

DRAFT #4 (02/18/11)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
FEBRUARY 22, 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 January 18, 2011 and Closed Session of January 18, 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

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	ENCUMBERED	
		BALANCE YEAR TO DATE		
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	REVENUE
	THIS MONTH	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: 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: 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:

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: TO ADOPT 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
Total		\$20,500.00	\$20,500.00

RESOLUTION: 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, 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: 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 will present the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

B. Action Items:

Councilman Gillingham moves the following resolution.

RESOLUTION: 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 22nd 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.

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: CONSIDER 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 22nd 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.

RESOLUTION: INTRODUCTION OF ORDINANCE NO. 595-AMENDMENT OF THE CONSTRUCTION DEPARTMENT FEE SCHEDULE

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. 595

(NEED TEXT)

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.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

- A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program
- B. Action Items:

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: CONSIDER 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 22nd 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.

MANTOLOKING COMMITTEE, COUNCILMAN NESS

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

Councilman Ness moves the following resolution:

RESOLUTION: 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

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, Monday, March 21, 2011 @ 4:30 p.m.

13. **ADJOURNMENT**