

DRAFT #2 (08/07/2008)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
July 21, 2008

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 will 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 Steve Gillingham, Councilmen John H. Jones, Peter R. Strohm, Donald S. Ness, Stanley F. Witkowski 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.

- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 07/21/2008 - 01: APPROVAL OF MINUTES
Councilwoman Nelson moved that the minutes of the Regular Meeting of June 16, 2008, Closed Session of June 16, 2008 and Special Meeting of June 30, 2008 be approved as distributed. The motion was seconded by Councilman Jones and approved by unanimous voice vote.

- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**
FINANCE COMMITTEE, COUNCILMAN WITKOWSKI
 - A. Report of the Municipal Finance Officer
 - B. Action Items:

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

RESOLUTION NO. 07/21/2008 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER May 31, 2008

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2008 municipal budget as of May 31, 2008; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2008 Current Year Appropriation	\$3,786,218.48	\$1,764,971.17 \$1,876,371.86	\$ 144,875.45
2007 Appropriation Reserves	\$ 383,181.59	\$ 117,508.43 264,635.52	\$ 1,037.64
Capital	\$1,503,851.17	\$ 140,765.22 \$1,363,085.95	\$

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,534,679.24	\$3,816,617.46

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. 07/21/2008 – 03: PAYMENT OF BILLS FOR THE MONTH OF JULY 2008

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$317,831.69** 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. 07/21/2008 – 04: TO DETERMINE POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which

officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

WHEREAS, the Mayor and Council of the Borough of Mantoloking has considered the guidelines issued by the Local Finance Board;

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking that:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
 - a. Municipal Court Judge
2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S 43:15C-2;
 - a. Certified Health Officer;
 - b. Tax Collector;
 - c. Chief Financial Officer;
 - d. Construction Code Official;
 - e. Tax Assessor;
 - f. Registered Municipal Clerk;
 - g. Licensed Uniform Subcode Inspector;
 - h. Principal Public Works Manager;
3. This resolution shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.
4. Should any part or parts of this resolution be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
5. A copy of this resolution shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
6. This resolution shall take effect immediately upon passage by the governing body of the Borough of Mantoloking.

RESOLUTION NO. 07/21/2008 – 05: PROVIDING FOR APPROVAL OF ADDENDUM TO 2008 ANIMAL CONTROL CONTRACT WITH JERSEY SHORE ANIMAL CENTER

WHEREAS, on March 17, 2008, the Borough entered into a Contract with Jersey Shore Animal Control for animal control services; and

WHEREAS, the Contract omitted provisions for quarantine services; and

WHEREAS, it is desired to amend the Contract to include provisions for home quarantine, under the supervision of Jersey Shore Animal Center.

IT IS NOW, THEREFORE, this 21st day of July, 2008, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the attached Quarantine Addendum is approved as an amendment to the above described Contract.
2. The Mayor and Clerk are authorized and requested to execute the Addendum. Upon execution, a true copy shall be forwarded to Jersey Shore Animal Center.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Reports of the Public Safety Committee: Councilman Gillingham presented the reports of the Police Department, Municipal Court and Fire Company.

B. Action Items:

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

RESOLUTION NO. 07/21/2008 - INTRODUCTION OF ORDINANCE NO. 557 – LAND USE AMENDMENTS

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. 557

AN ORDINANCE AMENDING CHAPTER XXX, LAND USE REGULATIONS, OF ORDINANCE 531, ADOPTING A CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AND AMENDING PROVISIONS PERTAINING TO LAND USE.

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. 07/21/2008 – 07: APPOINTMENT OF PERSONNEL – 2008 REGULAR & SEASONAL EMPLOYEES

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointments with the terms and conditions indicated:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
<i>Scott Dryburgh</i>	<i>Full-Time Police Officer</i>	<i>August 1, 2008</i>	<i>\$48,164.00 (annual)</i>
<i>Jeanne Hulse</i>	<i>Crossing Guard</i>	<i>June 1, 2008</i>	<i>\$9.00 per hour</i>
<i>Kathleen Hovey</i>	<i>Badge Sales</i>	<i>June 24, 2008</i>	<i>\$7.75 per hour</i>

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

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

C. Action Items:

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

RESOLUTION NO. 07/21/2008 – 08: AWARD OF CONTRACT FOR DOWNER AVENUE (PARTIAL) AND LYMAN STREET ROADWAY IMPROVEMENTS

WHEREAS, Mayor George Nebel solicited bids for a contract to make road improvements on Downer Avenue (Partial) and Lyman Street, contract No. 2008 - 1 in the Borough of Mantoloking; and

