

DRAFT #1 (02/03/10)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
January 19, 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 and James J. Brown
Absent: Councilwoman Ann Elizabeth Nelson

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Chief Financial Officer Michelle Swisher and 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. 01/19/2010 - 01: APPROVAL OF MINUTES
Councilman Brown moved that the minutes of the Regular Meeting of December 21, 2009 and Organization Meeting of January 4, 2010 be approved as distributed. The motion was seconded by Councilman Ness and approved by unanimous voice vote.
- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**
FINANCE COMMITTEE, COUNCILMAN WITKOWSKI
 - A.** Councilman Witkowski introduced Municipal Finance Officer Michelle Swisher who presented the monthly finance report.
 - B. Action Items:**

Councilman Witkowski moved the following eight (8) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 01/19/2010 - 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER November 30, 2009

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2009 municipal budget as of November 30, 2009; and

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

ACCOUNT	BUDGET	EXPENDED		ENCUMBERED	
		BALANCE			
		YEAR TO DATE			
2009 Current Year Appropriation	\$3,924,585.79	\$3,281,537.85	\$ 88,847.86	\$	
2008 Appropriation Reserves	\$ 337,600.67	\$ 122,191.50	\$ 3,119.15	\$	
Capital	\$1,334,028.99	\$ 265,326.12		\$	
		1,068,702.87			

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE	
Cash Receipts	\$1,324,886.25		\$8,456,908.92

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 01/19/2010 – 03: TO ADOPT APPROPRIATION RESERVE TRANSFER #1

WHEREAS, N.J.S.A. 40A: 4-59 provides that in the first 3 months of the fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopted by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

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 Appropriation Reserves exists; and

WHEREAS, it is recommended that these appropriation reserve transfers be made;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Mantoloking that the following budget transfers be made for the 2009 Appropriation Reserve balances

<u>DEPARTMENT</u>	<u>TO</u>	<u>FROM</u>
ROAD REPAIR S&W	\$ 7,000.00	
CLERK OE		\$10,000.00
POLICE S&W	14,000.00	
FINANCE OE		4,000.00
PLANNING S&W		3,000.00
PLANNING OE		6,000.00
LEGAL OE	2,000.00	
Total	\$23,000.00	\$23,000.00

RESOLUTION NO. 01/19/2010 – 04: PAYMENT OF BILLS FOR THE MONTH OF January 2010

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,542,631.06** 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. 01/19/2010 – 05: AUTHORIZED THE AWARD OF CONTRACTS FOR 2010 PROFESSIONAL SERVICES

WHEREAS, the Borough of Mantoloking has a need to acquire Professional Services as traditional contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 (as appropriate); and,

WHEREAS, Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and,

WHEREAS, the anticipated term of the contracts is one (1) year; and

WHEREAS, the following have submitted proposals by January 19, 2010 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Borough Auditor	William E. Antonides C.P.	\$24,250+ Misc Exp \$75-\$475 & \$40-\$110/hr	William E. Antonides & Co.
Borough Attorney	Edwin J. O'Malley, Jr., Esq	\$145.-\$225./Hr. +Misc Exp	O'Malley, Surman & Michelini

And

WHEREAS, as may be applicable pursuant to N.J.S.A. 19:44-A-20.4, et seq. obligates the professional contractors to certify that they have not made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, the Business Entity Disclosure Certification shall be executed prior to execution of the professional services contract, and

WHEREAS, a Certificates of Availability of Funds issued by the Chief Financial Officer has been submitted pursuant to N.J.A.C. 5:30-5.4.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking authorize the Mayor to enter into the contracts with the professional contractors as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. And,

BE IT FURTHER RESOLVED that notice of this action is published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

RESOLUTION NO. 01/19/2010 – 06: AUTHORIZED OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2010

WHEREAS, the award of contracts for professional services 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.
2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>POSITION</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Worker's Compensation/ Drug Testing Services	\$25.-\$65. per procedure	WORKNET Occupational Medicine

RESOLUTION NO. 01/19/2010 – 07: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2010

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>
Computer Software Maint.	\$7,829.Annual+\$150/Hr Misc Serv	Edmunds & Associates, Inc.

