

**DRAFT #1 (10/29/2009)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**October 19, 2009**

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 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, Police Chief Mark Wright and Emergency Management Coordinator Robert S. McIntyre, Jr.
  
- 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 public comments were made.
  
- 6. MINUTES OF PREVIOUS MEETINGS:**  
**RESOLUTION NO. 10/19/2009 - 01: APPROVAL OF MINUTES**  
Councilwoman Nelson moved that the minutes of the Regular Meeting of September 21, 2009 be approved as distributed. The motion was seconded by Councilman Gillingham 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 will presented the monthly finance report.
  - B. Action Items:**

Councilman Witkowski moves the following five (5) resolutions. The motion was seconded by Councilman Brown and approved by unanimous voice vote.

**RESOLUTION NO. 10/19/2009 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER August 31, 2009**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2009 municipal budget as of August 31, 2009; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2009 Current Year Appropriation	\$3,924,585.79	\$2,636,313.08 1,216,658.33	\$ 71,614.38 \$
2008 Appropriation Reserves	\$ 337,600.67	\$ 123,637.71 210,936.52	\$ 3,026.44 \$
Capital	\$1,334,028.99	\$ 231,477.65 1,102,551.34	\$

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,461,892.03	\$6,343,777.92

**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. 10/19/2009 – 03: PAYMENT OF BILLS FOR THE MONTH OF October 2009**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$104,887.26** and recommended that they be paid, now, therefore, be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve payment of the above referenced bills and directs that a copy be attached to and made part of the minutes of this meeting.

**RESOLUTION NO. 10/19/2009 – 04: DESIGNATED SIGNATORIES ON BOROUGH BANK ACCOUNTS (THREE SIGNATURES REQUIRED)**

**WHEREAS**, it is necessary to designate and authorize persons to sign Borough checks; and

**WHEREAS**, the following officers and alternates be designated as authorized signatories (all checks drawn upon Borough owned bank accounts shall be signed by three (3) authorized signatories):

1. Mayor or Council President; and
2. Borough Clerk or Councilman Donald S. Ness; and
3. Chief Financial Officer or Councilman Steve Gillingham

**IT IS NOW, THEREFORE**, this 19<sup>th</sup> day of October, 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the above officials and alternates are designated as

authorized signatories (all checks drawn upon Borough owned bank accounts shall be signed by three (3) authorized signatories).

**RESOLUTION NO. 10/19/2009 – 05: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2009**

**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 2009 Municipal Budget exists; and

**WHEREAS**, it is recommended that these budget transfers be made and;

**NOW, THEREFORE BE IT RESOLVED**, that the following budget transfers be made in the 2009 Municipal Budget and become effective November 1, 2009:

<b>CURRENT ACCOUNT</b>		<b>TO</b>	<b>FROM</b>
POLICE	S&W	\$20,000.00	
BEACH GUARD	S&W		\$20,000.00
BUILDING & GROUNDS	OE		10,000.00
ROAD REPAIR	S&W	10,000.00	
ROAD REPAIR	OE	8,000.00	
SOCIAL SECURITY	OE	2,000.00	
GASOLINE	OE		2,000.00
BEACH MAINT	OE		8,000.00
<b>TOTAL</b>		<b>\$40,000.00</b>	<b>\$40,000.00</b>

**RESOLUTION NO. 10/19/2009 – 06: APPROVE RELEASE OF CASH SURETY BOND TO DEARBORN BUILDERS, INC.**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by Dearborn Builders, Inc. in conjunction with the demolition of a single family home located at 937 Lagoon 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 19<sup>th</sup>, day of October 2009, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Dearborn Builders, 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.

**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. He then introduced Emergency Management Coordinator Robert S. McIntyre, Jr. who stated that there was no report this month. Councilman Gillingham concluded with the presentation of the Municipal Court and Fire Company reports.

**B. Action Items:**

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

**RESOLUTION NO. 10/19/2009 – 07: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

**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 2009 in the sum of \$649.73, which is now available from the State of New Jersey, Alcohol Education Rehab Enforcement Fund.

**BE IT FURTHER RESOLVED,** that the like sum of \$649.73 is hereby appropriated under the caption of 2009 Alcohol Rehab Fund; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, Alcohol education Rehab and Enforcement Fund in the amount of \$649.73.

**RESOLUTION NO. 10/19/2009 – 08: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

**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 2009 in the sum of \$3,210.04, which is now available from the State of New Jersey, Division of Motor Vehicles.

**BE IT FURTHER RESOLVED,** that the like sum of \$3,210.04 is hereby appropriated under the caption of 2009 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 \$3,210.04.

**RESOLUTION NO. 10/19/2009 – 09: REQUESTING REFUND OF POLICE OUTSIDE EMPLOYMENT FEES**

**WHEREAS,** the Mr. Anthony Nazzaro contracted with the Borough of Mantoloking to have a police officer perform traffic control for an event on Saturday August 29, 2009 from 6:15 pm to 9:00 pm, and

**WHEREAS,** the fee for police outside employment is \$62.70 per hour with a four hour minimum, and

**WHEREAS,** the police officer was only on duty for the 4 hour minimum and Mr. Nazzaro paid the Borough \$270.80 instead of the correct amount of \$250.80.

**NOW THEREFORE BE IT RESOLVED,** that the Mayor and Council of the Borough of Mantoloking request the Chief Financial Officer to refund Mr. Anthony Nazzaro \$20.00 for overpayment of police outside employment fees to the following address:

207 Beechwood Road

Ridgewood, NJ 07450

**RESOLUTION NO. 10/19/2009 – 10: MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACT**

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

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

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

<u>SERVICE</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Emergency Subscriber List Information License Option 2; Approximately 774 records; Contract Period: 36 months	\$1,435.62 Base Fee + \$6.55/per mo. (weekly updates)	Verizon Business Network Services Inc. on behalf of Verizon New Jersey, Inc.

