

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**April 17, 2006**  
**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 20, 2005. 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 Elbert E. Husted, III, Councilmen John H. Jones, Peter R. Strohm, George C. Nebel, Douglas J. Popaca and Steve Gillingham

**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.

Oath of Office – Police Officer Stacy Ferris

Introduction of Freeholder Jerry Little – Freeholder Little answered questions about County Tax Rate and Beach Replenishment in the Borough of Mantoloking.

**6. MINUTES OF PREVIOUS MEETINGS:**

**RESOLUTION NO. 04/17/2006 - 01: APPROVAL OF MINUTES**

Councilman Gillingham moved that the following minutes as distributed are approved.

Regular Meeting of March 27, 2006 and Closed Session of March 27, 2006. The motion was seconded by Councilman Strohm and unanimously approved by voice vote.

**7. MAYOR'S REPORT**

Councilman Jones moved the following:

**RESOLUTION NO. 04/17/2006 - 02: OPPOSITION TO THE OCEAN ROUTING AIRSPACE ALTERNATIVE**

**WHEREAS**, the Federal Aviation Administration (FAA) is redesigning the airspace in the New York, New Jersey, Philadelphia Metropolitan area, in an effort to increase capacity, decrease flight delays and improve operational efficiency; and

**WHEREAS**, the Ocean County Board of Chosen Freeholders has closely monitored this issue for many years and has passed prior resolutions dated September 6, 2000, June 2, 1999, December 5, 1995, and December 6, 1994; and

**WHEREAS**, after a delay in the evaluation process caused by the 9/11 tragedy, the FAA released a draft Environmental impact statement (DEIS) for Airspace Redesign in December 2005; and

**WHEREAS**, one of the four redesign alternatives evaluated was the Ocean Routing Alternative developed by the NJ Citizens for Environmental Research on behalf of the NJ Coalition Against Aircraft Noise (NJCAAN); and

**WHEREAS**, this proposal would also cause changes to departing flights from JFK International and LaGuardia Airports; and

**WHEREAS**, the FAA's 2005 draft Environmental Impact Statement concluded that the Ocean Routing Alternative was merely a noise reduction proposal and did not meet the purpose and need of the Airspace Redesign proposal. Specifically, Ocean Routing would not reduce delay, meet system demand, improve user access expedite arrivals and departures, nor increase flexibility; and in-fact the Ocean Routing Alternative would intensify many of these existing problems.

**WHEREAS**, the Board of Chosen Freeholders again noted that the Ocean Routing Alternative is a flawed proposal that is only designed to transfer noise from one area to another.

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

1. It repeats its opposition to the Ocean Routing Airspace Alternative, as its implementation would exacerbate delays and compromise safety at the major metropolitan airports of the region.

2. It urges the Federal Aviation Administration to immediately remove the Ocean Routing Airspace Alternative from any further consideration, in accordance with the findings of the draft Environmental Impact Statement, dated December 2005.

3. Certified copies of the Resolution shall be made available to the Honorable Jon S. Corzine, Governor; the County's Congressional and Legislative Representatives; the Monmouth County Board of Chosen Freeholders; Ocean County Municipalities; and the Federal Aviation Administration.

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

## 8. DEPARTMENT REPORTS

- A. Police Report
- B. Municipal Court Report
- C. Fire Report
- D. Emergency Management Coordinator Report
- E. Public Works Superintendent Report
- F. Construction Official Report
- G. Land Use Officer Report
- H. Chief Financial Officer Report

Councilman Nebel moved the following:

### **RESOLUTION NO. 04/17/2006- 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER February 28, 2006**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2005 municipal budget as of February 28, 2006; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2006 Current Year Appropriation	\$ 718,160.00	\$ 317,639.36	\$ 36,960.02	\$ 363,560.62
2005 Appropriation Reserves	\$ 333,889.75	\$ 106,065.06	\$ 6,372.56	\$ 221,452.13
Capital	\$ 681,741.35	\$ 78,694.26		\$ 603,047.09

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 982,617.98	\$1,785,429.81

**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.

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

## 8. ORDINANCES:

Councilman Gillingham moved the following:

