

DRAFT #2 (12/08/2008)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
November 24, 2008

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 Donald S. Ness, Stanley F Witkowski and Councilwoman Ann Elizabeth Nelson
Absent: Councilmen John H. Jones and Peter R. Strohm

Also Present: Municipal Clerk Irene H. Ryan, Acting Borough Attorney Joseph Michelini, 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 comments were made.
6. **MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 11/24/2008 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the minutes of the Regular Meeting of October 20, 2008 and Closed Session Minutes of October 20, 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 six (6) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 11/24/2008 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER September 30, 2008

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2008 municipal budget as of September 30, 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	\$2,810,916.52 905,267.23	\$ 75,748.19 \$
2007 Appropriation Reserves	\$ 383,181.59	\$ 123,731.93 259,449.66	\$ 0.00 \$
Capital	\$1,503,851.17	\$ 215,936.05 \$1,287,915.12	

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 134,981.15	\$6,302,019.30

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. 11/24/2008 – 03: PAYMENT OF BILLS FOR THE MONTH OF November 2008

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,702,314.57** 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. 11/24/2008 – 04: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2008

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;

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

<u>CURRENT ACCOUNT</u>		<u>TO</u>	<u>FROM</u>
POLICE	S&W	\$10,000.00	
POLICE	OE	3,000.00	
BEACH GUARD	OE		\$2,500.00
TELEPHONE	OE	2,000.00	
FIRE HYDRANT	OE		2,000.00
GASOLINE	OE	3,000.00	
SOCIAL SECURITY	OE	1,000.00	
COURT	S&W		3,000.00
FINANCE	OE		2,000.00
SUB-CODE ELEC	S&W		4,000.00
SEWER	OE		5,500.00
TOTAL		\$19,000.00	\$19,000.00

RESOLUTION NO. 11/24/2008 – 05: REQUESTED REFUND OF POLICE OUTSIDE EMPLOYMENT FEES

WHEREAS, the Bay Head Historical Society contracted with the Borough of Mantoloking to have a police officer perform traffic control for an event on Saturday October 11, 2008 from 11:00-3:00 pm

WHEREAS, the fee for police outside employment is \$57.20 per hour

WHEREAS, the police officer was only on duty for 4 hours and the Historical Society paid the Borough \$288.50 instead of the correct amount of \$228.80.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking request the Chief Financial Officer to refund the Bay Head Historical Society \$59.70 for overpayment of police outside employment fees to the following address:

PO Box 127
Bay Head, NJ 08742

RESOLUTION NO. 11/24/2008 – 06: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE- PRISCILLA A. LEUCK

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, Priscilla A. Leuck, has been caused to utilize all of her allocated sick leave for 2008 and has petitioned for an increased allotment of sick leave for 2008; and

WHEREAS, Council is satisfied that the circumstances presented are extraordinary and that Priscilla A. Leuck is deserving of its favorable consideration of her petition.

IT IS NOW, THEREFORE, this 24th day of November, 2008, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Priscilla A. Leuck is hereby granted forty-two (42) hours additional sick leave to cover her absence through December 12, 2008.

RESOLUTION NO. 11/24/2008 – 07: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE- LAURENCE H. GILMAN

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, Laurence H. Gilman, has been caused to utilize all of his allocated sick leave for 2008 and has petitioned for an increased allotment of sick leave for 2008; and

WHEREAS, Council is satisfied that the circumstances presented are extraordinary and that Laurence H. Gilman is deserving of its favorable consideration of his petition.

IT IS NOW, THEREFORE, this 24th day of November, 2008, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Laurence H. Gilman is hereby granted eighteen and one-half (18.5) hours additional sick leave to cover his absence through August 22, 2008.

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 introduced Emergency Management Coordinator, Robert McIntyre who presented the report of the Office of Emergency Management. Councilman Gillingham concluded with the presentation of the reports of the Municipal Court and Fire Company.

