

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
April 18, 2005
BOROUGH HALL

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall.

1. CALL TO ORDER: TIME: 8:00 p.m.

2. OPEN PUBLIC MEETING STATEMENT: Mayor Dunbar

This meeting is called pursuant to the provisions of the New Jersey Open Public Meetings Law. This meeting date was included in a list of meetings sent to the Ocean County Observer, Asbury Park Press, and Ocean Star and posted continuously on the bulletin board in the Municipal Building since December 21, 2004. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

3. ROLL CALL

Mayor William K. Dunbar, III, Council President Steve Gillingham, Councilmen Elbert E. Husted, III, John H. Jones, Alan C. Laymon, George C. Nebel, Douglas J. Popaca

ABSENT: None

4. PLEDGE OF ALLEGIANCE

5. PRIVILEGE OF THE FLOOR: The Mayor will open the meeting for public comment and questions about the agenda and any other matter of public interest.

6. MINUTES OF PREVIOUS MEETINGS:

None.

7. MAYOR'S REPORT

Mayor Dunbar reminded all in attendance that the Borough Hall will extend the open hours for business to 3:00 p.m. starting May 1, 2005 to September 30, 2005. He reported that he and Councilman Popaca will attend a meeting in Toms River on Tuesday, April 19th to discuss proposed offshore windmill energy fields.

Councilman Gillingham moved the following:

RESOLUTION NO. 04/18/2005 – 01: CONFIRMING THE APPOINTMENT OF OFFICIALS

WHEREAS, a vacancy exists in the office of Licensed Sewer Operator; and

WHEREAS, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such as Licensed Sewer Operator; and

WHEREAS, AFTER DUE DELIBERATION, the Mayor and Council have determined that the following individual is nominated for this vacancy:

2005 Licensed Sewer Operator - **Ronald Laird**, Supervisor of Collections Division (BTMUA)

IT IS NOW, THEREFORE, this 18th day of April, 2005, resolved by the Mayor and Council of the Borough of Mantoloking, as follows:

1. That the Council does, by this Resolution, hereby confirm, ratify, and approve the nomination and appointment and term of office identified in both as to those officers and positions wherein the Mayor has the right to nominate and appoint with the advice and consent of Council or otherwise, and as to those offices and positions wherein the Council has the right to select said individuals or entities.

Councilman Laymon seconded the motion and it was unanimously approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 04/18/2005 – 02: OLDER AMERICANS’MONTH MAY 2005 “CELEBRATE LONG TERM LIVING”

WHEREAS, the month of May 2005 has been designated throughout the nation as “Older Americans’ Month”; and

WHEREAS, this year’s theme is “Celebrate Long Term Living”; and

WHEREAS, the Mayor and Council of the Borough of Mantoloking desires to recognize the Retired and Senior Volunteer Program (RSVP), and various other programs administered by the Ocean County Board of Social Services to assist older Americans and

WHEREAS, the focus of this recognition identified the involvement of the older population in their communities through volunteer work in health and nutrition services; in agricultural and food bank programs; in knowledge and skills programs; in economic development programs: in housing and homeless prevention programs; in energy conservation programs; in social service programs; and in criminal justice programs; and

WHEREAS, this recognition further encourages the sharing of talents, wisdom, and the lifetime experiences of the older population through their involvement with others; and

WHEREAS, the Governing Body and citizens of the Borough of Mantoloking have access to the Ocean County Retired and Senior Volunteer Program, the Special Response Services to the Elderly Program, the Senior Housing Security and Transportation program, and various other programs for seniors; and

WHEREAS, the Retired and Senior Volunteer Program of Ocean County endeavors to recruit senior volunteers to encourage such involvement with others and to provide volunteer services to its ninety (90) non-profit agencies and proprietary health care facilities.

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Mantoloking that it proclaims the month of May as “Older Americans’ Month” and honors and endorses all programs in Ocean County which encourage the sharing of talents, wisdom, and lifetime experiences of the older population; and

BE IT FINALLY RESOLVED that the written memorialization of this Council resolution may be immediately released prior to formal approval of the minutes.

The motion was seconded by Councilman Laymon and unanimously approved by voice vote.

