

DRAFT #1 (02/08/11)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
JANUARY 18, 2011

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 Donald S. Ness, Councilmen Steve Gillingham, Peter R. Strohm, Stanley F. Witkowski, 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. 01/18/2011 - 01: APPROVAL OF MINUTES
Councilwoman Nelson moved that the minutes of the Regular Meeting of December 20, 2010 and Organization Meeting of January 3, 2011 be approved as distributed. The motion was seconded by Councilman Brown and approved by unanimous voice vote.
- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

A. Councilman Witkowski will introduced the 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 Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION 01/18/2011 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER November 30, 2010

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2010 municipal budget as of November 30, 2010; and

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

ACCOUNT	BUDGET	EXPENDED	ENCUMBERED	
		BALANCE YEAR TO DATE		
2010 Current Year Appropriation	\$4,084,623.85	\$3,494,284.85 544,014.62	\$ 46,324.38	\$
2009 Appropriation Reserves	\$ 385,348.95	\$ 128,058.67 256,427.39	\$ 862.89	\$
Capital	\$1,643,939.99	\$ 309,144.58 \$1,334,795.41		

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,543,439.27	\$11,425,125.73

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. 01/18/2011 – 03: PAYMENT OF BILLS FOR THE MONTH OF January 2011

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,564,034.28** 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. 01/18/2011 – 04: AUTHORIZE THE AWARD OF CONTRACTS FOR 2011 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 9, 2011 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Auditor	William E. Antonides C.P.	\$24,250+ Misc Exp \$75-\$475 & \$40-\$110/hr	William E. Antonides
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. 01/18/2011 – 05: AUTHORIZE MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2011

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.
Leased Copy Equipment	\$383.91/Month – NJ Contract #A53090,T0275	COPI-RITE

RESOLUTION NO. 01/18/2011 – 06: ESTABLISHED EMPLOYEE SALARIES FOR 2011

WHEREAS, the Mayor has recommended annual salaries for all borough employees for 2011, 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 2011.

**SCHEDULE OF 2011
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.	116,606.14
Clayton, Michael	Deputy Fire Official	28.00/Hr
Dryburgh, Scott	Police Officer	69,496.94
	After 07/31/11	75,700.93
Eaton, Jennifer	Court Administrator	20,836.96
	Court Call-Out, 3hr Min	17.00/Hr.(3hr. Min)
	Planning Bd. Admin. Asst.	21,595.03
	Planning Bd. Record Sec.	25.00/Hr.(3hr. Min)
Ferris, Stacy	Police Officer	81,614.06
	After 04/16/11	88,104.70
Gilman, Laurence	Public Works Manager	57,276.28
Hazelet, Lynne	Dep Borough Clk/Regist.	5,100.00
	Build. Technical Assistant	32,265.63
	Planning Bd. Record Sec.	25.00/Hr.(3hr. Min.)
Heckman, William	Public Works Superint.	72,430.15
Sudia, Eric	Electric Sub-Code Officer	4,080.00
Leuck, Priscilla	Administrative Asst.	33,556.26
Marinaccio, Vito	Zoning & Land Use Off.	21.22/Hr.
Meyer, Jon	Police Officer	81,614.06
	After 12/18/11	88,104.70
Montedoro, Toni	Police Dispatch/Secre.	32,803.20
Morris, Samuel	Magistrate	1,379.04./Ct. Session
Patterson, Steven	Fire Sub-Code Officer	4,243.20
Ryan, Irene	Municipal Clerk	88,476.37
	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	107,968.05
Shewan, William	Police Officer	98,075.56
Swisher, Michelle	Chief Financial Officer	74,459.16
	Tax Collector	11,473.61
Wardell, V. John (Combined Salary)	Construction Official	13,422.50
	Building Subcode Off.	
	Building Inspector	
Nelson, Robert	Plumbing Sub-Code Off	4,080.00
Wills, Charles	Fire Official	3,238.97
Wright, Mark	Police Chief	125,923.56

2011 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.
Popaca, John	Police Academy Recruit	7.25/Hr.
Gambarella, Edward	Special Police Class 1	9.50/Hr.
Hahn, Karissa	Special Police Class 2	13.00/Hr.
Popaca, Gregory	Special Police Class 2	13.00/Hr.
Puccio, Dominick	Special Police Class 2	13.00/Hr.
Boettger, Elizabeth	P/T Dep. Court Adm. Call-Out Duties Violations Clerk	15.00/Hr. 3 Hrs. Min./Call \$133/Court Sess.
Kelly, John P.	Dep. Plumbing Subcode Official	\$25.00/Hr., 2 Hr. Min.
Farruggia, Salvatore	Conflicts Plumbing Subcode Official	\$25.00/Hr.

