

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**August 20, 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**  
**Present:** Mayor George C. Nebel, Councilmen John H. Jones, Peter R. Strohm, Steve Gillingham, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson  
**Absent:** Council President Douglas J. Popaca
  
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. 08/20/2007 - 01: APPROVAL OF MINUTES**  
Councilman Gillingham moved that the following minutes as distributed are approved.  
Regular Meeting of July 16, 2007. The motion was seconded by Councilwoman Nelson and unanimously approved by voice vote.
  
7. **MAYOR'S REPORT**

Councilman Witkowski moved the following:

**RESOLUTION 08/20/2007 – 02: CONFIRMING THE APPOINTMENT OF OFFICIALS**

**WHEREAS,** it is the responsibility of the Mayor with the consent of Council to appoint various Boards, Commissions, Subcommittees and individuals to serve in those positions; and

**WHEREAS, AFTER DUE DELIBERATION,** the Mayor and Council have determined that the following individuals are nominated for the following committees for 2007:

**LEGISLATIVE ACTION COMMITTEE**

**Board of Education Regionalization Subcommittee**

Councilman Peter R. Strohm, Chairman  
Councilman Steve Gillingham  
Joyce Popaca  
Patricia Peterson  
George Ring

Harry McEnroe  
Edwin J. O'Malley, Jr., Esq., Borough Attorney  
Mayor George C. Nebel, Exofficio

**SOLID WASTE & RECYCLING**

Councilwoman Beth Nelson, Chairwoman

IT IS NOW, THEREFORE, this 20<sup>th</sup> day of August, 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.

**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 moved the following eight (8) resolutions. Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

**RESOLUTION NO. 08/20/2007 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER June 30, 2007**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of June 30, 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	\$1,764,548.61	\$ 33,785.85	\$ 1,854,885.81
2006 Appropriation Reserves	\$ 352,215.85	\$ 123,318.24	\$ 4,271.65	\$ 224,625.96
Capital	\$1,225,572.01	\$ 40,578.87		\$1,184,993.14

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 99,962.86	\$3,806,823.25

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. 08/20/2007 – 04: PAYMENT OF BILLS FOR THE MONTH OF AUGUST 2007**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,424,206.38** 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. 08/20/2007 - 05: ACCEPTANCE OF 2006 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 2003 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.

**RESOLUTION NO. 08/20/2007 – 06: APPROVE RELEASE OF CASH SURETY BOND TO LA MANNA BUILDING & LAND CO., INC.**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by LaManna Building & Land Co., Inc. in conjunction with the demolition of a single family home located at 1049 Ocean Ave.; and

**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 20<sup>th</sup> day of August, 2007, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by LaManna Building & Land Co., 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. 08/20/2007 – 07: APPROVE RELEASE OF CASH SURETY BOND TO GROUNDHAWG DEMOLITION**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by Groundhawk Demolition in conjunction with the demolition of a single family home located at 1001 Barnegat Lane; and

**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 18<sup>th</sup> day of June, 2007, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Groundhawk Demolition 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. 08/20/2007 – 08: REQUESTING THE REFUND OF TAX OVERPAYMENTS**

**WHEREAS**, an overpayment has occurred on tax accounts for the Borough of Mantoloking, and

**WHEREAS**, the overpayment(s) will be refunded to the party responsible for the overpayment,

**NOW THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be authorized to refund the following:

**BLOCK/LOT PROPERTY ADDRESS REFUND NAME AMOUNT**

BLK 20	971 Lagoon Lane	Desmond & Roberta	\$3,674.73
LT 16		O'Connell 971 Lagoon Lane	

**RESOLUTION NO. 08/20/2007 - 09 ANNUAL SANITARY SEWERAGE CHARGES**

**WHEREAS**, it is deemed appropriate and necessary to clarify the payment process for annual sanitary sewerage charges.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of August 2007, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Payment for annual sanitary sewage charges shall be due on August 1<sup>st</sup>;
2. Accounts not paid by August 11<sup>th</sup> shall be deemed delinquent;
3. Interest, at the rate of 12% per annum, from May 1<sup>st</sup> to date of payment shall be charged on all delinquent accounts;
4. This process shall be implemented as of 2007.