### **RESOLUTION NO. 04/17/2006 – 04: INTRODUCTION OF ORD. NO. 522 – AMEND ORD. NO. 406, BOATING REGULATIONS**

**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. 522**  
**AN ORDINANCE AMENDING ORDINANCE NO. 406, PROVIDING FOR BOATING REGULATION IN TIDAL WATERS ADJACENT TO THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY.**

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

Councilman Husted moved the following:

**RESOLUTION NO. 04/17/2006 – 05: INTRODUCTION OF ORD. NO. 523, DESIGNATION OF MAXIMUM PENALTIES FOR ALL MUNICIPAL ORDINANCES IN ACCORDANCE WITH P.L. 2001, CH. 274**

***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. 523**

**AN ORDINANCE PROVIDING FOR PENALTIES FOR VIOLATION OF ORDINANCES OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY**

*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 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 Strohm 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 five (5) resolutions. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

**RESOLUTION NO. 04/17/2006 – 06: PAYMENT OF BILLS FOR THE MONTH OF APRIL 2006**

***WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of \$ 251,147.13 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. 04/17/2006 – 07: APPOINTMENTS AND EMPLOYEE SALARY DESIGNATION**

***RESOLVED***, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following amendment of the 2006 Salary Resolution with the terms and conditions indicated:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Jennifer Andreyev	Police Emergency Services Dispatcher/Clerical Clerk	May 1, 2006-Full Time	\$20,020.00

**RESOLUTION NO. 04/17/2006 – 08: REQUEST FOR REFUND OF BAIL AMOUNT**

**WHEREAS**, Keara McGraw had an amount of bail money which was to be refunded to her by the Court of the Borough of Mantoloking

**WHEREAS**, the Court of the Borough of Mantoloking attempted to locate Ms. McGraw to return this bail money and was unsuccessful

**WHEREAS**, the Court, unable to locate Ms. McGraw turned over the money to the Borough of Mantoloking Current Account

**WHEREAS**, Ms. McGraw recently contacted the Borough of Mantoloking on a different matter and was identified and a new address was obtained

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Mantoloking refund Ms. Keara McGraw for the amount of the bail \$100.00 to the following address:

1420 54 Avenue N  
St. Petersburg, Fl. 33703

**RESOLUTION NO. 04/17/2006 – 09: APPROVE RELEASE OF SURETY BOND TO LA BAUGH BUILDERS, INC.**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by LaBaugh Builders, Inc. in conjunction with the demolition of a garage at property located at 900 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 17<sup>th</sup> day of April, 2006, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by LaBaugh 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 NO. 04/17/2006 – 10: SUPPORT RELIEF FROM THE MUNICIPAL CAP LAW**

**WHEREAS**, since their institution in 1977 as part of the package of bills establishing the Property Tax Relief Fund, funded by New Jerseys first Income Tax, the artificial limits on local budgetary discretion contained in the local government cap law have, repeatedly, proved to be unworkable and in need of amendment in times of fiscal stress;

and

**WHEREAS**, the latest amendments to the cap law were enacted in 2004 as part of Governor McGreeveys FAIR Plan, which was supposed to provide short term property tax relief and produce long term property tax reform, the cap amendments being a part of the short term relief component; and

**WHEREAS**, those 2004 amendments drastically lowered the cap, eliminated important exceptions to the cap and severely limited the use of 'cap banking,' which is crucial to municipal intermediate range budgetary planning; and

**WHEREAS**, despite the recommendations of the Governor's Blue Ribbon Property Tax Convention Task Force and despite the energetic efforts of a core of concerned and committed legislators and the outspoken support of a large and growing coalition of citizens' public interest groups, the Legislature has, to date, failed to advance the cause of property tax reform, continuing decades of inattention to a problem that a majority of our fellow citizens consistently identify as their greatest public policy concern; and

**WHEREAS**, instead, State policy makers have consistently under-funded, cut and eliminated crucial municipal property tax relief programs, thereby exacerbating the property tax crisis and making it increasingly difficult for municipal budget makers to t the needs and honor the wishes of local property taxpayers and to deal with current fiscal stresses over which they have no control; and

**WHEREAS**, in recognition of these serious issues, legislation has been introduced to provide appropriate flexibility to help local budget makers better meet citizen needs for high quality public programs and services; and