RESOLUTION NO. 01/18/2011 – 07: GRANTING 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:

BLOCK/LOT	PROPERTY ADDRESS	REFUND NAME	AMOUNT
Blk 13			
Lt 6	944 Ocean Ave	John & Harriet Snyder	\$2,060.30
Blk 41			
Lt 3	1513 Ocean Ave	Donna Walsh	\$ 800.46
Blk 20		Desmond & Roberta	
Lt 16	971 Lagoon Lane	O'Connell	\$4,154.63

RESOLUTION NO. 01/18/2011 – 08: GRANTING THE REFUND OF A VETERANS DEDUCTION

WHEREAS, Arthur Harden has filed an application for allowance of a Veterans Deduction with proper supporting documentation thus making him eligible for an annual \$250.00 property tax deduction; and

WHEREAS, Mr. Harden having satisfied his property tax obligations for the calendar year 2010 now reflects a \$250.00 tax overpayment for that year.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, hereby authorize the Chief Financial Officer to issue a check in the amount of \$250.00 to Arthur Harden 215 Channel Lane, Mantoloking, NJ also known as Block 19 Lot 2;

BE IT FINALLY RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer and Tax Collector

RESOLUTION NO. 01/18/2011 – 09: TO ADOPTED 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 2010 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 2010 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
SEWER	OE	\$ 5,000.00	
EMERGENCY MNGMT	OE		\$5,000.00
WORKMEN'S COMP	OE	\$ 5,000.00	
GROUP INSURANCE	OE		\$5,000.00
ROAD REPAIRS	S&W	\$ 7,000.00	
BLDGS & GROUNDS	OE		\$7,000.00
POLICE	S&W	\$10,000.00	

BEACH MAINT	OE		\$25,000.00
ENGINEERING	OE	\$15,000.00	
Total		\$42,000.00	\$42,000.00

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. Emergency Management Coordinator, Robert McIntyre verbally reported although the December, 2010 snow blizzard was without incident, the “Reverse 911” call system, if needed, will not work in power outages if property owners have digital telephones. Residents are encouraged to keep non-digital phones on hand for use during power outages and to receive notifications from Emergency Management personnel. Councilman Gillingham concluded with the presentation of the reports of the Municipal Court and Fire Company.

B. Action Items:

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

RESOLUTION NO. 01/18/2011 – 10: AUTHORIZE OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2011

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:

2. 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.
3. 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
Public Defender	James J. Gluck, Esq.	\$200 per case + Misc Serv \$100/hr.	Gluck & Allen, LLC
Police Physician	George Jarahian, Jr., M.D.	\$337.50 per officer	George Jarahian, Jr., M.D.
Alt./Conflicts Prosecutor	Bonnie R. Peterson, Esq.	\$150. per hour + Misc. Exp.	Bonnie R. Peterson

RESOLUTION NO. 01/18/2011 – 11: APPROVED AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING THE PROSECUTOR’S PROGRAM FY 2011

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Prosecutor’s Program”; and

WHEREAS, to the extent officers of the Borough’s Police Department provide services under this Agreement, the County will provide compensation at the rate of \$60.00 per hour; and

WHEREAS, all the terms and conditions of the proposed Interlocal Service Agreement have been reviewed by counsel; and

WHEREAS, participation has been endorsed by the Chief of Police.

IT IS NOW, THEREFORE, this 18th day of January, 2011, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the 2011 Interlocal Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

PUBLIC HEARING – Mayor Nebel opened the meeting for a Public Hearing on Ordinance No. 592, Land Use Amendment – Zoning Permits. No comments were made.

Councilman Gillingham moved the following resolution. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

RESOLUTION NO. 01/18/2011 – 12: ADOPTION OF ORDINANCE NO. 592 – LAND USE AMENDMENT-ZONING PERMITS

WHEREAS, on the 18th day of January, 2011 a public hearing on Ordinance No. 592 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 No. 592 entitled:

**ORDINANCE NO. 592
AN ORDINANCE PROVIDING FOR AMENDMENT OF
CHAPTER XXX, SECTION 30-3.4, C.15 OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY**

BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Section 30-3.4, C.15 entitled, Land Use Office - Administration.

