

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**May 16, 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 John H. Jones, Alan C. Laymon, George C. Nebel, Douglas J. Popaca,  
ABSENT: Councilman Elbert E. Husted

**RESOLUTION NO. 05/16/2005 – 01: APPROVAL OF FUTURE ABSENCES**

Councilman Jones moved that Councilman Jones be excused from the Monday, June 20, 2005 Regular Meeting of the Mayor and Council. The motion was seconded by Councilman Gillingham and unanimously approved by voice vote.

**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:**

**RESOLUTION NO. 05/16/2005 – 02: ADOPTION OF MINUTES**

It was motioned by Councilman Gillingham and seconded by Councilman Laymon to approve the minutes of the Regular Meeting of March 21, 2005, Closed Session of March 21, 2005 and Regular Meeting of April 18, 2005. This was unanimously approved by voice vote.

**7. MAYOR'S REPORT**

**PROPERTY ASSESSMENTS** – Mayor Dunbar reopened the discussion on property assessments. He asked James Anderson, Borough Tax Assessor to make additional comments on the pending council decision. Mr. Anderson made his recommendation to proceed with a voluntary reassessment as opposed to a county ordered revaluation. It was the sense of council to review these alternatives further before making a commitment.

Councilman Jones moved the following:

**RESOLUTION NO. 05/16/2005 – 03: PROCLAIM JUNE 2005 MYASTHENIA GRAVIS AWARENESS MONTH**

**WHEREAS**, Myasthenia Gravis is a neuromuscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

**WHEREAS**, the symptoms of this disorder include, but are not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

**WHEREAS**, the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded, “to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care”; and

**WHEREAS**, Myasthenia Gravis is the most common neuromuscular disorder affecting the residents of New Jersey; and

**WHEREAS**, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

**NOW, THEREFORE**, I, William K. Dunbar, III, Mayor of the Borough of Mantoloking, Ocean County, New Jersey, do hereby proclaim JUNE 2005 AS MYASTHENIA GRAVIS AWARENESS MONTH.

The motion was seconded by Councilman Laymon and unanimously 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. Land Use Officer Report
- G. Chief Financial Officer Report

Councilman Nebel moved the following:

**RESOLUTION NO. 05/16/2005 – 04: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER March 31, 2005**

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

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

	<b>Cash Balance</b>	<b>Appropriation Balance</b>	<b>Fund Balance</b>
<b>Current Fund</b>	<b>1,369,912.39</b>	<b>2,451,891.08</b>	<b>3,090,251.86</b>
<b>Reserve Year</b>		<b>171,241.70</b>	
<b>Payroll</b>			<b>3,870.57</b>
<b>Trust &amp; Escrow Fund</b>	<b>79,442.11</b>		<b>45,886.41</b>
<b>General Capital Fund</b>	<b>949,101.66</b>		<b>3,405,794.60</b>
<b>Total</b>	<b>2,398,456.16</b>		

**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 Gillingham and unanimously approved by voice vote.

**9. ORDINANCES:**

Councilman Popaca moved the following:

**RESOLUTION NO. 05/16/2005 – 05: PUBLIC HEARING/ADOPTION OF BOND ORDINANCE NO. 497**

**WHEREAS**, on the 16<sup>th</sup> day of May, 2005 a public hearing on Ordinance No. 497 was held.

*There were no comments made by the public.*

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance No. 497 entitled: *(Copy attached)*

**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**

Councilman Jones moved the following two (2) ordinance introductions of Ordinances No. 498 and 499.

**RESOLUTION NO. 05/16/2005 – 06: INTRODUCTION OF ORDINANCE NO. 498 FOR ENFORCEMENT OF INTERNATIONAL BUILDING CODES**

*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. 498  
AN ORDINANCE ESTABLISHING A STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PURSUANT TO CHAPTER 217, LAWS OF NEW JERSEY 1975**

**RESOLUTION NO. 05/16/2005 – 07: INTRODUCTION OF ORDINANCE NO. 499 PROVIDING FOR REGULATION OF CONSTRUCTION OF CRITICAL FACILITIES WITHIN 500 YEAR FLOOD PLAIN**

**ORDINANCE NO. 499  
AN ORDINANCE AMENDING ORDINANCE NO. 465 THE LAND USE ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AND PROVIDING FOR REGULATION OF CRITICAL FACILITIES WITHIN THE 500 YEAR FLOOD PLAIN**

*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.

The motion was seconded by Councilman Gillingham and 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:

**RESOLUTION NO. 05/16/2005 – 08: PAYMENT OF BILLS FOR THE MONTH OF MAY 2005**

*WHEREAS*, the Municipal Finance Officer has presented a list of bills in the total amount of \$313,843.01 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 Jones and unanimously approved by voice vote.

Councilman Nebel moved the following:

**RESOLUTION NO. 05/16/2005 – 09: REFUND TO PROPERTY OWNERS FOR OVERPAYMENT OF TAXES**

BE IT RESOLVED by the Council of the Borough of Mantoloking that a check be drawn to the property owners listed below in the designated amounts representing an overpayment of Property Tax:

BLOCK/LOT	NAME AND ADDRESS	AMOUNT
29 / 6	Cooper, Thomas L. and Joyce M. 306 Old Bridge Street	\$4,725.27
35 / 4	Eshlemen, Gregory and Diane 42 Scribner Ct., Princeton, N.J. 08540	\$4,945.79

The motion was seconded by Councilman Jones and 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. 05/16/2005 – 10: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME**

