

DRAFT #3 (02/20/2009)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR BUSINESS MEETING
February 23, 2009
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 20, 2009 (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
December 31, 2008

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2008 municipal budget as of December 31, 2008; and

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

ACCOUNT	BUDGET	EXPENDED	ENCUMBERED	
		BALANCE YEAR TO DATE		
2008 Current Year Appropriation	\$3,797,150. 84	\$3,438,249.48 290,324.86	\$ 68,576.50	\$
2007 Appropriation Reserves	\$ 383,181.59	\$ 123,731.93 259,449.66	\$ 0.00	\$
Capital	\$1,503,851. 17	\$ 362,215.32 \$1,141,635.85		

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 110,818.59	\$8,404,509.07

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 2009

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$282,321.12** 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 HEARING – ORDINANCE NO. 561 – BOROUGH SALARY ORDINANCE

Mayor Nebel will open the meeting for a Public Hearing on proposed Ordinance No. 561. _____ comments were made by those in attendance.

RESOLUTION: ADOPTION OF ORDINANCE NO. 561 – BOROUGH SALARY ORDINANCE

WHEREAS, on the 23rd day of February, 2009 a public hearing on Ordinance No. 561 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 entitled: (Copy attached)

ORDINANCE NO. 561

**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 545**

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 2008 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 2008 Appropriation Reserve balances

<u>DEPARTMENT</u>	<u>TO</u>	<u>FROM</u>
BEACH MAINT OE	\$4,000.00	
CLERK OE		\$4,000.00
Total	\$4,000.00	\$4,000.00

RESOLUTION: MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACT FOR 2009

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>
ANIMAL CONTROL	\$2,500.00 ANNUAL	JERSEY SHORE ANIMAL CENTER

RESOLUTION: CONSIDER REVISION OF THE DESIGNATION OF OFFICIAL NEWSPAPERS

WHEREAS, Section 3(d) of the Open Public Meeting Act, Chapter 231, P.L. 1975, requires that certain notice of meetings be submitted to any two (2) newspapers, one of which shall be the official newspaper; and

WHEREAS, the second newspaper designated by this body must be one which has the greatest likelihood of informing the public within the jurisdictional boundaries of this body of such meeting.

WHEREAS, to facilitate the timely publication of public notices as required by law, and in the interest of the public, the Borough Council desires to avail itself of the services of newspapers of general circulation in the community for the year 2009.

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

1. The Ocean Star, Point Pleasant Beach, is hereby designated as the official newspaper of the Borough of Mantoloking as required under the Open Public Meetings Act.
2. The Asbury Park Press, Neptune is designated to receive notices of meetings and solicitations for proposals, when necessary, as required under the Open Public Meetings Act.

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:

PUBLIC HEARING – ORDINANCE NO. 562 – PARKING REGULATIONS ON RUNYON LANE

Mayor Nebel will open the meeting for a Public Hearing on proposed Ordinance No. 562. _____ comments were made by those in attendance.

Councilman Gillingham moves the following _____ resolutions:

RESOLUTION: ADOPTION OF ORDINANCE NO. 562 – PARKING REGULATIONS ON RUNYON LANE

WHEREAS, on the 23rd day of February, 2009 a public hearing on Ordinance No. 562 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 entitled: (Copy attached)

**ORDINANCE NO. 562
AN ORDINANCE AMENDING CHAPTER 7 OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF MANTOLOKING PROVIDING FOR REGULATION OF
VEHICULAR PARKING ON RUNYON LANE**

RESOLUTION: APPROVAL OF EMPLOYEE DENTAL PLAN POLICY ENDORSEMENT

WHEREAS, on March 17, 2003 the Mayor and Council approved the Borough's participation in a dental health insurance plan with Monumental Life Insurance Company, formally known as Peoples Benefit Life Insurance Company, effective April 1, 2003, and

WHEREAS, the Borough employees have benefited from their participation in the plan at their own cost, and

WHEREAS, the Monumental Life Insurance Company has notified the Borough of Mantoloking that the monthly premium rates have changed. The change is a rate increase in all categories as outlined, policy endorsement effective April 1, 2009:

\$48.52 Per Employee
\$48.52 Additional Per Two Party
\$ 80.85 Additional Per Full Family

and therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the afore schedule of changes to the Monumental Life Insurance Company Master Policy No. GD3138 is hereby approved and, be it

FURTHER RESOLVED, that the Policy Endorsement be executed by the Mayor and made a part of the Master Policy.

