

DRAFT #1 (02/04/2009)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
January 20, 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 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 and Police 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. 02/20/2009 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the minutes of the Regular Meeting of December 15, 2008 and the January 2, 2009 Organization Meeting 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 nine (9) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 01/10/2009 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER November 30, 2008

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2008 municipal budget as of November 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	\$3,797,150.84	\$3,267,403.83 477,050.46	\$ 52,696.55 \$
2007 Appropriation Reserves	\$ 383,181.59	\$ 123,731.93 259,449.66	\$ 0.00 \$
Capital	\$1,503,851.17	\$ 351,890.61 \$1,151,960.56	

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,311,208.25	\$8,293,690.48

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. 01/20/2009 – 03: PAYMENT OF BILLS FOR THE MONTH OF January 2009

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$2,029,991.24** 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. 01/20/2009 – 04: INTRODUCTION OF ORDINANCE NO. 561- SALARY ORDINANCE

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. 561
AN ORDINANCE FIXING SALARY AND COMPENSATION OF CERTAIN OFFICERS,
POSITIONS AND EMPLOYEES IN THE BOROUGH OF MANTOLOKING, OCEAN
COUNTY, NEW JERSEY,**

**TO BE KNOWN AS THE "MANTOLOKING BOROUGH SALARY ORDINANCE"
AND RESCINDING ORDINANCE 545**

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 8:30am – 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. 01/20/2009 – 05: 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 Deputy Clerk; and
3. Chief Financial Officer or Councilman Steve Gillingham

IT IS NOW, THEREFORE, this 20th day of January, 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. 01/20/2009 – 06: 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 16, 2009 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
Dune Consultant	Dr. Stewart Farrell	\$18,978.76+Misc. Contingency \$5,965.14	Richard Stockton College of NJ
Borough Engineer	Thomas S. Guldin, P.E.	\$43.- \$225./Hour + Misc Exp	Hatch, Mott, MacDonald
Assistant Engineer	Robert Mainberger, P.E.	“ “ “ “	“ “ “ “

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 01/20/2009 – 07: OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2009

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	Steven A. Zabarsky, Esq.	\$100.-150.per hour	Citta,Holzapfel,Zabarsky,Simon
Public Defender	James J. Gluck, Esq.	\$200 per case + Misc Serv \$100/hr.	Gluck, Allen & Gertner
Conflicts Prosecutor	Joseph D. Coronato	\$100.-125. per hour + Misc. Exp.	Mulvaney, Coronato & Brady
Conflicts Prosecutor	Bonnie R. Peterson, Esq.	\$100.-150. per hour	Bonnie R. Peterson-Attorney at Law
Worker's Compensation/ Drug Testing Services		\$30.-65. per procedure	Shore Occupational Medicine
Special Counsel	Vito A. Gagliardi, Jr., Esq.	\$115-\$295/Hr.+Misc. Expenses	Porzio, Bromberg , & Newman P.C.
Police Physician	George Jarahian, Jr., M.D.	\$4.-171. for procedures	George Jarahian, Jr., M.D.

RESOLUTION NO. 01/20/2009 – 08: MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2009

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:

3. 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+\$125/Hr Misc Serv	Edmunds & Associates, Inc.
Construction Dept Software	\$1,960. Annual	Mitchell Humphrey
Elevator Maintenance	\$120. per month	Sharp Elevator Co.
Web Page Consulting	\$140/Mo.+ \$75/Hr. Misc Service	Osprey Technology Consulting
Road Supplies/Services	\$3,000. Annual	County of Ocean Road Department

RESOLUTION NO. 01/20/2009 – 09: ADOPTION OF 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 2008 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 2008 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
SEWER	OE	\$5,000.00	
CLERK	OE		\$8,000.00
ROAD REPAIR	SW	7,000.00	
ROAD REPAIR	OE		4,000.00
Total		\$12,000.00	\$12,000.00

RESOLUTION NO 01/20/2009 – 10: AUTHORIZED THE REFUND OF TAX OVERPAYMENTS

WHEREAS, an overpayment has occurred on tax accounts for the Borough of Mantoloking, and

WHEREAS, the overpayment(s) will be refunded to the party responsible for the overpayment,

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be authorized to refund the following:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>REFUND NAME</u>	<u>AMOUNT</u>
BLK 22	1048 Barnegat Lane	John Brown	\$5,040.34
LT 16		48 Sycamore Road Princeton, NJ 08540	

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 concluded with the presentation of the reports of the Municipal Court and Fire Company.