**RESOLUTION NO. 08/20/2007 – 10: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE-NANCY KLUMB**

**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, Nancy Klumb, has been caused to utilize all of her allocated sick leave for 2007 and has petitioned for an increased allotment of sick leave for 2007; and

**WHEREAS**, Council is satisfied that the circumstances presented are extraordinary and that Nancy Klumb is deserving of its favorable consideration of her petition.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of August, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Nancy Klumb is hereby granted fifteen (15) days additional sick leave to cover her absence through August 31, 2007.

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

**A. Activities of the Public Safety Committee**

**B. Action Items:**

Councilman Gillingham moved the following:

**RESOLUTION NO. 08/20/2007 – 11: APPROVE OCEAN COUNTY POLICE ACADEMY TRAINING FOR TWO CLASS II POLICE OFFICERS**

**RESOLVED**, the Mayor and Council approve the recommendation of the Chief of Police; and

1. Appoint Steven Zucchi and Michael Treadway as Class II police officers for the purpose of attending the Ocean County Police Academy
2. Enroll the two officers in the Ocean County Police Academy for the nine month training course.
3. Pay the officers \$7.15 per hour for the required hours to complete course at the Ocean County Police Academy

Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

Councilman Gillingham moved the following:

**RESOLUTION NO. 08/20/2007 – 12: 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:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Michael Treadway	Special Police Off. Cl I	July 16, 2007	\$ 9.00/Hour
Gloria Atkinson	Special Police Off. Cl. I	July 16, 2007	\$ 9.00/Hour
Jacquelyn Poretskin	Special Police Off. Cl. I	July 16, 2007	\$ 9.00/Hour
Steve Zucchi	Special Police Off. Cl. I	July 16, 2007	\$ 9.00/Hour
James Airey	Special Police Off. Cl. I	July 16, 2007	\$ 9.00/Hour
Shawn Blakely	Special Police Off. Cl. I	July 16, 2007	\$ 9.00/Hour

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

Councilman Gillingham moved the following:

**RESOLUTION NO. 08/20/2007 – 13: INTRODUCTION OF ORDINANCE NO. 544 – AMENDMENT TO THE LAND USE ORDINANCE 465**

**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. 544**  
**AN ORDINANCE AMENDING ORDINANCE NO. 465,**  
**THE LAND USE ORDINANCE OF THE BOROUGH OF MANTOLOKING,**

OCEAN COUNTY, NEW JERSEY

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 8:30a.m. - 4:30p.m. 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.
Councilman Jones seconded the motion and it was unanimously approved by voice vote.

PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA

- A. Activities of the Public Works & Public Works Facilities Committees
B. Action Items:

Councilman Gillingham moved the following:

RESOLUTION NO. 08/20/2007 - 14: AWARD SALE OF SURPLUS MUNICIPAL PERSONAL PROPERTY
(1987 KUBOTA TRACTOR)

WHEREAS, the Borough Clerk advertised for sealed bids for the sale of surplus municipal personal property;
and
WHEREAS, bids were publicly opened and read aloud at 2:00 p.m. on August 14, 2007 in the office of the
Borough Clerk with the following results:

Table with 2 columns: Bidder, Amount of Bid. Rows include Jersey One Auto Sales, Inc. (\$7,412.00), Tom Curcio (\$1,500.00), Devino Used Truck Parts (\$1,735.00), and Liberty Motors, Inc. (\$7,114.99).

WHEREAS, the bid submissions have now been reviewed by the Borough Attorney,
now therefore, be it
RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County,
New Jersey awards the sale to the highest bidder in the amount of \$7,412.00 for One (1) Used, 1987 Kubota Tractor, VIN No.
KUB5186987 to Jersey One Auto Sales, Inc., Jersey City, N.J.