8. DEPARTMENT REPORTS

- A. Police Report
- B. Fire Report - None
- C. Emergency Coordinator Report - None
- D. Public Works Superintendent Report
- E. Construction Official Report
- F. Land Use Officer Report
- G. Chief Financial Officer Report

Councilman Nebel moved the following:

RESOLUTION NO. 04/18/2005 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER February 28, 2005

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2004 municipal budget as of February 2005; and

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

	Cash Balance	Appropriation Balance	Fund Balance
Current Fund		277,062.33	3,012,313.55
Reserve Year	1,476,397.60	182,026.20	
Payroll			19,920.17
Trust & Escrow Fund	94,333.32		43,669.07
General Capital Fund	956,030.10		2,687,418.20
Total	2,526,761.02		

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.

The motion was seconded by Councilman Jones and was unanimously approved by voice vote.

9. ORDINANCES:

Councilman Nebel moves the following:

RESOLUTION NO. 04/18/2005 – 04: PUBLIC HEARING/ADOPTION OF BOND ORDINANCE NO. 492

WHEREAS, on the 18th day of April, 2005 a public hearing on Ordinance No. 492 was held. No comments were made.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance No. 492 entitled: (Copy attached.)

ORDINANCE NO. 492

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
PROVIDING FOR ACQUISITION AND INSTALLATION OF A SURGE SUPPRESSION SYSTEM
FOR THE MUNICIPAL BUILDING/FIRE HOUSE AT A PROJECT COST OF \$20,000.00
AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF
\$18,000.00, AND APPROPRIATING THE SUM OF \$2,000.00 FROM THE CAPITAL
IMPROVEMENT FUND FOR SAID PURPOSE**

Councilman Husted seconded the motion and it was unanimously approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 04/18/2005 – 05: PUBLIC HEARING/ADOPTION OF BOND ORDINANCE NO. 493

WHEREAS, on the 18th day of April, 2005 a public hearing on Ordinance No. 493 was held. All council members present considered all comments made by two public commentators.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance No. 493 entitled: (Copy attached.)

ORDINANCE NO. 493

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
PROVIDING FOR GREEN ACRES FUNDING FOR LAND ACQUISITION AT A COST OF \$20,000.00
AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$18,000.00,
AND APPROPRIATING THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

Councilman Jones seconded the motion and it was unanimously approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 04/18/2005 – 06: PUBLIC HEARING/ADOPTION OF BOND ORDINANCE NO. 494

WHEREAS, on the 18th day of April, 2005 a public hearing on Ordinance No. 494 was held. No comments were made.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance No. 494 entitled: (Copy attached.)

ORDINANCE NO. 494

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING
FOR RELOCATION OF STORM DRAINAGE FACILITIES ON RUNYON LANE
AT A PROJECT COST OF \$82,800.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN
THE PRINCIPAL SUM OF \$77,600.00, AND APPROPRIATING THE SUM OF \$5,200.00 FROM THE CAPITAL
IMPROVEMENT FUND UNDER RESERVE FOR SAID PURPOSE
AND REPEALING ORDINANCE 475**

Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 04/18/2005 – 07: PUBLIC HEARING/ADOPTION OF BOND ORDINANCE NO. 495

WHEREAS, on the 18th day of April, 2005 a public hearing on Ordinance No. 495 was held. All council members present considered the comment made by one public commentator.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance No. 495 entitled: (Copy attached.)

ORDINANCE NO. 495

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR ACQUISITION AND INSTALLATION OF EQUIPMENT TO CONVERT FROM USE OF BIOXIDE SOLUTION IN LIEU OF CHLORINE AT THE SANITARY SEWERAGE PUMP STATION AT A PROJECT COST OF \$20,000.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$18,000.00, AND APPROPRIATING THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE

Councilman Husted seconded the motion and it was unanimously approved by voice vote.

Councilman Gillingham moved the following:

RESOLUTION NO. 04/18/2005 – 08: PUBLIC HEARING/ADOPTION OF BOND ORDINANCE NO. 496

WHEREAS, on the 18th day of April, 2005 a public hearing on Ordinance No. 496 was held. All council members present considered the comment made by one public commentator.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance No. 496 entitled: (Copy attached.)