B. Action Items:

Councilman Gillingham moved the following resolution:

RESOLUTION NO. 01/20/2009 – 11: CONDITIONAL APPROVAL OF MANTOLOKING FIRE COMPANY NO. 1 MEMBER APPLICATION – LANCE WHITE

WHEREAS, Lance White, Old Bridge Street, has applied to become a firefighter with the Mantoloking Fire Company No. 1 (MFC) and the Trustees of the MFC have recommended the Borough Council approve his application, and

WHEREAS, one or more of the requirements for designation as a firefighter set forth in the MFC bylaws are still in the process of being completed, and

WHEREAS, Lance White's appointment must be approved by the Borough Council before he can begin the extensive training required of firefighters, now, therefore, be it

RESOLVED, the Borough Council hereby approves Lance White as a probationary firefighter member of the Mantoloking Fire Company No. 1, effective immediately, but subject to completion of any and all legal and administrative requirements, and be it

FURTHER RESOLVED, if any of these requirements have not been fulfilled by the next regular meeting of the Borough Council, this appointment will be rescinded.

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

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

RESOLUTION no. 01/20/2009 – 12: INTRODUCTION OF ORDINANCE NO. 562-AMENDMENT OF THE PARKING ORDINANCE

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. 562

AN ORDINANCE AMENDING CHAPTER 7 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING PROVIDING FOR REGULATION OF VEHICULAR PARKING ON RUNYON LANE

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 8:30am – 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. 01/20/2009 – 13: APPROVED EMPLOYMENT CONTRACT FOR CHIEF OF POLICE MARK A. WRIGHT

WHEREAS, it is the desire of the Mayor and Council to enter into an Employment Contract with Mark A. Wright, Chief of Police of the Borough of Mantoloking; and

WHEREAS, the terms of Agreement are as set forth in the attached Contract; and

WHEREAS, Chief Wright has accepted the terms of this proposed Contract;

and

WHEREAS, the Public Safety Committee of Council has recommended approval of the Contract.

IT IS NOW, THEREFORE, this 20th day of January, 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The attached Employment Contract between the Borough and Chief Mark A. Wright is hereby approved and endorsed;
2. The Mayor and Clerk are hereby requested to execute the Contract promptly following execution by Chief Wright.

RESOLUTION NO. 01/20/2009 – 14: APPOINTMENT OF PERSONNEL – SEASONAL/PART TIME HELP

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointments with the terms and conditions indicated:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
Frank P. Angello	Special Police Off. CI II	January 20, 2009	\$ 14.00/Hour

RESOLUTION NO. 01/20/2009 – 15: 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 18, 2009; 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 20th day of January, 2009, **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: Bob Both, Jersey Shore Relay Event Director
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

A. Reports of the Public Works: Councilwoman Nelson presented the reports of the Borough Superintendent, Construction Official and Land Use Officer.

C. Action Items:

Councilwoman Nelson moved the following:

RESOLUTION NO. 01/20/2009 – 16: INTRODUCTION OF ORDINANCE NO. 563 - AMENDMENT OF THE CONSTRUCTION DEPARTMENT FEE SCHEDULE

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. 563

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
AMENDING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING, 2007 PROVIDING FOR CONSTRUCTION PERMIT FEES**

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 8:30am – 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.

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

PUBLIC HEARING: Mayor Nebel opened the meeting for a Second Public Hearing on the 2009 Community Development Block Grant (CDBG) program as published in accordance with the CDBG program rules.

Citizens and agencies/organizations were invited to comment on the proposed CDBG applications listed below. The purpose of the hearing was to select and prioritize CDBG applications for submittal to Ocean County for funding consideration under the FY 2009 CDBG Program. No comments were made.

