

**DRAFT #1 (11/02/10)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**October 18, 2010**

The regular monthly meeting of the Mayor and Council will be held this day in the meeting room of Borough Hall with the following actions:

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.
- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel read the following statement:  
*In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.*
- 3. ROLL CALL**  
**Present:** Mayor George C. Nebel, Council President Stanley F. Witkowski, Councilmen Steve Gillingham, Peter R. Strohm, Donald S. Ness, James J. Brown and Councilwoman Ann Elizabeth Nelson  
**Absent:** None  
  
**Also Present:** Municipal Clerk Irene H. Ryan, Borough Attorney Edwin j. O'Malley, Jr., Chief Financial Officer Michelle Swisher and Police Chief Mark Wright
- 4. PLEDGE OF ALLEGIANCE:** The Mayor led the assembly in the Pledge of Allegiance.
- 5. PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda. No comments were made.
- 6. MINUTES OF PREVIOUS MEETINGS:**  
**RESOLUTION NO. 10/18/2010 - 01: APPROVAL OF MINUTES**  
Councilwoman Nelson moved that the minutes of the Regular Meeting of September 20, 2010 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 introduced the Municipal Finance Officer Michelle Swisher who presented the monthly finance report.

B. **Action Items:**



POLICE	S&W	\$10,000.00	
BEACH GUARD	S&W		\$10,000.00
PLANNING	OE	\$10,000.00	
PLANNING	S&W		\$ 5,000.00
OCUA	OE	\$10,000.00	
GROUP INSURANCE	OE		\$ 5,000.00
ROAD REPAIR	S&W	\$ 4,000.00	
ROAD REPAIR	OE		\$ 4,000.00
GARBAGE	OE		\$ 3,000.00
BLDGS & GROUNDS	OE		\$ 4,000.00
SEWER	OE		\$ 3,000.00
<b>TOTAL</b>		<b>\$34,000.00</b>	<b>\$34,000.00</b>

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

**A. Reports of the Public Safety Committee:** Councilman Gillingham introduced Chief Wright who presented the report of the Police Department. Councilman Gillingham concluded with the presentation of the reports of the Municipal Court, Fire Company and Emergency Management.

**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. 10/18/2010 – 05: CONSIDER THE SALE OF MUNICIPAL SURPLUS PROPERTY – POLICE VEHICLE**

**WHEREAS**, the Council has authorized solicitation of buyers for the purchase of surplus personal property, to

wit: (a) One (1) Used 2007 Ford Crown Victoria police vehicle, VIN: 2FAFP71W67X100526; and

**WHEREAS**, the bid return date was 12:30 p.m. on October 14, 2010 in the office of the Borough Clerk with the following results:

<b>Bidder</b>	<b>Amount of Bid</b>
<i>Robert Ferreira, Wall, NJ</i>	<i>\$1,258.69</i>
<i>State Surplus Auto Sales, Newark, NJ</i>	<i>\$3,300.00</i>
<i>Abasi Timi, Brooklyn, NY</i>	<i>\$1,088.00</i>
<i>Liberty Motors, Jersey City, NJ</i>	<i>\$3,363.99</i>
<i>Dan Dames, Brielle, NJ</i>	<i>\$3,400.00</i>
<i>Chicago Motors, Inc.</i>	<i>\$2,606.00</i>
<i>Jersey One Auto Sales, Inc., Jersey City, NJ</i>	<i>\$3,808.00</i>
<i>Grace Quality Used Cars, Morrisville, Pa.</i>	<i>\$4,056.00</i>

**WHEREAS**, the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it **RESOLVED**, this 18<sup>th</sup> day of October, 2009, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of Grace quality Used Cars, the sum of \$4,056.00, is hereby accepted upon the following terms and conditions:

- (i) payment for and removal of the vehicle from Borough property shall be completed not later than seven (7) days from the date of this Resolution;

- (ii) payment shall be in cash or unendorsed bank cashier check, payable to the order of the Borough of Mantoloking;
- (iii) the purchaser shall, upon delivery, accept the bill of sale or title document and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations or warranties of any nature whatsoever. Title shall pass upon delivery of payment to the Borough.

**RESOLUTION NO. 10/18/2010 – 06: CONSIDER THE SALE OF MUNICIPAL SURPLUS PROPERTY – FIRE COMPANY VEHICLE**

**WHEREAS**, the Council has authorized solicitation of buyers for the purchase of surplus personal property, to

wit: (b) One (1) Used 1992 Chevrolet Van fire police vehicle, VIN: 2GAGG39KON4119962; and

**WHEREAS**, the bid return date was 12:00 p.m. on October 14, 2010 in the office of the Borough Clerk with the

following results:

<b>Bidder</b>	<b>Amount of Bid</b>
<i>Michael Poole, Lavallette, NJ</i>	<i>\$2,000.00</i>
<i>State Surplus Auto Sales, Newark, NJ</i>	<i>\$300.00</i>
<i>Robert Ferreira, Wall, NJ</i>	<i>\$1,358.59</i>
<i>Abasi Timi, Brooklyn, NY</i>	<i>\$588.00</i>
<i>Liberty Motors Inc., Jersey City, NJ</i>	<i>\$1,602.99</i>
<i>Dan Dames, Brielle, NJ</i>	<i>\$921.00</i>
<i>Jersey One Auto Sales, Inc.</i>	<i>\$1,002.00</i>

**WHEREAS**, the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it **RESOLVED**, this 18<sup>th</sup> day of October, 2009, the Mayor and Council of the Borough of Mantoloking, Ocean

County, New Jersey, as follows:

2.The bid of Michael Poole, the sum of \$2,000.00, is hereby accepted upon the following terms and conditions:

- (i) payment for and removal of the vehicle from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
- (ii) payment shall be in cash or unendorsed bank cashier check, payable to the order of the Borough of Mantoloking;
- (iii) the purchaser shall, upon delivery, accept the bill of sale or title document and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations or warranties of any nature whatsoever. Title shall pass upon delivery of payment to the Borough.

**PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON**

**A. Reports of the Public Works:** Councilwoman Nelson presented reports from 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 Gillingham and approved by unanimous voice vote.

**RESOLUTION NO. 10/18/2010 – 07: AWARD OF CONTRACT FOR REPLACEMENT OF 7.5 TON AIR CONDITIONING CONDENSER (COURTROOM)**

*WHEREAS, the Borough Clerk, Irene H. Ryan solicited quotes for the furnishing of a replacement 7.5 ton air conditioning condenser for the courtroom in the Borough of Mantoloking; and*  
*WHEREAS, the quotations were received by October 13, 2010 with the following results:*

BIDDER	CONTRACT QUOTE
Toms River Heating & Air Conditioning Company	\$11,345.00
Liberty Mechanical Service	\$13,428.00

And

*WHEREAS, the quotations have been reviewed by the Borough Attorney, now, therefore, be it*  
*RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of \$11,345.00 for the furnishing of a replacement 7.5 ton air conditioning condenser for the courtroom in the Borough of Mantoloking to Toms River Heating & Air Conditioning Company.*

**RESOLUTION NO. 10/18/2010 – 08: AWARD OF CONTRACT FOR SERVICES OF SPOT LINER REPAIRS FOR STORM SEWER**

*WHEREAS, the Borough Engineer, Lawrence Plevier, P.E solicited quotes for the furnishing of spot liner repair for storm sewer in the Borough of Mantoloking; and*  
*WHEREAS, the quotations were received by September 3, 2010 with the following results:*

BIDDER	CONTRACT QUOTE
Oswald Enterprises, Inc.	\$16,150.00
Video Pipe Services, Inc.	\$17,150.00
SWERP, Inc.	\$20,923.00
D&D Utility Cont., Inc.	\$21,000.00

And

*WHEREAS, the quotations have been reviewed by the Borough Engineer and the Borough Attorney, now, therefore, be it*  
*RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of \$16,150.00 for the furnishing of spot liner repair for storm sewer in the Borough of Mantoloking to Oswald Enterprises, Inc..*

**RESOLUTION NO. 10/18/2010 – 09: PROVIDING FOR REJECTION OF ALL PROPOSALS FOR FIREHOUSE APRON REPLACEMENT**

**WHEREAS**, the Borough has received two (2) responses to the request for proposals to provide firehouse apron replacement; and

**WHEREAS**, the proposals significantly exceed, by multiples, the project budget and engineer's estimate of \$6,500.00.

**IT IS NOW, THEREFORE**, this 18th day of October, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. the proposals of L. N. Rothberg & Son, Inc. and Lucas Construction Group, Inc. are rejected;
2. the Borough Engineer shall identify and solicit proposals from other providers.

**RESOLUTION NO. 10/18/2010 – 10: APPROVED RELEASE OF SURETY BOND TO THEODORE AND JANICE FIORE**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by Theodore and Janice Fiore in conjunction with the demolition of a single family home at property located at 941 East Avenue; 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 18<sup>th</sup> day of October, 2010, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Theodore and Janice Fiore 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.

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

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

**B. Action Items:**

Councilman Strohm reported that a letter was sent out last week to all beach front property owners which contained the regulations concerning maintenance of the dunes. The dune walk will take place on October 22, 2010.

Councilman Strohm moved the following resolution.

**RESOLUTION NO. 10/18/2010 – 11: APPROVING PARTICIPATION IN OCEAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, FY 2011-2013**

**WHEREAS**, the Borough desires to continue to participate in the CDBG Program; and

**WHEREAS**, it is a condition of eligibility for participation that the Borough enter into a Contract (Cooperative Agreement); and

**WHEREAS**, it is contemplated that the Borough may obtain a Grant which would enable completion of the Barnegat Lane walkway project; and

**WHEREAS**, the Borough Attorney has reviewed and approved the proposed form of Contract (Cooperative Agreement).

**IT IS NOW, THEREFORE**, this 18th day of October, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. participation in the Community Development Block Grant Program, FY 2011-2013 will be in the public interest; and

2. the Mayor and Clerk are authorized and requested to execute the approved form of Cooperative Agreement.
3. certified true copies of this Resolution and three (3) signed copies of the Contract shall be forwarded to the Ocean County Planning Board.

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

**MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN**

- A. Councilman Brown stated that no reports of the Municipal Services Committee were submitted.
- B. Action Items: None

Councilman Brown reported that the County of Ocean has scheduled hazardous waste collection days for the week of October 25, 2010.

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

- A. Councilman Ness stated that no reports of the Mantoloking Committee and the Environmental Commission were submitted.
- B. Action Items: None

**8. MAYOR AND COUNCIL COMMENTS**

Mayor Nebel reported that the Holiday Tree Lighting will take place on Sunday, December 12, 2010 at 4:30 p.m. Refreshments will be served in the fire house.

**9. PUBLIC COMMENTS PERIOD**

One comment was made about the Ocean Avenue gas pipe project. Chief Wright reported that the project should resume by Thanksgiving.

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

**11. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Brown and approved by unanimous voice vote at 4:46 p.m.

Respectfully submitted,

Irene H. Ryan, R.M.C.

Municipal Clerk