

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
July 16, 2007

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

1. **CALL TO ORDER:** **TIME: 4:30 p.m.**

2. **OPEN PUBLIC MEETING STATEMENT: Mayor Nebel**
In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.

3. **ROLL CALL**
Mayor George C. Nebel, Council President Douglas J. Popaca, Councilmen John H. Jones, Peter R. Strohm, Steve Gillingham, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson
Absent: None

4. **PLEDGE OF ALLEGIANCE**

5. **PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda.

6. **MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 07/16/2007 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the following minutes as distributed are approved.
Regular Meeting of June 18, 2007, and Special Meeting of July 9, 2007. The motion was seconded by Councilman Jones and unanimously approved by voice vote.

7. MAYOR'S REPORT

Councilwoman Nelson moved the following:

RESOLUTION NO. 07/16/2007 – 02: CONFIRMING THE APPOINTMENT OF OFFICIALS

WHEREAS, a vacancy exists in the office Class IV Planning Board Membership; and

WHEREAS, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such Planning Board Members; and

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

Class IV Planning Board Member for 2007

Marilyn Potter

IT IS NOW, THEREFORE, this 16th day of July, 2007, 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, appointment and term of office identified wherein the Mayor has the right to nominate and appoint with the advice and consent of Council.

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

8. DEPARTMENT REPORTS

- A. Police Report
- B. Municipal Court Report
- C. Fire Report
- D. Emergency Management Coordinator Report
- E. Public Works Superintendent Report
- F. Construction Official Report
- G. Land Use Officer Report
- H. Environmental Commission Report
- I. Chief Financial Officer Report

9. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

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

Councilman Witkowski moves the following three (3) resolutions. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 07/16/2007 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER May 31, 2007

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of May 31, 2007; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2007 Current Year Appropriation	\$3,653,220.27	\$1,459,674.29	\$165,462.91	\$ 2,028,083.07
2006 Appropriation Reserves	\$ 352,215.85	\$ 123,318.24	\$ 4,271.65	\$ 224,625.96
Capital	\$ 601,572.01	\$ 37,114.10		\$ 564,457.91

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,302,538.42	\$3,706,860.39

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. 07/16/2007 – 04: PAYMENT OF BILLS FOR THE MONTH OF JULY 2007

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$394,944.26** 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. 07/16/2007 – 05: CONSIDER WAIVER OF PERMIT FEES FOR MANTOLOKING PARTICIPANTS IN THE FALL 2007 “MUNICIPAL ALLIANCE COMMITTEE OF PT. PLEASANT BEACH, BAY HEAD AND MANTOLOKING TOWN-WIDE GARAGE SALE CHARITY FUND RAISER” (Saturday, October 13, 2007)

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 16th day of July, 2007, **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 2007 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.
3. Due to unsafe conditions concerning illegal parking on certain roadways, the Mantoloking Police Chief has ordered that the “No Parking” regulations of the Borough of Mantoloking will be strictly enforced.
4. Upon adoption, the Borough Clerk shall issue a certified copy of this resolution to the Coordinator of the Municipal Alliance Committee.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Activities of the Public Safety Committee

B. Action Items:

Councilman Gillingham moved the following:

RESOLUTION NO. 07/16/2007 – 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
Steven F. Slack	Crossing Guard	July 16, 2007	\$9.00/Hour

Steve Kenney	Class II Police Officer	July 16, 2007	\$15.00/Hour
Jared England	Class II Police Officer	July 16, 2007	\$11.00/Hour
Scott Dryburgh	Class II Police Officer	July 16, 2007	\$12.00/Hour
Sandra Brodbeck	Beach Badge Sales	July 16, 2007	\$7.15/Hour
John Popaca	Beach Badge Checker	June 30, 2007	\$7.15/Hour

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

PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA

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

B. Action Items:

Councilman Popaca moved the following three (3) resolutions. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 07/16/2007 – 07: PUBLIC HEARING/ ADOPTION OF ORDINANCE NO. 543 PROVIDING FOR STORMWATER CONTROL

WHEREAS, on the 16th day of July, 2007 a public hearing on Ordinance No. 543 was held and no comments were made by the public; and

WHEREAS, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance entitled:

ORDINANCE NO. 543

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEWJERSEY, PROVIDING FOR STORMWATER CONTROL, IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AND PROVIDING PENALTIES FOR VIOLATIONS AND REVOKING ORDINANCE NO. 502 ENTITLED:

“AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR STORMWATER CONTROL, IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY NEW JERSEY, AND PROVIDING PENALTIES FOR VIOLATIONS”

RESOLUTION NO. 07/16/2007 – 08: AUTHORIZED SALE OF MUNICIPAL PERSONAL PROPERTY- PUBLIC WORKS TRACTOR

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

Used, 1987 Kubota Tractor – VIN No. KUB5186987

is 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 16th day of July, 2007 RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The equipment: Used, 1987 Kubota Tractor – VIN No. KUB5186987

is hereby declared to be surplus, no longer needed for public purposes; and

2. 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.

