonnage Grants for which it may be eligible, more particularly 2004 Tonnage Grant (Attached Exhibit "A")
2. The Mayor and Borough Clerk and any other Borough Officer or Official are hereby authorized and directed to execute and deliver any other documents which may be necessary to implement the purposes of this Resolution.
3. A certified true copy of this Resolution shall forthwith be forwarded to the New Jersey DEP, bureau of Recycling and Planning and to Ocean County District Recycling Coordinator.

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

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

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

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

- A. Activities of the Drug & Alcohol Alliance & Ocean County Block Grant Committees
- B. Action Items:

Councilman Nebel moved the following:

RESOLUTION NO. 07/19/2005 – 17: CONSIDER WAIVER OF PERMIT FEES FOR MANTOLOKING PARTICIPANTS IN THE FALL 2005 TOWN-WIDE “MUNICIPAL ALLIANCE COMMITTEE OF PT. PLEASANT BEACH, BAY HEAD AND MANTOLOKING GARAGE SALE CHARITY FUND RAISER”

WHEREAS, pursuant to Ordinance, any garage sale permit applicant shall pay a permit fee to the Borough; and

WHEREAS, the Municipal Alliance Committee of Point Pleasant Beach, Bay Head and Mantoloking desires to host a garage sale to support its charitable, public interest purposes; and

WHEREAS, it is the desire of the governing body to encourage and support the efforts of the Committee.

IT IS NOW, THEREFORE, this 18th day of July, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the collection of a garage sale permit fee from the Municipal Alliance Committee would be inimical to the spirit of the effort and the public interest.
2. Payment of the 2005 garage sale permit fee by the Municipal Alliance Committee of Point Pleasant Beach, Bay Head and Mantoloking is hereby waived as an expression of endorsement and appreciation for the efforts of the Municipal Alliance Committee.

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

PUBLIC WORKS & PUBLIC WORKS FACILITIES COMMITTEES, COUNCILMAN POPACA

- A. Activities of the Public Works & Public Works Facilities Committees
- B. Action Items: Councilman Popaca moves the following:

Councilman Popaca moved the following:

RESOLUTION NO. 07/18/2005 – 18: CURB, SIDEWALK, AND STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (LYMAN STREET TO BERGEN AVENUE) CONTRACT NO. 2003-2, CHANGE ORDER NO. 5

WHEREAS, the Borough entered into Contract No. 2003-2 with F & P Contractors, Inc. for roadway and drainage improvements for Barnegat Lane (Lyman Street to Bergen Avenue); and

WHEREAS, damage to newly completed sidewalks and curb at 988 Barnegat Lane by a private contractor has resulted in a Borough of Mantoloking agreement with the property owner to bear the cost of the repair and/or replace the damaged concrete; and

WHEREAS, F & P Contractors, Inc. has been tasked to make the repairs and/or replacement of damaged concrete at 988 Barnegat Lane; and

THEREFORE, F & P Contractors, Inc. has submitted Change Order No. 5:

NET INCREASE IN COST BY THIS CHANGE ORDER	\$1,800.00
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And

WHEREAS, it is deemed to be in the public interest to accept the proposed change; and

WHEREAS, the Borough Engineer, Thomas Guldin, P.E. (Stetler and Guldin) has, by letter dated July 6, 2005 (attached), recommends the execution of Change Order No. 5

IT IS NOW, THEREFORE, this 18th day of July, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 5 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

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

Councilman Nebel moved the following:

RESOLUTION NO. 07/18/2005 – 19: AWARD OF CONTRACT FOR EMERGENCY STANDBY GENERATOR (60 KW) WITH AUTOMATIC TRANSFER SWITCH

WHEREAS, the Borough Engineer, Thomas S. Guldin, P.E. solicited quotes for the furnishing of an Emergency Standby Generator (60 kw) with Automatic Transfer Switch, and
WHEREAS, the quotations were received **on July 8, 2005 with the following results:**

Bidder	Amount of Bid	Bid Bond	Surety Guaranty	Non-Collusi	Owner Disclos	Site Visitati	Affirmative	Subcon tractor
Atlantic Detroit Diesel.	\$14,602.00							

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 \$14,602.00 for the furnishing of an Emergency Standby Generator (60 kw) with Automatic Transfer Switch, Atlantic Detroit Diesel, Piscataway, New Jersey. The motion was seconded by Councilman Husted and approved unanimously by voice vote.

Councilman Popaca moved the following:

RESOLUTION NO. 07/18/2005 – 20: TEXTURED CROSSWALKS, DOWNER AND BAY AVENUES, FINAL PAYMENT

WHEREAS, the Mayor has, on behalf of the Borough, executed a Contract with Statewide Striping Corporation to provide textured crosswalks at the intersection of Downer Avenue and Bay Avenue; and

WHEREAS, the Contractor's Application for Payment has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$17,400., by letter dated July 11, 2005; and

WHEREAS, funds have heretofore been appropriated by Ordinance 496.

IT IS NOW, THEREFORE, this 18th day of July, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Contract is accepted and hereby ratified and that the Application for Payment of Statewide Striping Corporation is hereby approved in the sum of \$17,400.00 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation. The motion was seconded by Councilman Jones and approved unanimously by voice vote.

REGIONALIZATION & SHARED SERVICES COMMITTEE, COUNCILMAN POPACA:

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

UTILITY SERVICES COMMITTEE, COUNCILMAN POPACA:

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

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, COUNCILMAN JONES:

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

FLOOD STRATEGY COMMITTEE, COUNCILMAN JONES:

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

NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE, COUNCILMAN JONES:

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

11.EXECUTIVE SESSION AS NECESSARY

Councilman Nebel moved the following:

RESOLUTION NO. 07/18/2005 – 21: 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 Councilman Husted and unanimously approved by voice vote at 8:55 p.m.

12.OPEN SESSION AS NECESSARY

The Mayor and Council reconvened into open session at 9:05 p.m. The public was invited to return to the meeting room. No further action was taken.

13.NEXT MEETING Regular Meeting of August 15, 2005 at 8:00 p.m.

14. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Husted to adjourn at 9:06 p.m. The motion was seconded by Councilman Gillingham and approved unanimously by voice vote.

Respectfully submitted,

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