Handicap Accessible Public Walkway Cost Estimate: \$ 21,000.00
Improvements for Bay and Ocean Beach Access
Block 24, Between Lots 25 & 27 and Block 22,
Between Lots 23 & 25

Councilwoman Nelson moved the following two resolution.

RESOLUTION NO. 01/20/2009 – 17: AUTHORIZATION TO SUBMIT 2009 CDBG APPLICATION

WHEREAS, the Borough has been notified that funding availability from the Ocean County Community Development Block Grant (CDBG) program for 2009 is now available; and

WHEREAS, the CDBG funds are distributed to municipalities through approved applications; and

WHEREAS, the Borough of Mantoloking CDBG Local Representative and Committee advertised two public hearings for comments and submission of project applications from citizens and agencies/organizations for housing and community development needs of the Borough of Mantoloking; and

WHEREAS, no public comments were made at the first public hearing held on Monday, December 15, 2008 at 4:30 p.m.; and

WHEREAS, no public comments were made at the second public hearing held on Tuesday, January 20, 2009 at 4:30p.m.; and

WHEREAS, the Local Representative and the Ocean County Block Grant Program Committee of the Borough of Mantoloking have determined that there is a need for Handicap Accessible Public Walkway Improvements for Bay and Ocean Beach Access at a cost estimate of \$21,000.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey to approve the submission of an application for 2009 CDBG funds for the Handicap Accessible Public Walkway Improvements for Bay and Ocean Beach Access project at a cost estimate of \$21,000.

FURTHER RESOLVED, that the Local Representative, Borough Engineer Thomas S. Guldin, P.E. is authorized to execute the 2009 CDBG application.

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

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

RESOLUTION NO. 01/20/2009 – 18: RELEASE OF 2008 UNUSED VACATION AND COMP TIME FOR BOROUGH SUPERINTENDENT

WHEREAS, William Heckman, Borough Superintendent, has accrued unused vacation and comp-time, 92.5 hours, as of December 31, 2008; 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 20th day of January, 2009, **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, 92.5 hours, as of December 31, 2008, at the gross rate of \$31.56 per hour.

RESOLUTION NO. 01/20/2009 – 19: RELEASE OF 2008 UNUSED VACATION AND COMP TIME FOR PUBLIC WORKS LABORER

WHEREAS, Laurence Gilman, Public Works Laborer, has accrued unused vacation and comp-time, 115 hours, as of December 31, 2008; and

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

WHEREAS, funds are available for this purpose.

IT IS NOW, THEREFORE, this 20th day of January, 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That Laurence Gilman shall, forthwith, be compensated for his accrued vacation and comp-time, 115 hours, as of December 31, 2008, at the gross rate of \$24.96 per hour.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

- A. Report of the Dune & Beach Renourishment Committee
- B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN NESS

A. Councilman Ness presented the reports of the Mantoloking Committee.

B. **Action Items:**

Councilman Ness moved the following resolution:

RESOLUTION NO. 01/20/2009 – 20: PROVIDING FOR AWARD OF CONTRACT FOR SOLID WASTE AND RECYCLABLE SERVICES TO REPUBLIC SERVICES OF NEW JERSEY, D/B/A MARPAL

WHEREAS, the Borough has requested proposals from contractors to provide for removal and disposal of solid waste and recyclables; and

WHEREAS, four (4) bidders have tendered proposals, i.e. Republic Services of New Jersey, Inc., d/b/a Marpal, M & S Waste Services, Inc., Delisa Demolition and Waste Management of New Jersey; and

WHEREAS, Republic Services of New Jersey, d/b/a Marpal has proposed to provide the base term, two (2) years, service for the sum of \$243,225.00 (Option III), the lowest bid received; and

WHEREAS, Republic Services of New Jersey, d/b/a Marpal, has tendered all documentation required at bid submittal; and

WHEREAS, applicable law and regulations mandate that the contract be awarded to the lowest responsible, responsive bidder; and

WHEREAS, a Certificate of Funds availability is on file.

