

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**May 21, 2007**

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: 4:30 p.m.**
  
2. **OPEN PUBLIC MEETING STATEMENT: Mayor Nebel**  
*In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.*
  
3. **ROLL CALL**  
Mayor George C. Nebel, Council President Douglas J. Popaca, Councilmen John H. Jones, Peter R. Strohm, Steve Gillingham, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson  
**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.
  
6. **MINUTES OF PREVIOUS MEETINGS:**  
**RESOLUTION NO. 05/21/2007 – 01: APPROVAL OF MINUTES**  
Councilwoman Nelson moved that the following minutes as distributed are approved:  
Regular Meeting of April 23, 2007 and Closed Session of April 23, 2007. The motion was seconded by Councilman Strohm and unanimously approved by voice vote.

7. **MAYOR'S REPORT**

Announcement of a committee name change, from Beach Replenishment Alternate Funding Committee to **Mantoloking Beach Protection Committee**

Councilman Jones moved the following

**RESOLUTION NO. 05/21/2007 – 02: CONFIRMING THE APPOINTMENT OF OFFICIALS/COMMISSION/BOARD/COMMITTEE/SUB-COMMITTEE MEMBERS**

**WHEREAS**, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such officials and members of municipal boards or committees; and

**WHEREAS, AFTER DUE DELIBERATION**, the Mayor and Council have determined that the following individuals are nominated for the **Mantoloking Beach Protection Committee**:

**Kara Symons                      Term Expires 12/31/2007**

**IT IS NOW, THEREFORE,** this 21<sup>st</sup> day of May, 2007, 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 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 Popaca seconded the motion and it was 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
- I. Environmental Commission Report

**9. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

- A. Report of the Municipal Finance Officer
- B. Action Items:

Councilman Witkowski moves the following five (5) resolutions. Councilman Jones seconded the motion and it was unanimously approved by voice vote.

**RESOLUTION NO. 05/21/2007 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER March 31, 2007**

**WHEREAS,** the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of March 31, 2007; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2007 Current Year Appropriation	\$1,414,800.00	\$667,048.23	\$ 60,612.95	\$ 687,138.82
2006 Appropriation Reserves	\$ 352,215.85	\$ 115,520.86	\$ 4,888.17	\$ 231,806.82
Capital	\$ 601,572.01	\$ 37,020.82		\$ 564,551.19

ACCOUNT	REVENUE	REVENUE
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	<b>THIS MONTH</b>	<b>YEAR TO DATE</b>
<b>Cash Receipts</b>	<b>\$ 119,249.78</b>	<b>\$1,913,104.12</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.

**RESOLUTION NO. 05/21/2007 – 04: PAYMENT OF BILLS FOR THE MONTH OF MAY 2007**

*WHEREAS*, the Municipal Finance Officer has presented a list of bills in the total amount of **\$333,816.97** 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. 05/21/2007 – 05: REQUESTING THE REFUND OF TAX OVERPAYMENTS**

**WHEREAS**, an overpayment has occurred on tax accounts for the Borough of Mantoloking, and

**WHEREAS**, the overpayment(s) will be refunded to the party responsible for the overpayment,

**NOW THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be authorized to refund the following:

<b>BLOCK/LOT</b>	<b>PROPERTY ADDRESS</b>	<b>REFUND NAME</b>	<b>AMOUNT</b>
BLK 23	1041 Ocean Ave	Wells Fargo	\$8,529.30
LT 11		PO Box 14506 Des Moines, Ia. 50306-9396	
BLK 20	937 Lagoon Lane	William & Julie Dunbar	\$2,564.02
LT 3		12 Sand Piper Point Rd Old Lyme, Ct 06371	

**RESOLUTION NO. 05/21/2007 – 06: REQUESTING THE CANCELLATION OF SEWER OVERPAYMENTS OR DELINQUENT AMOUNTS LESS THAN \$10.00**

**WHEREAS**, N.J.S.A. 40A:5-17 allows for the cancellation of sewer refunds or delinquent amounts in the amounts of less than \$10.00; and,

**WHEREAS**, the governing body may authorize a municipal employee chosen by said body to process, without further action on their part, any cancellation of sewer refunds or delinquencies of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, hereby authorize the Tax Collector to cancel said sewer amounts as deemed necessary.

BE IT FINALLY RESOLVED, that a certified copy of the Resolution be forwarded to the Tax Collector.

