

DRAFT #2 (11/19/10)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
November 22, 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 October 18, 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
September 30, 2010**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2010 municipal budget as of September 30, 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	\$4,083,920. 03	\$2,769,235.47 1,249,182.82	\$ 65,501.74 \$
2009 Appropriation Reserves	\$ 385,348.95	\$ 128,932.55 256,416.40	\$ \$
Capital	\$1,643,939. 99	\$ 263,455.84 \$1,380,484.15	

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 147,325.94	\$7,247,784.75

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: PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER, 2010

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$5,937,817.92** 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-APPROVE INDEMNITY AND TRUST AGREEMENT FOR PARTICIPATION IN NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND (“NJIIF”)

AGREEMENT made this 22nd day of November, 2010, between the New Jersey Intergovernmental Insurance Fund, hereinafter referred to as the “NJIIF”, with an address c/o Polaris Galaxy Insurance, LLC., 777 Terrace Avenue, Hasbrouck Heights, New Jersey 07604 and the Borough of Mantoloking hereinafter referred to as “Local Unit”, located at 202 Downer Avenue, Mantoloking, New Jersey.

WHEREAS, Local Unit has adopted a Resolution dated November 22, 2010, agreeing to participate in the NJIIF and approving the NJIIF’s Bylaws.

WHEREAS, N.J.S.A. 40A:10-36 ET seq, and the regulations implemented thereunder in N.J.A.C. 1:15-2.1 ET seq, require a written agreement between the NJIIF and its members.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Local Unit and the NJIIF agree as follows:

1. Local Unit shall participate as a member of the NJIIF, shall abide the NJIIF's By-Laws (as same may, from time to time, be amended): and shall pay to the NJIIF such sums that may be assessed or charged to Local Unit as claim deductibles or program compliance fees (such assessments, charges and fees being individually and collectively referred to herein as "Assessments") by the NJIIF for Local Unit's participation in the following lines of coverage:

- a) Workers Compensation and Employers Liability Monoline
- b) General Liability (including Police Professional & Public Officials Liability);
- c) Motor Vehicle and Equipment Liability Coverage;
- d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
- e) Environmental Impairment Liability

2. Local Unit represents that it has not been in default on any insurance premium due any insurance carrier in the preceding two (2) years, or on any claim due under any self insurance.
3. Local Unit hereby accepts the Bylaws of the NJIIF and agrees to be bound by and comply with same.
4. Local Unit agrees to participation in the "NJIIF" to the extent designated in Paragraph 1 above for a period from January 1, 2011 until and including December 31, 2013 (hereinafter referred to as the "Term").
5. NJIIF agrees to operate the insurance pool established by the parties and administer all monies contributed to the NJIIF in compliance with the provisions of the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq), the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq), the enabling legislation authorizing the NJIIF, (N.J.S.A. 40A:10-36 et seq), the Bylaws of the NJIIF, and such other rules and regulations as govern the custody, investment and expenditures of public funds by local units. In furtherance thereof, NJIIF agrees to employ an individual duly certified as a Municipal Finance Officer to administer the funds of the NJIIF.
6. Local Unit agrees to be jointly and severally liable for the assumption and discharge of the liabilities of each and every other member of the NJIIF, but only for the lines of coverage specifically designated in Paragraph 1 above.
7. Local Unit agrees to abide by all risk management and safety and loss control requirements and participate in all related programs as same may be directed by the NJIIF.
8. Local Unit acknowledges that upon payment of its Assessments to the NJIIF, it shall not have any further right to said funds except to the extent that same maybe declared as surplus and returnable by the NJIIF in accordance with the NJIIF's Bylaws and applicable law of the State of New Jersey, or in the event of termination of the "NJIIF", and then only to the extent authorized by the NJIIF's Bylaws and laws of the State of New Jersey.
9. Local Unit agrees that no later than ninety (90) days prior to the expiration of the Term, Local Unit shall serve the NJIIF Administrator via certified mail, with correspondence indicating its intent to either renew or terminate its membership in the NJIIF. The NJIIF, at its sole option, shall be entitled to conclude that if Local Unit fails to serve timely notice of termination, as set forth above; Local Unit's membership in the NJIIF shall be deemed renewed for a subsequent three year term. Written notice by Local Unit of its intent to "seek alternate insurance quotes" or similar language alone shall not constitute proper notice of termination as required under this section.
10. Local Unit agrees that if it fails to promptly pay any Assessment or to comply with the Bylaws and requirements of the NJIIF, that it shall indemnify the "NJIIF", its officers, commissioners and Agencies for any loss or damage resulting from such failure and shall be further obligated to pay the NJIIF all penalties, fines and interest due the NJIIF for any late or non payment.
11. This agreement shall be governed by the Laws of the State of New Jersey.

