

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**June 20, 2005**

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 Elbert E. Husted, III, Alan C. Laymon, George C. Nebel, Douglas J. Popaca,

**ABSENT:** Councilman John H. Jones

Councilman Nebel moved the following:

**RESOLUTION NO. 06/20/2005 – 01: APPROVAL OF FUTURE ABSENCE**

The absence of Councilman Alan Laymon from the Regular Council Meeting of July 18, 2005 was considered. The motion was seconded by Councilman Popaca and was 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. 06/20/2005 – 02: APPROVAL OF MINUTES**

It was moved by Councilman Nebel and seconded by Councilman Husted to approve the minutes of the Regular Meeting of May 16, 2005 and Closed Session of May 16, 2005. This was unanimously approved by voice vote.

**7. MAYOR'S REPORT**

Mayor Dunbar reminded all present that the Borough Hall hours of operation have been extended for the summer through September 30. We will be open from 9:00 a.m. to 3:00 p.m.

Councilman Laymon moved the following:

**RESOLUTION NO. 06/20/2005 - 03: CELEBRATE**  
**NEW JERSEY! MONTH (JUNE, 2005)**  
**PROCLAMATION**

**WHEREAS, since earliest times, New Jersey's shore line, Pine Barrens, mountains and valleys have been recognized as places of great beauty, rich in natural resources and an abundance of plant and animal species, and**

**WHEREAS, New Jersey was the "crossroads of the American Revolution," having more encampments, skirmishes, headquarter, and impact on the civilian population than any other state, with Washington and his army fighting back and forth across the state for four long years, involving almost every village and hamlet in the state, and**

**WHEREAS, New Jersey's illustrious history and citizens have changed the nation and the world, including such "firsts and bests" as the first state to ratify the U.S. Bill of Rights, the first railroad charter in the U.S., the nation's first seaside resort, the first baseball game, two Tony Award-winning regional theaters, and the first college football game, and**

**WHEREAS, life saving health care innovations were invented in New Jersey including ether, penicillin, early chemotherapy, cortisone, streptomycin and antihypertensive drugs, and**

**WHEREAS, such life enhancing developments were invented in New Jersey as the first sound motion picture, the first live TV transmission, the first long-distance direct dialing, the first touch-tone dialing, the first transatlantic fiber-optic cable, the first high-definition digital TV, the first bar code, the first production of safe, practical air conditioners of large spaces, the first electric light, the first phonograph, the first canned, condensed soups, the first mass produced, quick-frozen vegetables, the first canned beer, the first glass company, and the first cloverleaf traffic intersection, and**

**WHEREAS, New Jersey's illustrious citizens include such greats as Thomas Edison, Walt Whitman, Frank Sinatra, President Woodrow Wilson, James Fenimore Cooper, Bruce Springsteen, Alice Paul, William Carlos Williams, Charles Lindbergh, Meryl Streep, Paul Robeson, Joyce Carol Oates, Susan Sarandon, and Jackie Robinson, and**

**WHEREAS, New Jersey's strength is its highly educated work force, its diversity and the resilience, ingenuity, creativity, and generosity of its citizens, and**

**WHEREAS, the Borough of Mantoloking is known for its beautiful beaches, its bountiful fishing from the waters of the ocean and Barnegat Bay and its small town, family oriented popularity.**

**NOW THEREFORE, BE IT RESOLVED by the Borough of Mantoloking that we declare June, 2005 as New Jersey's first annual Celebrate New Jersey! month and direct all Borough agencies and authorities to participate in showcasing all that makes our Borough a great place to live and work.**

**The motion was seconded by Councilman Nebel 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. 06/20/2005 – 04: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER** **April 30, 2005**

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

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

	Cash Balance	Appropriation Balance	Fund Balance
Current Fund	676,004.96	2,074,711.17	5,782,261.57

Reserve Year Payroll		162,828.45	6,035.42
Trust & Escrow Fund	86,217.50		49,278.89
General Capital Fund	1,193,010.06		3,457,703.00
Total	1,955,232.52		

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 moves the following:**

**RESOLUTION NO. 06/20/2005 - 05: PUBLIC HEARING/ADOPTION OF ORDINANCE NO. 498-STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY**

*WHEREAS, on the 20<sup>th</sup> day of June, 2005 a public hearing on Ordinance No. 498 was held. No comments were made by the public.*

*RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance No. 498 entitled: (Copy attached)*

**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**

Mayor Dunbar opened the meeting for a public Hearing on Ordinance No. 499.

**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**

No comments were made by the public on Ordinance No. 499.

It was the sense of Council to defer the adoption of Ordinance No. 499 to July 18, 2005 in order to review a report from the Mantoloking Planning Board.

**10. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN NEBEL:**

- A. Activities of the Finance Committee
- B. Action Items:

Councilman Nebel moved the following four resolutions. Councilman Popaca seconded the motion and they was unanimously approved by voice vote.