Councilman Gillingham moved the following resolution. Councilwoman Nelson seconded the motion and it was unanimously
approved by voice vote.

RESOLUTION NO. 08/20/2007 - 15: APPROVE SUBMISSION OF N.J. STATE DEPARTMENT OF
TRANSPORTATION GRANT 2008 GRANT APPLICATION (EAST AVENUE)

Form SA-96(02/07)

2008

New Jersey Department of Transportation
Resolution, Application, and Agreement for
(1) State Aid to Counties and Municipalities

Name of Sponsor: Borough of Mantoloking\_\_\_\_\_

Mailing Address: PO Box 247

Mantoloking, NJ 08738

E-mail Address **engineer@mantoloking.org**

Federal Tax Identification Number **21-6000824**

(Must be inserted by Sponsor)

Program (only check one): \_\_\_\_\_ County Aid \_\_\_\_\_ Local  
Aid Infrastructure Fund  
(Discretionary Aid)

Municipal Aid \_\_\_\_\_ Bikeway  
\_\_\_\_\_ Centers of Place \_\_\_\_\_ Safe  
Streets to Schools \_\_\_\_\_  
\_\_\_\_\_ Other (Specify) \_\_\_\_\_  
Bridge Bond Act \_\_\_\_\_

Sponsor Priority No 1 (Prioritized by Program)

Total Center Line Municipal Road Mileage **3.84**

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of:

**East Avenue**  
(Project Name)

From: **Lyman Street**

To: **Boundary Line with Bay Head Borough**

in the Municipality of **Mantoloking** County of **Ocean**

State of New Jersey for a distance of **0.50** miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is **\$182,500**. The Sponsor requests **\$182,500** in State funds and anticipates contributing **27,400**, AND BE IT RESOLVED that any aid received as a result of this application will only be used for eligible costs for the project.

**Type of Improvement (Check only major type of work)**

Resurfacing \_\_\_\_\_ Culvert (Less than 20  
foot span) \_\_\_\_\_  
\_\_\_\_\_ Roadway Reconstruction \_\_\_\_\_ Bridge (20 foot  
span or greater) \_\_\_\_\_  
\_\_\_\_\_ Surface Treatment \_\_\_\_\_ Safety Improvement  
\_\_\_\_\_ Traffic Signal Installation \_\_\_\_\_ Safe Streets to  
Schools \_\_\_\_\_  
\_\_\_\_\_ Intersection Improvement \_\_\_\_\_ Other (Describe  
Below) \_\_\_\_\_  
\_\_\_\_\_ Bikeway \_\_\_\_\_

Scope of Work (Provide a detailed written description of the project - use additional sheets if necessary)

**Mill existing pavement and resurface with 2" of surface course material. Remove and replace broken curb, sidewalk and apron as necessary. Install ramp delineation and crosswalk striping.**

[SUBMIT 3 ORIGINALS OF THIS FORM ALONG WITH 3 LOCATION MAPS AND FOR CENTERS OF PLACE SUBMIT 6 ORIGINALS OF THIS FORM ALONG WITH 6 LOCATION MAPS TO THE DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT]

Total Estimated Cost of Improvement                      **(Attach a detailed cost estimate)**

Construction Cost (From attached estimate)	<b>\$182,500.00</b>
Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)	<b>\$0.00</b>
Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)	<b>\$0.00</b>
Construction Inspection and Material Testing if requesting (15% of the final allowable construction cost maximum)	<b>\$27,400.00</b>
Total Estimated Cost	<b>\$209,900.00</b>

**B. Project Information**

Is utility work planned within the project limits over the next five (5) years? – Yes \_\_\_\_\_ No X  
 Is the purchase of right-of-way required before the start of project construction? – Yes \_\_\_\_\_ No X  
 Does the project intersect a State Highway? – Yes \_\_\_\_\_ No X If yes, which highway? \_\_\_\_\_  
 If Yes, is the intersection signalized? – Yes \_\_\_\_\_ No \_\_\_\_\_  
 Is there a railroad crossing within the project limits? – Yes \_\_\_\_\_ No X  
 Is there a railroad crossing 100 feet outside of the project limits? - Yes \_\_\_\_\_ No X  
 Will the construction impact traffic across a railroad crossing outside the project limits? – Yes \_\_\_\_\_ No X