Is hereby amended, as follows:

2. Section 30-3.4, C15.1 [new]:

Upon filing an application for issuance of a zoning permit for a project upon any property which is contiguous with N. J. Route 35 or Barnegat Lane, the applicant shall also simultaneously present to the Land Use Officer a proposed construction parking plan which shall, with specificity, show the location of off street parking for all vehicles which will be utilized by or associated with the work of the project. The number of off street parking spaces shall be sufficient to insure that parking regulations will not be violated by the presence of vehicles utilized or associated with the project.

A construction parking plan must be submitted with each zoning permit application. The Land Use Officer may reject any plan which does not, in the reasonable exercise of his discretion, provide for adequate off street parking for the proposed project. The applicant shall represent that he or it has obtained permission from all involved property owners or occupants of premises which will be utilized for off street parking.

No zoning permits for projects which are the subject of this article shall issue in the absence of simultaneous approval of a construction parking plan.

Violation of this sub-article shall constitute a violation of this Ordinance by the owner and contractor and shall constitute a violation of the zoning permit. Violators shall be subject to penalties provided herein. Violation of the Municipal Parking Ordinance by an operator of any vehicle associated with this project or project personnel shall constitute a separate offense.

This sub-article is adopted to promote the public safety and general welfare.

3. This amendatory Ordinance will be considered for adoption following publication and a public hearing, on January 18, 2011.

4. In the event that this amendment or any portion thereof is, upon adjudication, held to be illegal for any reason, the portion hereof not so adjudicated and the Ordinance to which this is an amendment shall remain in full force and effect.

5. This Ordinance shall be in full force and effect upon final adoption.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

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

C. Action Items:

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

RESOLUTION NO. 01/18/2011 - 13: AUTHORIZE THE AWARD OF CONTRACTS FOR 2011 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 9, 2011 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.	\$40.- \$215./Hour + Misc Exp	Hatch, Mott, MacDonald
Stormwater Program Coordinator			
Ocean County Block Grant Program Representative		“ “	
Assistant Engineer	Robert Mainberger, P.E.	\$40-\$215/Hour + Misc Exp	Hatch, Mott, MacDonald

Municipal Planner
Dune Inspector
Flood Plain Manager

Community Rating System Coordinator

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. 01/18/2011 – 14: AUTHORIZE MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2011

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>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. 01/18/2011 – 15: APPROVED RELEASE OF SURETY BOND TO SCHEIER BUILDING, LLC

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Scheier Building, LLC in conjunction with the demolition of a single family home at property located at 974 Lagoon Lane; and

WHEREAS, the Construction Official, John Wardell, has advised that a final inspection has been completed, the debris has been completely cleared and it is appropriate to release the Bond at this time.

IT IS NOW, THEREFORE, this 18th day of January, 2011, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Scheier Building, LLC in the amount of \$1,000.00 shall be released, forthwith;
2. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

RESOLUTION NO. 01/18/2011 – 16: PROVIDING FOR AWARD OF CHANNEL LANE AND BERGEN AVENUE IMPROVEMENTS CONTRACT (CONTRACT 2010-2) TO JADS CONSTRUCTION CO.

WHEREAS, the Borough has received seven (7) bids for performance of the above described Contract; and
WHEREAS, the bid of JADS Construction Co., the sum of \$196,824.00, is the lowest responsive and compliant bid submitted; and

WHEREAS, award of the Contract to JADS Construction Co. has been recommended by the Borough Engineer, Hatch Mott McDonald (Larry Plevier, P. E.); and

WHEREAS, the Borough Attorney has reviewed the bid documents and has determined that the bid of JADS Construction Co. is in compliance with bid requirements and applicable law; and

WHEREAS, the Borough has received an allocation of \$110,000.00 from the FY 2009 NJDOT Municipal Aid Program; and

WHEREAS, Grant funds may not be utilized for reimbursement for cost of traffic control provided by off-duty police officers or for soil erosion and sediment control; and

WHEREAS, a Certificate of Funds Availability has been filed; and

WHEREAS, award of the Contract is subject to review and approval by the NJDOT, as to compliance with terms and conditions of the Grant.