IT IS NOW, THEREFORE, this 20th day of January, 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey as follows:

1. The bid of Republic Services of New Jersey, d/b/a Marpal, \$243,225.00, two year base term, Option III, Lump Sum is the lowest bid received.
2. The bid of Republic Services of New Jersey, d/b/a Marpal, based upon advice of counsel, conforms to all requirements of the bid specifications.
3. Republic Services of New Jersey, d/b/a Marpal has a tariff on file with the New Jersey DEP; its principals have experience in the type of work required and it has the equipment and financial ability required to perform the Contract.
4. Republic Services of New Jersey, d/b/a Marpal is the lowest responsible responsive bidder for the service contract.
5. The bid of Republic Services of New Jersey, d/b/a Marpal, Option III, in the sum of \$243,225.00, base term, two (2) years, is accepted. The Contract is hereby awarded in accordance with this Resolution and subject to the bid specifications.
6. A copy of this Resolution shall forthwith be forwarded to Republic Services of New Jersey, d/b/a Marpal.
7. Upon compliance by Republic Services of New Jersey, d/b/a Marpal, with all post award requirements, as determined by counsel, the Mayor and Clerk are authorized to execute the Contract.
10. The bid security of all other bidders shall be released upon mutual execution of the proposed Contract.

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

A. Councilman Brown presented the reports of the Municipal Services Committee.

B. **Action Items:** None

8. MAYOR AND COUNCIL COMMENTS

Councilwoman Nelson commented that future studies should be conducted on the rising bay water causing bulkhead damage.

9. PUBLIC COMMENTS PERIOD

One commentator was concerned about bulkhead damage due to worms in the bay.

10. NEXT MEETING Regular Council Meeting of February 23, 2009 @ 4:30 p.m.

11. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Gillingham to adjourn. The motion was seconded by Councilman Ness and was approved by unanimous voice vote at 4:50 p.m.

Respectfully submitted,

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

ORDINANCE NO. 561

**AN ORDINANCE FIXING SALARY AND COMPENSATION
OF CERTAIN OFFICERS, POSITIONS AND EMPLOYEES
IN THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, TO BE KNOWN AS THE
“MANTOLOKING BOROUGH SALARY ORDINANCE”
AND RESCINDING ORDINANCE 545**

WHEREAS, it is necessary and appropriate to set forth the salary and compensation ranges for all officers and employees of the Borough of Mantoloking;

Now, therefore, **BE IT ORDAINED** by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey, as follows:

SECTION 1: The offices and positions under the municipal government of the Borough of Mantoloking shall be compensated at the amount fixed in this Ordinance.

SECTION 2: The Borough’s Chief Financial Officer is hereby authorized to transfer such sums of money from the Municipal Current Account and other such accounts that may permit periodical payrolls in the amounts fixed by this Ordinance.

SECTION 3: Officers and employees of the Borough of Mantoloking shall be compensated at the following rates:

<u>POSITION</u>	<u>SALARY RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
Chief Financial Officer	\$ 40,000.00	\$ 90,000.00
Tax Assessor	\$ 9,000.00	\$ 25,000.00
Borough Clerk	\$ 41,000.00	\$ 100,000.00
Deputy Borough Clerk	\$ 17,000.00	\$ 50,000.00
Tax Collector (Full-Time)	\$ 10,000.00	\$ 30,000.00
Tax Collector (Part-Time)	\$ 25.00/hr	\$ 50.00/hr
Registrar of Vital Statistics	\$ 200.00	\$ 250.00