B. Action Items:

PUBLIC HEARING: ORDINANCE NO. 560 – READOPTION OF LAND USE ORDINANCE NO. 557

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

Councilman Gillingham moved the following:

RESOLUTION NO. 11/24/2008 – 08: ADOPTION OF ORDINANCE NO. 560 – READOPTION OF LAND USE ORDINANCE NO. 557

WHEREAS, on the 20th day of October, 2008 the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey introduced Ordinance No. 560 providing for re-adoption of Land Use Ordinance No. 557; and

WHEREAS, on the 24th day of November, 2008 a public hearing on Ordinance No. 560 was held and no comments were made by the public; and

WHEREAS, the Mayor and Council have considered any suggestions, objections, and comments about Ordinance No. 560, now, therefore, be it

RESOLVED, the Mayor and Council approve the following modifications to proposed Ordinance No. 560: "That Appendix C – Fees to Chapter XXX reflect that no fee will be required for a flagpole permit."

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

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

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

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 three (3) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 11/24/2008 – 09: CONFIRMING THE APPOINTMENT OF 2009 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM LOCAL REPRESENTATIVE

WHEREAS, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such as Community Development Block Grant Local Representative, and

WHEREAS, AFTER DUE DELIBERATION, the Mayor and Council have determined that Thomas S. Guldin, Borough Engineer be appointed for the position.

IT IS NOW, THEREFORE, this 24th day of November, 2008, 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 for the 2009 Community Development Block Grant Local Representative Thomas S. Guldin. 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.

RESOLUTION NO. 11/24/2008 – 10: CONSIDER CHANGE ORDER REQUEST FOR THE DOWNER AVENUE AND LYMAN STREET PAVING PROJECT, CONTRACT NO. 2008-1, CHANGE ORDER NO. 1

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

WHEREAS, due to the need for employing Police Officers for traffic control as required by the Mantoloking Police Department, Earle Asphalt Company has submitted Change Order No. 1.

WHEREAS, it is deemed to be in the public interest to accept Change Order No. 1; and

WHEREAS, the Borough Engineer, Thomas Guldin, P.E. (Hatch Mott MacDonald) has, by letter dated November 14, 2008, (Exhibit "A", attached) recommended the execution of Change Order No. 1 which added to an overall increase of the total cost of the project by \$2,768.48.

IT IS NOW, THEREFORE, this 24th day of November, 2008, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1, is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

FURTHER RESOLVED, that this Mayor and Council approval is subject to the New Jersey Department of Transportation executed approval.

RESOLUTION NO. 11/24/2008 – 11: PAYMENT NO. 3 (FINAL) REQUEST FROM DEFINO CONTRACTING COMPANY, CONTRACT NO. 2006-4

WHEREAS, the Borough has entered into a Contract with DeFino Contracting Company (Contract 2006-4) to provide roadway improvements: and

WHEREAS, the Contractor's Application for Payment No. 3 – Final has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$10,302.48, by letter dated October 31, 2008; and

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

IT IS NOW, THEREFORE, this 24th day of November, 2008, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 3 - Final to DeFino Contracting Company is hereby approved in the sum of \$10,302.48 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

MANTOLOKING COMMITTEE, COUNCILMAN NESS

- A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.
- B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel announced that the Holiday Tree Lighting event will take place on Sunday December 7, 2008 at 5:30 p.m. at Borough Hall. Refreshments will follow at the Mantoloking Fire House. Mayor Nebel responded to the Borough need for a street sweeper and bulldozer. He stated that the equipment was government surplus purchases at the minimal costs of \$50 for the bulldozer and \$500 for the street sweeper. Mayor Nebel added that the equipment will eliminate the need for outside contractors.

9. PUBLIC COMMENTS PERIOD

Commentators asked questions about the 2009 Borough and Ocean County budgets and the Bergen Avenue and Channel Lane road improvement plans.

10. EXECUTIVE SESSION

Councilman Gillingham moved the following:

RESOLUTION NO. 11/24/2008 – 12: 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 Councilwoman Nelson and approved by unanimous voice vote at 4:47p.m. Mayor Nebel announced that the Council would not be returning to open session at the conclusion of the closed session.

11. NEXT MEETING Regular Council Meeting of December 15, 2008 @ 4:30 p.m.

Respectfully submitted,

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