3. 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. 07/16/2007 – 09: MISCELLANEOUS SERVICE AND MAINTENANCE CONTRACTS FOR 2007

WHEREAS, the award of contracts for services and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution is necessary and in the public interest to provide for the efficient operation of the Borough; and

WHEREAS, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it **RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney. Copies of the contracts are available for inspection at the Clerk’s office during regular business hours.

<u>SERVICE</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Janitorial Maintenance Serv.	7 Weeks-Additional Cleaning of Police Department \$420.00	Clean Sweep of New Jersey, Inc.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES

- A. Activities of the Dune & Beach Renourishment Committee
- B. Action Items:

Councilman Jones moved the following:

RESOLUTION NO. 07/16/2007 – 10: SUPPORT OF THE CONTINUED OPERATION OF TIDE GAGES BY U. S. GEOLOGICAL SURVEY

WHEREAS, it appears that the maintenance and operation of Tide Gage 01408168 in Mantoloking and Tide Gage 01408050 on the Manasquan River are about to be discontinued, due to lack of funds; and

WHEREAS, the tide gages provide real time data concerning water elevation which is of crucial importance to commercial and recreational boat traffic and safety, in port and en route; and

WHEREAS, the instant availability of real time data is extremely beneficial in the context of storm emergency management planning and execution; and

WHEREAS, tide water elevations, in Barnegat Bay, are dramatically susceptible to the impact of winds, to the extent that tide table predictions are rendered essentially useless; and

WHEREAS, the availability of real time data, as provided by the subject tide gages facilitate promotion of the public health, safety and welfare; and

WHEREAS, the continued availability of such facilities will benefit the public, generally.

IT IS NOW, THEREFORE, this 16th day of July, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the U. S. Geological Survey, Office of Emergency Management, New Jersey Water Science Center, and all other affiliated agencies having responsibility for control or the continued maintenance and operation of the tide gages are hereby petitioned to exert maximum effort and resources to effectuate the continued operation of these facilities.
2. Certified true copies of this Resolution shall be forthwith forwarded to all of the foregoing agencies or entities.

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM

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

Councilman Strohm moved the following:

RESOLUTION NO. 07/16/2007 – 11: PROVIDING FOR APPOINTMENT OF VITO A. GAGLIARDI, JR., ESQ. (PORZIO, BROMBERG & NEWMAN, P.C.) AS SPECIAL COUNSEL FOR THE BOROUGH OF MANTOLOKING

WHEREAS, Article 3 of the “Uniform Shared Services and Consolidation Act” adopted April, 2007, created the position of Executive County Superintendents (of Schools); and

WHEREAS, among other directives, the Executive County Superintendent has the authority to eliminate non-operating school districts (such as Mantoloking) “in accordance with a plan submitted to the commissioner. . .”; and

WHEREAS, the Executive County Superintendent is obligated to, within three (3) years, recommend to the Commissioner a School District Consolidation Plan “to eliminate all districts other than county-based districts and other than pre-school or kindergarten through grade 12 districts in the County; through the establishment or enlargement of regional school districts”; and

WHEREAS, the legislation, when fully implemented, will have unwanted and significant material impact upon the Borough, resident children and property owners; and

WHEREAS, it is the desire of the Mayor and Council to engage qualified special counsel, experienced in all aspects of issues relating to school regionalization to assist in the evaluation of the potential impact of this legislation and to provide appropriate guidance; and

WHEREAS, funds are available for this purpose; and

WHEREAS, Vito A. Gagliardi, Jr., Esq., a member of the firm of Porzio, Bromberg and Newman, P. C., is deemed qualified to provide this service.

IT IS NOW, THEREFORE, this 16th day of July, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. There exists a need for the engagement of special counsel for the purposes described above;
2. Vito A. Gagliardi, Jr. Esq. is hereby appointed to serve as special counsel to the Borough of Mantoloking;
3. The Mayor and Clerk are authorized and directed to execute a Professional Services Contract with Porzio, Bromberg and Newman, P. C. (Vito A. Gagliardi, Jr., Esq.) in such form as shall be endorsed by counsel;
4. This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a);
5. Upon mutual execution, a copy of the Contract shall be available for public inspection at the office of the Borough Clerk.
6. A Notice of this action shall be published in the official newspaper of the Borough.

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

MANTOLOKING COMMITTEE, COUNCILWOMAN ANN ELIZABETH NELSON

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

10. MAYOR AND COUNCIL COMMENTS

11. PUBLIC COMMENTS PERIOD

12. NEXT MEETING Regular Council Meeting of Monday, August 20, 2007 @ 4:30 p.m.

13. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn at 5:08 p.m. Councilman Jones seconded the motion and it was unanimously approved by voice vote.

Respectfully submitted,

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