

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING
Monday, June 21, 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

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

RESOLUTION NO. 06/21/2004 – 01: APPROVAL OF FUTURE ABSENCES

It was moved by Councilman Nebel and seconded by Councilman Laymon to approve the absence of Councilman Gillingham from the Regular Council Meeting of July 19, 2004. This was 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. 06/21/2004 – 02: It was moved by Councilman Gillingham to approve the following Minutes:

Closed Session of June 16, 2003

Special Meeting of August 18, 2003

Closed Session of August 18, 2003

Regular Meeting of October 20, 2003

Closed Session of October 20, 2003

Regular Meeting of November 17, 2003

Closed Session of November 17, 2003

Regular Meeting of December 15, 2003

Closed Session of December 15, 2003

Regular Meeting of May 17, 2004

Special Meeting of May 24, 2004

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

7. MAYOR'S REPORT & PRESENTATIONS

Councilman Laymon moved the following:

RESOLUTION NO. 06/21/2004 – 03: EXCLUDING ARMED SERVICES COMBAT ZONE PAY FROM GROSS STATE INCOME TAXATION

WHEREAS, The men and women who make up America's military forces, service members of the Army, Navy, Air Force, Marines and Coast Guard, are an indispensable part of our Nation's efforts to promote democracy, peace and freedom; and

WHEREAS, these individuals are patriotic citizens who place America's wellbeing above their own and sacrifice much to help preserve our freedoms and protect our national interests by serving their country; and

WHEREAS, there are approximately 1,100 New Jersey residents now serving in combat zone areas; and

WHEREAS, the average military pay for these individuals is \$24,500.00; and

WHEREAS, currently, under federal definitions of combat zone pay, enlisted members and warrant officers (commissioned and noncommissioned) are excluded from federal taxable income for all pay received for any month during any part of which they served in a combat zone or were hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone; and

WHEREAS, S-924/A-2751 would additionally exclude armed services combat zone pay from State gross income taxation; and

WHEREAS, the Senate version of this bill has already been approved by the Veteran's Affairs Committee and is now awaiting approval in the Assembly.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey hereby supports the passage of S-924 in appreciation of the sacrifices made by our armed services personnel.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to Governor James McGreevey, Members of the New Jersey State Legislature, the Board of Chosen Freeholders of the County of Ocean and the Clerks of the Ocean County Municipalities.

The motion was seconded by Councilman Nebel and was 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 Nebel moved the following:

RESOLUTION NO. 06/21/2004 – 04: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER FOR APRIL 30, 2004

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

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

	Cash Balance	Appropriation Balance Fund Balance
Current Fund Reserve Year	1,253,323.45	1,673,539.95 5,675,874.07 321,766.65
Trust & Escrow Fund	136,388.88	106,622.30
General Capital Fund	893,153.23	2,825,994.73
Total	2,282,865.56	

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 Jones seconded the motion and was approved by voice vote.

9. ORDINANCES:

- A. Public Hearing(s)
- B. Consideration of Ordinances for Adoption After Public Hearing
- C. Introduction of Ordinances by Title Only

Mayor Dunbar opened the meeting for a Public Hearing on Ordinance No. 483.

Councilman Laymon moved the following:

RESOLUTION NO 06/21/2004 – 05: ADOPTION OF ORDINANCE NO. 483

***WHEREAS**, on the 21st of June, 2004 a public hearing on Ordinance No. 483 as amended was held. All council members present considered all comments made by one public commentator.*

***RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt on the following Ordinance entitled: (Copy attached)*

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”**

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

Councilman Gillingham moved the following:

RESOLUTION NO. 06/21/2004 – 06: INTRODUCTION OF ORDINANCE NO. 484 – SOLICITATION 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. 484

**AN ORDINANCE GOVERNING DOOR TO DOOR COMMERCIAL SOLICITATION
IN 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, and provided to anyone at cost during regular business hours, M-F 9am–1 pm, and be it

FURTHER RESOLVED, the Borough Clerk shall advertise and take 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 was 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. 06/21/2004 – 07: PAYMENT OF BILLS FOR THE MONTH OF JUNE 2004

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$458,573.93** 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 Gillingham and was approved by voice vote..