WHEREAS, the bids were received on July 15, 2008 with the following results:

Bidder	Amount of Bid	Bid Bond	Surety	Non-Collusion	Owner	NJ Bus. Cert.	Affirmative	Subcontractor
F & P Contractors, Inc.	\$149,866.00	X	X					
Meco, Inc.	\$224,835.00	X	X					
Haskell Site Work, LLC	\$168,875.00	X	X					
DeFino Contracting Co.	\$139,000.00	X	X					
C.J. Hesse, Inc.	\$130,397.00	X	X					
Earle Asphalt	\$121,813.13	X	X	X	X	X	X	X

And

WHEREAS, the bids have been reviewed by the Borough Engineer and the Borough Attorney,

WHEREAS, this award is subject to the concurrence by the N.J.D.O.T. under the Local Aid Program, 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 \$121,813.13 to Earle Asphalt Company, Farmingdale, N.J.

RESOLUTION NO. 07/21/2008 – 09: REQUESTING APPROVAL OF THE DIVISION OF LOCAL GOVERNMENT SERVICES OF A CHANGE OF TITLE OR TEXT OF 2008 BUDGET APPROPRIATION

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A-85, the Borough of Mantoloking hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2008:

That the appropriation title in the General Appropriations category under the Operations category within “CAPS” section entitled:

- (1) “Sub-Code Official-Plumbing Inspector-Salaries and Wages” in the amount of \$4,500.00 be changed to the title of “Sub-Code Officials-Plumbing Inspector-Other Expenses” in the amount of \$4,500.00,
- (2) “Sub-Code Officials-Fire Protection Official-Salaries and Wages” in the amount of \$3,500.00 be changed to the title of “Sub-Code Official-Fire Protection-Other Expenses” in the amount of \$3,500.00,
- (3) “Sub-Code Official-Electrical Inspector-Salaries and Wages” in the amount of \$10,000.00 be changed to the title of “Sub-Code Official-Electrical Inspector-Other Expenses” in the amount of \$10,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Borough of Mantoloking for the reasons set forth:

The Borough of Mantoloking received notice that the County of Ocean would no longer be providing Sub-Code Officials to perform the inspections for the Borough of Mantoloking for Plumbing, Fire and Electrical. When the 2008 budget was prepared by the Borough, it was anticipated that inspectors would be hired to fill these positions and the appropriations were placed into the Salary and Wage category. Upon further examination it became apparent that financially it would not be feasible to hire employees but that a private company would be a more cost effective way to go. The Borough now needs the appropriations previously budgeted as Salaries and Wages to be changed to Other Expenses so that a private company may be hired to perform these inspections.

BE IT FURTHER RESOLVED that a true copy of this Resolution shall be forwarded to the director of Division of Local Government Services.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES

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

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM

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

MANTOLOKING COMMITTEE, COUNCILMAN NESS

- A. Councilman Ness reported on the Mantoloking Committee.
- B. Action Items:

Councilman Ness moved the following:

RESOLUTION NO. 07/21/2008 – 10: CONSIDER WAIVER OF PERMIT FEES FOR MANTOLOKING PARTICIPANTS IN THE FALL 2008 “MUNICIPAL ALLIANCE COMMITTEE OF PT. PLEASANT BEACH, BAY HEAD AND MANTOLOKING TOWN-WIDE GARAGE SALE CHARITY FUND RAISER” TO BE HELD ON OCTOBER 11, 2008 (RAIN DATE-OCTOBER 12, 2008)

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 21st day of July, 2008, **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 2008 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.

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel announced that he has received a request to ask bay front property owners to install ladders on their bulkheads. This would create a safe and easy exit from the Bay in an emergency.

Councilwoman Nelson announced that it is her observation that bicyclists are ignoring the rules of the road and pedestrian crossings are treacherous on the highway. She emphasized that children should be accompanied by an adult when crossing our roads.

9. PUBLIC COMMENTS PERIOD

Public comments were made in regards to the planned Highway 35 plans for “quiet” pavement, noisy birds on Curtis Point Drive, bicycle riders and children on Highway 35 and signs on beach dunes. Residents thanked Council for efforts in solving garbage and recycling problems. Residents were thanked for the success of the Mantoloking Fire Company July 6th Pancake Breakfast. It was requested that the Mantoloking Reporter publish a reminder about the importance of pet evacuation in the event of serious coastal storms.

10. NEXT MEETING Regular Council Meeting of August 18, 2008 @ 4:30 p.m.

11. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Gillingham to adjourn. The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 5:02 p.m.

Respectfully submitted,

Irene H. Ryan, R.M.C.