**RESOLUTION NO. 06/20/2005 – 06 : PAYMENT OF BILLS FOR THE MONTH OF JUNE 2005**

*WHEREAS*, the Municipal Finance Officer has presented a list of bills in the total amount of **\$363,428.59** 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. 06/20/2005 – 07: APPROVE RELEASE OF CASH SURETY BONDS TO LA MANNA BUILDING & LAND CO., INC., LORI J. JULIANO SLACK AND JEFF VAN SCHOICK BUILDER, INC.**

*WHEREAS*, the Borough is the beneficiary of a Cash Surety Bonds posted by the following:

- |    |                                   |   |            |
|----|-----------------------------------|---|------------|
| 1. | LaManna Building & Land Co., Inc. | 1228 Ocean Avenue, Demolition of Single Family Home | \$1,000.00 |
| 2. | Lori J. Juliano Slack             | 1108 Ocean Avenue, Demolition of Single Family Home | \$1,000.00 |
| 3. | Jeff Van Schoick Builder, Inc.    | 964 Lagoon Lane, Demolition of Single Family Home   | \$1,000.00 |

*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 Bonds at this time.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of June, 2005, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Cash Surety Bonds posted by LaManna Building & Land Co., Inc, Lori J. Juliano Slack and Jeff Van Schoick Builder, Inc. in the amount of \$1,000.00 each, shall be released, forthwith;
2. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

**RESOLUTION NO. 06/20/2005 – 08: CONSIDER RELEASE OF CASH BID SECURITY TO DIVERSIFIED STORAGE SOLUTIONS, INC.**

*WHEREAS*, the Borough is the beneficiary of a Cash Bid Security Bond posted by Diversified Storage Solutions, Inc. in conjunction with the supply and installation of an Archive Storage System; and

*WHEREAS*, the Committee Chairman of Public Building and Grounds, 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 20<sup>th</sup> day of June, 2005, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Bid Security Bond posted by Diversified Storage Solutions, Inc. (Harleysville National Bank and Trust Company) in the amount of \$2,535.62 shall be released, forthwith;
2. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

**RESOLUTION NO. 06/20/2005 – 09: ACCEPTANCE OF RESIGNATION OF MUNICIPAL COURT ADMINISTRATOR**

*RESOLVED*, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accepts the following resignation:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>
Sandra L. Maidling	Municipal Court Administrator	June 2, 2005

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

- A. Activities of the Public Safety Committee
- B. Action Items:

**REPORT ON EVALUATION/RECOMMENDATION BY FIRE SIREN CONSULTANT**

Councilman Gillingham summarized the report as submitted by Potenta Environmental consultants, L.L.C. dated May 31, 2005. Mayor Dunbar opened the meeting to the public for their comments.

Councilman Gillingham moved the following:

**RESOLUTION NO. 06/20/2005 - 10:  
AUTHORIZATION TO SOLICIT BIDS FOR  
EMERGENCY WARNING SYSTEM**

**WHEREAS**, the Mayor and Council have review the report of Potenta Environmental Consultants, L.L.C. dated May 31, 2005; and

**WHEREAS**, at the regular meeting of the Mayor and Council on June 20, 2005, comments were made by numerous residents of the Borough of Mantoloking and members of the Mantoloking Fire Company No. 1; and

**WHEREAS**, the Mayor and Council considered all comments made.

**THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey to solicit bids for the furnishing of an adjustable electronic emergency warning system with horns to replace the two existing sirens in their present locations.

**BE IT FURTHER RESOLVED**, that after thorough testing of the new system, the Public Safety Committee will consider the addition of additional equipment in the 2006 municipal budget.

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

Councilman Gillingham moved the following four (4) resolutions. The motion was seconded by Councilman Nebel and they were unanimously approved by voice vote.

**RESOLUTION NO. 06/20/2005 - 11: 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:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Salary</b>
Helen Carver	Beach Badge Sales	May 28, 2005	\$7.75 /Hour

**RESOLUTION NO. 06/20/2005 - 12: ESTABLISHMENT OF MID-BLOCK CROSSWALKS ALONG ROUTE 35 IN THE BOROUGH OF MANTOLOKING**

**WHEREAS**, Chief Richard Ortlely has caused the New Jersey Department of Transportation to investigate the feasibility of establishing mid-block crosswalks, across New Jersey Route 35 at the following locations:

1. At 1103 Ocean Avenue (Route NJ 35). Beginning at a point 930 feet north of the prolongation of the northerly curb line of Herbert Street and extending six (6) feet northerly there from (approximate milepost 10.12)
2. At 1073 Ocean Avenue (Route NJ 35). Beginning at a point 1,838 feet south of the southerly curb line of Lyman Street and extending six (6) feet southerly there from (approximately milepost 10.33);

3. At 1003 Ocean Avenue (Route NJ 35); and

**WHEREAS**, the New Jersey Department of Transportation has, by letter dated June 7, 2005 (see copy attached) expressed its endorsement of the proposed mid-block crosswalks at locations 1 and 2, above, and has declined endorsement of a crosswalk at location 3; and

**WHEREAS** the New Jersey Department of Transportation has advised that upon its receipt of a certified adopted Resolution establishing said endorsed mid-block crosswalks, it will recommend approval by the Commissioner of Transportation; and

**WHEREAS**, it is the desire of the governing body to establish said mid-block crosswalks and to petition approval thereof by the Commissioner of Transportation

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of June, 2005, 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 as substantive elements of this Resolution;
2. The New Jersey Department of Transportation and the Commissioner of Transportation are hereby requested to approve the establishment of mid-block crosswalks at locations 1 and 2 above.
3. Upon approval and subject to applicable law and regulation, the crosswalks so approved shall be implemented at the earliest feasible date.

