

**MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY**

**MINUTES OF THE SPECIAL MEETING
August 29, 2005
BOROUGH HALL**

A Special Meeting of the Mayor and council was held this day in the meeting room of the Borough Hall at 8:00 p.m.

PRIVILEGE OF THE FLOOR: The Mayor opened the meeting for public comment and questions about the agenda and any other matter of public interest.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT:

Mayor William K. Dunbar announced: This Special Meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting date was posted on the bulletin board on August 25, 2005. Notices were sent to The Ocean County Observer, the Asbury Park Press and the Ocean Star Newspapers. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

ROLL CALL Present: Mayor William K. Dunbar, III, Council President Steve Gillingham, Councilmen Elbert E. Husted, III, John H. Jones, Alan C. Laymon, Douglas J. Popaca and George C. Nebel
Absent: NONE

OLD BUSINESS: Councilman Gillingham moved the following:

RESOLUTION NO. SP08/29/2005 – 01: PROVIDING FOR AWARD OF CONTRACT FOR EMERGENCY WARNING SYSTEM

WHEREAS, the Borough of Mantoloking has, for decades, relied upon a mechanical siren system to provide audible emergency warning signals; to alert residents and to notify volunteer firefighters of emergencies; and

WHEREAS, the mechanical audible signal has, in recent years, been augmented by utilization of radio activated paging devices provided to members of the volunteer fire department (Mantoloking Fire Company No. 1); and

WHEREAS, from time-to-time, the pagers have been upgraded to provide “state of the art” functionality; and

WHEREAS, in recent years, in response to citizen complaints of nuisance related to the use of the audible signal, the fire company (and Borough) have limited use of the audible signal to daytime hours, thereby relying upon pagers only for night emergency call events; and

WHEREAS, the foregoing accommodation has failed to entirely satisfy some residents who have contended that the audible signal is not a necessary component of the Borough’s warning system, that pagers, alone, should be sufficient to alert and recruit prompt and sufficient “turnout “ of volunteer firemen and that use of any audible signal should be abandoned; and

WHEREAS, the governing body has, over an extended period, considered the issue and possible means and methods of resolution; has engaged a consultant, and has considered publicly expressed views of objectors and proponents (as to use of audible signals); and

WHEREAS, there has been a community wide exchange of relevant correspondence concerning objections and rationales for continued reliance upon audible signals; and

WHEREAS, the governing body has publicly received reports from the fire company officers, that experience, in Mantoloking, has clearly demonstrated that turnout of fire personnel is materially enhanced and facilitated when an audible signal is utilized to supplement the electronic pagers; and

WHEREAS, investigation has confirmed that a significant majority of municipalities in Ocean County continues to rely upon audible signal, augmented by pagers; and

WHEREAS, in Mantoloking, the number of volunteer firefighters available “in town” during daylight hours is relatively low and the need to recruit every available firefighter is correspondingly high; and

WHEREAS, the need to alert trained volunteer early responders to emergency events is patently obvious; and

WHEREAS Federal regulations mandate the availability of an audible emergency warning system; and

WHEREAS, life safety concerns preponderate over actual or perceived transitory inconvenience occasioned by the sounding of an audible alarm; and

WHEREAS, it is incumbent upon the governing body to provide for the public interest, particularly as relates to life safety and the protection of property; and

WHEREAS, the governing body has fully investigated all relevant factors of the issue, i.e. reliance upon or abandonment of an audible available emergency warning signal (fire events); and

WHEREAS, the governing body has sought, on three (3) occasions, proposals from vendors to supply equipment, which, while providing an acceptable audible signal, could do so with reduced perceived nuisance to members of the objecting public; and

WHEREAS, current technology includes the availability of electronic audible signaling devices, which encompass capacity for adjustment in tone, nature of signal and volume; and

WHEREAS, the August, 2005 bid specifications obligated the apparent low bidder to provide a demonstration of the proposed signal; and

WHEREAS, in response to a renewed Invitation to Bidders, Federal Signal Corporation tendered a bid of \$37,452.10, which was considered by the governing body at its regular meeting of August 15, 2005, at which time it was determined that Federal Signal Corporation, as the lowest, responsive responsible bidder, should be awarded the Contract, subject to Council approval of the specified demonstration; and

WHEREAS, on August 24, 2005, the governing body (and residents at large) were afforded a second demonstration of equipment tendered by the apparently low bidder (in bids received on August 15th) Federal Signal; and

WHEREAS, any award of a Contract for this project was expressly subject to the governing body's evaluation and acceptance of the demonstration as satisfactory; and

WHEREAS, a Certificate of Funds Availability for the acquisition of a new emergency warning system is on file.

IT IS NOW, THEREFORE, this 29th day of August, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The public interest of the residents and property owners of the Borough of Mantoloking is best served by continued reliance upon utilization of an audible emergency warning system, both for fire and life safety emergencies and to warn of other dangers in compliance with FEMA requirements.
2. The abandonment of the now antiquated mechanical sirens and replacement, by two (2) electronic signal devices, at approximately the same locations as existing will, to a significant degree, reduce the nuisance perceived by residents proximate to signal sites caused by the existing mechanical sirens.
3. Reliance upon and utilization of an audible signal, as at present, and/or as circumstances may warrant, is reasonable and necessary, in the interest of the public health, safety and welfare.
4. The bid of Federal Signal to supply a new system for the sum of \$37,452.10 is the lowest responsive responsible bid; all conditions for legal compliance having been deemed satisfied upon review of counsel. Additionally, the signal demonstration of August 24, 2005, has been considered and the proposed signal is deemed acceptable.

5. The award of the contract to Federal Signal Corporation to supply a new emergency warning system, pursuant to bid specifications of August, 2005 and bid of August 15, 2005 is hereby confirmed and ratified. The Mayor and Clerk are requested and authorized to execute the Contract, upon confirmation from counsel that the post award compliance, by bidder, is satisfactory.
6. Upon advice of counsel, the high bid of Acoustic Technology, Inc. (\$42,410.00) is deemed legally unresponsive, non-compliant by virtue of the failure of bidder to submit (a) Consent of Surety; and (b) Public Works Contractor's Registration Certificate. Accordingly, the bid security of Acoustic Technology, Inc., the sum of \$4,241.00 shall be released, forthwith.

The motion was seconded by Councilman Nebel and unanimously approved by voice vote.

NEXT MEETING

Regular Meeting of September 19, 2005 at 8:00 p.m.

ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Gillingham and seconded by Councilman Husted to adjourn at 8:02 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

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