

**DRAFT #2 (11/03/2008)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**October 20, 2008**  
**4:30 P.M.**

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 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., Police Chief Mark Wright and Chief Financial Officer Michelle Swisher
- 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. Three audience members made comments about the ongoing N.J. Water Company water main installation. Representatives from the water company were present and answered questions. Mr. Anthony Gorman stated that their need for early morning construction start-up time was necessary to comply with State Dept. of Transportation rules.
- 6. MINUTES OF PREVIOUS MEETINGS:**  
**RESOLUTION NO. 10/20/2008 - 01: APPROVAL OF MINUTES**  
Councilman Gillingham moved that the minutes of the Regular Meeting of September 15, 2008 and the Closed Session of September 15, 2008 be approved as distributed. The motion was seconded by Councilwoman Nelson 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 seven (7) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

**RESOLUTION NO. 10/20/2008 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER August 31, 2008**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2008 municipal budget as of August 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	\$3,791,931.94	\$2,632,476.36 \$1,096,123.72	\$ 63,331.86
2007 Appropriation Reserves	\$ 383,181.59	\$ 123,731.93 259,449.66	\$ 0.00
Capital	\$1,503,851.17	\$ 204,851.52 \$1,298,999.65	\$

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,789,960.98	\$6,167,038.15

**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. 10/20/2008 – 03: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2008**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of \$221,638.89 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. 10/20/2008 – 04: CANCEL TAXES ON PROPERTY LOCATED AT BLK 40 LOTS 20 THRU 26, ALSO KNOWN AS 1539-1559 RUNYON LANE**

**WHEREAS**, the property known as 1539-1559 Runyon Lane, BLK 40, LOTS 20 thru 26 was added to the tax rolls of the Borough of Mantoloking in the second quarter of 2006; and

**WHEREAS**, it was at that time that the owner of the property was unknown; and

**WHEREAS**, it has since come to the attention of the Borough of Mantoloking that the property is actually owned by the State of New Jersey and should have never been listed on the tax rolls as it is an exempt property

**AND WHEREAS**, the taxes for the second half of 2006, all of 2007 and the first half of 2008 have already been canceled

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the following property be taken off of the tax rolls and that the 2008 and 2009 taxes be canceled along with all applicable interest charges.

<b>YEAR</b>	<b>TAX AMOUNT</b>
2008	\$2,457.78
2009	\$1,228.89

**RESOLUTION NO. 10/20/2008 – 05: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2008**

**WHEREAS**, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

**WHEREAS**, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2008 Municipal Budget exists; and

**WHEREAS**, it is recommended that these budget transfers be made and that they become effective November 1, 2008;

**NOW, THEREFORE BE IT RESOLVED**, that the following budget transfers be made in the 2008 Municipal Budget effective November 1:

<b>CURRENT ACCOUNT</b>	<b>TO</b>	<b>FROM</b>
Legal OE	\$5,000.00	
Construction OE	2,000.00	
Buildings & Grounds OE	5,000.00	
<b>CURRENT ACCOUNT</b>	<b>TO</b>	<b>FROM</b>
Roads OE		5,000.00
Dog Account OE	500.00	
Beach Guard OE		2,500.00
Gasoline OE	6,000.00	
Social Security OE	5,000.00	
Audit OE		2,000.00
Tax Assessor OE		2,000.00
Sewer System OE		6,000.00
Beach Guard S&W		3,000.00
Beach Maintenance OE		3,000.00
<b>TOTAL</b>	<b>\$23,500.00</b>	<b>\$23,500.00</b>

**RESOLUTION NO. 10/20/2008 – 06: CANCEL CAPITAL ORDINANCE BALANCES OF COMPLETED PROJECTS**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

