

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING

November 19, 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**
Mayor George C. Nebel, Council President Douglas J. Popaca, Councilmen John H. Jones, Peter R. Strohm, Steve Gillingham, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson
Absent: None

- 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. 11/19/2007 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the following minutes as distributed are approved.
Regular Meeting of October 15, 2007 and Closed Session of October 15, 2007. The motion was seconded by Councilwoman Nelson and unanimously approved by voice vote.

7. MAYOR'S REPORT

Mayor Nebel congratulated Donald Ness and Beth Nelson for their elections to Council. He also thanked the Mantoloking voters for voting "yes" for Ballot Question No. 3, Open Space Preservation which was endorsed by Council in 2007. Mayor Nebel announced the 2007 Holiday Tree Lighting will take place on Sunday, December 9, 2007 at 6:00 p.m. Refreshments will be served in the fire house immediately following the festivities by Fire Company volunteers. Mayor Nebel stated that his certificates of recognition will be presented at the December 17, 2007 Council Meeting.

Councilman Popaca moved the following:

RESOLUTION NO. 11/19/2007 – 02: CONFIRMING THE APPOINTMENT OF OFFICIALS

WHEREAS, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such as liaison to the Ocean County Community Development Block Grant Program for 2008; and

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

2008 Ocean County Community Development Block Grant Program Liaison
Borough Engineer, Thomas S. Guldin, P.E.

IT IS NOW, THEREFORE, this 19th day of November 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 and appointment and term of office identified as to this 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 those offices and positions wherein the Council has the right to select said individuals or entities.

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

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 five (5) resolutions. Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 11/19/2007 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER September 30, 2007

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of September 30, 2007; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED	
2007 Current Year Appropriation	\$3,659,137.21	\$2,427,901.82	\$ 41,557.35	\$ 1,189,678.04
2006 Appropriation Reserves	\$ 347,177.11	\$ 122,688.04	\$ 4,271.65	\$ 220,217.42
Capital	\$1,225,572.01	\$ 179,357.87		\$1,046,214.14

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$158,323.82	\$6,091,490.16

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. 11/19/2007 – 04: PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER 2007

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$234,198.71 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. 11/19/2007 – 05: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2007

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 2007 Municipal Budget exists; and

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

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2007 Municipal Budget:

CURRENT ACCOUNT		TO	FROM
Municipal Clerk	S&W	\$1,500.00	
Tax Collector	S&W	100.00	
Beach Guard	S&W		\$3,100.00
Natural Gas	OE	1,500.00	
Social Security	OE	2,000.00	
Buildings & Grounds	OE		2,000.00
Fire	OE	5,000.00	
Road Repair	OE		5,000.00
TOTAL		\$10,100.00	\$10,100.00

RESOLUTION NO. 11/19/2007 – 06: CONSIDER INDEMNITY & TRUST AGREEMENT FOR MEMBERSHIP RENEWAL IN N.J. INTERGOVERNMENTAL INSURANCE FUND – JANUARY 1, 2008 THROUGH DECEMBER 31, 2010

WHEREAS, the Borough of Mantoloking has been a participating member of the New Jersey Intergovernmental insurance Fund (hereinafter the “Fund”) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), and

WHEREAS, the Municipal Council of the Borough of Mantoloking has determined that continued membership in the “Fund” is in the best interest of the municipality,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Mantoloking in the County of Ocean and the State of New Jersey as follows:

SECTION 1. The Borough of Mantoloking hereby agrees to continue its membership in the “Fund” for a period commencing January 1, 2008 and terminating on December 31, 2010 for the purpose of establishing the following types of insurance coverage:

- (X) a) Workers Compensation and Employers Liability;
- (X) b) General Liability Coverage (including Police Professional & Excess Public Official Liability);
- (X) c) Motor Vehicle and Equipment Liability Coverage;
- (X) d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, and Boiler and Machinery).
- (X) e) Environmental Impairment Liability.

SECTION 2. For the purposes of contribution of sums into the “Fund” to be designated for administrative costs and claims, the Borough of Mantoloking hereby agrees to obtain the types of coverage from the “Fund” as are set forth in SECTION 1 of the Resolution and Indemnity and Trust Agreement to be signed by it.

SECTION 3. The Bylaws of the New Jersey Intergovernmental Insurance Fund have been adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the Fund according to the rights and obligations set forth therein.

SECTION 4. The Mayor and Council are hereby authorized and directed to execute a written agreement signifying application for membership in the “Fund” and are to execute such other agreements, including but not limited to the

Indemnity and Trust Agreement, attached hereto as Exhibit A, in order to implement its membership in the Fund and to conduct itself according to the terms thereof.