Councilman Nebel moved the following:

**RESOLUTION NO. 06/21/2004 – 08: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87**

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 2004 in the sum of \$561.72, which is now available from the State of New Jersey, Administrative Office of the Courts.

BE IT FURTHER RESOLVED, that the like sum of \$561.72 is hereby appropriated under the caption of 2004 Alcohol Education Rehab Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Administrative Office of the Courts in the amount of \$561.72.

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

Councilman Nebel moved the following:

RESOLUTION NO. 06/21/2004 – 09: REFUND OVERPAYMENTS OF SEWER CHARGES

WHEREAS, upon advice of the Tax Collector and it has been confirmed by the Borough Auditors that overpayments were made on the following properties prior to 2004. They are:

Block 17, Lot 12, 210 Channel Lane, owned by Doris A. Brinster, etal Amount: \$444.30
Block 24, Lot 8, 1033 Barnegat Lane, owned by John G. & Kristen M. Fette Amount: \$34.72
Block 31, Lot 9, 1310 Bay Avenue, owned by August & Floren Schedler Amount: \$261.94

IT IS NOW, THEREFORE, this 21st day of June, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the overpayments of sewer charges for the foregoing list of properties is hereby cancelled.

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

Councilman Nebel moved the following:

RESOLUTION NO. 06/21/2004 – 10: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES ON APPEAL

WHEREAS, the Tax Court of New Jersey has granted a tax refund on the overpayment of taxes on appeal to Arthur D'Alessandro in a judgement dated November 21, 2003.

WHEREAS, this overpayment has never been refunded to the homeowner as found by the Auditors of the Borough of Mantoloking. The credit is shown on the tax records.

NOW THEREFORE BE RESOLVED, by the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the proper officers be and are hereby authorized to refund the following overpayments of taxes due to a State Tax Court judgement.

BLOCK	LOT	NAME	AMOUNT	YEAR
35	1	Arthur G. D'Alessandro	\$104.49	2002
35	1	Arthur G. D'Alessandro	\$405.11	2003

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

Councilman Nebel moved the following:

RESOLUTION NO. 06/21/2004 – 11: NEW JERSEY STATE HEALTH BENEFIT PROGRAM ACT RESOLUTION

A Resolution to authorize a change in the average number of hours of employment per week required for “full time” status for participation in the New Jersey State Health benefits Program (NJSHBP) in accordance with NJAC 17:9-4.6:

BE IT RESOLVED:

1) The Borough of Mantoloking, County of Ocean--NJSHBP Location #0940-00, a participating employer in the NJSHBP, hereby designates 35* hours per week (average) as the minimum requirement for the full-time status in accordance with NJAC 17:9-4.6.

*May not be less than 20.

2) This change in the number of hours of employment required for NJSHBP eligibility applies to:

 X All employees

We will inform employees currently enrolled in the NJSHBP who do not work the minimum number of hours per week required to participate in the Program of this change and their termination from coverage. We will distribute COBRA notices to these employees. A transmittal of deletion form to terminate affected employees from coverage is attached. We understand termination of coverage will occur thereafter in accordance with the statutes and regulations of the NJSHBP.

 Employees hired after (date) .

Current employees eligible for participation in the NJSHBP under the previous full-time hours of employment definition will be permitted to continue coverage in the program. The new designation of minimum number of hours worked per week for full-time status as designated in section #1 will not apply to employees hired prior to the date above.

3) This resolution shall take effect immediately and the change in full time hours shall be effective as of June 21, 2004 or as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

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

Councilman Nebel moved the following:

RESOLUTION NO. 06/21/2004 – 12: ESTABLISH POLICY FOR EMERGENT EMPLOYMENT

WHEREAS, to facilitate appropriate operation of the governance of the municipality, it may be, from time-to-time, necessary, in emergent circumstances, to recruit and engage personnel to provide essential services, prior to formal action by the governing body; and

WHEREAS, it is deemed appropriate, in the public interest, to enable the Mayor to engage such necessary personnel and to authorize the Chief Financial Officer to issue payment for such services.

IT IS NOW, THEREFORE, this 21st day of June, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Under emergent circumstances, as determined by the Mayor, wherein any vacancy in Borough staff may result in significant detriment to the public interest and/or the efficient administration of Borough business, the Mayor may engage personnel to fill the vacancy.

