

DRAFT #4 (06/17/11)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
June 20, 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 May 16, 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 April 30, 2011

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2011 municipal budget as of April 30, 2011; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2011 Current Year Appropriation	\$2,354,600.00	\$1,038,112.96 \$1,286,231.75	\$ 30,255.29
2010 Appropriation Reserves	\$ 376,253.59	\$ 128,244.94 246,562.13	\$ 446.52 \$
Capital	\$1,201,518.26	\$ 24,250.14 \$1,177,268.12	

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 687,324.20	\$2,851,774.73

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 June 2011

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$319,830.62** 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: REQUESTING A TAX REFUND OF OVERPAYMENT BE APPLIED TO THE OUTSTANDING BALANCE OF TAXES DUE TO A STATE TAX APPEAL

WHEREAS, a State Tax Court Judgment has been favorably awarded to Debra Mercatanti, Camryn Trust, Block 22, Lot 21, for the fiscal year 2010 for the property known as 1060 Barnegat Lane; and,

WHEREAS, such judgment has resulted in an overpayment of 2010 property taxes in the amount of \$2,515.68; and,

WHEREAS, as of the date of the judgment a delinquency existed on said property in the amount of \$8,120.17. As per N.J.S.A 54:4-134 the Borough of Mantoloking is permitted to take the amount of the tax appeal refund and apply it against the existing delinquency;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to apply the refund of \$2,515.68 to the first quarter 2011 taxes due on the property known as 1060 Barnegat Lane.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

RESOLUTION: REQUESTING A TAX REFUND OF OVERPAYMENT BE APPLIED TO THE OUTSTANDING BALANCE OF TAXES DUE TO A STATE TAX APPEAL

WHEREAS, a State Tax Court Judgment has been favorably awarded to Debra Mercatanti, Block 23, Lot 41, for the fiscal year 2010 for the property known as 1101 Ocean Ave; and,

WHEREAS, such judgment has resulted in an overpayment of 2010 property taxes in the amount of \$2,485.71; and,

WHEREAS, as of the date of the judgment a delinquency existed on said property in the amount of \$5,807.68. As per N.J.S.A 54:4-134 the Borough of Mantoloking is permitted to take the amount of the tax appeal refund and apply it against the existing delinquency;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to apply the refund of \$2,485.71 to the first quarter 2011 taxes due on the property known as 1101 Ocean Ave.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

RESOLUTION: AMENDING THE 2011 CAPITAL BUDGET

WHEREAS, the Borough of Mantoloking, County of Ocean, State of New Jersey, desires to amend the 2011 Capital Budget of the Borough of Mantoloking by inserting thereon or correcting the items therein as shown in such budget for the following reason:

The Purchase of Police Equipment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking of the County of Ocean in the State of New Jersey as follows:

The 2011 Capital Budget of the Borough of Mantoloking is hereby amended by adding thereto a schedule to read as follows:

AMENDMENT #1
CAPITAL BUDGET OF THE
BOROUGH OF MANTOLOKING
PROJECTS SCHEDULE FOR 2011

PROJECT	COST	CAPITAL IMP FUND	GENERAL BONDS
Purchase of Police Equipment	\$30,000.00	\$ 2,000.00	\$28,000.00
Total	\$30,000.00	\$ 2,000.00	\$28,000.00

ROLL CALL:

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: APPOINTMENT OF PERSONNEL – SEASONAL/PART TIME HELP

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>Sininsky, Samantha</i>	<i>Badge Checker</i>	<i>June 4, 2011</i>	<i>\$8.50/Hr.</i>
<i>Brunas, Brian</i>	<i>Special Class II Police Officer</i>	<i>June 1, 2011</i>	<i>\$13.00/Hr.</i>

RESOLUTION: AWARD OF CONTRACT FOR BIO-HAZARD CLEANUP AND/OR RESTORATION SERVICES

WHEREAS, the Purchasing Agent, Irene H. Ryan solicited quotes for the furnishing of Bio-Hazard Cleanup And/Or Restoration Services in the Borough of Mantoloking; and

WHEREAS, the quotations were received on June 3, 2011 with the following results:

Bidder	Amount of Bid	Ins. Certificate	Business Reg.	PW Contractor
Aftermath, Inc.	\$100/Jail Cell, Vehicle Clean to \$150/Hr., per technician	X	X	X
Sunshine Specialty Cleanup	No quotation received.			

And

WHEREAS, the quotation has been reviewed by the Purchasing Agent and 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 \$100/Jail Cell and Vehicle Cleaning to \$150/hr., per Technician for the furnishing of Bio-Hazard Cleanup and/or Restoration Services in the Borough of Mantoloking to Aftermath, Inc., Oswego, Illinois

RESOLUTION: INTRODUCTION OF ORDINANCE NO. 603 – CAPITAL ORDINANCE, PURCHASE OF POLICE EQUIPMENT

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. 603

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
PROVIDING FOR
PURCHASE OF POLICE RADIOS AND ATV AT A COST OF \$30,000.00, AUTHORIZING THE
ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$28,000.00, AND
APPROPRIATING THE SUM OF \$2,000.00 FROM THE CPITAL IMPROVEMENT FUND FOR SAID
PURPOSE**

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 906 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 20th day of June, 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 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 DEARBORN BUILDERS, INC.