RESOLUTION NO. 01/19/2010 – 08: ESTABLISHMENT OF EMPLOYEE SALARIES FOR 2010

WHEREAS, the Mayor has recommended annual salaries for all borough employees for 2010, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following schedule of salaries for 2010

**SCHEDULE OF 2010 SALARIES
REGULAR EMPLOYEES**

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Anderson, James	Tax Assessor	\$ 14,430.00
	Tax Appeal Agent	520.00
Applegate, Douglas (Combined Salary)	Dep. Construction Officer	28.00/Hr.
	Dep. Building Insp.	
	Dep Build Subcode Insp	
Barcus, John	Police Detective Lt.	111,082.52
Clayton, Michael	Deputy Fire Official	28.00/Hr
Dryburgh, Scott	Police Officer	60,861.72
	After 07/31/10	66,824.38
Eaton, Jennifer	Court Administrator	20,428.40
	Court Call-Out, 3hr Min	17.00/Hr.(3hr. Min)
	Planning Bd. Admin. Asst.	21,171.60
	Planning Bd. Record Sec.	25.00/Hr.(3hr. Min)
Ferris, Stacy	Police Officer	72,789.15
	After 04/16/10	78,474.65
Gilman, Laurence	PW Full Time Laborer	56,153.21
Hazelet, Lynne	Dep Borough Clk/Regist.	5,000.00
	Build. Technical Assistant	31,632.98
	Planning Bd. Record Sec.	25.00/Hr.(3hr. Min.)
Heckman, William	Public Works Superint.	71,009.95
Helmstetter, John	Electric Sub-Code Officer	4,160.00
Leuck, Priscilla	Administrative Asst.	32,898.29
Marinaccio, Vito	Zoning & Land Use Off.	20.80/Hr.
Meyer, Jon	Police Officer	72,789.15
	After 12/18/10	78,474.65
Montedoro, Toni	Police Dispatch/Secre.	32,160.00
Morris, Samuel	Magistrate	1,352./Ct. Session
Patterson, Steven	Fire Sub-Code Officer	4,160.00
Ryan, Irene	Municipal Clerk	86,737.62
	Assessment Search Off.	0.00
	Public Agency Com. Off	0.00
	Insurance Commissioner	0.00
	Purchasing Agent	0.00
	Archives & Rec. Manager	0.00
	Registrar of Vital Statist.	200.00
Saccone, Eugene	Police Sergeant	103,815.04
Shewan, William	Police Officer	94,303.13
Swisher, Michelle	Chief Financial Officer	72,999.17
	Tax Collector	11,248.64
Wardell, V. John (Combined Salary)	Construction Official	13,159.32
	Building Subcode Off.	
	Building Inspector	
Warnebold, Hans	Plumbing Sub-Code Off	4,160.00
Wills, Charles	Fire Official	3,175.46
Wright, Mark	Police Chief	121,080.35

2010 PART TIME/SEASONAL EMPLOYEES

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Gloria Atkinson	Special Police Class 2	\$ 13.00/Hr.
Blakely, Shawn	Special Police Class 2	13.00/Hr.
Zucchi, Steve	Special Police Class 2	13.00/Hr.
Hansen, Chris	Special Police Class 1	9.50/Hr.
Hulse, Paul Scott	Special Police Class 1	9.50/Hr.
Mason, Sam	Special Police Class 1	9.50/Hr.
Gambarella, Edward	Police Academy Recruit	7.25/Hr.
Hahn, Karissa	Police Academy Recruit	7.25/Hr.
Popaca, Gregory	Police Academy Recruit	7.25/Hr.
Puccio, Dominick	Police Academy Recruit	7.25/Hr.
Boettger, Elizabeth	P/T Dep. Court Adm. Call-Out Duties Violations Clerk	15.00/Hr. 3 Hrs. Min./Call \$130/Court Sess.