2. The compensation to be paid shall be commensurate with approved Borough pay or salary scale for the position(s).
3. The Chief Financial Officer shall issue compensation to such employees so engaged, as directed by the Mayor.
4. At the next meeting of the governing body following such engagement, Council shall either ratify or rescind such interim action.
5. Any person so engaged shall acknowledge that the employment is subject, ultimately, to Council Approval.
6. The authority granted herein shall apply to the engagement of administration staff, maintenance personnel and to police personnel. No person shall become or be deemed a "member" of the Police Department by virtue of such interim engagement.
7. This policy Resolution shall not be construed to limit or supercede the Mayor's power of appointment.
8. The Clerk shall, at the next Meeting of the Mayor and Council following such engagement, present ratification or rescission of the employment as an agenda item for consideration.

The motion was seconded by Councilman Gillingham and 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. 06/21/2004 – 13: 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
Stacy Ferris	Seasonal Police Officer	May 26, 2004	\$9.75 per hour
Amy Lockwood	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Colleen Poalillo	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Gala Sossa	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Kristen Jamaca	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Melissa Jamaca	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Rachel Pannullo	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Brittany Kemper	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Thomas Kemper	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Jamie Puccio	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Dominick Puccio	Beach Badge Checker	June 12, 2004	\$7.00 per hour
John Popaca	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Anne Marie Callahan	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Deirdre McGough	Beach Badge Checker	June 12, 2004	\$7.00 per hour
Brittany Liantonio	Beach Badge Checker	June 12, 2004	\$7.00 per hour

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

Councilman Gillingham moved the following:

RESOLUTION NO. 06/21/2004 – 14: INTERLOCAL SERVICES AGREEMENT WITH COUNTY OF OCEAN

WHEREAS, the County of Ocean desires to enter into an Interlocal Services Agreement with the Borough of Mantoloking for the provision of additional security services during the period of the reconstruction of the Mantoloking Bridge; and

WHEREAS, the Borough of Mantoloking wishes to provide said services;

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

1. The Mayor and Borough Clerk of the Council are hereby authorized and directed to enter into and execute an interlocal Service Agreement with the County of Ocean for services set forth in the attached agreement (Exhibit "A").
2. A copy of this Agreement will be kept on file in the Office of the Borough Clerk.
3. Certified copies of this Resolution shall be forwarded to:
 - a. Board of Chosen Freeholders, County of Ocean
 - b. Chief Financial Officer, Borough of Mantoloking
 - c. Police Chief, Borough of Mantoloking

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

Councilman Gillingham moved the following:

RESOLUTION NO. 06/21/2004 – 15: FINANCING AGREEMENT FOR PURCHASE OF NEW FIRE PUMPER

WHEREAS, at the request of the Mantoloking Fire Company No. 1 (Fire Company), the Borough has contracted to purchase a new fire pumper truck from Sutphen Corporation for the sum of \$355,732.66; and

WHEREAS, as an inducement to the Borough to perform its obligations as purchaser of the new apparatus, the Fire Company has agreed, upon terms set forth in the attached Exhibit "B", as revised, to contribute to and assist in payment of the costs expended and to be expended by the Borough for said purchase; and

WHEREAS, there is a mutual desire to, by this document, memorialize the terms of Agreement: and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey to authorize the Mayor to execute the Exhibit "B" agreement.

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

Councilman Gillingham moved the following:

RESOLUTION NO. 06/21/2004 – 16: SUPPORT FOR GOVERNOR MC GREEVEY'S HOMETOWN SECURITY FUNDING INITIATIVE

WHEREAS, ON September 11, 2001, terrorists hijacked four civilian aircraft, crashing two into the World Trade Center in New York City, a third into the Pentagon outside of Washington, D.C., and a fourth into the countryside of Pennsylvania; and

WHEREAS, thirty months later, Americans realize that safety is not a certainty and have adapted to new security measures in airports and public buildings and a new awareness of potential threats that were unthinkable before September 11, 2001, especially in New Jersey, which was forced to deal with the real threat of anthrax in the subsequent months; and

WHEREAS, thirty months later, America's cities and towns have spent billions of local dollars to develop new homeland security preparedness plans, create new regional partnerships, carry out joint emergency drills, provide security in the nation's airports, and restore confidence in the safety and security of hometown America, especially in New Jersey municipalities, which have generously shared their resources to assist in New York's recovery, while dealing with real threats, themselves; and