IT IS NOW, THEREFORE, this 18th day of January, 2011, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of JADS Construction Co. is the lowest responsive and compliant bid;
2. The Contract is awarded to JADS Construction Co. subject to:
 - a. NJDOT approval as to Grant compliance;
 - b. Contractor's compliance with post award submittals in conformance with bid requirements, as determined by counsel for the Borough;
3. The Mayor and Clerk are authorized to execute the Contract on behalf of the Borough of Mantoloking;
4. The bid surety of the unsuccessful bidders shall be released upon mutual execution of the Contract between the Borough and JADS Construction Co.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program

B. Action Items:

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 \$25,500.

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 \$25,500.

FURTHER RESOLVED, that the local Representative, Borough Engineer Lawrence Plevier, P.E. is authorized to execute the 2011 CDBG application.

Councilman Strohm moved the following resolution. The motion was seconded by Councilman Brown and approved by unanimous voice vote.

RESOLUTION NO. 01/18/2011 – 19: OPPOSING PROPOSED LEGISLATION TO REMIT FUNDS COLLECTED FROM BEACH BADGE FEES TO THE STATE OF NEW JERSEY

WHEREAS the Barnegat Bay - Little Egg Harbor Estuary is located along the central New Jersey coastline within the Atlantic Coastal Plain physiographic province; its watershed encompasses most of the 33 municipalities in Ocean County, including the Borough of Mantoloking, as well as four municipalities in Monmouth County; and

WHEREAS Barnegat Bay - Little Egg Harbor Estuary, long recognized for its great aesthetic, economic, and recreational value, this back bay system is now affected by an array of human impacts that potentially threaten its ecological integrity; and

WHEREAS during 2010 both branches of the government of the State of New Jersey have advanced environmental plans and legislation aimed at mitigating further environmental degradation of Barnegat Bay and to begin the process of restoring its ecological integrity; and

WHEREAS on December 6, 2010 the members of the 10th Legislative District introduced legislation entitled "Save Barnegat Bay Fund" (S2470/A3538) which "dedicates (a) portion of sales tax on lawn fertilizer, authorizes special license plates, dedicates portion of beach tag fees, and provides for donations"; and

WHEREAS this act proposes that "any municipality charging and collecting reasonable fees for the purposes set forth in subsection b. of this section (section 1 of P.L. 1955, c.49 (C.40:61-22.20) shall forward, annually, \$1 of each registration fee charged and collected by the municipality to the State Treasurer, to be deposited in the "Save Barnegat Bay Fund" but "no municipality charging and collecting reasonable fees pursuant to subsection b of this shall section shall increase such fees solely for the purposes of implementing paragraph 1 of this subsection"; and

WHEREAS S2470/A3538 recognizes the necessity of addressing the issues endangering the vitality of Barnegat Bay, this bill, by creating a \$1 tax on all beach tag fees while only requiring donations from other Barnegat Bay end users, places an inappropriate level of responsibility for the degradation of Barnegat Bay upon those municipalities, which, as permitted by law, collect a beach tag fee; and

WHEREAS by the implementation of a beach tag tax, a dichotomy is created, forming two unequal classes of citizens, those that can choose to donate and those taxed for the same purpose. This violates the spirit if not the letter of the equal protection clause of the Constitution of the United States of America and of the Constitution of the State of New Jersey as has been traditionally interpreted by the New Jersey Judicial Branch; and

WHEREAS P.L. 1955, c.49 (C.40:61-22.20) provides that "the governing body of any municipality bordering on the Atlantic Ocean...may in order to provide funds to improve, maintain, and police the same and to protect the same from erosion, encroachment and damage by the sea or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, by ordinance...provide for the charging and

collecting of reasonable fees for the registration of persons using said lands and bathing facilities” S2470/A3538 is incompatible with the intent and purpose of the establishment of beach tag fees under existing law; and

WHEREAS the revenue generated by beach tag fees, at best, covers the cost seasonal beach operations, the establishment of a beach tag tax will place an undue and punitive burden upon municipalities which will need to cover lost revenue and place a burden upon municipal budgets already restrained by the 2% tax cap; and

