

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**June 18, 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. 06/18/2007 – 01: APPROVAL OF MINUTES**  
Councilwoman Nelson moved that the following minutes are approved with a correction to Resolution No. 05/21/2007 - 10 of the Regular Council Meeting held on May 21, 2007. The correction is to state that Councilman Jones seconded the motion to approve the passage of Resolution No. 05/21/2007 – 10.  
The motion was seconded by Councilman Strohm and unanimously approved by voice vote.
  
7. **MAYOR'S REPORT**
  
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. Environmental Commission Report
  - I. Chief Financial Officer Report

**9. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

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

Councilman Witkowski moved the following seven (7) resolutions. The motion was seconded by Councilwoman Nelson and it was unanimously approved by voice vote.

**RESOLUTION NO. 06/18/2007 - 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER April 30, 2007**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of April 30, 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	\$1,779,900.00	\$1,155,762.82	\$ 98,162.42	\$ 525,974.76
2006 Appropriation Reserves	\$ 352,215.85	\$ 123,318.24	\$ 4,271.65	\$ 224,625.96
Capital	\$ 601,572.01	\$ 37,020.82		\$ 564,551.19

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 491,217.85	\$2,404,321.97

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. 06/18/2007 - 03: PAYMENT OF BILLS FOR THE MONTH OF JUNE 2007**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$609,079.66** 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. 06/18/2007 - 04: REQUESTING THE CORRECTION OF THE REFUND OF TAX OVERPAYMENTS**

**WHEREAS**, the Borough of Mantoloking has passed a resolution for the refund of overpayments of tax balances at its meeting dated May 21, 2007, and

**WHEREAS**, one of the overpayments was to be refunded to William and Julie Dunbar,

**AND WHEREAS**, the mortgage company that was handling that account, Countrywide Tax Services, has contacted the Borough and informed us that a mistake was made on their part in the payment of the original tax balance to that particular block and lot,

**NOW THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be authorized to refund the following to Countrywide Tax services and not to William and Julie Dunbar

<b>BLOCK/LOT</b>	<b>PROPERTY ADDRESS</b>	<b>REFUND NAME</b>	<b>AMOUNT</b>
BLK 20	937 Lagoon Lane	Countrywide Tax Services	\$2,564.02
LT 3		PO Box 10211 Van Nuys, Ca 91410-0211	

**RESOLUTION NO. 06/18/2007 - 05: REFUND OF DELINQUENT FEES FOR PROPERTY TAX PAYMENTS LOST BY U.S. POST OFFICE**

**WHEREAS**, real property tax payments by the owners listed below were not timely received and interest charges were imposed and paid; and

**WHEREAS**, subsequent investigation has confirmed that the delay in receipt of payment was solely attributable to the inadvertent failure of the postal service; and

**WHEREAS**, it is the recommendation of the Chief Financial Officer and the desire of the Mayor and Council to refund the interest charged.

IT IS NOW, THEREFORE, this 18<sup>th</sup> day of June, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that interest charges paid by the persons listed below shall be forthwith refunded in the sums noted:

David P. Loughran	Block 27, Lot 1	\$ 1.98
William and Cynthia Horr	Block 23, Lot 45	\$ 29.93
Sara Ritchie	Block 7, Lot 15	\$ 9.89

**RESOLUTION NO. 06/18/2007 - 06: APPROVE RELEASE OF CASH SURETY BOND TO BROWN & GLYNN CONSTRUCTION COMPANY, INC.**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by Brown & Glynn Construction Company, Inc. in conjunction with the demolition of a garage at home located at 1046 Barnegat Lane; and

**WHEREAS**, the Construction Official, John Wardell, has advised that a final inspection has been completed, the debris has been completely cleared and it is appropriate to release the Bond at this time.

**IT IS NOW, THEREFORE**, this 18<sup>th</sup> day of June, 2007, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Brown & Glynn Construction Company, Inc. in the amount of \$1,000.00 shall be released, forthwith;
2. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

**RESOLUTION NO. 06/18/2007 - 07: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 FOR CLEAN COMMUNITIES GRANT FUNDS**

**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 2007 in the sum of \$4,000.00, which is now available from the State of New Jersey, Solid Waste Administration.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,000.00 is hereby appropriated under the caption of 2007 Clean Communities Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, Solid Waste Administration in the amount of \$4,000.00.

**RESOLUTION NO. 06/18/2007 - 08: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 FOR ALCOHOL REHABILITATION GRANT FUNDS**

**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 2007 in the sum of \$1,916.94, which is now available from the State of New Jersey, Administrative Office of the Courts.

**BE IT FURTHER RESOLVED**, that the like sum of \$1,916.94 is hereby appropriated under the caption of 2007 Alcohol 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 \$1,916.94.

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

*A second public hearing on Ordinance No. 542 was held on June 18, 2007 and five (5) comments were made by the public. No action was taken by Council.*

*Ordinance No. 542 entitled:*

**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**

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

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

Councilman Gillingham moved the following:

**RESOLUTION NO. 06/18/2007 - 09: 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:

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
<i>Shawn Blakely</i>	<i>Special Police Officer</i>	<i>May 1, 2007</i>	<i>\$7.25/Hour</i>
<i>Alison Chavers</i>	<i>Beach Badge Checker</i>	<i>June 7, 2007</i>	<i>\$7.15/Hour</i>
<i>Kathleen Hovey</i>	<i>Beach Badge Sales</i>	<i>June 25, 2007</i>	<i>\$7.15/Hour</i>

Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

**PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA**

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

Councilman Popaca moved the following two (2) resolutions. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.