**WHEREAS**, in order to do so, the bill (A-1425) would: first, make permanent the temporary cap exception for costs of domestic security preparedness and responses to incidents and threats to domestic security; second, make permanent the temporary cap exception for liability insurance, workers' compensation insurance and employee group insurance; and finally, provide an

exception from the county and municipal local budget cap for appropriations for the costs of goods and services, including wage and salary increases that are required under contracts entered into prior to July 7, 2004, the effective date of P.L.2004, c.74, the statute that reduced the local budget cap limits to the lesser of 2.5% or the consumer price index; and

**WHEREAS**, while extremely beneficial for rational effective budgetary planning, the ‘cap banking’ problems created by the 2004 amendments will pose lasting and growing problems for municipalities trying to prepare for unanticipated exigencies and immanent needs; now therefore be it

**RESOLVED**, that the governing body of the Borough of Mantoloking does fully support and urge swift and favorable action on A-1425; and be it further

**RESOLVED**, that we do respectfully request an amendment to the bill to restore ‘cap banking’ to its previous status, as it existed prior to the 2004 amendments; and be it further

**RESOLVED**, that copies of this resolution be forwarded to our State Legislative Delegation and to the New Jersey League of Municipalities.

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

**A. Activities of the Public Safety Committee**

**B. Action Items:**

Councilman Gillingham moved the following two (2) resolutions. Councilman Nebel seconded the motion and it was unanimously approved by voice vote.

**RESOLUTION NO. 04/17/2006 – 11: 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:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
Jon Meyer	Class II – Police Officer	May 26, 2006	\$9.75

**RESOLUTION NO. 04/17/2006 – 12: SUSPENSION OF ENFORCEMENT OF TWO (2) HOUR TIME LIMIT PARKING ON BAY AVENUE BY REQUEST OF THE MANTOLOKING YACHT CLUB**

**WHEREAS**, the Mantoloking Yacht Club has requested that enforcement of two-hour time limit parking regulations on Bay Avenue be suspended on:

- June 17, 2006 (6:00 p.m. to 11:00 p.m.)
- June 24, 2006 (8:00 a.m. to 5:00 p.m.)
- June 29, 2006 (10:00 a.m. to 3:00 p.m.)
- July 8, 2006 (8:00 a.m. to 5:00 p.m.)
- July 19, 2006 (8:00 a.m. to 5:00 p.m.)
- July 20, 2006 (8:00 a.m. to 5:00 p.m.)
- August 7, 2006 (8:00 a.m. to 5:00 p.m.)
- August 25, 2006 (8:00 a.m. to 5:00 p.m.); and

**WHEREAS**, Chief Richard Ortley has considered this request and will direct personnel not to enforce two (2) hour time limit parking on said dates, during the Yacht Club’s summer functions; and

**WHEREAS**, it is the desire of the governing body to grant the request and to endorse the Chief’s determination.

**IT IS NOW, THEREFORE**, this 17<sup>th</sup> day of April, 2006, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The suspension of enforcement of two (2) hour time limit parking, on Bay Avenue, during the summer functions of the Mantoloking Yacht Club, is hereby approved and endorsed.
2. All prohibited parking regulations will be enforced.

**BEACH ORDINANCE & STAFFING REVIEW COMMITTEE COUNCILMAN GILLINGHAM**

**A. Activities of the Garbage and Recycling Committee**

**B. Action Items: NONE**

**GARBAGE & RECYCLING COMMITTEE, COUNCILMAN STROHM**

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

**DRUG & ALCOHOL ALLIANCE COMMITTEE, COUNCILMAN STROHM**

- A. Activities of the Drug & Alcohol Alliance Committee
- B. Action Items: NONE

**PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA**

- A. Activities of the Public Works Department
- B. Action Items:

Councilman Popaca moved the following:

**RESOLUTION NO. 04/17/2006 – 13: AWARD OF CONTRACT-LANDSCAPING WORK FOR DRAINAGE PROJECT ON RUNYON LANE**

*WHEREAS, the Borough Engineer solicited cost proposals for the landscaping of a 10' wide storm sewer easement, located between Runyon Lane and Barnegat Bay (Contract 2006-1); and*

*WHEREAS, cost proposals were received on April 13, 2006 with the following results:*

Bidder	Amount of Bid
Elite Landscaping, Inc.	\$ 9,338.00

*And*

*WHEREAS, the cost proposal submissions have now been reviewed by the Borough Engineers, Hatch Mott MacDonald and 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 \$9,338.00 for Landscaping Work on Runyon Lane Easement, Contract No. 2006-1 to the lowest responsible bidder, Elite Landscaping, Inc., Martinsville, N.J.*