WHEREAS, in recognition of this, and in response to requests for such aid, from the League, from our President, Mayor Jo-Anne B. Schubert of South Bound Brook, from the Chairman of our Hometown Security Task Force, Mayor Tim McDonough of Hope and from other Mayors and Governing Body Members, serving property taxpayers all around our Garden State, culminating in the League's April 30 Mayors' Property Tax Summit, Governor James E. McGreevey, on May 18, proposed a new \$32 Million Hometown Security initiative to provide new direct Hometown Security funding to municipal government in the State's FY 2005 Budget.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Mantoloking thanks the governor and urges the Legislature to accept the governor's proposed Hometown Security Initiative and to include at least the requested \$32 Million in the State's FY 2005 Appropriations Act; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our State Legislators, To Assembly Speaker Albio Sires, Assembly Minority Leader Alex DeCroce, Senate President Richard Codey, Senate Minority Leader Leonard Lance, the New Jersey League of Municipalities and Local Emergency Management Coordinator Richard Laird.

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

GARBAGE & RECYCLING COMMITTEE, Councilman Laymon:

- A. Activities of the Garbage and Recycling Committee**
- B. Action Items:**

Councilman Laymon moved the following:

RESOLUTION NO. 06/21/2004 – 17: SUBMISSION OF ANNUAL RECYCLING REPORT, ANNUAL TONNAGE REPORT AND APPLICATION FOR 2003 TONNAGE GRANT

WHEREAS, the Borough has continued to implement its recycling program in accordance with applicable regulations; and

WHEREAS, it desires to apply for and to receive any entitlement available under the Recycling Tonnage Grant Program, for 2003; and

WHEREAS, it is the desire of the Borough of Mantoloking to apply for all grants for which it is eligible; and

NOW, THEREFORE, this 21st day of June, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough of Mantoloking does hereby file its 2003 recycling tonnage report and now applies for all of the Recycling Tonnage Grants for which it may be eligible, more particularly 2003 Tonnage Grant (Attached Exhibit "C")
2. The Mayor and Borough Clerk and any other Borough Officer or Official are hereby authorized and directed to execute and deliver any other documents which may be necessary to implement the purposes of this Resolution.

3. A certified true copy of this Resolution shall forthwith be forwarded to the New Jersey DEP, bureau of Recycling and Planning and to Ocean County District Recycling Coordinator.

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

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

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

Councilman Laymon reported that two new "MANTOLOKING" signs would soon be erected at the North border of Mantoloking. The Herbert Street pump station beautification is being worked on.

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. 06/21/2004 – 18: ROADWAY & DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (NORTH OF BERGEN AVENUE – CHANGE ORDER NO. 1

WHEREAS, the Borough entered into Contract no. 2003-1 with F & P Contractors, Inc. for roadway and drainage improvements for Barnegat Lane (North of Bergen Avenue); and

WHEREAS, due to unforeseeable site conditions, F & P Contractors, Inc. has submitted Change Order No. 1 for:

- a. Due to conflicts with gas lines at Stations 4 + 90 and 5 + 95, proposed pipe must be raised.
- b. Due to shallow depth, change pipe from 15" HDPE to 14" DIP Class 56;

And

WHEREAS, it is deemed to be in the public interest to proceed with the work; and

WHEREAS, the Borough Engineer, Thomas Guldin, P.E. (Stetler and Guldin) has, by letter dated May 12, 2004 (Exhibit "D" attached), recommended the execution of Change Order No. 1.

IT IS NOW, THEREFORE, this 21st day of June 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

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

Councilman Popaca moved the following:

RESOLUTION NO. 06/21/2004 – 19: ROADWAY & STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (NORTH OF BERGEN AVENUE) – PAYMENT NO. 1

WHEREAS, the Borough has entered into a Contract with F & P Contractors, Inc. (Contract 2003-1) to provide roadway and storm drainage improvements: and

WHEREAS, the Contractor's Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$120,859.64, by letter dated June 11, 2004; and

WHEREAS, funds have heretofore been appropriated by Ordinance 443.