ORDINANCE NO. 496

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR CONSTRUCTION OF CROSSWALKS AT THE INTERSECTION OF DOWNER AVENUE AND BAY AVENUE AT A PROJECT COST OF \$20,000.00 AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$18,000.00, AND APPROPRIATING THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE

Councilman Nebel seconded the motion and it was unanimously approved by voice vote.

Councilman Nebel moves the following:

RESOLUTION NO. 04/18/2005 – 09: AMENDING THE 2005 CAPITAL BUDGET

WHEREAS, the Borough of Mantoloking, County of Ocean, State of New Jersey, desires to amend the 2005 Capital Budget of the Borough of Mantoloking by inserting thereon or correcting the items therein as shown in such budget for the following reason:

Additional costs for the roadway improvement on Barnegat Lane (Lyman Street to Herbert Street) are recommended by the Borough Engineer.

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 2005 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 2005**

PROJECT	COST	CAPITAL IMP FUND	GENERAL BONDS
Roadway Improvements To Barnegat Lane (Lyman Street to Herbert Street)	\$150,000.00	\$8,000.00	\$142,000.00

Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

Councilman Gillingham moves the following:

RESOLUTION NO. 04/18/2005 – 10: INTRODUCTION OF BOND ORDINANCE NO. 497 FOR BARNEGAT LANE DRAINAGE PROJECT

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. 497

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR ROADWAY
IMPROVEMENTS, ON BARNEGAT LANE
(LYMAN STREET TO HERBERT STREET)
AT A PROJECT COST OF \$395,100.00
AND AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$374,100.00, AND APPROPRIATING
THE SUM OF \$21,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE AND REPEALING ORDINANCE NO. 474**

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 at cost during regular business hours, M-F 9am–1 pm, 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.

Councilman Popaca seconded the motion and it was unanimously approved by voice vote.

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

A. Activities of the Finance Committee

B. Action Items:

Councilman Nebel moved the following seven (7) resolutions. The motion was seconded by Councilman Gillingham and it was unanimously approved by voice vote.

RESOLUTION NO. 04/18/2005 – 11: PAYMENT OF BILLS FOR THE MONTH OF APRIL 2005

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,335,123.46** and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves payment of the above referenced bills and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 04/18/2005 – 12: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 (BODY ARMOR GRANT)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$684.16, which is now available from the State of New Jersey, Division of Criminal Justice.

BE IT FURTHER RESOLVED, that the like sum of \$684.16 is hereby appropriated under the caption of 2005 Body Armor Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Division of Criminal Justice in the amount of \$684.16.

RESOLUTION NO. 04/18/2005 – 13: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS40A:4-87 (DRUNK DRIVING ENFORCEMENT FUND)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$2,865.83, which is now available from the State of New Jersey, Division of Motor Vehicles.

BE IT FURTHER RESOLVED, that the like sum of \$2,865.83 is hereby appropriated under the caption of 2005 Drunk Driving Enforcement Fund; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Division of Motor Vehicles in the amount of \$2,865.83.

RESOLUTION NO. 04/18/2005 – 14: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS40A:4-87 (CLEAN COMMUNITIES GRANT)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$4,000.00, which is now available from the State of New Jersey, Department of Environmental Protection.

BE IT FURTHER RESOLVED, that the like sum of \$4,000.00 is hereby appropriated under the caption of 2005 Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Department of Environmental Protection in the amount of \$4,000.00.

RESOLUTION NO. 04/18/2005 – 15: APPROVAL TO CLOSE OUT THE BANK ACCOUNT ENTITLED “A T FRAGOMAN BEACH PRESERVATION FUND”

WHEREAS, there exists a balance in the Borough of Mantoloking bank account entitled “A T Fragoman Beach Preservation Fund” in the amount of \$219.22,

WHEREAS, it has been more than one year since that bank account has seen any kind of activity,

WHEREAS, it has been the recommendation of the State of New Jersey, Division of Community Affairs, Department of Local Government Services, and the Auditing Firm of William Antonides, that the account should be closed because of inactivity and the lack of Dedication by Rider,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking authorize the Chief Financial Officer to close out the “A T Fragoman Beach Preservation Account” and deposit the funds into the Current Fund under the title of “Reserve for Beach/Dune Restoration”.