RESOLUTION: PROVIDING FOR ACCEPTANCE OF THE RESIGNATION OF LT. MICHAEL DREHER AS A MEMBER OF THE POLICE DEPARTMENT

WHEREAS, Lt. Dreher has faithfully and creditably served as an Officer of the Police Department since June 15, 1984; and

WHEREAS, he has advised of his election to retire from the service; and

WHEREAS, it is the desire of the Mayor and Council to accommodate Lt. Dreher.

IT IS NOW, THEREFORE, this 23rd day of February 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The resignation of Lt. Dreher, effective as of December 31, 2009, is hereby accepted.
2. Terminal Leave shall commence April 1, 2009.
3. Lt. Dreher's service to the residents of the Borough has been professional, dedicated and is worthy of high commendation. The governing body, on behalf of the residents, does hereby express their most sincere appreciation and best wishes for a long and healthy retirement.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

A. Reports of the Public Works: Councilwoman Nelson will present reports from the Borough Superintendent, Construction Official and Land Use Officer.

C. Action Items:

PUBLIC HEARING – ORDINANCE NO. 563 - CONSTRUCTION PERMIT FEES

Mayor Nebel will open the meeting for a Public Hearing on proposed Ordinance No. 563. _____ comments were made by those in attendance.

Councilwoman Nelson moves the following:

RESOLUTION: ADOPTION OF ORDINANCE NO. 563 – CONSTRUCTION PERMIT FEES

WHEREAS, on the 23rd day of February, 2009 a public hearing on Ordinance No. 563 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 entitled: (Copy attached)

ORDINANCE NO. 563

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
AMENDING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING, 2007 PROVIDING FOR CONSTRUCTION PERMIT FEES**

RESOLUTION: CONSIDER PAYMENT NO. 1 FOR PUMP HOUSE REPAIRS TO MUNICIPAL MAINTENANCE

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. to provide Sewerage Pump Station Wet Well Material Replacement and Repairs; and

WHEREAS, the Contractor's Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$53,460.00, by letter dated February 17, 2009; and

WHEREAS, funds have heretofore been appropriated by Ordinance No. 547.

IT IS NOW, THEREFORE, this 23rd day of February 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 of Municipal Maintenance Co. is hereby approved in the sum of \$53,460.00 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

- A. **Report of the Dune & Beach Renourishment 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**

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

- A. **Councilman Brown will present the reports of the Municipal Services Committee.**
- B. **Action Items:**

Councilman Brown moves the following _____ resolutions:

RESOLUTION: BOROUGH OF MANTOLOKING INTENT TO ENTER INTO A SHARED SERVICES PROJECT WITH THE COUNTY OF OCEAN (RECORDS INFORMATION MANAGEMENT SYSTEM)

BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking, **THAT:**

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2008-09 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Borough of Mantoloking desires to collaborate with the County of Ocean in the performance of a Records Information Management (RIM) System; and

WHEREAS, the Borough of Mantoloking is acknowledging that their eligible funding of \$40,000.00 will be leveraged with the County of Ocean; and

WHEREAS, the Borough of Mantoloking is acknowledging that the County of Ocean would be both the lead agency and the applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking, that the Borough of Mantoloking does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

RESOLUTION: PROVIDING FOR ADOPTION OF “THE FLOOD MITIGATION PLAN FOR THE BOROUGH OF MANTOLOKING”

WHEREAS, the Borough of Mantoloking has experienced severe damage from hurricanes, and flooding, on many occasions in the past century, resulting in property loss, loss of life, economic hardship, and threats to public health and safety; and

WHEREAS, a Flood Mitigation Plan, revised as of January, 2008, (the Plan) has been approved by the Federal Emergency Management Agency (FEMA) as is evidenced by the confirmatory letter dated November 7, 2008, wherein the State of New Jersey, Division of State Police, Emergency Management Section, advised of the fact of FEMA approval; and

WHEREAS, the Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that face Mantoloking; and

WHEREAS a public meeting was held to review the Plan as required by law.

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

1. The Flood Mitigation Plan, revised as of January, 2008, is hereby adopted as an official Plan of the Borough of Mantoloking.
2. The respective Borough officials identified in the strategy of the Plan are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Flood Mitigation Planning Committee.
3. The Flood Mitigation Planning Committee will provide annual progress reports on the status of implementation of the Plan to the Mayor and Borough Council. This report shall be submitted to the Borough Council by June 15th of each year.

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 of March 16, 2009 @ 4:30 p.m.

13. ADJOURNMENT