RESOLUTION NO. 01/19/2010 – 09: AUTHORIZED A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO A TAX APPEAL

WHEREAS, the real property tax appeal initiated by Scott Gusmer and Patricia Roberts, Block 23, Lot 52, for fiscal year 2009, was resolved by settlement at the conclusion of testimony; and

WHEREAS, the settlement has been incorporated into a Tax Court Judgment; and

WHEREAS, the settlement entitled the property owners to a partial refund of the 2009 tax payment in the sum of \$1,182.32;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Chief Financial Officer is hereby authorized and directed to refund the sum of \$1,182.32 to Scott Gusmer and Patricia Roberts of 1121 Ocean Avenue, legal mailing address on file: 900 Tamiani Trail, S#331, Venice, FL. 34285.

BE IT FINALLY RESOLVE, that a true copy of this Resolution shall be forwarded to the Tax Collector, Chief Financial Officer and the property owners.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Reports of the Public Safety Committee: Councilman Gillingham presented the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

B. Action Items:

PUBLIC HEARING Mayor Nebel opened the public meeting for a Public Hearing on Ordinance No. 578. No comments were made by the public.

Councilman Gillingham moved the following resolution:

RESOLUTION NO. 01/19/2010 – 10: ADOPTION OF ORDINANCE NO. 578 – LAND USE AMENDMENT

WHEREAS, on the 19th day of January, 2010 a public hearing on Ordinance No. 578 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. 578
AN ORDINANCE AMENDING CHAPTER XXX, SECTION 30-2.2
OF THE MUNICIPAL CODE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR DELETION OF “HALF-STORY”;
AND AMENDING THE DEFINITION OF “ATTIC”**

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

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

RESOLUTION NO. 01/19/2010 – 11: PROVIDED FOR COMPENSATION FOR ACCUMULATED SICK DAYS TO THE FORMER POLICE LIEUTENANT MICHAEL R. DREHER

WHEREAS, Michael R. Dreher, former Police Lieutenant, of the Borough of Mantoloking, has accumulated unutilized sick days during his employment with the Borough as an Officer of the Police Department as of December 31, 2009, totaling \$28,506.60; and

WHEREAS, it is the desire of Council to now pay Michael R. Dreher for the accumulated sick days; and

WHEREAS, fund are available for this purpose.

IT IS NOW, THEREFORE, this 19th day of January, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, that Michael R. Dreher shall be compensated for his accumulated sick days, \$28,506.60 as of December 31, 2009, to be paid as follows::

\$28,506.60 in January, 2010.

RESOLUTION NO. 01/19/2010 – 12: AUTHORIZE OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2010

WHEREAS, the award of contracts for professional services 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.
2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Prosecutor	Joseph D. Coronato, Esq.	\$100.-\$150.per hour	Mulvaney,Coronato&Brady, P.C.
Public Defender	James J. Gluck, Esq.	\$200 per case + Misc Serv \$100/hr.	Gluck & Allen, LLC
Alt./Conflicts Prosecutor	Bonnie R. Peterson, Esq.	\$100.-\$150. per hour + Misc. Exp.	Bonnie R. Peterson-Attorney at Law
Police Physician	George Jarahian, Jr., M.D.	\$337.50 per officer	George Jarahian, Jr., M.D.

RESOLUTION NO. 01/19/2010 – 13: IN SUPPORT OF THE NJ SPECIAL OLYMPICS, THE SE NJ ELKS SPECIAL CHILDREN'S COMMITTEE AND THE JERSEY SHORE RUNNING CLUB "JERSEY SHORE RELAY"

WHEREAS, the NJ Special Olympics, The SE NJ Elks Special Children's Committee and The Jersey Shore running Club, have requested permission to utilize roadways in the Borough in conjunction with the "Jersey Shore Relay", on Saturday, April 17, 2010; and

WHEREAS, the Mayor and Council wish to endorse and support the NJ Special Olympics, The SE NJ Elks Special Children's Committee and The Jersey Shore Running Club.