**II. ADDITIONAL FORMS OR DOCUMENTS REQUIRED - ATTACH ONLY THOSE FORMS APPLICABLE TO THE PROJECT**

Traffic Signal and/or Channelization - Attach a copy of the “Authorization to Design or Install”

Roadway Project – Attach a copy of “Appendix RD”                      **ATTACHED**

Bridge Project – Attach a copy of "Appendix BR" and Appendix RD"

Bikeway Project – Attach a copy of "Appendix BW"

Safe Streets to Schools Project – Attach a copy of "Appendix SS"

Location map - 8 ½” x 11” only, showing project limits (all information must be clear and legible with street names labeled)

**ATTACHED**

1. **NOTE For projects located within right-of-way or on property owned by other jurisdictions, proof of permission to construct this project must be attached to this form or the project will not be considered for possible funding.**

AND BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation (“the Department”), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other

funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.

- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of the expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.
- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
  1. Preparation of contract drawings and supplementary specifications.
  2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
  3. Construction of the above referenced improvement.
  4. Monitoring and supervising compliance with all provisions of this Agreement.
- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional engineer.
- l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.

- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
  - 1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
  - 2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development.
  - 1. Two (2) copies of the summary of construction bids.
  - 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.

For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.

Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.

Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.

- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.
- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
  - 1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department or the full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C 16:20B-3.2.
  - 2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the

County has demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.

3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.

bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.

cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.

dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.

ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.

ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.

gg. It shall maintain the completed project in a manner satisfactory to the Department.

hh. It will comply with Title VI of the 1964 Civil Rights Act.

ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the

suspension and/or termination of funding.

jj. Approval as to Form by Certification Process.

AND BE IT FURTHER RESOLVED that the **Mayor** and Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

**FOR THE SPONSOR**

ATTEST and AFFIX SEAL

\_\_\_\_\_  
Irene Ryan, RMC

\_\_\_\_\_  
George C. Nebel, Mayor

**a) FOR THE DEPARTMENT OF TRANSPORTATION**

Fiscal Year/Funds: \_\_\_\_\_  
\_\_\_\_\_

Job Number: \_\_\_\_\_  
\_\_\_\_\_

Account: \_\_\_\_\_  
\_\_\_\_\_

State Funds: \_\_\_\_\_  
\_\_\_\_\_

FA0 Number \_\_\_\_\_  
\_\_\_\_\_

Certification of Funds \_\_\_\_\_  
By \_\_\_\_\_  
Date \_\_\_\_\_

Director, Division of Accounting and Auditing

APPROVED: \_\_\_\_\_  
David A Kuhn, Director, Division of Local Aid and Economic Development Date \_\_\_\_\_

It is hereby certified that the foregoing allocation of funds and this Agreement were approved by the Commissioner of Transportation or Designee on \_\_\_\_\_.

\_\_\_\_\_  
Secretary, Department of Transportation

## **"Appendix RD" Roadway Data Sheet**

Project – **East Avenue**

From: - **Lyman Street** To: - **Boundary Line with Bay Head Borough**

Municipality - **Mantoloking** County - **Ocean**

### **III. Existing Road Conditions**

Current ADT - **750** % Truck Traffic over 5 Tons - **0** Legal Speed Limit - **25**

Commuter Bus Route - Yes \_\_\_\_\_ No **X**

Right of Way Width – **40'**

Pavement Width – **27.5'** Type - **Bituminous** Base Depth - **5** Surface Depth - **2**

Shoulder Width – **N/A** Type - \_\_\_\_\_ Depth - \_\_\_\_\_

(If different for each side or varying, provide minimum width for each side)