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

Councilman Popaca moved the following:

**RESOLUTION NO. 04/17/2006 – 14: APPROVAL OF AWARD OF CONTRACT FOR PURCHASE OF A MASONRY DUMP TRUCK**

*WHEREAS, the Borough Clerk advertised for sealed bids for the purchase of one (1), new, masonry dump truck.*

*WHEREAS, bids were publicly opened and read aloud at 11:00 on April 11, 2006 in the office of the Borough Clerk with the following results:*

Bidder	Amount of Bid
Larson Ford-Suzuki, Inc.	\$70,987.00
Cambria Automotive Co., Inc.	\$65,872.00
Princeton Ford Fleet Sales	\$69,348.00
Route 23 Automall	\$62,588.00

*WHEREAS, the bid submissions have now been reviewed by the Borough Engineer 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 **\$62,588.00** for the furnishing of a new masonry dump truck to the lowest bidder, Route 23 Automall, Butler, N.J.  
Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

Councilman Popaca moved the following:

**RESOLUTION NO. 04/17/2006 – 15: STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (LYMAN STREET TO HERBERT STREET), CONTRACT NO. 2004-2 – PAYMENT NO. 5**

**WHEREAS**, the Borough has entered into a Contract with Haskell Site Work, LLC (Contract 2004-2) to provide storm drainage improvements for Barnegat Lane (Lyman Street to Herbert Street); and

**WHEREAS**, the Contractor's Application for Payment No. 5 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$39,203.33, by letter dated April 10, 2006; and

**WHEREAS**, funds have heretofore been appropriated by Ordinance No. 474 and 497.

**IT IS NOW, THEREFORE**, this 17<sup>th</sup> day of April, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 5 of Haskell Site Work, LLC is hereby approved in the sum of \$39,203.33 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

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

**OCEAN COUNTY BLOCK GRANT PROGRAM COMMITTEE COUNCILMAN POPACA**

- A. Activities of the Ocean County Block Grant Program Committee
- B. Action Items: NONE

**REGIONALIZATION & SHARED SERVICES COMMITTEE, COUNCILMAN POPACA:**

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

**BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN POPACA**

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

Councilman Popaca reported that Lyman Street westerly end will be landscaped.

**UTILITY SERVICES COMMITTEE, COUNCILMAN POPACA:**

- A. Activities of the Utility Services Committee
- B. Action Items: NONE

**LONG RANGE PLANNING COMMITTEE, COUNCILMAN POPACA**

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

**ARCHIVES AND RECORDS COMMITTEE, COUNCILMAN POPACA**

- A. Activities of the Archives and Records Committee
- B. Action Items: NONE

**DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN HUSTED:**

- A. Activities of the Dune & Beach Renourishment Committee
- B. Action Items:

Councilman Husted moved the following:

**RESOLUTION NO. 04/17/2006 – 16: DECLARING THE EXISTENCE OF A STATE OF EMERGENCY CONCERNING THE DUNE AND BEACH SYSTEM AND PROVIDING FOR RESTORATION OF THE DUNE AND BEACH SYSTEM UNDER AND PURSUANT TO REGULATIONS N.J.D.E.P. (CAFRA) AND THE DUNE ORDINANCE OF THE BOROUGH OF MANTOLOKING**

**WHEREAS**, storm events have, over relatively large reaches of the ocean front, caused severe reliction of the beaches and have so diminished the dune system as to present an imminent risk of damage to private property and public infra-structure; and

**WHEREAS**, the normal replenishment of sand, by natural forces, has not, to date, been universal or adequate to renourish the system or to provide sufficient sand to permit immediate restoration by bulldozing; and

**WHEREAS**, the Borough's Dune Consultant, Stewart Farrell, Ph. D, has represented that the availability of material is being enhanced on a daily basis; and

**WHEREAS**, under N.J.D.E.P. (CAFRA) regulations, the Borough has been issued a general Permit, which includes the right to bulldoze sand from the beach into the dune system; and

**WHEREAS**, it is the desire of the governing body of the Borough to provide for enhancement of the beach and dune system, with due regard to the regulatory scheme imposed by CAFRA and the Borough's Dune Ordinance; and

