

**DRAFT #4 (01/15/10)**

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**AGENDA – REGULAR BUSINESS MEETING**  
**January 19, 2010**  
**4:30 P.M.**  
**BOROUGH HALL**

The regular monthly meeting of the Mayor and Council will be held this day in the meeting room of Borough Hall.

- 1. CALL TO ORDER:                    TIME:**
- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel will 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:**  
    **Absent:**  
  
    **Also Present:**
- 4. PLEDGE OF ALLEGIANCE:** The Mayor will lead the assembly in the Pledge of Allegiance.
- 5. PRIVILEGE OF THE FLOOR:** The Mayor will open the meeting for public comment and questions about the agenda.
- 6. MINUTES OF PREVIOUS MEETINGS:** Regular Meeting of December 21, 2009 and Organization Meeting of January 4, 2010. (Final, complete copy attached.)
- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

A. Councilman Witkowski will introduce the Municipal Finance Officer Michelle Swisher who will present the monthly finance report.

**B. Action Items:**

Councilman Witkowski moves the following \_\_\_\_\_ resolutions.

**RESOLUTION: 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 BALANCE YEAR TO DATE	ENCUMBERED
2009 Current Year Appropriation	\$3,924,585.79	\$3,281,537.85 554,200.08	\$ 88,847.86 \$
2008 Appropriation Reserves	\$ 337,600.67	\$ 122,191.50 212,290.02	\$ 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: 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	
<b>Total</b>	<b>\$23,000.00</b>	<b>\$23,000.00</b>

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

**RESOLUTION: AUTHORIZE 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: 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. A sst.	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 Office r	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 O fficer	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: REQUESTING 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 will present the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

**B. Action Items:**

**PUBLIC HEARING** Mayor Nebel will open the public meeting for a Public Hearing on Ordinance No. 578. \_\_\_\_\_ comments were made by the public.

Councilman Gillingham moves the following \_\_\_\_\_ resolutions:

**RESOLUTION: ADOPTION OF ORDINANCE NO. 578 – LAND USE AMENDMENT**

**WHEREAS**, on the 19<sup>th</sup> day of January, 2010 a public hearing on Ordinance No. 578 was held and \_\_\_\_\_ 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”**

**RESOLUTION: PROVIDING 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: 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. Peerson-Attorney at Law
Police Physician	George Jarahian, Jr., M.D.	\$337.50 per officer	George Jarahian, Jr., M.D.

**RESOLUTION: 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 19<sup>th</sup> 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: 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 19<sup>th</sup> 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: CONSIDER 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 19<sup>th</sup> 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:** Councilwoman Nelson will present reports from the Public Works Superintendent, Construction Official and Land Use Officer.

**C. Action Items:**

Councilman Witkowski moves the following \_\_\_\_\_ resolutions.

**RESOLUTION: AUTHORIZE 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	Lawrence Plevier P.E.	\$43.- \$225./Hour + Misc Exp	Hatch, Mott, MacDonald
Stormwater Program Coordinator			
Ocean County Block Grant Program Representative		“ “	
Assistant Engineer	Robert Mainberger, P.E.	“ “ “ “	“ “ “ “
Municipal Planner			
Dune Inspector			
Flood Plain Manager			
Community Rating System Cordinator			

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: AUTHORIZE 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
Schedule "C" Program, Vehicle Services	County of Ocean	\$1,000.00
Construction Official Computer Software Maint.	Mitchell Humphrey & Co.	\$2,025.00
Elevator Maintenance	Sharp Elevator Company, Inc.	\$120./month

**RESOLUTION: 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 19<sup>th</sup> 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: CONSIDER 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 \$2,580.30.

**IT IS NOW, THEREFORE**, this 19<sup>th</sup> 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 moves the following resolution:

**RESOLUTION: 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

**MANTOLOKING COMMITTEE, COUNCILMAN NESS (Absent)**

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

**MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN**

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. Action Items:

Councilman Browns moves the following resolution:

**RESOLUTION: AUTHORIZE 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

**8. MAYOR AND COUNCIL COMMENTS**

**9. PUBLIC COMMENTS PERIOD**

**10. EXECUTIVE SESSION**

**RESOLUTION: 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: (select one or more)*

- a matter rendered confidential by federal or state law*
- a matter in which release of information would impair the right to receive government funds*
- material the disclosure of which constitutes an unwarranted invasion of individual privacy*
- a collective bargaining agreement and/or negotiations related to it*
- a matter involving the purchase, lease, or acquisition of real property with public funds*
- protection of public safety and property and/or investigations of possible violations or violations of law*
- pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege*
- specific prospective or current employees unless all who could be adversely affected request an open session*
- deliberation after a public hearing that could result in a civil penalty or other loss, and be it*

*FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.*

**11. OPEN SESSION AS NECESSARY**

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

**13. ADJOURNMENT**