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Dearborn Builders, Inc. in conjunction with the demolition of a single family home at property located at 1543 Ocean 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 20th day of June, 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 Dearborn Builders, Inc. 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: APPOINTMENT OF PERSONNEL – TEMPORARY PART TIME HELP

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>Eaton, Jennifer</i>	<i>Janitorial Service</i>	<i>June 24, 2011 (Not to exceed 10 consecutive days.)</i>	<i>\$41.00/Hr.</i>

RESOLUTION: CONSIDER CHANGE ORDER REQUEST FOR THE CHANNEL LANE & BERGEN AVENUE IMPROVEMENTS, CONTRACT NO. 2010-2, CHANGE ORDER NO. 2

WHEREAS, the Borough has entered into a Contract with Jads Construction Co., Inc. (Contract No. 2010-2) to provide roadway improvements; and

WHEREAS, due to the need for:

1. the replacement of a cracked storm inlet frame exposed during construction.
2. the repair of a buried loop detector near the Bergen Avenue and Route 35 intersection;

Jads Construction Co., Inc. has submitted Change Order No. 2.

WHEREAS, it is deemed to be in the public interest to accept Change Order No. 2; and

WHEREAS, the Borough Engineer, Lawrence Plevier P.E. (Hatch Mott MacDonald) has, by letter dated June 3, 2011, (Exhibit "A", attached) recommended the execution of Change Order No. 2 which added to an overall increase of the total cost of the project by \$7,020.00.

IT IS NOW, THEREFORE, this 20th day of June, 2011, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 2, is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

FURTHER RESOLVED, that this Mayor and Council approval is subject to the New Jersey Department of Transportation executed approval.

RESOLUTION: CONSIDER PAYMENT FOR CHANNEL LANE & BERGEN AVENUE IMPROVEMENTS, CONTRACT NO. 2010-2, PAYMENT REQUEST NO. 2

WHEREAS, the Borough has entered into a Contract with Jads Construction Co., Inc. (Contract No. 2010-2) to provide roadway improvements; and

WHEREAS, the Contractor's Application for Payment No. 2 has been reviewed and recommended for payment by the Borough Engineer, Lawrence Plevier, P.E. in the sum of \$112,274.44, by letter dated June 13, 2011; and

WHEREAS, funds have heretofore been appropriated by Ordinance No. 586.

IT IS NOW, THEREFORE, this 20th day of June, 2011, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 2 of Jads Construction Co., Inc. is hereby approved in the sum of \$112,274.44 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

RESOLUTION: CONSIDER PAYMENT FOR FIREHOUSE APRON IMPROVEMENTS PROJECT – PAYMENT NO. 1-FINAL

WHEREAS, the Borough has entered into a Contract with Jads Construction Co., Inc. to provide firehouse apron improvements: and

WHEREAS, the Contractor's Application for Payment No. 1-Final has been reviewed and recommended for payment by the Borough Engineer, Lawrence Plevier, P.E. in the sum of \$7,150.00, by letter dated June 8, 2011; and

WHEREAS, funds have heretofore been appropriated by Ordinance No. 597.

IT IS NOW, THEREFORE, this 20th day of June, 2011, RESOLVED by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1-Final of Jads Construction Co., Inc. is hereby approved in the sum of \$7,150.00 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

RESOLUTION: PROVIDING OR THE SALE OF SURPLUS PERSONAL PROPERTY

WHEREAS, the Borough of Mantoloking has determined that certain personal property, to wit:

- (a) 1 Used, M & B Sweeper Attachment with water tank & pump. Attachment for backhoe or loader. Size: 8.5' wide;
- (b) 31 Used, Plastic Bulkhead Sheathing. Color: Tan, Size: 12' x 2';
- (c) 1 Used, Vintage (1928) Overhead Double-Door Crescent Wood Framed Window with black filigree sun burst. Size: Approximately 6' x 18"
- (d) 10 Used, Vintage (1928) Single Sash, 12 paned, Wood Framed Windows with divided window pane sunburst at top. Size: 6.5' x 40"

are surplus property; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder.

IT IS NOW, THEREFORE, this 20th day of June 2011, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The above described personal property is hereby declared to be surplus, no longer needed for public purposes; and
2. The Borough Clerk is hereby authorized and directed to advertise a public sale of said property by sealed bid in accordance with the applicable law.
3. The Borough reserves the right to reject any and all bids if it determines that to do so will be in the public interest.

RESOLUTION: APPROVING PURCHASE OF SURPLUS EQUIPMENT FROM OCEAN COUNTY

WHEREAS, there is a need for a material loading machine for use by the Public Works Department; and

WHEREAS, a 1984 Caterpillar Loader, Model No. 910, VIN 41Y2351, has been offered by Ocean County as surplus equipment; and

WHEREAS, it is the desire of the governing body to acquire the above described equipment.

IT IS NOW, THEREFORE, this 20th day of June 2011, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall purchase the above described surplus equipment for the sum of \$1.00; and
2. The purchase is made on an "as is" basis.
3. A true copy of this Resolution shall be forwarded to Ocean County.

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: None

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 ____ resolutions.

RESOLUTION: ACCEPTANCE OF AGREEMENT WITH MANTOLOKING YACHT CLUB

(TEXT WILL BE AVAILABLE ON 06/20/2011)

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, July 18, 2011 @ 4:30 p.m.

13. ADJOURNMENT