<u>POSITION</u>	<u>SALARY RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
Administrative Assistant	\$ 14,040.00	\$ 40,000.00
Clerical Help (hourly)	Min. Wage	\$ 25.00/hr
Council Meeting Recorder (per session)		\$40.00/session
Magistrate	\$ 8,000.00	\$ 25,000.00
Magistrate - Special Court Session	1/12th of annual salary	
Municipal Court Administrator	\$ 15,000.00	\$ 35,000.00
Deputy Municipal Court Administrator	\$10.00/hour	\$ 25.00/hour
Municipal Court Violations Clerk	\$100.00/Day	\$125.00/Day
Municipal Court Recorder (per session)		\$40.00/session
Municipal Court Personnel Call-Out Time (hourly)	-	
	Min. 3 hr. - not to exceed \$ 25.00 per hour	
Fire Official	\$ 2,000.00	\$ 4,000.00
Deputy Fire Official	Min. \$ 25.00/hr.	\$ 40.00/hr
Police Dispatcher	\$ 17,000.00	\$ 35,000.00
Police Salary Range (Full Time)	\$ 26,069.00	\$ 140,000.00
Special Police (hourly)	Min. Wage	\$ 25.00/hr
Beach Patrol (hourly)	Min. Wage	\$ 25.00/hr.
Police Recruit Trainees	Minimum hourly wage	
Zoning Officer	\$ 10,000.00	\$ 40,000.00
Municipal Planner	\$ 3,885.00	\$ 10,000.00
Dune Inspector	\$ 1,000.00	\$ 5,000.00
Planning Board Recorder (Hourly-Minimum 3 Hours), Not to Exceed	\$30.00/hr.	
Construction Official	\$ 6,500.00	\$ 25,000
Deputy Construction Official-(hourly)-	\$ 25.00/hr	\$ 40.00/hr
Deputy Building Subcode Official-(hourly)	\$25.00/hr.	\$ 40.00/hr.
Deputy Building Inspector-(hourly)	\$25.00/hr.	\$ 40.00/hr.

<u>POSITION</u>	<u>SALARY RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
Fire Subcode Official	\$ 2,000.00	\$ 6,000.00
Plumbing Subcode Official	\$ 2,000.00	\$ 6,000.00
Electrical Subcode Official	\$ 2,000.00	\$ 6,000.00
Borough Superintendent	\$ 38,000.00	\$ 90,000.00
Public Works Laborer (hourly)	\$ 9.00/hr	\$ 40.00/hr
Public Works Laborer (Full Time)	\$ 35,000.00	\$ 65,000.00
Public Works Building Custodian	\$ 5,000.00	\$20,000.00

SECTION 4: All salary or compensation provided for by this Ordinance shall be effective from the date of passage of this Ordinance, unless otherwise provided by the Borough Council.

Employees no longer employed by the Borough at the time of adoption of this Ordinance shall not be eligible for retroactive pay. Salaries shall not be paid to employees represented by any Union until such time as a Contract has been duly ratified and signed by both the Union and the Borough.

SECTION 5: Individual officer and employee compensation, within the salary range provided by this Ordinance, shall be fixed in accordance with duly adopted Resolution(s) of the Mayor and Council.

SECTION 6: All Ordinances or portions of Ordinances adopted prior to this date which are inconsistent with the provisions of this Ordinance, including but not limited to Ordinance 545 are hereby repealed.

SECTION 7: If any sentence, clause or other portion of this Ordinance is declared invalid by any court of law of appropriate jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 8: This Ordinance shall become effective upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Council of the Borough of Mantoloking, in the County of Ocean and State of New Jersey held on the 20th day of January, 2009, and said Ordinance will be considered for final passage at the Borough Hall, Downer Avenue, Mantoloking, New Jersey at 4:30 p.m. on the 23rd day of February, 2009, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

IRENE H. RYAN, R.M.C.

BY TITLE ONLY - FIRST READING
DATE OF INTRODUCTION: _____
DATE OF PUBLICATION: _____
DATE OF FINAL ADOPTION: _____

ORDINANCE NO. 562

**AN ORDINANCE AMENDING CHAPTER 7 OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING
PROVIDING FOR REGULATION OF VEHICULAR PARKING ON RUNYON LANE**

WHEREAS, it is deemed to be in the interest of the public safety and convenience to prohibit vehicular parking upon the cul-de-sac and the roadway proximate thereto along the southerly end of Runyon Lane; and

WHEREAS, the Municipal Engineer, Thomas S. Guldin, P. E., has provided the Certification required pursuant to Title 39;

Now, therefore, **BE IT ORDAINED** by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey, as follows:

1. Sub-article 14 of chapter 7 of the Revised General Ordinances of the Borough of Mantoloking (Traffic) is hereby amended by addition of the following:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Runyon Lane (including cul-de-sac)	Both	From the southerly end to a point 145' northerly

NOTICE

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IRENE H. RYAN, R.M.C.

