

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING
Monday, May 17, 2004

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 January 2, 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 opened the meeting for public comment and questions about the agenda and any other matter of public interest. No comments were made.

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 05/17/2004 – 01:	It was moved by Councilman Nebel to approve the following Minutes:
Closed Session of January 21, 2003	Special Caucus Meeting of July 14, 2003
Regular Meeting of March 17, 2003	Closed Session of July 14, 2003
Special Meeting of March 24, 2003	Regular Meeting of July 21, 2003
Regular Meeting of April 21, 2003	Closed Session of July 21, 2003
Closed Session of April 21, 2003	Regular Meeting of September 15, 2003
Regular Meeting of May 19, 2003	Closed Session of September 15, 2003
Closed Session of May 19, 2003	Regular Meeting of April 19, 2004

The motion was seconded by Councilman Husted and was approved by voice vote.

7. MAYOR'S REPORT & PRESENTATIONS

Mayor Dunbar announced that the dedication and opening of the Ocean Care Center (Meridian Hospital System) will take place on May 20th.

Mayor Dunbar introduced members of the Mantoloking Yacht Club Fourth of July Parade Committee. Harold Lyons and John McGeown invited all council members to march in the 2004 parade. Mayor Dunbar presented a Borough donation of \$350.00 to the committee to offset the cost of the parade band.

Mayor Dunbar made the final presentation to High School Junior John D. Popaca. State Finalist John D. Popaca was awarded a Certificate of Participation in the Louis Bay II Future Municipal Leaders Scholarship Competition.

Councilman Husted moved the following:

RESOLUTION NO. 05/17/2004 – 02: Older Americans' Month – May 2004

WHEREAS, the month of May 2004 has been designated throughout the nation as “Older Americans’ Month”; and

WHEREAS, this year’s theme is “Aging Well, Living Well”; and

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

WHEREAS, the focus of this recognition identifies the involvement of the older population in their communities through volunteer work in the 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 populations through their involvement with others; and

WHEREAS, the Ocean County Board of Social Services sponsors the Ocean County Retired and Senior Volunteer Program, administers the Special Response Services to the Elderly Program, the Senior Housing Security and Transportation Program, and various other programs for senior; 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.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Mantoloking proclaims the month of May as “Older American’s 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 Resolution may be immediately released prior to formal approval of the minutes.

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

8. DEPARTMENT REPORTS

- A. Police Report
- B. Fire Report
- C. Emergency Coordinator Report
- D. Public Works Superintendent Report
- E. Construction Official Report
- F. Chief Financial Officer Report

Councilman Popaca reported that the new Fire Pumper is expected to be delivered to Mantoloking at the end of the month.

Councilman Nebel reported that the Borough’s new tax rate is up 1.1 cent from 72.6 to 73.7 cents. Ocean County tax rate has dropped from a base of .41 to .36 per hundred dollars of property value. He commended the Freeholders for the effort to decrease the tax base.

Councilman Nebel moved the following:

RESOLUTION NO. 05/17/2004 – 03: Acceptance of the Report of the Municipal Finance Officer for 03/31/2004

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

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

	Cash Balance	Appropriation Balance Fund Balance
Current Fund Reserve Year	1,934,554.46	2,145,692.73 5,305,065.14 321,986.65
Trust & Escrow Fund	142,137.85	103,535.43
General Capital Fund	529,776.38	2,964,118.74
Total	2,606,468.69	

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 approved by voice vote.

Councilman Gillingham moved the following:

RESOLUTION NO. 05/17/2004 – 04: Approval of Revised Employee Manual

WHEREAS, the promotion and maintenance of a productive and harmonious relationship between the Borough and its employees is deemed to be of paramount importance to the well-being of the residents and the Borough employees; and

WHEREAS, the Borough previously adopted a Resolution adopting an Employee Handbook dated March 8, 1999; and

WHEREAS, as a result of the current state of the law, it is deemed necessary and appropriate to revise the Employee Handbook dated March 8, 1999; and

WHEREAS, the terms and conditions of employment, practice and procedure are expressly set forth in the revised Employee Handbook; and

WHEREAS, the Handbook is reflective, generally, of the current practice and may, from time-to-time, be revised by the Borough.

IT IS NOW, THEREFORE, this 17th day of May, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Employee Handbook dated March 8, 1999 is hereby revoked;
2. The document dated May 17, 2004, and entitled "Borough of Mantoloking Employee Handbook" with appendix and index is hereby approved and adopted as the personnel manual for the Borough of Mantoloking.

3. The Employee Handbook shall be effective upon the adoption of this Resolution.
4. Each employee shall be provided a copy and shall acknowledge receipt thereof, in writing.

The motion was seconded by Councilman Husted and approved by voice vote.