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

**RESOLUTION NO. 10/19/2009 – 11: AUTHORIZE SALE OF MUNICIPAL PERSONAL PROPERTY**

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

One (1) 2000 Ford Ranger Pickup vehicle, VIN: 1FTYR10X3YTB18792 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 19<sup>th</sup> day of October, 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The equipment:

One (1) 2000 Ford Ranger Pickup vehicle, VIN: 1FTYR10X3YTB18792 Is hereby declared to be surplus, no longer needed for public purposes; and

2. The Borough Clerk is hereby authorized and directed to advertise a public sale of said property by sealed bid in accordance with the applicable law.

3. The Borough reserves the right to reject any and all bids if it determines that to do so will be in the public interest.

**RESOLUTION NO. 10/19/2009 – 12: CONFIRMING THE APPOINTMENT OF OFFICIALS**

**WHEREAS**, a vacancy exists in the offices of Land Use Officer; and

**WHEREAS**, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such as Land Use Officer; and

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

Land Use Officer, Term Expires 12/31/2009

Vito M. Marinaccio

**IT IS NOW, THEREFORE,** this 19<sup>th</sup> day of October, 2009, 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 and appointment and term of office identified as to that officer and position wherein the Mayor has the right to nominate and appoint with the advice and consent of Council or otherwise, and as to that office and position wherein the Council has the right to select said individuals or entities.

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

**A. Report of the Dune & Beach Renourishment Committee**

**B. Action Items:** None

Councilman Strohm reported that a post storm dune assessment reveals damage to our dune system. Bulldozing to reinforce the dune structure will take place in late spring. He further announced the receipt of dune plants for all beach front properties will be on Friday, November 6, 2009 and the Fall Dune Walk is set for Friday, October 30, 2009.

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

**A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.**

**B. Action Items:** None

Councilman Ness announced that due to the unavailability of our local team captain, the Fall Beach Sweep set for Saturday, October 24<sup>th</sup> has been cancelled in Mantoloking.

**MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN**

**A. Councilman Brown will present the reports of the Municipal Services Committee.**

**B. Action Items:**

Councilman Brown moved the following resolution:

**RESOLUTION NO. 10/19/2009 – 13: CONFIRMING THE APPOINTMENT OF OFFICIALS**

**WHEREAS,** vacancies exists in the offices of the NFIP Flood Hazard Mitigation Planning Committee; and

**WHEREAS,** it is the responsibility of the Mayor with the consent of Council to appoint various individuals such as NFIP Flood Hazard Mitigation Planning Committee members; and

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

NFIP Flood Hazard Mitigation Planning Committee Members, Term Expires 12/31/2009

1. Lawrence Plevier, P.E., Borough Engineer
2. Frank X. Bruton

**IT IS NOW, THEREFORE,** this 19<sup>th</sup> day of October, 2009, Resolved by the Mayor and Council of the Borough of Mantoloking, as follows:

2. That the Council does, by this Resolution, hereby confirm, ratify, and approve the nomination and appointment and term of office identified as to that officer and position wherein the Mayor has the right to

nominate and appoint with the advice and consent of Council or otherwise, and as to that office and position wherein the Council has the right to select said individuals or entities.

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

Councilman Brown moved the following resolution:

**RESOLUTION NO. 10/19/2009 – 14: OCEAN COUNTY RECYCLING CENTER USE AND REVENUE SHARING AGREEMENT (CONTRACT PERIOD: JANUARY 1, 2010 THROUGH DECEMBER 31, 2014)**

**WHEREAS**, pursuant to applicable law, the Borough is obliged to provide for separation and recycling of designated solid waste components; and

**WHEREAS**, the County of Ocean has adopted a Recycling Plan, duly approved by the New Jersey Department of Environmental Protection; and

**WHEREAS**, utilization of the County recycling facility will enable the Borough to comply with requirements of the law and may generate income, based upon volume of recyclables delivered; and

**WHEREAS**, the proposed Agreement has been reviewed by counsel; and

**WHEREAS**, it is deemed to be necessary and appropriate for the Borough to participate in the County Recycling Program.

**IT IS NOW, THEREFORE**, this 19<sup>th</sup> day of October, 2009, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall continue to participate in the Ocean County Recycling Program.
2. The Mayor and Clerk are authorized to execute the proposed Contract.

The execution of the Contract shall not be construed to supercede or modify any provisions of any existing solid waste recyclable contract between the Borough and its designated hauler.

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

**8. MAYOR AND COUNCIL COMMENTS**

Councilwoman Nelson announced that the repaving of East Avenue will commence on Tuesday, October 20, 2009; and, new plans to install a new 12" diameter steel gas main within the NJDOT right-of-way along Route 35 from Bay Head to Brick will commence this month by N.J. Natural Gas Company.

**9. PUBLIC COMMENTS PERIOD**

Comments were made concerning the beach replenishment efforts and the announcement of a commemoration of the 65<sup>th</sup> Anniversary of the Blue Star Drive to be held on Saturday, November 7, 2009 at 11:00 a.m. at the Scow Ditch Park, Bridge Avenue, Bay Head.

**12. NEXT MEETING** Regular Council Meeting of November 23, 2009 @ 4:30 p.m.

**13. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Brown and approved by unanimous voice vote.

Respectfully submitted,

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