**WHEREAS**, the beach and dune system is, essentially, comprised of private property; and

**WHEREAS**, the governing body, in reliance upon the findings and advice of the Dune Consultant and dune Inspector, is of the view that the condition of the beach and dune system, generally, presents a condition of public emergency, necessitating prompt remedial action; and

**WHEREAS**, it is the affirmative duty of the Borough council to enforce the beach and dune maintenance standards set forth in the Dune Ordinance of the Borough; and

**WHEREAS**, the emergent nature of this condition requires prompt, efficient and coordinated response; action by the owners of the properties involved so that all restoration ay be completed as promptly as determined by the Dune Inspector and Dune Consultant.

**IT IS NOW, THEREFORE**, this 17<sup>th</sup> day of April, 2006, RESOLVED by the Mayor and council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All of the foregoing recitals are deemed incorporated into this Resolution as substantive elements hereof;
2. The current status of the dunes and beach system constitute a post storm emergency condition which warrants immediate remedial action;
3. The Dune Inspector and/or the governing body shall, forthwith, provide written notice to the ocean front owners, which will specifically request their timely compliance with beach and dune maintenance requirements;
4. The notice shall also describe a proposed arrangement designed to facilitate the implementation of an efficient, coordinated and fiscally responsible methodology for responding to this dune emergency condition.
5. This Resolution shall be posted on the Borough website and a copy shall be mailed to each ocean front owner, along with the letter/notice described above.

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

**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:

Councilman Jones moved the following

**RESOLUTION NO. 04/17/2006 – 17: PROVIDING FOR AWARD OF CONTRACT FOR EMERGENCY STORM RESPONSE EARTHWORK SERVICES**

**WHEREAS**, the governing body has determined, in the interest of the public health, safety and welfare that the Borough should have an emergency storm response capability; and

**WHEREAS**, an invitation to bidders for such service has been duly published; and

**WHEREAS**, on the bid return date, R.W.V. Land and Livestock South, Inc., submitted a bid, in the sum of \$41,473.60, for the one-year period ending April 30, 2007, and for a one-year extension (alternate) ending April 30, 2008 in the sum of \$45,390.14; and

**WHEREAS**, the engineer, Hatch, Mott, MacDonald, has reviewed the bid package and has recommended award of the Contract to R.W.V. Land and Livestock South, Inc.; and

**WHEREAS**, the Borough has had prior favorable experience with R.W.V. Land and Livestock South, Inc.; and

**WHEREAS**, counsel has reviewed the bid package and finds it to be in substantive conformance with the bid requirements; and;

**WHEREAS**, the proposal provides for a yearly, non-refundable retainer in the sum of \$2,500.00. Bidder will be compensated on an as bid basis for services to be performed in response to a storm emergency, as directed by the Borough; and

**WHEREAS**, the Borough desires to exercise its right to accept both the base bid and Supplemental Bid A (total contract duration, two years); and

**WHEREAS**, a Certificate of Funds Availability has been provided.

**IT IS NOW, THEREFORE**, this 17<sup>th</sup> day of April, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of R.W.V. Land and Livestock South, Inc. is deemed responsive;
2. The Contract shall be and hereby is awarded to R.W.V. Land and Livestock South, Inc., for the Base Bid \$41,473.60 and the Supplemental Bid A, \$45,390.40, a total of \$86,864.00;
3. The Mayor and Clerk are authorized to execute the Contract, upon advice of counsel, following post-award compliance by R.W.V. Land and Livestock South, Inc.

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

**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**

**11.EXECUTIVE SESSION AS NECESSARY**

Councilman Husted moved the following:

**RESOLUTION NO. 04/17/2006 – 18: 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:  
pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege*

***FURTHER RESOLVED**, the minutes of this closed session be made public when the need for confidentiality no longer exists.*

The motion was seconded by Councilman Jones and unanimously approved by voice vote at 9:15 p.m.

**12.OPEN SESSION AS NECESSARY**

The Mayor and Council reconvened at 9:51p.m. The public was invited to return to the meeting room. No action was taken.

**13.NEXT MEETING** Regular Meeting of Monday, May 15, 2006 at 8:00 p.m.

**14. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilman Jones to adjourn. The motion was seconded by Councilman Strohm and unanimously approved at 9:52 p.m.

Respectfully submitted,

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