BY TITLE ONLY – FIRST READING _____
DATE OF INTRODUCTION _____
DATE OF PUBLICATION _____
DATE OF FINAL ADOPTION _____

ORDINANCE NO. 563

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 13 OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING, 2007
PROVIDING FOR CONSTRUCTION PERMIT FEES**

WHEREAS, Ordinance 558 amended the Revised General Ordinances and provided for State Uniform Construction Code Enforcement and established various fees; and

WHEREAS, it is now the desire of the Mayor and Council of the Borough of Mantoloking to revise, amend and supplement the Construction Permit Fees.

Now, therefore, **BE IT ORDAINED** by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey, that the following is hereby adopted:

Chapter 13, Building and Housing, sub-article 13-3, Construction Permit Fees, is hereby amended as follows:

13.3. Construction Permit Fees:

The following construction permit fees are hereby established:

13-3.1 BUILDING SUBCODE FEES

BUILDING VOLUME OR COST: THE FEES FOR NEW CONSTRUCTION OR ALTERATION ARE AS FOLLOWS:

- a. Fees for new construction shall be based upon the volume of the

structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$0.02 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in Articles 3 and 4 of the Building Subcode; Except that the fee shall be \$0.013 per cubic foot of volume for use groups A-1, A-2, A-3, A-4, F-1, F-2, S-1 and S-2.

b. Fees for renovations, alterations, repairs, and site construction associated with premanufactured construction shall be based upon the estimated cost of the work. For \$1,000.00 or less, the fee shall be \$35.00. From \$1,001.00 to \$50,000.00 the additional fee shall be in the amount of \$18.00 per \$1,000.00. From \$50,001.00 to and including \$100,000.00, the additional fee shall be in the amount of \$12.00 per \$1,000.00, for above \$100,000.00 the additional fee shall be in the amount of \$10.00 per \$1,000.00.

For the purpose of determining estimated cost, the applicant shall submit to the Construction Official such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid if available shall be submitted. The Construction Official shall make the final decision regarding estimated cost.

c. Fees for additions shall be computed on the same basis as for new construction for the added portion.

d. Fees for combination renovations and additions shall be computed separately in accordance with items (a) and (b) above.

e. For garden type utility sheds and similar structures not otherwise Exempt from permits at N.J.A.C.5:23-2.14(b)8.; Temporary structures, towers, fences greater than 6 feet in height, open decks not attached to a principal or accessory structure, and similar structures for which volume cannot be computed, the fee shall be \$30.00, except for sheds in excess of 100 square feet, where the fee shall be \$60.00.

f. The fee for roofing or siding in R-3 and R-4 uses shall be as set forth in sub-article b, above.

g. Swimming Pools:

In-Ground, \$100.00.

13-3.2 PLUMBING SUBCODE FEES

PLUMBING FIXTURES AND EQUIPMENT:

The fees shall be as follows:

a. For fixtures, pieces of equipment, hosebibs, vents, appliances connected to the plumbing system, and for appliances connected to the gas or oil piping system, except as listed in (b) below

From 1 to 4	\$35.00.
Each Additional	\$10.00.

b. Per specific device for the following:

Grease traps, oil separators, water cooled air conditioning units, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), gas or fuel oil piping, sewer pumps, and interceptors

\$50.00

13-3.3 FIRE PROTECTION SUBCODE FEES:

Fire protection and other hazardous equipment: Sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems and flues:

(a) The fee for sprinkler heads or detectors shall be as follows:

1 to 10 devices	\$ 46.00
11 to 20 devices	\$ 85.00
21 to 100 devices	\$125.00
101 to 200 devices	\$250.00
More than 200 devices	\$750.00

In computing fees for heads and detectors, the number shall be counted separately and two (2) fees, one (1) for heads and one (1) for detectors shall be charged.

