

**DRAFT #3 (07/13/2012)**

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

**AGENDA – REGULAR BUSINESS MEETING**  
**JULY 16, 2012**  
**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 June 18, 2012 and Executive Session of June 18, 2012 (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 May 31, 2012**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2012 municipal budget as of May 31, 2012; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2012 Current Year Appropriation	\$4,041,973.78	\$ 2,032,458.68	\$ 81,225.67	\$1,928,289.43
2011 Appropriation Reserves	\$ 447,532.84	\$ 154,153.16	\$ 245.71	\$ 293,133.97
Capital	\$1,691,271.69	\$ 7,957.69		\$1,287,634.80

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,691,271.69	\$4,757,082.28

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 JULY 2012**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,965,433.48** 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.

**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: CONFIRMING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER**

**WHEREAS**, a vacancy exists in the Office of Municipal Public Defender; and

**WHEREAS**, such Officer shall be appointed by the Mayor with the consent of Council; and

**WHEREAS**, the Mayor has recommended \_\_\_\_\_ to serve as Municipal Public Defender; and

**WHEREAS**, it is the desire of Council to accept the nomination and to confirm the appointment.

**IT IS NOW, THEREFORE**, this 16<sup>th</sup> day of July, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that \_\_\_\_\_, is hereby appointed as Municipal Public Defender of the Borough of Mantoloking.

**RESOLUTION: AUTHORIZE OTHER PROFESSIONAL SERVICE CONTRACT FOR 2012**

WHEREAS, the award of contracts for professional services in the Borough, 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 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 and Purchasing Agent. 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>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Public Defender			

**RESOLUTION: AUTHORIZING REFUNDS**

WHEREAS, the administration of Borough finances will be facilitated by the adoption of a policy permitting administrative refunds by the Borough; and

WHEREAS, the policy shall be implemented by the Chief Financial Officer.

IT IS NOW, THEREFORE, this 16th day of July, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Chief Financial Officer may return funds which represent excess, incorrect or inadvertent receipt of funds by the Borough;
2. The Chief Financial Officer is authorized to exercise this discretionary authority for sums less than \$\_\_\_\_\_, and upon receipt of such supporting documentation as the Chief Financial Officer may deem appropriate;
3. This Policy shall not be operative in any situation wherein refunds are statutorily subject to prior approval by action of the governing body.
4. This policy authorization shall be operative upon adoption of this Resolution.

**RESOLUTION: PETITIONING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO ADD TRAFFIC SIGNALS ON N. J. ROUTE 35 AT LYMAN AND ALBERTSON STREETS**

WHEREAS, the seasonally high vehicular traffic on Route 35 presents serious risk of injury to pedestrians seeking to cross at Lyman Street and Albertson Street; and

WHEREAS, these intersections lack traffic control lights; and

WHEREAS, no other alternate controlled crossings are located within a reasonable distance from these intersections; and

WHEREAS, pedestrians must cross Route 35 to access the ocean beaches; and

WHEREAS, the installation of seasonally operative traffic signals will materially reduce the risk of pedestrian injury or death at these locations.

IT IS NOW, THEREFORE, this 16th day of July, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mayor and Council of the Borough of Mantoloking do hereby petition the New Jersey Department of Transportation to, forthwith, take such action as will result in the installation of seasonally operative traffic control lights at the intersections of Route 35 and Lyman Street and Albertson Street;

2. A copy of this Resolution/Petition shall be forwarded to the New Jersey Department of Transportation.

**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.

**B. Action Items:**

Councilwoman Nelson moves the following \_\_\_\_\_ resolutions:

**RESOLUTION: APPROVE RELEASE OF SURETY BOND TO PAUL D. AND HELEN K. MOTZENBECKER**

**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 16<sup>th</sup> day of July 2012, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Paul D. and Helen K. Motzenbecker 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: AUTHORIZE PARTIAL PAYMENT FOR OLD BRIDGE STREET AND BAY AVENUE IMPROVEMENTS (CONTRACT NO. 2011-2) – PAYMENT NO. 1**

**WHEREAS**, the Borough has entered into a Contract with A-Team Concrete, Inc. (Contract 2011-2) to complete roadway improvements: and

**WHEREAS**, the Contractor's Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Lawrence Plevier, P.E. in the sum of \$206,021.49, by letter dated July 10, 2012; and

**WHEREAS**, funds have heretofore been appropriated by Ordinance No. 607.

**IT IS NOW, THEREFORE**, this 16<sup>th</sup> day of July, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 to A-Team Concrete, Inc. is hereby approved in the sum of \$206,021.49 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

**RESOLUTION: INTRODUCTION OF ORDINANCE NO. 614 – AMEND LAND USE REGULATIONS**

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts  
on  
first reading (title only) the following Ordinances:

**ORDINANCE NO. 614**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007, LAND USE REGULATIONS, ARTICLE 30-6.13, FENCES**

*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](http://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:**

Councilman Strohm moves the following resolution:

**RESOLUTION: INTRODUCTION OF ORDINANCE NO. 615 – AMEND BEACH REGULATIONS**

***RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on*

*first reading (title only) the following Ordinances:*

**ORDINANCE NO. 615**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007, ANIMAL CONTROL, ARTICLE 5-4.5, RESTRAINT OF DOGS OUTDOORS ON BEACHES AND PUBLIC PROPERTY**

*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](http://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:

Councilman Ness moves the following resolution:

**RESOLUTION: PRESENTATION OF CENTENNIAL COMMEMORATIVE PLAQUE TO THE BOROUGH OF MANTOLOKING**

(NEED TEXT)

**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 Meeting, Monday, August 20, 2012 @ 4:30 p.m.

**13. ADJOURNMENT**