RESOLUTION NO. 04/18/2005 – 16: CONSIDER WAIVER OF PERMIT FEES FOR MANTOLOKING PARTICIPANTS IN THE SPRING 2005 “MUNICIPAL ALLIANCE COMMITTEE OF PT. PLEASANT BEACH, BAY HEAD AND MANTOLOKING GARAGE SALE CHARITY FUND RAISER”

WHEREAS, pursuant to Ordinance, any garage sale permit applicant shall pay a permit fee to the Borough; and

WHEREAS, the Municipal Alliance Committee of Point Pleasant Beach, Bay Head and Mantoloking desires to host a garage sale 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 18th day of April, 2005, 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 Municipal Alliance Committee would be inimical to the spirit of the effort and the public interest.

2. Payment of the 2005 garage sale permit fee by the Municipal Alliance Committee of Point Pleasant Beach, Bay Head and Mantoloking is hereby waived as an expression of endorsement and appreciation for the efforts of the Municipal Alliance Committee.

RESOLUTION: NO. 04/18/2005 – 17: REQUESTING APPROVAL OF A CHANGE OF TITLE OR TEXT OF 2005 BUDGET APPROPRIATION

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A-85, the Borough of Mantoloking hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2005:

That the appropriation title in the General Appropriations category under the Capital Improvements-Excluded from “CAPS” section entitled “Public Works Truck” in the amount of \$55,000.00 be changed to the title of “Beach Replenishment” in the amount of \$55,000.00.

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Borough of Mantoloking for the reasons set forth:

The Borough of Mantoloking has just received notice from the Federal Government that the funding earmarked for replenishment of beaches across the country has been eliminated. Up until this time there was substantial hope that these funds would make their way to the Borough. This then requires the State and /or the Local Municipality to provide the funds for the replenishment so desperately needed in the beach communities. The Borough of Mantoloking at its narrowest point is a mere 100 feet. In the storm of 1992 damages of \$2,226,000.00 were sustained by the Borough. The amount reimbursed by the Department of Environmental Protection and FEMA on that loss was \$95,009.00. To say that beach replenishment and dune restoration is needed is a grave understatement. At this point the State of New Jersey has not come up with any funds for such a project so it will now be the sole responsibility of the Borough to provide these funds.

Councilman Popaca moved the following:

RESOLUTION NO. 04/18/2005 – 18: PROVIDING FOR ESTABLISHMENT OF A LOCAL AGENCY TO ENFORCE THE NEW JERSEY STATE UNIFORM CONSTRUCTION CODE

WHEREAS, the New Jersey State Uniform Construction Code provides for enforcement of its provisions in a unified fashion at the municipal, inter-local and state levels; and

WHEREAS, the Uniform Construction Code and regulations issued there under, specifically N.J.A.C. 5:23-4.1 *et seq.* permit a municipality to establish and operate an enforcing agency at the municipal level, provided the municipality provides notice of such establishment to the New Jersey Department of Community Affairs; and

WHEREAS, the Borough of Mantoloking seeks to establish a Municipal Enforcement Agency for enforcement of the Uniform Construction Code; and

WHEREAS, the Borough of Mantoloking seeks to appoint local, county and state employees to serve as code enforcement officials.

IT IS NOW, THEREFORE, this 18th day of April, 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough of Mantoloking hereby establishes a municipal agency for the enforcement of the New Jersey State Uniform Construction Code.
2. The Borough of Mantoloking's Construction Official and Building Subcode Official shall be municipal employees, and enforcement of those portions of the New Jersey State Uniform Construction Code within the Borough of Mantoloking shall be performed by the Municipal Enforcement Agency. Enforcement of the electrical, plumbing and fire subcodes shall be performed by officials employed by the County of Ocean. Enforcement of the elevator subcode shall be performed by the New Jersey Department of Community Affairs.
3. The Borough of Mantoloking hereby appoints the following individuals as code enforcement officials, each to serve a four-year term:

Construction Official:	Vincent J. Wardell (Borough of Mantoloking)
Building Subcode Official:	Vincent J. Wardell (Borough of Mantoloking)
Electrical Subcode Official:	Douglas Erb (County of Ocean)
Plumbing Subcode Official:	Anthony F. Gargani, Jr. (County of Ocean)
Fire Subcode Official:	Michael J. Clayton (County of Ocean)
Elevator Subcode Official:	Department of Community Affairs.