(b) The fee for each standpipe shall be \$250.00

(c) The fee for each independent pre-engineered system shall be \$125.00

(d) The fee for each gas or oil fired appliance

	which is not connected to the plumbing system shall be	\$ 60.00
(e)	The fee for each kitchen exhaust system shall be	\$ 85.00
(f)	The fee for the installation of fuel tanks shall be:	
	Capacity under 600 gallons	\$ 50.00
	Capacity over 600 gallons	\$125.00

13-3.4 ELECTRICAL SUBCODE FEES:

The fee shall be as follows:

(a) The fees for outlets (including lighting, wall switches, fluorescent fixtures, convenience receptacles or similar fixtures, and motors or devices of less than one (1) horsepower or one (1) kilowatt) shall be as follows:

Outlets 1 to 50 devices	\$ 70.00
Each additional 25 devices	\$ 10.00.

(b) The fees for service panels shall be as follows:

0 to 200 amps	\$ 50.00
201 to 800 amps	\$100.00
More than 801 amps	\$500.00

(c) The fees for transformers or generators shall be as follows:

1 kw to 10 kw	\$ 10.00
11 kw to 45 kw	\$ 50.00
46 kw to 112.5 kw	\$100.00

More than 112.5 kw \$500.00.

- (d) The fees for motors, except those in plug-in appliances, shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electric current shall be as follows:

1 hp to 10 hp \$ 10.00

11 hp to 50 hp \$ 50.00

51 hp to 100 hp \$100.00

More than 100 hp \$300.00

- (e) The fee for swimming pools shall be as follows:

In-ground \$100.00

- (f) The fee for each of the following items shall be \$10.00:

Electric heater Surface Units

Dishwasher Heat Pump

Hot Tubs/Jacuzzi Gas/Oil Heaters

Electric Dryer Hot Water Heater

Range Commercial Exhaust Fans

Oven

- (g) The fees for air conditioner feeders and disconnects shall be \$25.00.

13-3.5 FEES APPLICABLE TO SECTIONS 13-1 TO 13-4.

1. PLAN REVIEW FEE: The fee for plan review shall be 20 percent of the amount to be charged for a new construction permit.

2. THE BASIC CONSTRUCTION FEE shall be the sum of the

parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and equipment, the number of electrical fixtures and devices, and the number of sprinklers, standpipes, and detectors (smoke and heat) at the unit rates provided herein plus any special fees.

3. CERTIFICATES AND OTHER PERMITS: The fees are as follows:

A. The fee for a demolition or removal permit including tanks, shall be \$100.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one or two family residences (Use Group R-3 of the Building Subcode), and structures on farms including commercial farm buildings under N.J.A.C.5:23-3.2(d), and \$85.00 for all other Use Groups.

B. The fee for a Certificate of Occupancy shall be \$75.00

C. The fee for a temporary certificate of occupancy shall be \$50.00. Except where the full certificate of occupancy is paid at the time of the initial issuance of the temporary certificate.

D. The fee for a renewal of a temporary certificate shall be \$25.00.

E. For cross connections and backflow preventers that are subject to testing and require reinspection, the fee shall be \$50.00 for each device when they are tested;

F. The fee for each construction permit issued for an asbestos abatement project shall be \$100.00.

G. The fee for each Certificate of Occupancy issued following the successful completion of an asbestos abatement project shall be \$50.00.

H. The fee for a permit for a lead hazard abatement project shall be \$150.00;

I. The fee for a Lead Abatement Clearance Certificate shall be \$50.00.

13-3.6. All previously adopted Construction Permit Fee Schedules are hereby revoked.

13-3.7 This Ordinance shall be effective upon final adoption.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Council of the Borough of Mantoloking, in the County of Ocean and State of New Jersey held on the 20th day of January, 2009, and said Ordinance will be considered for final passage at the Borough Hall, Downer Avenue, Mantoloking, New Jersey at 4:30 p.m. on the 23rd day of February, 2009, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

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