ORD NO.	DATE AUTH	PROJECT	AMOUNT CANCELLED		UNFUNDED
			FUNDED	CAP SURPLUS CIF	
369	11/18/96	STREET DRAINAGE		\$2,908.82	
386	02/18/98	ELECTRICAL SYSTEM		440.00	
417	04/18/00	GARAGE SIDEWALK		24,922.87	
430	04/16/01	CONSTRUCT GARAGE		1,474.08	
435	11/19/01	CONSTRUCT GARAGE		648.99	
441	02/19/02	BORO FURNISHINGS		9.13	
458	04/21/03	GARAGE RENOVATIONS	849.61*		
469	11/17/03	GARAGE SPRINKLER		51.91	
460	04/21/03	RUNYON/ALBERTSON	205.44*		
456	04/21/03	FIRE APPARATUS	1,362.77		
461	04/21/03	GARAGE CURB	2,546.40*		
474/					
ORD NO.	DATE AUTH	PROJECT	AMOUNT CANCELLED		UNFUNDED
			FUNDED	CAP SURPLUS CIF	
497	05/16/05	BARNEGAT LANE	835.16		
478	04/19/04	GARAGE RENOVATION		1,055.73	23,750.00
479	04/19/04	GENERATOR	226.48		
480	04/19/04	FIRE SIGNAL			28,025.72
481	04/19/04	COMPUTERS	188.54		
486	02/15/05	BARNEGAT LANE	28.72		
487	02/15/05	SEWER PUMP GENERATOR			20,722.80
493	04/18/05	GREEN ACRES APPL	1,057.50		18,000.00
495	04/18/05	BIOXIDE SULFIDE			1,262.95
514	03/27/06	DUMP TRUCK			5,664.81
516	03/27/06	STORM SEWER INLETS			2,503.73
537	04/23/07	SEWER FENCE			6,544.07
538	04/23/07	CROSSWALKS		2,000.00	25,000.00
540	04/23/07	POLICE RADIOS			18.40
<b>TOTAL</b>			<b>\$7,300.62</b>	<b>\$33,511.53</b>	<b>\$131,492.48</b>

\*BALANCES IN THIS CATEGORY WERE FUNDED THROUGH A CAPITAL RESERVE. THOSE BALANCES WILL BE CANCELED TO THOSE SPECIFIC RESERVES.

**RESOLUTION NO. 10/20/2008 – 07: REQUESTED APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87- RECYCLING TONNAGE GRANT 2008**

**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 2008 in the sum of \$777.06, which is now available from the State of New Jersey, Solid Waste Administration.

**BE IT FURTHER RESOLVED**, that the like sum of \$777.06 is hereby appropriated under the caption of 2008 Recycling Tonnage Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, Solid Waste Administration in the amount of \$777.06.

**RESOLUTION NO. 10/20/2008 – 08: REQUESTED APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87, DRUNK DRIVING ENFORCEMENT FUND 2008**

**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 2008 in the sum of \$4,441.84, which is now available from the State of New Jersey, Division of Motor Vehicles.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,441.84 is hereby appropriated under the caption of 2008 Drunk Driving Enforcement Fund; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, Division of Motor Vehicles in the amount of \$4,441.84.

**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 then presented the reports of the Municipal Court and Fire Company.

**B. Action Items:**

**PUBLIC HEARING: ORDINANCE NO. 559 – REGULATIONS FOR FILMING**

Mayor Nebel opened the meeting to the public for a public hearing. No comments were made.

Councilman Gillingham moved the following resolution.

**RESOLUTION NO. 10/20/2008 – 09: ADOPTION OF ORDINANCE NO. 559-REGULATIONS FOR FILMING**

**WHEREAS**, on the 20<sup>th</sup> day of October, 2008 a public hearing on Ordinance No. 559 was held and no comments

were made by the public, now, therefore, be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance entitled: (Copy attached)

**ORDINANCE NO. 559  
AN ORDINANCE REGULATING FILMING  
IN THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY, NEW JERSEY**

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

Councilman Gillingham moved the following six (6) resolutions. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

**RESOLUTION NO. 10/20/2008 – 10: INTRODUCTION OF ORDINANCE NO. 560 – AMENDMENT OF CHAPTER XXX, LAND USE REGULATIONS**

*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. 560**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR RE-ADOPTION OF ORDINANCE NO. 557, ENTITLED: “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” ADOPTED ON SEPTEMBER 15, 2008**

*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](http://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. 10/20/2008 – 11: CONSIDERED THE SALE OF MUNICIPAL SURPLUS PROPERTY – POLICE VEHICLE**

**WHEREAS,** the Council has authorized solicitation of buyers for the purchase of surplus personal property, to

wit: One (1), used 2004 Ford Crown Victoria Police Inceptor Vehicle, VIN : 2FAFP71W34X165961; and

**WHEREAS,** the bid return date was 12:30 p.m. on October 15, 2008 in the office of the Borough Clerk with the following results:

<b>Bidder</b>	<b>Amount of Bid</b>
<i>Mr. Dan Dames</i>	<i>\$2,200.00</i>
<i>State Surplus Auto Sales, LLC</i>	<i>\$600.00</i>
<i>Bay Ridge Motors Inc.</i>	<i>\$1,919.00</i>
<i>Grace Quality Used Cars, Inc.</i>	<i>\$2,343.00</i>
<i>Liberty Motors, Inc.</i>	<i>\$2,716.99</i>

**WHEREAS,** the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it

**RESOLVED,** this 20<sup>th</sup> day of October, 2008, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of Liberty Motors, Inc., the sum of \$2,716.99, is hereby accepted upon the following terms and conditions:

- (i) payment for and removal of the vehicle from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
- (ii) payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;
- (iii) the purchaser shall, upon delivery, accept the bill of sale or title document and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an

“as is”, “where is” basis, without representations or warranties of any nature whatsoever. Title shall pass upon delivery of payment to the Borough.

**RESOLUTION NO. 10/20/2008 – 12: AUTHORIZED TRANSFER OF MUNICIPAL PERSONAL PROPERTY (Point Pleasant Beach and Lavallette)**

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

- (A) 2004 Vantage Truck, VIN NO. LFWA1F1234JA95164; and
- (B) 2003 Metro Mini Truck, VIN NO. KNCHNP8023K511421

are no longer useful; and

**WHEREAS**, said vehicles were purchased, used, from a Federal Government Agency that bars the resale of the equipment for up to five years, and

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of October, 2008, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The equipment:

- (A) 2004 Vantage Truck, VIN NO. LFWA1F1234JA95164; and
- (B) 2003 Metro Mini Truck, VIN NO. KNCHNP8023K511421

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

2. Upon receipt of written acknowledgment, by the Borough of Point Pleasant Beach (Vehicle “B”) and Borough of Lavallette (Vehicle “A”), that the equipment is transferred on an “as is” “where is” basis, without any representations or warranties, express or implied, of any nature whatsoever being granted or extended by or on behalf of the Borough of Mantoloking to the Borough of Point Pleasant Beach and Borough of Lavallette, title to the above described equipment is transferred and assigned to the Borough of Point Pleasant Beach and Borough of Lavallette, subject to the terms and conditions imposed by Federal authority.

**RESOLUTION NO. 10/20/2008 – 13: APPROVED INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING DRIVING WHILE INTOXICATED CHECKPOINTS IN 2009**

**WHEREAS**, it is deemed to be in the public interest to participate in the Ocean County “Driving While Intoxicated Checkpoint Program”; and

**WHEREAS**, to the extent officers of the Borough’s Police Department provide services under this Agreement, the County will provide compensation at the rate of \$60.00 per hour; and

**WHEREAS**, all the terms and conditions of the proposed Interlocal Service Agreement have been reviewed by counsel; and

**WHEREAS**, participation has been endorsed by the Chief of Police.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of October, 2008, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the 2009 Interlocal Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

**RESOLUTION NO. 10/20/2008 – 14: APPROVAL OF INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING THE PROSECUTOR’S PROGRAM IN 2009**

**WHEREAS**, it is deemed to be in the public interest to participate in the Ocean County “Prosecutor’s Program”; and

**WHEREAS**, to the extent officers of the Borough’s Police Department provide services under this Agreement, the County will provide compensation at the rate of \$60.00 per hour; and

**WHEREAS**, all the terms and conditions of the proposed Interlocal Service Agreement have been reviewed by counsel; and

**WHEREAS**, participation has been endorsed by the Chief of Police.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of October, 2008, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the 2009 Interlocal Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

**RESOLUTION NO. 10/20/2008 – 15: RESCHEDULING OF THE NOVEMBER, 2008 REGULAR MEETING DATE**

**WHEREAS**, it is the sense of Council that the public interest, participation and convenience will be served by rescheduling the November Regular Meeting from November 17, 2008 to November 24, 2008.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of October, 2008, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the Regular November Meeting of Council shall be held at 4:30 p.m. on Monday, November 24, 2008.
2. The Clerk shall provide and publish notice of this change of schedule in the manner required by applicable law.

**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:

**RESOLUTION NO. 10/20/2008 – 16: CONSIDERED PAYMENT REQUEST FOR THE DOWNER AVENUE AND LYMAN STREET PAVING PROJECT, CONTRACT NO. 2008-1**

**WHEREAS**, the Borough has entered into a Contract with Earle Asphalt Company (Contract 2008-1) to provide roadway improvements: and

**WHEREAS**, the Contractor's Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$42,044.48, by letter dated October 10, 2008; and

**WHEREAS**, funds have heretofore been appropriated by Ordinance No. 533.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of October, 2008, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 to Earle Asphalt Company is hereby approved in the sum of \$42,044.48 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 by unanimous voice vote.

