

DRAFT #3 01/14/11)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
JANUARY 18, 2011
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 20, 2010 & Organization Meeting of January 3, 2011. (Final, complete copies 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, 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 BALANCE YEAR TO DATE	ENCUMBERED
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: 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: 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: 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: ESTABLISHMENT OF 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: REQUESTING 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: REQUESTING 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: 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 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 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: 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

RESOLUTION: APPROVAL OF 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 \$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 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 will open the meeting for a Public Hearing on Ordinance No. 592, Land Use Amendment – Zoning Permits. _____ comments were made.

RESOLUTION: 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 _____ 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: (Copy attached)

**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**

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: 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: 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: APPROVE 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: 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:

Councilman Strohm moves the following resolution:

RESOLUTION: 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:

4. 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.
5. 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
Dune Consultant	Dr. Stewart Farrell	\$28,139.62	Stockton College Coastal Res.

PUBLIC HEARING – Mayor Nebel will open the meeting for a Public Hearing on the 2011 Ocean County Community Development Block Grant (CDBG) program as published in accordance with the CDBG program rules.

PROJECTS: **Handicap Accessible Public Walkway No. 4** **Cost Estimate:**
\$25,500.

**Improvements for Bay and Ocean Beach Access
Block 24, Between Lots 10 & 11 and Block 22,
Between Lots 10 & 11**

_____ comments were made.

RESOLUTION: AUTHORIZATION TO SUBMIT 2011 CDBG APPLICATION

WHEREAS, the Borough of Mantoloking has been notified that funding availability from the Ocean County Community Development Block Grant (CDBG) program for 2011 is now available; and

WHEREAS, the CDBG funds are distributed to municipalities through approved applications; and

WHEREAS, the Borough of Mantoloking CDBG Local Representative and Committee advertised two public hearings for comments and submission of project applications from citizens and agencies/organizations for housing and community development needs of the Borough of Mantoloking; and

WHEREAS, no public comments were made at the first public hearing held on Monday, December 20, 2010 at 4:30 p.m.; and

WHEREAS, _____ public comments were made at the second public hearing held on Tuesday, January 28, 2011 at 4:30 p.m.; and

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.

RESOLUTION: 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 will present the reports of the Municipal Services Committee.
- B. Action Items:

Councilman Brown will move the following resolution:

RESOLUTION: 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 will present the reports of the Mantoloking Committee and the Environmental Commission.
- B. Action Items:

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, Tuesday, February 22, 2011 @ 4:30 p.m.

13. ADJOURNMENT