4. The Borough of Mantoloking declines to appoint a board of appeals, and appeals shall be left to the jurisdiction of Ocean County.
5. The address of the local enforcing agency shall be: Mantoloking Borough Hall, Downer Avenue, Mantoloking, New Jersey, 08738. The address of the Board of Appeals shall be County of Ocean, Office of Construction Inspection, P.O. Box 2191, Toms River, New Jersey 08754-2191.

Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

- A. Activities of the Public Safety Committee
- B. Action Items:

Councilman Gillingham moved the following:

RESOLUTION NO. 04/18/2005 – 19: APPROVAL OF PROFESSIONAL CONSULTANT FOR FIRE SIREN SYSTEM

Councilman Gillingham moved to empower the Mayor, upon the receipt of quotations on Friday, April 22, 2005, to hire a professional consultant without further council approval. The motion was seconded by Councilman Nebel and unanimously approved by voice vote.

GARBAGE & RECYCLING COMMITTEE, COUNCIL

- A. Activities of the Garbage and Recycling Committee
- B. Action Items: None

Councilman Laymon reported that our garbage and recycling contractor has hired new personnel. He was optimistic that they will be fully trained by the start of the summer.

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

- A. Activities of the Beautification of Mantoloking Committee
- B. Action Items: None

Councilman Laymon reported that the spring beach cleanup organized by Ocean Action will take place on this Saturday, April 23rd at 9:00 a.m. All are welcome to come out and help.

DRUG & ALCOHOL ALLIANCE & COUNTY BLOCK GRANT COMMITTEES, COUNCILMAN LAYMON:

- A. Activities of the Drug & Alcohol Alliance & Ocean County Block Grant Committees
- B. Action Items: None

PUBLIC WORKS & PUBLIC WORKS FACILITIES COMMITTEES, COUNCILMAN POPACA

- A. Activities of the Public Works & Public Works Facilities Committees
- B. Action Items:

Councilman Popaca moves the following:

RESOLUTION NO. 04/18/2005 – 20: CURB, SIDEWALK, AND STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (LYMAN STREET TO BERGEN AVENUE) CONTRACT NO. 2003-2, CHANGE ORDER NO. 2

WHEREAS, the Borough entered into Contract No. 2003-2 with F & P Contractors, Inc. for roadway and drainage improvements for Barnegat Lane (Lyman Street to Bergen Avenue); and

WHEREAS, due to as-built conditions at the existing inlet at Station 9 + 30, it is necessary to raise the proposed storm sewer from the inlet to Station 7 + 50; and

WHEREAS, due to the shallow depth, the pipe material requires to be changed from HDPE to DIP, Class 53;
and

THEREFORE, F & P Contractors, Inc. has submitted Change Order No.2 for:

NET INCREASE IN COST BY THIS CHANGE ORDER **\$3,165.00**

And

WHEREAS, it is deemed to be in the public interest to accept the proposed change; and

WHEREAS, the Borough Engineer, Thomas Guldin, P.E. (Stetler and Guldin) has, by letter dated March 28, 2005 (attached), recommends the execution of Change Order No. 2

IT IS NOW, THEREFORE, this 18th day of April, 2005, **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.

Councilman Laymon seconded the motion and it was unanimously approved by voice vote.