WHEREAS S2470/A3538 seeks to provide a source of funding for the Save Barnegat Bay Fund, this bill fails to recognize that the responsibility for and major source of the non-point source pollution and the subsequent degradation of Barnegat Bay lies with the development practices of the area located in the western portion of the Barnegat Bay watershed and with the development practices and policies established by the State of New Jersey Department of Community Affairs, Office of Smart Growth.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and governing body of the Borough of Mantoloking, who remain strong proponents for the protection and restoration of Barnegat Bay, stand in opposition to S2470/A3538 and respectfully request that said legislation be removed from consideration on the grounds of the inherent inequities and punitive nature.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to:

- Honorable Christopher Christie, Governor
- Honorable Christopher J. Connors, Senator, 9th District
- Honorable Brian E. Rumpf, Assemblyman, 9th District
- Honorable DiAnne Gove, Assemblywoman, 9th District
- Honorable Andrew R. Ciesla, Senator, 10th District
- Honorable James W. Holzapfel, Assemblyman, 10th District
- Honorable David W. Wolfe, Assemblyman, 10th District
- Honorable Sean T. Kean, Senator, 11th District
- Honorable Dave Rible, Assemblyman, 11th District
- Honorable Mary Pat Angelini, Assemblywoman, 11th District
- NJ State League of Municipalities
- Ocean County Municipalities

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

- A. Councilman Brown presented the reports of the Municipal Services Committee. He stated that the Ocean County Recycling Facility will accept electronic waste. In addition, residents can drop off their electronic waste on January 22, 2011 between 9:00 a.m. and 3:00 p.m. at the Antrim School in Point Pleasant Beach for their fund raising event.
- B. **Action Items:**

Councilman Brown moved the following resolution. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 01/18/2011 – 20: AUTHORIZE MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2011

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>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
Website Maintenance	Osprey Technology Consulting LLC	\$140/Month
Computer & Internet Support	Osprey Technology Consulting LLC	\$75/Hour

MANTOLOKING COMMITTEE, COUNCILMAN NESS

- A. Councilman Ness did not receive reports from the Mantoloking Committee and the Environmental Commission.
- B. Action Items:

7. MAYOR AND COUNCIL COMMENTS

None

9. PUBLIC COMMENTS PERIOD

Three public commentators spoke about the December, 2010 blizzard cleanup and the Public Works Personnel.

10. EXECUTIVE SESSION

Councilwoman Nelson moved the following resolution.

RESOLUTION NO. 01/18/2011 – 21: 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: protection of public property and/or investigations of possible violations or violations of law

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

The motion was seconded by Councilman Strohm and approved by unanimous voice at 4:45 p.m.

11. OPEN SESSION

The Mayor and Council resumed the open session and invited the public to return to the meeting room at 5:16 p.m. A statement was made by the council.

The Mayor and Council have expressed unqualified confidence that the leadership of the Mantoloking Police Department and Mantoloking's municipal finance officer have established internal procedures which minimize the chances of financial improprieties like those that have allegedly occurred in neighboring Bay Head.

Bay Head Police Chief Charles Grace Jr. was relieved of duty by the Ocean County Prosecutor after being charged with unlawfully taking money from the Policemen's Benevolent Association (PBA). Investigations of the chief's financial practices continue.

"My colleagues on the Council and I want Mantoloking citizens and taxpayers to know that we have insisted that money and related matters in borough hall be managed in a way that protects them from loss and embarrassment," Mayor George C. Nebel says.

Municipal Finance Officer Michelle Swisher and Police Chief Mark Wright recently explained to the Mayor and Council how they separate duties that involve managing money and accounting for employee attendance. Accurate employee attendance records are important because police officers have liberal allowances of compensated absences and can be paid for sick and vacation days they don't use. At least two and sometimes three persons review every posting and transaction.

The same person never collects and deposits money, the Mayor and Council were told. All checks have at least two signatures, three persons review invoices before they are paid, and all business is transacted through a single general ledger. There are no petty cash funds or reimbursements for out-of-pocket expenses.

"Police officers are responsible for completing a form for every absence, a senior officer reviews and records the self-reports, and the accumulated reports are submitted to the municipal finance officer," according to Chief Wright. The same kind of multi-level procedure is followed before overtime or pay for outside work is approved, he says.

The municipal auditors review the results of these transactions annually. There have been no adverse findings or audit recommendations in recent memory.

12. NEXT MEETING Regular Council Meeting, Tuesday, February 22, 2011 @ 4:30 p.m.

13. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Witkowski and approved by unanimous voice vote at 5:21 p.m.

Respectfully submitted,

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