

**DRAFT #1 (10/07/10)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**September 20, 2010**

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall with the following actions:

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.
- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel read the following statement:  
*In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.*
- 3. ROLL CALL**  
**Present:** Mayor George C. Nebel, Council President Stanley F. Witkowski, Councilmen Steve Gillingham, Peter R. Strohm, Donald S. Ness, James J. Brown and Councilwoman Ann Elizabeth Nelson  
**Absent:** None  
  
**Also Present:** Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Chief Financial Officer Michelle Swisher and Police Chief Mark Wright
- 4. PLEDGE OF ALLEGIANCE:** The Mayor led the assembly in the Pledge of Allegiance.
- 5. PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda. No comments were made.
- 6. MINUTES OF PREVIOUS MEETINGS:**  
**RESOLUTION NO. 09/20/2010 - 01: APPROVAL OF MINUTES**  
Councilwoman Nelson moved that the minutes of the Regular Meeting of August 16, 2010 be approved as distributed. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

**7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

A. Councilman Witkowski introduced the Municipal Finance Officer Michelle Swisher who presented the Monthly finance report.

B. **Action Items:**

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

**RESOLUTION 09/20/2010 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER July 31, 2010**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2010 municipal budget as of July 31, 2010; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2010 Current Year Appropriation	\$4,079,249.10	\$2,357,319.69 1,637,266.31	\$ 84,663.10 \$
2009 Appropriation Reserves	\$ 385,348.95	\$ 124,628.12 260,720.83	\$ 0.00 \$
Capital	\$1,643,939.99	\$ 191,025.70 \$1,452,914.29	

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 454,321.88	\$5,135,349.30

**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. 09/20/2010 – 03: PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER, 2010**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$257,577.53** 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. 09/20/2010 – 04: APPROVE 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 11 LT 1	906 East Ave	Michael Turner	\$1,862.91

**RESOLUTION NO. 09/20/2010 – 05: AUTHORIZING EXECUTION OF UPDATED REIMBURSEMENT SERVICES AGREEMENT (RSA) BETWEEN THE BOROUGH OF MANTOLOKING AND AMERICAN FAMILY LIFE ASSURANCE CORPORATION (AFLAC)**

**WHEREAS**, AFLAC has proposed that the RSA must be revised to comply with Federal legislation and to include a Business Associate Agreement; and

**WHEREAS**, the new Agreement incorporates a change in the service fee schedule where the fees will be based upon the funding option chosen and the number of employees on the account, as contrasted to the current self-pay method with an assumed employee count of 25; and

**WHEREAS**, it is represented by AFLAC that there will not be any change in fees from the fees in the current Contract; and

**WHEREAS**, per participant fee will continue to be \$6.00 and the monthly minimum will be \$50.00; and

**WHEREAS**, it is deemed necessary and appropriate to enter into the revised Agreement.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of September, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the proposed revised Reimbursement Services Agreement (see copy attached) is approved and shall be executed by the Mayor and Clerk.

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

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

**B. Action Items:**

Councilman Gillingham moved the following resolution:

**RESOLUTION NO. 09/20/2010 – 06: AUTHORIZED SALE OF MUNICIPAL PERSONAL PROPERTY**

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

(a) One (1) Used 2007 Ford Crown Victoria police vehicle, VIN: 2FAFP71W67X100526; and

(b) One (1) Used 1992 Chevrolet Van fire police vehicle, VIN: 2GAGG39KON4119962; and 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 20<sup>th</sup> day of September, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. (a) One (1) Used 2007 Ford Crown Victoria police vehicle, VIN: 2FAFP71W67X100526; and (b) One (1) Used 1992 Chevrolet Van fire police vehicle, VIN: 2GAGG39KON4119962; and is surplus property; and 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.