Councilman Popaca moved the following:

RESOLUTION NO. 04/18/2005 – 21: DOWNER AVENUE REPLACEMENT BULKHEAD PROJECT CONTRACT 2004-1 APPROVAL OF CLOSEOUT DOCUMENTS AND FINAL PAYMENT

WHEREAS, Albert Marine Construction, Inc. has submitted all required post construction documentation, including but not limited to Maintenance Bond No.: 45013983, issued by Greenwich Insurance Company, January 31, 2005, all having been reviewed and approved by counsel; and

WHEREAS, the contractor has submitted its Application for Final Payment in the sum of \$621.02 (including retainage); and

WHEREAS, the Borough Engineer has recommended Approval for Final Payment as submitted; and

WHEREAS, a Certificate of Funds Availability has previously been filed.

IT IS NOW, THEREFORE, this 18th day of April 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Maintenance Bond, described above, is accepted;
2. Final payment, the sum of \$621.02, shall be forthwith released to Albert Marine Construction, Inc.

Councilman Nebel seconded the motion and it was unanimously approved by voice vote.

Councilman Laymon moved the following:

RESOLUTION NO. 04/18/2005 – 22: NJDOT, FY2006 MUNICIPAL AID APPLICATION – RUNYON LANE, ALBERTSON STREET ATTACHED RESOLUTION, ENTITLED:

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
RESOLUTION, APPLICATION, AND AGREEMENT FOR
STATE AID TO COUNTIES AND MUNICIPALITIES**

Councilman Jones seconded the motion and it was unanimously approved by voice vote.

REGIONALIZATION & SHARED SERVICES COMMITTEE, COUNCILMAN POPACA:

- A. Activities of the Regionalization & Shared Services Committee
- B. Action Items: None

UTILITY SERVICES COMMITTEE, COUNCILMAN POPACA:

- A. Activities of the Utility Services Committee
- B. Action Items:

Councilman Popaca reported that Comcast Cable is warning consumers about the new Verizon Cable TV service. They stated that Verizon would not be mandated to comply with strict rules as other cable services are.

Councilman Popaca moved the following:

RESOLUTION NO. 04/18/2005 – 23: CONCERNING AUTHORIZATION FOR AERIAL APPLICATION OF PESTICIDES (MOSQUITO CONTROL) BY THE OCEAN COUNTY MOSQUITO EXTERMINATION COMMISSION

WHEREAS, control of mosquito borne disease is a matter affecting the public health and welfare; and

WHEREAS, the Ocean County Mosquito Extermination Commission has requested that the Borough grant permission for the aerial application of pesticides; and

WHEREAS, the Ocean County Mosquito Extermination Commission suggests that it may be unable to provide any mosquito control in the Borough, absent authorization for aerial application; and

WHEREAS, Council desires to provide for the public health with due regard for individual concerns.

IT IS NOW, THEREFORE, this 18th day of April, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that permission for aerial application of pesticides is hereby granted. The Mayor is authorized and directed to execute and deliver the consent form provided to the Ocean County Mosquito Extermination Commission.

Councilman Jones seconded the motion and it was unanimously approved by voice vote.

LONG RANGE PLANNING COMMITTEE, COUNCILMAN HUSTED:

- A. Activities of the Long Range Planning Committee
- B. Action Items: None

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN HUSTED:

- A. Activities of the Dune & Beach Renourishment Committee
- B. Action Items: None

Councilman Husted reported that the federal government wants to scrap the entire WRDA Bill and start over. The only good news is that our beach renourishment project from Manasquan Inlet to Barnegat Inlet is part of the Bill.

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN HUSTED:

- A. Activities of the Legislative Action Committee
- B. Action Items: None

DUNE WALK COMMITTEE, COUNCILMAN JONES:

- A. Activities of the Dune Walk Committee
- B. Action Items: None

FLOOD STRATEGY COMMITTEE, COUNCILMAN JONES:

- A. Activities of the Flood Strategy Committee
- B. Action Items: None

NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE, COUNCILMAN JONES:

- A. Activities of the NFIP Flood Hazard Mitigation Planning Committee
- B. Action Items: None

NEXT MEETING Regular Meeting of May 16, 2005 at 8:00 p.m.

There being no further business for this meeting, it was moved by Councilman Nebel to adjourn at 8:45 p.m. Councilman Jones seconded the motion and it was unanimously approved by voice vote.

Respectfully submitted,

Irene H. Ryan, R.M.C.
Municipal Clerk