IT IS NOW, THEREFORE, this 21st day of June, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 of F & P Contractors, Inc. is hereby approved in the sum of \$120,859.64 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

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

Councilman Popaca moved the following:

RESOLUTION NO. 06/21/2004 – 20: REQUEST APPROVAL (FROM NJ DOT) OF SIX MONTH EXTENSION OF THE TIME FOR AWARD OF CONTRACT FOR RECONSTRUCTION OF BARNEGAT LANE FROM LYMAN STREET TO BERGEN AVENUE

WHEREAS, the Borough has been awarded a Municipal Aid FY 2003-2 Grant, by the New Jersey DOT, allocating \$125,000.00 for the Barnegat Lane project; and

WHEREAS, the Borough was granted a six-month extension to July 21, 2004; and

WHEREAS, the Borough is actively prosecuting other roadway projects at this time and considerations of adjustments of project scope due to budgetary constraints militate in favor of a second deferral of this project; and

IT IS NOW, THEREFORE, this 21st day of June, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All of the prefatory recitals are deemed included by reference into this Resolution.
2. The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, do hereby petition the State of New Jersey, Department of Transportation, to grant a six (6) month extension of time for award of this Contract, to insure that the allotment of \$125,000.00 will remain available for this project.
3. Upon adoption, a sealed, true copy of this Resolution with original signature of the Clerk, shall be forthwith forwarded to the District III Office of the New Jersey DOT and to the Borough Engineer, Stetler and Guldin (Thomas S. Guldin, P.E.)
4. The Borough Engineer is hereby authorized and directed to take all action necessary to obtain the grant extension now requested.

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

Councilman Popaca moved the following:

RESOLUTION NO. 06/21/2004 – 21: CONTRACT AWARD FOR FIRE MONITOR COMMUNICATION SYSTEM – PUBLIC WORKS BLDG.

WHEREAS, the award of a contract for improvements of Borough facilities, obligations enumerated in the attached Exhibit "E" 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 agreement in accordance with the attached Exhibit "E", which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney. Copies of the contract are available for inspection at the Clerk's office during regular business hours.

Councilman Jones seconded the motion and was 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: None

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:

Councilman Husted reported that \$22,000,000.00 has been approved in the WRDA Bill for beach renourishment from the Manasquan Inlet to Barnegat Inlet.

Councilman Gillingham moved the following:

RESOLUTION NO. 06/21/2004 – 22: AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE AND THE BOROUGH OF MANTOLOKING

WHEREAS, the U.S. Department of the Interior, Fish and Wildlife Service, has requested that the Borough enter into a Memorandum of Understanding (MOU) designed to provide regulation of beach activities which may impact adversely upon the Seabeach Amaranth, a federally designated "threatened" plant; and

WHEREAS, the MOU is subject to cancellation, on 30 days' notice; and

WHEREAS, the MOU (see attached Exhibit "F") has been negotiated by Hatch Mott MacDonald for the Borough, and has been reviewed and approved, as to form, by counsel.

IT IS NOW, THEREFORE, this 21st day of June, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the MOU may be executed by the Mayor on behalf of the Borough of Mantoloking.

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

Councilman Husted moved the following:

RESOLUTION NO. 06/21/2004 – 23: STATEMENT OF SUPPORT FOR THE CLEAN OCEAN ZONE

WHEREAS, the New York/New Jersey Bight is defined as the waters from Montauk Point, New York, to Cape May, New Jersey, offshore to the outer edge of the Continental Shelf (out to 100 miles), and consists of over 19,000 square miles of Atlantic Ocean; and

WHEREAS, the physical, hydrodynamic, and biological characteristics of the NY/NJ Bight are unique in the world as more than 300 species of fish, nearly 350 species of birds, 7 species of sea turtles, and many marine mammals such as 10 species of whales and several species of seals and porpoises frequent this region. The NY/NJ Bight also serves as an essential migratory pathway for these species; and

WHEREAS, this ecological richness depends on protecting the quality of the environment; and

WHEREAS, the NY/NJ Bight also sustains the economy of the region through its bounty of natural resources and intrinsic values for millions of people through tourism, as well as being host to the nation's largest east coast global port and its thousands of related industries; and

WHEREAS, recreational and commercial fisheries provide enormous economic benefits both in food production and recreational activities, the continued use of these renewable natural resources in accordance with existing laws must be supported and enhanced; and