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

**PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON**

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

**C. Action Items:**

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

**RESOLUTION NO. 09/20/2010 – 07: APPOINTMENT OF PERSONNEL – 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:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
<i>Eric Sudia</i>	<i>Electrical Subcode Inspector</i>	<i>September 13, 2010</i>	<i>\$4,000.00 per year</i>

**RESOLUTION NO. 09/20/2010 – 08: APPROVE RELEASE OF CASH SURETY BOND TO ACTIVE REMEDIATION SERVICES**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by Active Remediation Services in conjunction with the soil remediation work located at 1306, 1308 and 1310 Bay Avenue; and

**WHEREAS**, the Borough Engineer, Lawrence Plevier, P.E., has advised that a final inspection has been completed and it is appropriate to release the Bond at this time in the amount of \$3,385; and

**WHEREAS**, inflow of flood waters to the sanitary sewer system as a result of the construction activities in the amount of \$850 has been documented and is due to the Borough of Mantoloking.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of September, 2010, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Active Remediation Services in the balance amount of \$2,535.00 shall be released, forthwith;
2. The amount of \$850.00 due to the Borough of Mantoloking shall be released, forthwith;
3. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

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

A. Report of the Dune & Beach Renourishment Committee

B. Action Items: None

Councilman Strohm reported that a recent meeting with the NJDEP was promising. A follow-up on our suggested changes to the NJDEP beach easement proposal will be forthcoming.

**MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN**

A. Councilman Brown stated that no reports of the Municipal Services Committee were submitted.

B. Action Items: None

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

A. Councilman Ness introduced Ms. Terri Alvator who presented a verbal report of the 2010 Centennial Celebration Committee. Councilman Ness concluded by stating that

no reports of the Mantoloking Committee and the Environmental Commission were received.

**B. Action Items:**

Ms. Alvarator reported that the committee has met their goal for the cost of the fireworks display. She further stated that they will continue to raise funds for other expenses in connection with the celebration.

Councilman Ness moved the following resolution:

**RESOLUTION NO. 09/20/2010 – 09: AUTHORIZING A CONTRACT BETWEEN THE BOROUGH OF MANTOLOKING AND GRUCCI, INC. (CENTENNIAL FIREWORKS DISPLAY)**

**WHEREAS**, the Borough will celebrate its Centennial in July, 2011; and

**WHEREAS**, the Mantoloking Centennial Celebration Committee, under the auspices of the Mantoloking Historical Society, has solicited donations which are intended to be applied to payment of the cost of the display as a donation to the Borough; and

**WHEREAS**, Grucci, Inc. has tendered a proposal which, as to cost, is deemed acceptable; and

**WHEREAS**, the proposed Contract includes provisions whereby the Contractor will defend, indemnify and hold the Borough harmless; and

**WHEREAS**, the Borough's insurer will provide coverage for exposures attendant to the event; and

**WHEREAS**, the services to be provided by Grucci, Inc. are exempt from requirements of public bidding by virtue of the fact that the services are found to be original and creative in nature (artistic). N.J.S. 40A:11-5(1)(a)(i) and N.J.S. 40A:11-2(6).

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of September, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mayor, with the consent of the Chairperson of the Mantoloking Centennial Celebration Committee, is authorized to execute a Contract between the Borough and Grucci, Inc. in such form as shall be approved by the Mayor and the Chairperson of the Mantoloking Centennial Celebration Committee and the Borough Attorney.
2. It is a condition of this Resolution that, prior to execution of the Contract, the Mantoloking Historical Society, d/b/a "Mantoloking Centennial Celebration" shall take formal action to confirm that the funds required are available and will be donated to the Borough for payment to the contractor.

The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

**8. MAYOR AND COUNCIL COMMENTS**

Mayor Nebel reported that the Borough is putting together requirements for a "parking plan" for major construction projects. He also stated that property reassessment notices have been sent out to all property owners. Residents may contact Tax Assessor James Anderson if you have questions. Councilwoman Nelson announced that Channel Land and Lagoon Lane improvements will commence in Spring 2011 and be finished by July 1, 2011.

**9. PUBLIC COMMENTS PERIOD**

One commentator asked about the “parking plan”.

**10. NEXT MEETING** Regular Council Meeting, October 18, 2010 @ 4:30 p.m.

**13. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote at 4:45 p.m.

Respectfully submitted,

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