**RESOLUTION NO. 06/20/2005 – 13: SUSPENSION OF ENFORCEMENT OF TWO (2) HOUR TIME LIMIT PARKING ON BAY AVENUE ON JUNE 25, 2005 AND JULY 9, 2005**

**WHEREAS**, the Mantoloking Yacht Club has requested that enforcement of two-hour time limit parking regulations on Bay Avenue be suspended on June 25, 2005 and July 9, 2005; and

**WHEREAS**, Chief Richard Ortley has considered this request and will direct personnel not to enforce two (2) hour time limit parking on said dates, during the Yacht Club's Sailing Regattas; 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 20<sup>th</sup> day of June, 2005, 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 Sailing Regattas on June 25, 2005 and July 9, 2005, is hereby approved and endorsed.
2. All prohibited parking regulations will be enforced.

**RESOLUTION NO. 06/20/2005 – 14: INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF BRIDGE SECURITY SERVICES AT THE MANTOLOKING BRIDGE**

**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 in 2005; 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

**GARBAGE & RECYCLING COMMITTEE, COUNCIL**

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



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**And**

**WHEREAS**, the quotation has been reviewed by the Borough Engineer and Borough Attorney, now, therefore, be it **RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of \$17,400.00 Textured Crosswalk Installation at the intersection of Bay and Downer Avenues to Statewide Striping Corporation, Parsippany, New Jersey. The motion was seconded by Councilman Gillingham and unanimously approved by voice vote.

Councilman Popaca moved the following:

**RESOLUTION NO. 06/20/2005 - 17: GRANT FRANCHISE TO NEW JERSEY NATURAL GAS COMPANY**

**WHEREAS**, New Jersey Natural Gas Company has heretofore been granted a franchise and consent to lay, maintain and operate natural gas facilities in the Borough of Mantoloking, which has, by its terms, expired; and

**WHEREAS**, New Jersey Natural Gas Company is desirous of obtaining a new franchise and consent of the municipality to continue serving the municipality.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of June, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Borough hereby grants a franchise to New Jersey Natural Gas Company to lay, maintain and operate, for a term of FIFTEEN (15) YEARS from date, its conductors, mains and pipes, together with all appurtenances thereto, in, above and below grade, in all of the public streets, alleys, squares and public places within the Borough of Mantoloking for the purpose of conducting, transmitting and distributing gas or any mixture of gases, including natural gas upon the following terms and conditions:

1. In all cases in which excavations are to be made for the within described purposes, the pavement or surface of the streets or roadways and sub-strata thereof shall be cut, opened and restored in compliance with the terms of permits issued pursuant to applicable Borough Ordinances governing such activity within the streets or roads of the Borough. All of the foregoing to be at the sole risk and cost of the New Jersey Natural Gas Company, or any successor.

2. Absent specific written prior Borough approval, any installation of above grade facilities shall be sited only in the proximate area of the extension of lot (or combined parcel of lots) side lines and not along the street right-of-way frontage of any lot.

3. The New Jersey Natural Gas Company, or any successor, shall defend, indemnify and hold harmless the Borough of Mantoloking, its officials, agents and employees from and against any and all claims, costs, loss or damage arising from or based upon the acts or omissions of New Jersey Natural Gas Company, or its successors, in conjunction with this franchise, or the immediately preceding franchise, now expired.

4. The franchise hereby granted shall be subject to its written acceptance by New Jersey Natural Gas Company and its express agreement to be bound by the terms and conditions

**hereof. The acceptance shall be filed with the Borough Clerk within SIXTY (60) DAYS from date.**

**5. This grant of franchise shall not be effective unless and until it is approved by the Board of Public Utilities of the State of New Jersey, with notice provided to the Borough Clerk.**

The motion was seconded by Councilman Laymon and it was unanimously 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:

**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 on the Congressional Committee decision to include our reach from the Manasquan Inlet to the Barnegat inlet in the WRADA Bill. Amount appropriated is \$400,000 through 2006.

**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:

Councilman Jones reminded all present that the committee has set July 19, 2005 at 7:00 p.m. for a Public Information Meeting.

**NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE, COUNCILMAN JONES:**

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

**11.NEXT MEETING** Regular Meeting of July 18, 2005 at 8:00 p.m.

**12. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilman Gillingham to adjourn at 9:25 p.m. The motion was seconded by Councilman Laymon and unanimously approved by voice vote.

Respectfully submitted,

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