WHEREAS, our waters were known as the "Ocean Dumping Capitol of the World" due to eight ocean dumpsites, including an area called the "dead sea" (a 20-mile area created by excessive sewage and toxic muck dumping); had beaches littered with garbage, medical waste, and sludge balls; and suffered from water quality so poor that it was unsafe for swimming. These activities all caused an ecological and economic crisis; and

WHEREAS, organizations, businesses, and citizens rallying to defend these precious resources and working to improve and protect the waters of the NY/NJ Bight, resulted in an end to ocean dumping and dramatically improved water quality, proving that citizens can make a difference to assure their quality of life; and

WHEREAS, the NY/NJ Bight is downstream of, and receives pollution from, the most densely populated, industrialized, and urbanized area in the country which spews millions of gallons of contaminated wastewater and toxic sediments into the ecosystem each year and threatens the vast ecological richness of the Bight, and public health through beach closures and fish consumption advisories; and

WHEREAS, current laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources from polluting and habitat destructive activities, elected officials must strive harder to protect the NY/NJ Bight; and

WHEREAS, it is time to lock-in the tremendous path of progress which has led to far-reaching improvements in our ocean water quality and lock-out environmentally harmful activities, thereby ensuring the continued protection of the ocean today and for future generations; and

WHEREAS, a logical and essential next step is to use federal and state regulatory and legislative opportunities to designate the NY/NJ Bight as the "Clean Ocean Zone (COZ)," which will:

REDUCE POLLUTION:

1. Prohibit new ocean dumpsites.

2. Mandate capping of the Historic Area Remediation Site (HARS) – formerly the Mud Dump Site – with ‘clean material.’ “Clean material” is defined as being as clean as the sediments found on the ocean floor outside HARS and that protects against adverse ecological effects. Ensure implementation of environmentally sound alternative for managing dredged material to help keep harbor channels safe for navigation.
3. Prohibit new point sources of pollution and increases of discharge capacity (e.g., wastewater discharge outfalls, industrial discharges). Encourage environmentally protective beneficial reuse of wastewater.
4. Reduce pollution from stormwater and sediments.

PROTECT MARINE ECOSYSTEMS:

5. Prohibit the permanent extraction (e.g. strip-mining) of natural non-renewable resources, including sand and gravel.
6. Prohibit industrial and non-renewable energy facilities and infrastructure, including oil and gas exploration and development.
7. Require the development of responsible regulations for renewable energy sources.

SUPPORT MARINE RESOURCES:

8. Support recreational and commercial fishing by acknowledging that federal and state laws for fisheries exist. Prohibit the COZ legislation shall not be used to restrict or limit recreational or commercial fishing.
9. Support federal and state approved artificial reefs, and allow underwater research and exploration, but not projects that will adversely affect the ecosystem.
10. Support, celebrate, and sustain maritime activities that depend on a healthy and clean ocean such as: boating, underwater diving, fishing, surfing, swimming, and the enjoyment of the sea. The COZ legislation will not be used to restrict or limit these activities.

THEREFORE, BE IT RESOLVED that, on this date, June 21, 2004, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey supports the Clean Ocean Zone that would permanently protect the waters of the New York/New Jersey Bight from the aforementioned polluting and habitat-destructive activities, thereby safeguarding the waters in this region for present and future generations.

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to all appropriate legislators and sponsors of this campaign.

The motion was seconded by Councilman Laymon and 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: None

Councilman Jones reported that we will have an obligation for regular surveys of the beaches for a rare protected plant upon entering into the new Memorandum of Agreement with the NJ Dept. of Environmental Protection.

FLOOD STRATEGY COMMITTEE, COUNCILMAN JONES:

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

Councilman Jones stated that there is a lot of work to be done to be compliant.

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 Laymon moved the following:

Resolution No. 06/21/2004 – 24: 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 shall be made public when the need for confidentiality no longer exists.

Councilman Jones seconded the motion and was approved by voice vote and adjourned at 8:30 p.m.

12. RECONVENE

The Mayor and Council reconvened at 9:04 p.m. The public was invited back into the meeting room.

13. FINAL ADJOURNMENT

There being no further business, it was moved by Councilman Laymon and seconded by Councilman Nebel to adjourn at 9:05 p.m. This was approved by voice vote.

Respectfully submitted,

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