Councilwoman Nelson moved the following:

**RESOLUTION NO. 10/20/2008 – 17: PROVIDED CONSTRUCTION START TIME FOR NEW JERSEY AMERICAN WATER COMPANY WATER MAIN PROJECT**

**WHEREAS**, New Jersey American Water Company has requested permission to commence construction activity at 6:00 a.m.; and

**WHEREAS**, it is deemed to be in the public interest to facilitate prompt and efficient completion of the installation of the water main facility; and

**WHEREAS**, strict enforcement of the regulations concerning construction start time will inhibit expeditious completion of the project.

IT IS NOW, THEREFORE, this 20th day of October, 2008, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. New Jersey American Water Company, its contractors and sub-contractors may, for the current water main project, conduct construction activity within the Borough from 6:00 a.m. to 6:00 p.m., weekdays. No construction activity shall occur on Saturdays, Sundays or holidays.
2. This accommodation is granted in the public interest and may be rescinded, after notice, by action of the Mayor or Chief of Police.

The motion was seconded by Councilman Gillingham and was adopted by roll call vote. Yes: Ness, Gillingham, Witkowski, Strohm and Jones. Nelson opposed.

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

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

Councilman Jones moved the following:

**RESOLUTION NO. 10/20/2008 – 18: AMENDED RESOLUTION NO. 04/21/2008-17 WHICH PROVIDES FOR THE ACCEPTANCE OF THE PROPOSAL OF BOROUGH ENGINEERS (HATCH, MOTT, MCDONALD) TO PROVIDE A FEASIBILITY STUDY FOR A BOROUGH FUNDED BEACH REPLENISHMENT PROJECT**

**WHEREAS**, the governing body of the Borough of Mantoloking has approved a resolution no. 04/21/2008-17 authorizing the Borough Engineers, Hatch, Mott, McDonald, to prepare a feasibility study regarding beach renourishment; and

**WHEREAS**, the study has progressed and new tasks were added to the list in regards to this study; and

**WHEREAS**, the original amount of the resolution to complete this study was not to exceed \$25,000.00; and

**WHEREAS**, the need for additional tasks has prompted the need for additional funds.

**NOW THEREFORE BE IT RESOLVED**, that the amount of the original resolution to complete the feasibility study be amended from not to exceed \$25,000.00 to not to exceed \$30,200.00. The Chief Financial Officer is hereby authorized to pay Hatch, Mott, McDonald the final billing on this project in the amount of \$7,648.18.

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

**LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM**

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

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

- A. Mantoloking Committee and the Environmental Commission
- B. Action Items:

Councilman Ness moved the following:

**RESOLUTION NO. 10/20/2008 – 19: AUTHORIZED ISSUANCE OF INVITATION TO BIDDERS FOR SOLID WASTE AND RECYCLABLE REMOVAL CONTRACT**

**WHEREAS**, in anticipation of the expiration of the current Contract for these services, it is deemed necessary to solicit proposals; and

**WHEREAS**, the contractual concept heretofore utilized has been effective, in the public interest.

**IT IS NOW, THEREFORE**, this 20th day of October, 2008, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Borough shall forthwith initiate the bidding process for these services in substantially the same contractual format as at present.

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

**8. MAYOR AND COUNCIL COMMENTS**

Councilman Jones commented that trash and recyclable collection in the area of the water main project cannot be carried out. He suggested that the Council allow the trash contractor to start before the work on the water main project commences each day. Councilman Witkowski commented that the Borough's finances are in good shape.

**9. PUBLIC COMMENTS PERIOD**

One commentator requested improvements be made to the Herbert Street beach access walkway.

**10. EXECUTIVE SESSION**

Councilwoman Nelson moved the following resolution.

**RESOLUTION NO. 10/20/2008 – 20: 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 a collective bargaining agreement and/or negotiations related to it; and*

*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 Jones and approved by unanimous voice vote at 5:23 p.m. Mayor Nebel announced that the Council would not be returning to open session at the conclusion of the closed session.

**12. NEXT MEETING Regular Council Meeting of November 24, 2008 @ 4:30 p.m.**

Respectfully submitted,

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