SECTION 5. The Local Unit certifies that it has never defaulted on claims under a self insurance plan and that it has not had its insurance canceled for nonpayment of premium for a period of at least two (2) years prior to this application.

SECTION 6. Inconsistent Resolution. All Resolution, or parts thereof, inconsistent with provisions of this Resolution are hereby repealed as to such inconsistency.

SECTION 7. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Resolution shall be deemed valid and effective.

SECTION 8. Effective Date. This Resolution shall take effect upon its passage.

RESOLUTION NO. 11/19/2007 – 07: MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2007

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 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.

<u>SERVICE</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Copy Machine Leases	3 Machines @ \$418.87/mo. For 3 years Plus .007(B&W) to .0475 (Color)/copy fees	Copi-Rite, Hamilton Twsp., NJ

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

- A. **Activities of the Public Safety Committee**
- B. **Action Items:**

Councilman Gillingham moved the following three (3) resolutions. Councilman Strohm seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 11/19/2007 – 08: APPROVAL OF INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING DRIVING WHILE INTOXICATED CHECKPOINTS

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 \$50.00 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 19th day of November, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the Interlocal Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

RESOLUTION NO. 11/19/2007 – 09: MANTOLOKING FIRE COMPANY FINANCIAL REPORTING OBLIGATIONS

WHEREAS, it is the continuing desire of the Borough to assist the Fire Company in all aspects of its undertakings, including but not by way of limitation, compliance with corporate and tax exempt charitable organization regulatory requirements; and

WHEREAS, the Fire Company desires to receive the benefit of such assistance.

IT IS NOW, THEREFORE, this 19th day of November, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The reasonable efforts and expenditures necessary to attain regulatory compliance shall be initiated by and at the expense of the Borough, with the cooperation of the Fire Company, and its officers;
2. Hereafter, the Fire Company shall maintain compliance, utilizing a CPA of its selection, as may be necessary;
3. The reasonable and necessary costs of such continued compliance shall be included in the Borough's annual budget as a component of Fire Company expense;
4. The Fire Company shall, upon request of the Borough, provide proof of continued regulatory compliance.

RESOLUTION NO. 11/19/2007 – 10: REINTRODUCTION OF ORDINANCE NO. 544 – AMENDMENT TO THE LAND USE ORDINANCE NO. 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 CHAPTER XXX, LAND USE REGULATIONS,
OF THE MUNICIPAL CODE 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.*

PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA

A. Activities of the Public Works & Public Works Facilities Committees

B. Action Items:

Councilman Popaca moved the following:

RESOLUTION NO. 11/19/2007 – 11: RUNYON LANE AND ALBERTSON STREET ROADWAY IMPROVEMENTS – PAYMENT NO. 1

WHEREAS, the Borough has entered into a Contract with Joseph DeFino Trucking (Contract 2006-4) 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 \$20,589.80, by letter dated November 5, 2007; and

WHEREAS, funds have heretofore been appropriated by Ordinance No. 511.

IT IS NOW, THEREFORE, this 19th day of November 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 of Joseph DeFino Trucking is hereby approved in the sum of \$20,589.80 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

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

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES

A. Activities of the Dune & Beach Renourishment Committee

B. Action Items: None

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:

Councilwoman Nelson moved the following:

RESOLUTION: NO. 11/19/2007 – 12: CONSIDER SOLID WASTE & RECYCLING CONTRACT OPTION YEAR NO. 3 WITH M & S WASTE

WHEREAS, pursuant to Contract dated February, 2004, between the Borough and M & S Waste Services, Inc., the Borough may extend the Contract for an additional one (1) year term; and

WHEREAS, it is the judgment of the Mayor and Council that the public interest will be served by the exercise of the one (1) year extension option, at a price of \$147,000.00, for a term ending March 1, 2009.

IT IS NOW, THEREFORE, this 19th day of November, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The final year Contract option shall be and hereby is exercised for the term ending March 1, 2009, at a cost of \$147,000.00;
 2. Notice of this election of exercise of option shall be provided forthwith to M & S Waste Services, Inc.,
- Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

10. MAYOR AND COUNCIL COMMENTS

11. PUBLIC COMMENTS PERIOD

12. NEXT MEETING Regular Council Meeting of Monday, December 17, 2007 @ 4:30 p.m.

13. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilwoman Nelson to adjourn at 4:55 p.m. The motion was seconded by Councilman Strohm and was unanimously approved by voice vote.

Respectfully submitted,

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