Curbing - One Side - \_\_\_\_\_ Both Sides - **X**

Sidewalk - One Side - \_\_\_\_\_ Both Sides - **X**

Parking Restrictions – **one side only**

Existing Bridge being replaced or repaired - Yes \_\_\_\_\_ No **X**

If Yes, and is part of project, complete Appendix BR

### **IV. Proposed Improvements**

Right of Way Width – **40'**

Pavement Width – **27.5'** Type - **Bituminous** Base Depth - **5** Surface Depth - **2**

Shoulder Width – **N/A** Type - \_\_\_\_\_ Depth - \_\_\_\_\_

(If different for each side or varying, provide minimum width for each side)

Curbing - One Side - \_\_\_\_\_ Both Sides - **X**

Sidewalk - One Side - \_\_\_\_\_ Both Sides - **X**

Parking Restrictions – **No change**

Will the project meet AASHTO standards? – Yes **X**

\_\_\_\_\_

**ENGINEER’S ESTIMATE**

Project: Borough of Mantoloking, East Avenue

Sheet 1 of 1                                      Date: August 17, 2007      Job No. 233420AA

Type of Estimate: Construction

Prepared by: Thomas S. Guldin, P.E., Borough Engineer

Description	Quantity	Unit Price	Cost	
Mobilization	Lump Sum	\$ 15,000		\$
15,000				
Maintenance & Protection of traffic	Lump Sum	\$ 10,000		
10,000				
Surface Course (2’’)	1000 Ton		70	
70,000				
Stabilize Base Course (6’’)	50 Ton		75	
3,750				
Adjust Manholes	3 Each		500	
1,500				
Adjust Valve Boxes	7 Each		75	
525				
Milling (2’ depth)	8500 SY		4	
34,000				
Aprons	200 SY		35	
7,000				
Sidewalk	2200 SF		6	
13,200				
Addl. Excavation	120 SY		7	
840				
Ramp Delineation	128 SF		35	
4,480				
Line Striping	900 LF		2	
1,800				
Restoration	1700 SF		1	

1,700		
Curbing	750 LF	25
18,750		
	Subtotal	
\$182,500		
	15% Inspection, Testing	
27,400		
	TOTAL ESTIMATED COST	
\$209,900		

Thomas S. Guldin, P.E.  
 NJPE Lic. No. 31997

**DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES**

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

Councilman Jones moved the following two (2) resolutions. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

**RESOLUTION NO. 08/20/2007 – 16: 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:

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.

<b><u>SERVICE</u></b>	<b><u>CONTRACT AMOUNT</u></b>	<b><u>BUSINESS NAME</u></b>
Consulting Services	Beach Replenishment Public Education Effort (Addendum to Annual Contract: \$14,541.00)	Dr. Stewart Farrell/R. Stockton College Coastal Research

**RESOLUTION NO. 08/20/2007 – 17: ADOPTION OF ORDINANCE NO. 531**

**WHEREAS**, on the 18<sup>th</sup> day of June, 2007 a public hearing on Ordinance No. 531 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.: 531**  
**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION**  
**OF THE ORDINANCES OF THE BOROUGH OF MANTOLOKING**  
**IN THE COUNTY OF OCEAN, NEW JERSEY**

**LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM**

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

**MANTOLOKING COMMITTEE, COUNCILWOMAN ANN ELIZABETH NELSON**

Activities of the Mantoloking Committee

Action Items: None

**10. MAYOR AND COUNCIL COMMENTS**

**11. PUBLIC COMMENTS PERIOD**

**12. NEXT MEETING** Special Council Meeting of Tuesday, September 4, 2007 @ 4:30 p.m. and Regular Council Meeting of Monday, September 17, 2007 @ 4:30 p.m.

**13. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilman Gillingham to adjourn. The motion was seconded by Councilman Jones at 5:09 p.m. and it was unanimously approved by voice vote.

Respectfully submitted,

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