9. ORDINANCES:

- A. Public Hearing(s) - None
- B. Consideration of Ordinances for Adoption After Public Hearing - None
- C. Introduction of Ordinances by Title Only

Councilman Gillingham moved the following:

RESOLUTION NO. 05/17/2004 – 05: Introduction of Ordinance No. 483:

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. 483

**AN ORDINANCE AMENDING ORDINANCE 482 ENTITLED:
“AN ORDINANCE AMENDING ORDINANCE NO. 271 ENTITLED:
“AN ORDINANCE TO PROMOTE AND PRESERVE THE
PUBLIC PEACE, SAFETY AND GENERAL WELFARE
WITHIN THE BOROUGH OF MANTOLOKING IN THE
COUNTY OF OCEAN, NEW JERSEY; AND TO REPEAL
BOROUGH ORDINANCE NO. 115 AND PROVIDING
FOR LIMITATIONS OR PROHIBITION OF
COMMERCIAL CONSTRUCTION ACTIVITY”**

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.

The motion was seconded by Councilman Laymon and 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:

RESOLUTION NO. 05/17/2004 – 06: Payment of Bills for the Month of May 2004

WHEREAS, the interim Municipal Finance Officer has presented a list of bills in the total amount of **\$2,134,332.45** 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

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

Councilman Nebel moved the following:

RESOLUTION NO. 05/17/2004 – 07: Naming Additional Official Depositories for the 2004 Budget Year

WHEREAS, NJS 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state;

NOW, THEREFORE, BE IT RESOLVED on the 17th day of May, 2004, by the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that:

- 1) Commerce Bank
 - Sovereign Bank
 - Bank of New York
 - Wachovia
 - Ocean First
 - PNC Bank
 - Amboy National Bank
 - First Washington State Bank
 - Bank of America (formerly Fleet Bank)

Be and are hereby added to the list of official depositories for the Borough of Mantoloking for the year 2004.

- 2) Prior to the deposit of any municipal funds in the above-mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-41).

The motion was seconded by Councilman Husted and approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 05/17/2004 – 08: Approve Release of Surety Bond to Bob Reinert

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Bob Reinert in conjunction with the demolition of a garage at home located at 987 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 17th day of May, 2004, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Bob Reinert 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.

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

Councilman Nebel moved the following:

RESOLUTION NO. 05/17/2004 – 09: Refund Dog Tag Fees

WHEREAS, Brenda Collins registered for two dog tags with the Borough of Mantoloking on February 20, 2004

WHEREAS, it was brought to the attention of the Borough, that Ms. Collins, while having a Mantoloking mailing address, actually lives in Brick Township.

WHEREAS, Ms. Collins has been notified of the problem and has been asked to return the tags and to register her dogs in the correct town.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Mantoloking refund Ms. Brenda Collins for the full amount of the tags \$10.40 to the following address:

179 Highway 35 South
Mantoloking, New Jersey 08738

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

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Activities of the Public Safety Committee

B. Action Items:

Councilman Nebel moved the following:

RESOLUTION NO. 05/17/2004 – 10: Appointment of Personnel

:

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointments with the terms and conditions indicated:

Name	Position	Effective Date	Salary
<i>Bryan Behan</i>	<i>P/T Reg. Police Officer</i>	<i>May 17, 2004</i>	<i>\$9.75 per hour</i>
<i>Chris Fagan</i>	<i>Seasonal Police Officer</i>	<i>May 17, 2004</i>	<i>\$9.00 per hour</i>
<i>Thomas Mauro</i>	<i>Seasonal Police Officer</i>	<i>May 17, 2004</i>	<i>\$9.00 per hour</i>
<i>J. Renig</i>	<i>Seasonal Police Officer</i>	<i>May 17, 2004</i>	<i>\$9.00 per hour</i>
<i>Joseph Begyn</i>	<i>Seasonal Police Officer</i>	<i>May 17, 2004</i>	<i>\$9.00 per hour</i>
<i>Michael DeRosa</i>	<i>Seasonal Police Officer</i>	<i>May 17, 2004</i>	<i>\$9.00 per hour</i>
<i>Helen Carver</i>	<i>P/T Beach Badge Clerk</i>	<i>May 28, 2004</i>	<i>\$7.75 per hour</i>

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

Councilman Nebel moved the following:

RESOLUTION NO. 05/17/2004 – 11: APPROVAL OF YACHT CLUB REQUEST TO CLOSE EASTERN TERMINUS OF DOWNER AVENUE

WHEREAS, the Bay Head yacht Club and the Mantoloking Yacht Club have requested permission to utilize a portion of Downer Avenue (east of Ocean Avenue) in conjunction with a social event as part of the 2004 Leiter Cup Regatta on Saturday, July 31, 2004 between 5:00 p.m. and 8:00 p.m.

WHEREAS, the applicants have offered to indemnify the borough from all loss, cost, claims or damage resulting from such closure; and

WHEREAS, it is the desire of Council to accommodate this request.

