

**DRAFT #1 (03/01/11)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**FEBRUARY 22, 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 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:** 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, Police Chief Mark Wright and Emergency Management Coordinator Robert S. McIntyre, Jr.
  
- 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. 02/22/2011 - 01: APPROVAL OF MINUTES**  
Councilwoman Nelson moved that the minutes of the Regular Meeting of January 18, 2011 and the Closed Session of January 18, 2011 be approved as distributed. The motion was seconded by Councilman Strohm 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 six (6) resolutions. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

**RESOLUTION NO. 02/22/2011 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER December 31, 2010**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2010 municipal budget as of December 31, 2010; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2010 Current Year Appropriation	\$4,084,623.85	\$3,708,370.26 329,163.18	\$ 47,090.41 \$
2009 Appropriation Reserves	\$ 385,348.95	\$ 128,058.67 256,427.39	\$ 862.89 \$
Capital	\$1,643,939.99	\$ 341,273.68 \$1,302,666.31	

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 174,451.58	\$11,599,577.31

**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. 02/22/2011 – 03: PAYMENT OF BILLS FOR THE MONTH OF February 2011**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$339,301.55** 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. 02/22/2011 – 04: AUTHORIZED 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:

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/CDL Licensing Physical and Drug Testing Services	\$25.-\$65. per procedure	WORKNET Occupational Medicine

**RESOLUTION NO. 02/22/2011 – 05: ADOPTED APPROPRIATION RESERVE TRANSFER #2**

**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	\$10,000.00	
ROAD REPAIRS	S&W	\$ 5,000.00	
EMERGENCY MNGMT	OE	\$ 500.00	
BEACH MAINT	OE		\$15,000.00
COURT	OE		\$ 1,500.00
ENGINEERING	OE	\$ 5,000.00	
CLERK	OE		\$ 4,000.00
<b>Total</b>		<b>\$20,500.00</b>	<b>\$20,500.00</b>

**RESOLUTION NO. 02/22/2011 – 06: INTRODUCTION OF ORDINANCE NO. 594-TO EXCEED THE 2011 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**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.594**

**ORDINANCE TO EXCEED THE 2011 MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

*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](http://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. 02/22/2011 – 07: PROVIDING FOR INCREASE OF BID THRESHOLD TO \$36,000.00**

WHEREAS, Irene H. Ryan, R. M. C. has achieved Certification by the Department of Community Affairs, Division of Local Government Services, as a Qualified Purchasing Agent, pursuant to the requirements of N.J.S.A. 40A:11-9b; and

WHEREAS, the Borough will, by this Resolution, appoint Irene H. Ryan, R. M. C., as its Qualified Purchasing Agent; and

WHEREAS, it is the desire of the Borough of Mantoloking to take advantage of the supplemental authority available to municipalities with a Qualified Purchasing Agent, including but not limited to utilization of the maximum available statutory bid threshold.

IT IS NOW, THEREFORE, this 22nd day of February, 2011, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Irene H. Ryan, R. M. C. is appointed as the Qualified Purchasing Agent of the Borough of Mantoloking;
2. The bid threshold for municipal purchases shall be and hereby is increased to the statutory maximum;
3. A certified copy of this Resolution shall be filed with the Director, accompanied by the Certification of the Chief Executive Officer, pursuant to N.J.A.C. 5:34-5.2

**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 S. McIntyre, Jr. reported that Mantoloking is eligible for reimbursement of expended funds due to the December 2010 blizzard. Assistant Fire Chief Courtney Bixby commented on the need for phone calls to JCP&L by residents when they experience a power outage. The utility then can respond more efficiently. Councilman concluded with the presentation of the report of the Municipal Court.

**B. Action Items:**

Councilman Gillingham moved the following resolution.

**RESOLUTION NO. 02/22/2011 – 08: APPROVAL OF INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING THE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM FY2011**

**WHEREAS**, it is deemed to be in the public interest to participate in the Ocean County “Driving While Intoxicated Enforcement 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 \$50.00 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 22<sup>nd</sup> day of February, 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.

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

**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 resolution.

**RESOLUTION NO. 02/22/2011 – 09: CONSIDERED WAIVER OF PERMIT FEES FOR MANTOLOKING PARTICIPANTS IN THE “PROJECT GRADUATION 2011” TOWN-WIDE GARAGE SALE CHARITY FUND RAISER” TO BE HELD ON JUNE 4, 2011 (RAIN DATE-JUNE 5, 2011) AND OCTOBER 1, 2011 (RAIN DATE-OCTOBER 2, 2011)**

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

**WHEREAS**, the Project Graduation 2011 Committee of Point Pleasant Beach High School desires to host garage sales 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 22<sup>nd</sup> day of February, 2011, **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 2011 garage sale permit fee by the Project Graduation Committee garage sale 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.

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

**DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM**

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

**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 Brown moved the following resolution:

**RESOLUTION NO. 02/22/2011 – 10: APPROVED SOLID WASTE & RECYCLING CONTRACT OPTION YEAR NO. 3 WITH REPUBLIC SERVICES OF NJ, LLC (D/B/A MARPAL COMPANY)**

**WHEREAS**, pursuant to Contract dated March, 2009, between the Borough and Republic Services of NJ, LLC, the Borough may extend the Contract for an additional one (1) year term; and

**WHEREAS**, it is the judgment of the Mayor and Council that the public interest will be served by the exercise of the one (1) year extension option, at a price of \$127,112.00, for a term ending March 2, 2012.

**IT IS NOW, THEREFORE**, this 22<sup>nd</sup> day of February, 2011, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The 3rd year Contract option shall be and hereby is exercised for the term ending March 2, 2012, at a cost of \$127,112.00;
2. Notice of this election of exercise of option shall be provided forthwith to Republic Services of NJ, LLC.

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

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

**A. Councilman Ness stated that no reports of the Mantoloking Committee and the Environmental Commission were submitted.**

**B. Action Items:**

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

**RESOLUTION NO. 02/22/2011 – 11: APPOINTMENT OF PERSONNEL – DEPUTY EMERGENCY MANAGEMENT OFFICIAL**

*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>Steve Gillingham</i>	<i>Deputy OEM Coordinator</i>	<i>January 1, 2011 (3 Yr. Term Ending 12/31/2013)</i>

**8. MAYOR AND COUNCIL COMMENTS**

Mayor Nebel commented on printed matter submitted by Ray Kalainikas. Councilman Witkowski commented on the 2011 municipal budget process.

**9. PUBLIC COMMENTS PERIOD**

One person commented on the Point Pleasant Beach Board of Education.

**10. NEXT MEETING Regular Council Meeting, Monday, March 21, 2011 @ 4:30 p.m.**

**11. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilman Strohm to adjourn. The motion was seconded by councilman Ness and approved by unanimous voice vote at 4:48 p.m.

Respectfully submitted,

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

**ORDINANCE NO. 594**

**ORDINANCE TO EXCEED THE 2011 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**WHEREAS**, the Local Government Cap law, NJSA 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of the Borough of Mantoloking in the County of Ocean finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$46,469.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, advisable and necessary; and,

**WHEREAS**, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as a cap exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Mantoloking, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 3.5%, amounting to \$108,427.90 and that the CY 2011 municipal budget for the Borough of Mantoloking be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such 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 22<sup>nd</sup> day of February, 2011, 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 21<sup>st</sup> day of March, 2011, 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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IRENE H. RYAN, R.M.C.