**RESOLUTION NO. 05/21/2007 – 07: BOROUGH BEACH BADGES FREE OF CHARGE OR FEE**

WHEREAS, in recognition of their service to and identification with the Borough, it has been customary for the Borough to distribute, free beach badges, to Borough employees and members of the Volunteer Fire Company; and

WHEREAS, it is the desire of Council, in the public interest, to continue this salutary policy.

IT IS NOW, THEREFORE, this 21<sup>st</sup> day of May, 2007, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All Borough employees and members of the Mantoloking Volunteer Fire Company shall, upon application, receive Borough beach badges (2007) without charge or fee.

**PUBLIC HEARING/AMENDMENT OF 2007 MUNICIPAL BUDGET (Resolution No. 04/23/2007-07)**

WHEREAS, on the 21<sup>st</sup> day of May, 2007 a public hearing on Resolution of Amendment to the 2007 Municipal Budget No. 04/23/2007-07 was held and no comments were made by the public.

*(Document Attached)*

Councilman Witkowski moved the following:

**RESOLUTION 05/21/2007 – 08: ADOPTION OF THE 2007 MUNICIPAL BUDGET**

BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations of the amount of:

- (a) \$2,511,765.98 for municipal purposes, an
- (b) .00 for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) .00 to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) "NONE" Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

2.	<b>Amount to be Raised by Taxation for Municipal Purposes (Item 6(a), Sheet 11)</b>	<b>\$2,511,765.98</b>
	<b>Total General Appropriations</b>	<b>\$3,653,220.27</b>

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

**FIRST PUBLIC HEARING ON ORDINANCE NO. 542 – BOND ORDINANCE FOR PURCHASE OF PROPERTY**

WHEREAS, on the 21<sup>st</sup> day of May, 2007 a public hearing on Ordinance No. 542 was held and six (6) comments were made by the public; and

WHEREAS, a second public hearing will take place at 4:30 p.m. on June 18, 2007 and will be considered for final passage at the completion of the June 18, 2007 hearing or at such later date as may be determined by the governing body

**ORDINANCE NO. 542**  
**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,**  
**PROVIDING FOR THE PURCHASE OF PREMISES KNOWN AS BLOCK 34, LOT 10.01 (TAX MAP)**  
**A VACANT PARCEL, FOR THE SUM OF \$900,000.00; FURTHER, PROVIDING FOR**  
**THE EXPENDITURE OF A SUM**  
**NOT TO EXCEED \$900,000.00, APPROPRIATING \$45,000.00**  
**FROM THE CAPITAL IMPROVEMENT FUND AND AUTHORIZING THE**  
**ISSUANCE OF BONDS AND NOTES OF THE BOROUGH FOR SAID PURPOSE**

Councilman Witkowski moved the following:

**RESOLUTION NO. 05/21/2007 – 09: PROVIDING FOR REFERRAL OF CAPITAL PROJECT (PROSPECTIVE ACQUISITION OF REAL PROPERTY, BLOCK 34, LOT 10.01) TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION PURSUANT TO N.J.S. 40:55D-31**

**WHEREAS**, the governing body has, subject to terms and conditions, including but not limited to the final adoption of an enabling Ordinance, contracted to acquire Lot 10.01, Block 34; and

**WHEREAS**, the governing body is obliged, pursuant to N.J.S. 40:55D-31, to refer the capital project to the Planning Board for review and recommendation in the context of the Borough’s Master Plan;

**IT IS NOW, THEREFORE**, this 21st day of May, 2007, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The above described capital project shall be and hereby is referred to the Planning Board for its review and recommendation in conjunction with the Master Plan of the Borough of Mantoloking;
2. The Mayor and Borough Attorney are authorized to take such action as shall be deemed necessary to implement this referral so that the Planning Board will be enabled to provide timely review and recommendation;
3. A copy of this Resolution shall be forwarded to the Planning Board.

Councilman Jones 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 two (2) resolutions. Councilman seconded the motion and it was unanimously approved by voice vote.

**RESOLUTION NO. 05/21/2007 – 10: 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:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Laura Crosby	Beach Badge Checker	May 12, 2007	\$7.15/Hour
Brittany DaCosta	Beach Badge Checker	May 12, 2007	\$7.15/Hour
Morgan DeAmicis	Beach Badge Checker	May 12, 2007	\$7.15/Hour
Kelly-Marie Doyle	Beach Badge Checker	May 12, 2007	\$7.15/Hour
Alexandria Gagnon	Beach Badge Checker	May 12, 2007	\$7.15/Hour
Alexa Geroni	Beach Badge Checker	May 12, 2007	\$7.15/Hour
Mickey Hahn	Beach Badge Checker	May 12, 2007	\$7.15/Hour
Sara Hahn	Beach Badge Checker	May 12, 2007	\$7.15/Hour