***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
Alfred Bartone	Special Police Officer	May 27, 2005	\$12.00 /Hour
Steven Kenney	Special Police Officer	May 27, 2005	\$10.00/Hour
Stacy Ferris	Special Police Officer	May 27, 2005	\$10.00/Hour
Brian Behan	Special Police Officer	May 27, 2005	\$10.00/Hour
Michael DeRosa	Special Police Officer	May 27, 2005	\$ 9.75/Hour
Brittany Liantonia	Badge Checker	June 15, 2005	\$ 7.00/Hour
Alexandria Intravatola	Badge Checker	June 15, 2005	\$ 7.00/Hour
Alexa Geroni	Badge Checker	June 15, 2005	\$ 7.00/Hour
Katie Freda	Badge Checker	June 15, 2005	\$ 7.00/Hour
Michelle Ellis	Badge Checker	June 15, 2005	\$ 7.00/Hour
Anne Marie Callahan	Badge Checker	June 15, 2005	\$ 7.00/Hour
Sarah McCormack	Badge Checker	June 15, 2005	\$ 7.00/Hour
Sara Hahn	Badge Checker	June 15, 2005	\$ 7.00/Hour
Jaclyn Yanovsky	Badge Checker	June 15, 2005	\$ 7.00/Hour
Morgan DeAmicis	Badge Checker	June 15, 2005	\$ 7.00/Hour
Dominick Puccio	Badge Checker	June 15, 2005	\$ 7.00/Hour
Jamie Puccio	Badge Checker	June 15, 2005	\$ 7.00/Hour
Brittany Kemper	Badge Checker	June 15, 2005	\$ 7.00/Hour
Colleen Poalillo	Badge Checker	June 15, 2005	\$ 7.00/Hour
Kristen Jamaca	Badge Checker	June 15, 2005	\$ 7.00/Hour
Melissa Jamaca	Badge Checker	June 15, 2005	\$ 7.00/Hour

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

**BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:**

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



Bidder	Amount of Bid	Bid Bond	Surety Guarantee	Non-Collusion	Owner Disclosure	Site Visitation	Affirmative Action	Subcontractors
Haskell Site Work	\$362,414.00							
Glenside Equipment	\$480,885.25							
Sanitary Construction	\$510,822.00							
F & P Contractors	\$380,065.50							
JAC Excavating, Inc.	\$375,981.00							
Interstate Contracting	\$521,141.00							
B & B Construction	\$475,619.40							
Eagle Paving	\$474,783.50							

And

**WHEREAS**, the bid submissions have now been reviewed by the Borough Engineer and Borough Attorney  
**WHEREAS**, it has been determined that all bids exceed the available funds appropriated by the Borough for this project; and

**WHEREAS**, pursuant to General Note 19, on Drawing 1 of 10, and page 12A of the Bid Form, the Mayor and Council will exercise these options to delete certain work from the project in order to lower the construction costs to the available funds amount.; and

**WHEREAS**, this action is as a result of a letter of recommendation dated May 16, 2005 from Thomas S. Guldin, P.E., Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey that a contract in the amount of \$338,591.50 for Storm Drainage Improvements for Barnegat Lane (Herbert Street to Lyman Street) be awarded to the lowest responsible bidder, Haskell Site Work LLC of West Creek, New Jersey.

**FURTHER RESOLVED**, that execution of the contract is deferred till the following conditions are met:

1. Receipt of all approvals of the amended contract price from the New Jersey Department of Transportation
2. The twenty day period after publication of limitation within which a suit, action or proceeding questioning of the validity of Bond Ordinance No. 497 has been reached as provided in the Local Bond Law.
3. All other post-bid conditions as outlined in the Bid Form.

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

Councilman Popaca moved the following:

**RESOLUTION NO. 05/16/2005 – 14: NJDOT, FY2005 MUNICIPAL DISCRETIONARY AID APPLICATION – BARNEGAT LANE (HERBERT STREET TO LYMAN STREET)**

Attached resolution, entitled:

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

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

Councilman Popaca moved the following:

**RESOLUTION NO. 05/16/2005 – 15: TO CANCEL CAPITAL ORDINANCE BALANCES OF COMPLETED PROJECTS – ROADWAY IMPROVEMENTS (RECONSTRUCTION, PAVING, CURBS AND SIDEWALKS) FOR BARNEGAT LANE**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

<b>ORD NO.</b>	<b>DATE AUTH</b>	<b>PROJECT</b>	<b>AMOUNT CANCELLED</b>	
			<b>FUNDED</b>	<b>UNFUNDED</b>
443	03/18/02	BARNEGAT LANE	\$6,426.72*	

\*AMOUNT CANCELLED IS A BALANCE FROM A NJDOT GRANT ANTICIPATED AS FULLY FUNDING THE ORDINANCE

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

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

**A. Activities of the Regionalization & Shared Services Committee**

**B. Action Items:**

Councilman Popaca reported the discussions on a regional recreation facility for Mantoloking, Bay Head and Point Pleasant Beach continues. The committee will be conducting a survey of residents of all towns.

**UTILITY SERVICES COMMITTEE, COUNCILMAN POPACA:**

**A. Activities of the Utility Services Committee**

**B. Action Items:**

Councilman Popaca reported that the water company is monitoring water pressures. He and Mayor Dunbar recently attended a meeting on ocean windmill fields. A broad spectrum of opinions was the result of this meeting.

**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**

**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**

**11.EXECUTIVE SESSION AS NECESSARY**

Councilman Gillingham moved the following:

**RESOLUTION NO. 05/16/2005 – 16: 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 adjourn 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. Therefore, they adjourned to closed session at 9:20 p.m.*

## **12.OPEN SESSION AS NECESSARY**

The Mayor and Council reconvened in open session at 9:33 p.m. and the public was invited to return to the meeting room. No further action was taken.

**13.NEXT MEETING** Regular Meeting of June 20, 2005 at 8:00 p.m.

## **14. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilman Gillingham to adjourn at 9:34 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

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