IT IS NOW, THEREFORE, this 19th day of January, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize roadways within the Borough, as part of the “Jersey Shore Relay”, is hereby granted subject only to endorsement by the Chief of Police.
2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to The NJ Special Olympics, The SE NJ Elks Special Children’s Committee and the Jersey Shore Running Club, Attention: Karen Hornberger, Jersey Shore Relay Event Committee
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

RESOLUTION NO. 01/19/2010 – 14: IN SUPPORT OF THE NATIONAL MULTIPLE SCLEROSIS SOCIETY’S NEW JERSEY METRO CHAPTER “COAST THE COAST” BIKE MS RIDE

WHEREAS, the National Multiple Sclerosis Society’s New Jersey Metro Chapter, have requested permission to utilize roadways in the Borough in conjunction with the “Coast the Coast” Bike MS Ride, on Saturday, May 22, 2010 and Sunday, May 23, 2010; and

WHEREAS, the Mayor and Council wish to endorse and support National Multiple Sclerosis Society’s New Jersey Metro Chapter.

IT IS NOW, THEREFORE, this 19th day of January, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize roadways within the Borough, as part of the “Coast the Coast” Bike MS Ride is hereby granted subject only to endorsement by the Chief of Police.
3. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to The National Multiple Sclerosis Society’s New Jersey Metro Chapter, Attention: Brian Hurwitz, Logistics & Special Projects Director.
4. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

RESOLUTION NO. 01/19/2010 – 15: GRANTED WAIVER OF PERMIT FEES FOR MANTOLOKING PARTICIPANTS IN THE SPRING 2010 “PROJECT GRADUATION COMMITTEE” (POINT PLEASANT BEACH HIGH SCHOOL) TOWN-WIDE GARAGE SALE CHARITY FUND RAISER” TO BE HELD ON JUNE 5, 2010 (RAIN DATE-JUNE 6, 2010)

WHEREAS, pursuant to Ordinance, any garage sale permit applicant shall pay a permit fee to the Borough; and

WHEREAS, the Project Graduation Committee of Point Pleasant Beach High School desires to host a garage sale in the Borough of Mantoloking to support its charitable, public interest purposes; and

WHEREAS, it is the desire of the governing body to encourage and support the efforts of the Committee.

IT IS NOW, THEREFORE, this 19th day of January 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the collection of a garage sale permit fee from the Project Graduation Committee would be inimical to the spirit of the effort and the public interest.
2. Payment of the 2010 garage sale permit fee by the Project Graduation Committee participants is hereby waived as an expression of endorsement and appreciation for the efforts of the Project Graduation Committee.
3. Due to unsafe conditions concerning illegal parking on certain roadways, the Mantoloking Police Chief has ordered that the “No Parking” regulations of the Borough of Mantoloking will be strictly enforced.
4. Upon adoption, the Borough Clerk shall issue a certified copy of this resolution to the Coordinator of the Project Graduation Committee.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON (Absent)

A. Reports of the Public Works: Councilman Witkowski presented reports from the Public Works Superintendent, Construction Official and Land Use Officer.

C. Action Items:

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

RESOLUTION NO. 01/19/2010 – 16: AUTHORIZED THE AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES

WHEREAS, the Borough of Mantoloking has a need to acquire Professional Services as traditional contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 (as appropriate); and,

WHEREAS, Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and,

WHEREAS, the anticipated term of the contracts is one (1) year; and

WHEREAS, the following have submitted proposals by January 19, 2010 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Borough Engineer Stormwater Program Coordinator Ocean County Block Grant Program Representative	Lawrence Plevier P.E.	\$40.- \$215./Hour + Misc Exp “ “	Hatch, Mott, MacDonald
Assistant Engineer Municipal Planner Dune Inspector Flood Plain Manager Community Rating System Coordinator	Robert Mainberger, P.E.	\$40-\$215/Hour + Misc Exp	Hatch, Mott, MacDonald

And

WHEREAS, as may be applicable pursuant to N.J.S.A. 19:44-A-20.4, et seq. obligates the professional contractors to certify that they have not made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, the Business Entity Disclosure Certification shall be executed prior to execution of the professional services contract, and

WHEREAS, a Certificates of Availability of Funds issued by the Chief Financial Officer has been submitted pursuant to N.J.A.C. 5:30-5.4.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking authorize the Mayor to enter into the contracts with the professional contractors as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. And,