<i>Hilary Hazelet</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Megan Hughes</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Leanne Iantosca</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Alexandria Intravolata</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Kristin Jamaca</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Brittany Kemper</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Danielle Klaunder</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Michael Klaunder</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Amy Lockwood</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Chrissa Miller</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Erin O'Hara</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Colleen Poalillo</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Frank Poalillo</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Jamie Puccio</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Tanya Schultz</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Brittany Sears</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Meredith Snyder</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Jessica Sweeney</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Alycia Woolley</i>	<i>Beach Badge Checker</i>	<i>May 12, 2007</i>	<i>\$7.15/Hour</i>
<i>Helen Carver</i>	<i>Beach Badge Sales</i>	<i>May 25, 2007</i>	<i>\$ 8.00/Hour</i>

**RESOLUTION NO. 05/21/2007 – 11: 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 23, 2007 (8:00 a.m. to 5:00 p.m.)
- June 26, 2007 (10:00 a.m. to 3:00 p.m.)
- June 30, 2007 (2:00 p.m. to 11:00 p.m.)
- July 4, 2007 (8:00 a.m. to 4:00 p.m.)
- July 7, 2007 (8:00 a.m. to 5:00 p.m.)
- July 21, 2007 (7:00 p.m. to 11:00 p.m.)
- July 29, 2007 (5:00 p.m. to 8:00 p.m.)
- August 11, 2007 (8:00 a.m. to 6:00 p.m.)
- August 12, 2007 (8:00 a.m. to 6:00 p.m.)
- August 13, 2007 (8:00 a.m. to 6:00 p.m.)
- August 14, 2007 (8:00 a.m. to 6:00 p.m.)
- August 15, 2007 (8:00 a.m. to 6:00 p.m.)
- August 18, 2007 (7:00 p.m. to 11:00 p.m.)
- August 20, 2007 (8:00 a.m. to 5:00 p.m.)
- August 24, 2007 (8:00 a.m. to 5:00 p.m.); and

**WHEREAS**, Chief Mark Wright 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 21<sup>st</sup> day of May, 2007, 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.

**PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA**

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

Councilman Popaca moved the following:

**RESOLUTION NO. 05/21/2007 – 12: APPROVAL OF AWARD OF CONTRACT FOR PURCHASE OF BACKHOE LOADER**

**WHEREAS**, the Borough Clerk advertised for sealed bids for the purchase of one (1), new, backhoe loader.  
**WHEREAS**, bids were publicly opened and read aloud at 11:00 a.m. on May 17, 2007 in the office of the Borough Clerk with the following results:

Bidder	Amount of Base + Alternate Bids
Seely Equipment and Supply Co., Inc., Farmingdale, NJ	\$ 89,526.00
JESCO, Inc., South Plainfield, NJ	\$104,383.00
Giles & Ransome, Bensalem, Pa.	\$102,800.00

**WHEREAS**, the bid submissions have now been reviewed by the Borough Engineer and Borough Attorney; and

**WHEREAS**, the bid of Seely Equipment tenders equipment which is deemed unsuitable and which is not compliant with bid specifications, and

**WHEREAS**, the bid of Giles and Ransome is legally unresponsive; failure to tender required insurance, warranty and indemnification, it is now therefore Resolved as follows: the bids of Seely and Giles and Ransome are rejected as unresponsive and non compliant.

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of **\$104,383.00** for acquisition of a new backhoe to JESCO, Inc. of South Plainfield, N.J. as the only responsible and responsive bidder.

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

**DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES**

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

Councilman Jones moved the following:

**RESOLUTION NO. 05/21/2007 – 13: RE-INTRODUCTION OF ORDINANCE NO. 531 REVISION AND CODIFICATION OF THE BOROUGH ORDINANCES**

**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. 531**

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF MANTOLOKING IN THE COUNTY OF OCEAN, 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, free of charge, during regular business hours, M-F 8:30a.m. – 4:30p.m. 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.

**LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM**

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

**MANTOLOKING COMMITTEE, COUNCILWOMAN ANN ELIZABETH NELSON**

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

**10. MAYOR AND COUNCIL COMMENTS**

**11. PUBLIC COMMENTS PERIOD**

**13. OPEN SESSION AS NECESSARY**

**14. NEXT MEETING** Regular Council Meeting of Monday, June 18, 2007 @ 4:30 p.m.

**15. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilman Gillingham to adjourn. Councilman Witkowski seconded the motion and it was unanimously approved at 5:40 p.m.

Respectfully submitted,

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