IT IS NOW, THEREFORE, this 17th day of May, 2004, Resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the proposed closure of Downer Avenue is approved, subject to:

- (a) approval of the Chief of Police and the Fire Department;
- (b) submission of appropriate insurance certificate with the Borough named as additional insured;
- (c) complete, unlimited indemnification by the applicants;
- (d) the understanding that public emergencies may necessitate revocation of the closure;
- (e) the execution of an agreement, as approved by counsel, designed to embody these concerns.

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

GARBAGE & RECYCLING COMMITTEE, COUNCILMAN LAYMON:

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

Councilman Laymon reported that the confusion about our recycling policies is being straightened out.

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

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

Councilman Laymon reported that the garden bench is being worked on for the front garden of Borough Hall and the Mantoloking signs are on the way.

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 moved the following:

RESOLUTION NO. 05/17/2004 – 11: Oppose A-2052 Which Provides for the Licensing or Registration of Contractors

WHEREAS, the State legislature is considering the adoption of A-2052, the Contractor's Registration Act; and

WHEREAS, if adopted, Municipalities would be barred from the enforcement of any Municipal Ordinance which governs licensing or registration of contractors and/or which imposes any security requirements (bonds or warranties); and

WHEREAS, all fees for State registration will inure to the benefit of the State, thereby depriving Municipalities of local control and in, many cases, significant revenue; and

WHEREAS, local control of such activity and attendant revenue are deemed to be valued components of “home rule”, a cherished concept in New Jersey local government; and

WHEREAS, State intrusion into this local governance concern will tend to limit the availability of contractors to serve the local public.

IT IS NOW, THEREFORE, this 17th day of May, 2004, 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 hereby petition the Ocean County Legislative delegation to oppose the adoption of A-2052.
2. A copy of this Resolution shall be forwarded to all Members of the Ocean County legislative delegation, Assembly and Senate, and to the Ocean County Board of Freeholders.

The motion was seconded by Councilman Husted and approved by voice vote.

REGIONALIZATION & SHARED SERVICES COMMITTEE, COUNCILMAN POPACA:

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

Councilman Popaca reported that the committee is looking into a Shared Purchase Grant for an imaging computer system to cut down the amount of archival records.

UTILITY SERVICES COMMITTEE, COUNCILMAN POPACA:

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

Councilman Popaca reported that he shall be attending a meeting being held by Jersey Central Power and Light Company on Tuesday, May 18th in Seaside Heights to discuss the status of the electric needs of this barrier peninsula. Updates on the claims from the summer 2002-power outages will be made.

Councilman Popaca moved the following:

RESOLUTION NO. 05/17/2004 – 12: Approve Release of Surety Bond to New Jersey Natural Gas Company

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by New Jersey Natural Gas Company in conjunction with the replacement of main gas lines on East Avenue and Lyman Street (Permit No. S003-007); and

WHEREAS, the Borough Engineer, Thomas S. Guldin, P.E., has advised that a final inspection has been completed, the finalization of the job is deemed satisfactory and it is appropriate to release the Bond at this time.

IT IS NOW, THEREFORE, this 17th day of May, 2004, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

3. The referenced Surety Bond posted by New Jersey Natural Gas Company in the amount of \$1,000.00 shall be released, forthwith;

4. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

The motion was seconded by Councilman Jones and was 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 battle continues in Washington. The Mantoloking Web page now contains updates on the beach replenishment efforts.

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

Councilman Jones reported that bulldozing has started with the approval of the State Department of Environmental Protection.

FLOOD STRATEGY COMMITTEE, COUNCILMAN JONES:

- A. Activities of the Flood Strategy Committee
- B. Action Items:

Councilman Jones moves the following:

RESOLUTION NO. 05/17/2004 – 13: Approve Addendum to Professional Service Contract for 2004

***WHEREAS,** The Local Public Contracts Law requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contracts must be available for public inspection; and*

***WHEREAS,** a contract was awarded to Dr. Stewart Farrell, Stockton State College, Pomona, N.J. for Dune Consultant Services on January 20, 2004; and*

***WHEREAS,** appropriate legal notice of this action was published in the official newspaper of the Borough; and*

***WHEREAS,** new and extended services (Task 2, Contingency Preparation) have been assigned to our Dune Consultant in the amount of \$2,500.00; and*

WHEREAS, the award of this addendum to the contract for the professional services 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 professional service agreements. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.
2. These Contracts are awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(I) et. seq., the Local Public Contracts Law, because the contracts are for professional services by a person authorized by law to practice a recognized profession that is regulated by law.

The motion was seconded by Councilman Husted and approved by voice vote.

NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE, COUNCILMAN JONES:

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

Councilman Jones reported that the survey entitled, "Household Natural Hazards Preparedness Questionnaire" has been analyzed. Although a small percentage of residents submitted the survey, the information is helpful.

11. NEXT MEETING Monday, June 21, 2004 at 8:00 p.m.

12. ADJOURNMENT

There being no further business for this session of the Mayor and Council, it was moved by Councilman Jones to adjourn at 8:35 p.m. The motion was seconded by Councilman Laymon and was approved by voice vote.

Respectfully submitted,

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