BE IT FURTHER RESOLVED that notice of this action is published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

RESOLUTION NO. 01/19/2010 – 17: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACT FOR 2010

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 amendatory agreement in accordance with the following list, which identifies the services and providers thereof. Said contract is 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>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
Schedule "C" Program, Road Dept.	County of Ocean	\$4,000.00 (Not to exceed.)
Schedule "C" Program, Vehicle Services	County of Ocean	\$1,000.00 (Not to exceed.)
Construction Official Computer Software Maint.	Mitchell Humphrey & Co.	\$2,025.00
Elevator Maintenance	Sharp Elevator Company, Inc.	\$120./month

RESOLUTION NO. 01/19/2010 – 18: RELEASE OF 2009 UNUSED VACATION AND COMP TIME FOR BOROUGH SUPERINTENDENT

WHEREAS, William Heckman, Borough Superintendent, has accrued unused vacation and comp-time, 157.25 hours, as of December 31, 2009; and

WHEREAS, it is the desire of Council to now pay Mr. Heckman for these benefits in lieu of the continued accrual thereof; and

WHEREAS, funds are available for this purpose.

IT IS NOW, THEREFORE, this 19th day of January, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That William Heckman shall, forthwith, be compensated for his accrued vacation and comp time, 157.25 hours, as of December 31, 2009, at the gross rate of \$32.83 per hour.

RESOLUTION NO. 01/19/2010 – 19: APPROVED CHANGE ORDER REQUEST FOR THE EAST AVENUE ROADWAY IMPROVEMENTS PROJECT, CONTRACT NO. 2009-1, CHANGE ORDER NO. 3

WHEREAS, the Borough has entered into a Contract with S. Brothers, Inc. (Contract 2009-1) to provide roadway improvements: and

WHEREAS, due to the need for an adjustment for the As-Built Quantities, S. Brothers, Inc. has submitted Change Order No. 3; and

WHEREAS, it is deemed to be in the public interest to accept Change Order No. 3; and

WHEREAS, the Borough Engineer, Laurence Plevier, P.E., C.M.E. (Hatch Mott MacDonald) has, by letter dated January 12, 2010, (Exhibit "A", attached) recommended the execution of Change Order No. 3 which added to an overall increase of the total cost of the project by \$11,349.99.

IT IS NOW, THEREFORE, this 19th day of January, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No.3, 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.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

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

Councilman Strohm moved the following resolution:

RESOLUTION NO. 01/19/2010 – 20: AUTHORIZE OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2010

WHEREAS, the award of contracts for professional services 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.
2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Special Counsel	Vito A. Gagliardi, Jr., Esq.	\$125-\$310/Hr.+Misc. Expenses	Porzio, Bromberg , & Newman P.C.
Dune Consultant	Dr. Stewart Farrell	\$27,644.12	R. Stockton College Coastal Research

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

MANTOLOKING COMMITTEE, COUNCILMAN NESS

- A. Councilman Ness announced that no reports of the Mantoloking Committee and the Environmental Commission were submitted.
- B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

- A. Councilman Brown announced that no reports of the Municipal Services Committee were submitted.
- B. Action Items:

Councilman Brown moved the following resolution:

RESOLUTION NO. 01/19/2010 – 21: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACT FOR 2010

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 amendatory agreement in accordance with the following list, which identifies the services and providers thereof. Said contract is 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>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
----------------	-----------------	------------------------

Website Maintenance	Osprey Technology Consulting LLC	\$140/Month
Computer & Internet Support	Osprey Technology Consulting LLC	\$70/Hour

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

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel announced that there will be construction on Ocean Avenue performed by N.J. Natural Gas for the replacement of the gas main in the west shoulder of the highway. This upgrade by the Gas Company is being done now prior to the reconstruction of the road in 2011 by the N.J. State Department of Transportation.

9. PUBLIC COMMENTS PERIOD

Comments were made about the reconstruction of the protective beach dune system

10. NEXT MEETING Regular Council Meeting, February 22, 2010 @ 4:30 p.m.

11. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote at 5:03 p.m.

Respectfully submitted,

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