RESOLUTION-PROVIDING FOR DESIGNATION OF PUBLIC WORKS MANAGER (LAURENCE GILMAN) AND QUALIFIED PURCHASING AGENT (IRENE H. RYAN, R.M.C.)

WHEREAS, Laurence Gilman has provided public works management services for the past five (5) years; and

WHEREAS, it is the desire of the Mayor and Council to recognize his performance and to facilitate his continuing education by granting designation as “Public Works Manager”; and

WHEREAS, the designation is not an appointment to a term of office and does not involve any increase in compensation; and

WHEREAS, Irene H. Ryan, R. M. C. is completing courses required for designation as a Qualified Purchasing Agent; and

WHEREAS, it is deemed fiscally beneficial to the Borough to have a designated Qualified Purchasing Agent to enable the Borough to participate at higher bid contractual thresholds, while utilizing less expensive process and procedures; and

WHEREAS, the designation is not an appointment to a term of office and does not involve any increase in compensation.

IT IS NOW, THEREFORE, this 22nd day of November, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Laurence Gilman is hereby designated as Public Works Manager;
2. Irene H. Ryan, R. M.C. is hereby designated as Qualified Purchasing Agent;
3. The foregoing designations are effective upon the adoption of this Resolution and completion of the required course work.

RESOLUTION: INTRODUCTION OF ORDINANCE NO. 591-MANTOLOKING BOROUGH SALARY ORDINANCE

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. 591

AN ORDINANCE FIXING SALARY AND COMPENSATION OF CERTAIN OFFICERS, POSITIONS AND EMPLOYEES IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, TO BE KNOWN AS THE “MANTOLOKING BOROUGH SALARY ORDINANCE” AND RESCINDING ORDINANCE 561

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, 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.

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:

Councilman Gillingham moves the following _____ resolutions:

RESOLUTION: INTRODUCTION OF ORDINANCE NO. 592 – AMENDMENT TO BOROUGH CODE, CHAPTER XXX, LAND USE FOR THE REQUIRMENT OF A PARKING PLAN FOR ALL NEW OR RENOVATION CONSTRUCTION

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. 592

AN ORDINANCE PROVIDING FOR AMENDMENT OF CHAPER XXX, SECTION 30-3.4, C.15 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY

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, 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.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

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:

Councilwoman Nelson moves the following _____ resolutions.

RESOLUTION: APPROVE RELEASE OF SURETY BOND TO HERRINGTON BUILDERS, LLC

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Herrington Builders, LLC in conjunction with the demolition of a single family home at property located at 1500 Runyon 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 22nd day of November, 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 Herrington Builders, 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: APPROVE RELEASE OF SURETY BOND TO DAVID W. SCHUSLER

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Davis W. Schusler in conjunction with the demolition of a single family home at property located at 921 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 22nd day of November, 2010, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

3. The referenced Surety Bond posted by David W. Schusler in the amount of \$1,000.00 shall be released, forthwith;
4. 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 moves the following resolution:

RESOLUTION: APPOINTMENT OF PERSONNEL – OCEAN COUNTY BLOCK GRANT PROGRAM LOCAL REPRESENTATIVE

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointments with the terms and conditions indicated:

Name	Position	Effective Date	Salary
<i>Lawrence Plevier, P.E., Hatch, Mott, MacDonald</i>	<i>CDBG Local Representative</i>	<i>January 1, 2011</i>	<i>In accordance with approved contract</i>

RESOLUTION: INTRODUCTION OF ORDINANCE NO. 593-AMENDMENT OF BOROUGH CODE, CHAPTER DUNE MAINTENANCE PROVIDING FOR WAIVER OF BUILDING PERMIT FOR REPLACEMENT OF WALKWAYS AND STAIRS

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. 593

AN ORDINANCE PROVIDING FOR AMENDMENT OF CHAPTER XXX, SECTION 11-3.9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR RECONSTRUCTION AND REINSTALLATION OF PERMITTED DUNE AREA STRUCTURES

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, 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.

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN NESS

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

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, December 20, 2010 @ 4:30 p.m.

13. ADJOURNMENT