**RESOLUTION NO. 06/18/2007 - 10: ADOPTION OF THE MUNICIPAL STORMWATER MANAGEMENT PLAN REVISION DATED MAY, 2007**

**WHEREAS**, the Borough Engineer has, pursuant to recommendations of the Ocean County Planning Board, revised the Borough's Stormwater Management Plan; and

**WHEREAS**, the revised plan, entitled: "Municipal Stormwater Management Plan, revised May, 2007", has been reviewed and approved by the Ocean County Planning Board, as evidenced by letter dated June 7, 2007; and

**WHEREAS**, it is the desire of the governing body of the Borough of Mantoloking to adopt the above described document as the Municipal Stormwater Management Plan for the Borough.

**IT IS NOW, THEREFORE**, this 18<sup>th</sup> day of June, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the document entitled: "Municipal Stormwater Management Plan, revised May, 2007" is hereby adopted as the Stormwater Management Plan for the Borough of Mantoloking

**RESOLUTION NO. 06/18/2007 - 11: INTRODUCTION OF ORDINANCE NO. 543 PROVIDING FOR STORMWATER CONTROL**

*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. 543**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY,  
NEWJERSEY, PROVIDING FOR STORMWATER CONTROL, IN THE BOROUGH OF  
MANTOLOKING,**

OCEAN COUNTY, NEW JERSEY, AND PROVIDING PENALTIES FOR VIOLATIONS  
AND REVOKING ORDINANCE NO. 502 ENTITLED:

“AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,  
PROVIDING FOR STORMWATER CONTROL, IN THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY NEW JERSEY, AND PROVIDING PENALTIES FOR VIOLATIONS”

*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.*

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

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

Councilman Jones moved the following:

**RESOLUTION NO. 06/18/2007 - 12: PROVIDING FOR COMMITMENT TO IMPLEMENTATION OF U.S. ARMY  
CORP BEACH REPLENISHMENT PROJECT FOR THE BOROUGH OF MANTOLOKING**

**WHEREAS**, the entire Borough of Mantoloking is protected from ocean storm and flood damage by 2.2 miles  
of beach and dunes; and

**WHEREAS**, the beach and dune system constitute one of Mantoloking’s premier recreational and aesthetic  
assets; and

**WHEREAS**, Mantoloking’s beaches have been receding at the rate of two (2) feet per year since 1840 and are  
now considered a classic unstable beach capable only of withstanding a “20 year” storm event; and

**WHEREAS**, for many years the Mayor and Council have, with the assistance of several expert individuals and  
agencies, monitored the condition of the beach and dune system and planned and implemented various remedial  
efforts to preserve and improve it; and

**WHEREAS**, research and experience now indicate that a beach nourishment project such as those recently  
completed in Monmouth County, on Long Beach Island, and in many other beachfront communities throughout the  
country offer the best solution for Mantoloking; and

**WHEREAS**, a wide and stable beach and dune system in Mantoloking will benefit all residents and property  
owners with significantly increased long term protection from storm and flood damage, lower property insurance  
premiums, higher property values, and the preservation of Mantoloking’s unique lifestyle; and

**WHEREAS**, the financing and implementation of an optimal beach nourishment project will require the  
cooperation and support of the New Jersey Department of Environmental Protection, United States Army Corps of  
Engineers, the Ocean County Board of Freeholders, neighboring communities and the United States Congress;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Mantoloking do  
hereby commit themselves to such action as may be necessary to secure funding for and implementation of a beach  
nourishment project for the Borough including, but not limited to:

- Appropriating the local funds necessary to win approval for and to pay the local share of the multi-million dollar project;
- Educating Mantoloking residents as to the need for beach nourishment;
- Keeping the Borough’s beaches open to the public;
- Providing additional visitor parking and restroom facilities;
- Securing the property easements necessary for the initial nourishment and subsequent renourishments;

- Encouraging the participation of neighboring communities; and  
BE IT FURTHER RESOLVED, a copy of this resolution be sent to every Mantoloking resident and property owner, along with an invitation to attend a series of town meetings to be conducted by the Mayor and Council with the objective of generating the informed, active support of all residents for the Mantoloking beach replenishment project. Councilman Strohm seconded the motion and it was unanimously approved by voice vote.

Councilman Jones moved the following:

**RESOLUTION NO. 06/18/2007 - 13: EXECUTION OF INTERGOVERNMENTAL AGREEMENT FOR COASTAL ENGINEERING SERVICES**

**WHEREAS**, the Borough of Mantoloking continues to expend funds in conjunction with professional engineering services related to beach replenishment issues; and

**WHEREAS**, the County of Ocean acknowledges that the services provided will, directly and indirectly, assist other coastal municipalities in resolution of issues concerning beach replenishment; and

**WHEREAS**, the Ocean County Board of Chosen Freeholders has tendered a proposed Intergovernmental Agreement, whereby the County will fund up to \$18,000.00 to assist the Borough in conjunction with this ongoing effort, through June 5, 2008; and

**WHEREAS**, the proposed form of Agreement (copy annexed as Exhibit A), has been approved, as to form, by counsel; and

**WHEREAS**, it is the desire of the Mayor and Council to accept the assistance of Ocean County, and to enter into the tendered Intergovernmental Agreement.

IT IS NOW, THEREFORE, this 18<sup>th</sup> day of June, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The attached form of Intergovernmental Agreement is hereby approved and shall be forthwith executed by the Mayor and Clerk.
2. A copy of this Resolution and the signed Agreement shall be delivered to the Ocean County Board of Chosen Freeholders.

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

**PUBLIC HEARING OF ORDINANCE NO. 531 REVISION AND CODIFICATION OF THE BOROUGH ORDINANCES**

On the 18<sup>th</sup> day of June, 2007 a public hearing on Ordinance No. 531 was held and no comments were made by the public. No action was taken by Council.

Ordinance No. 531 entitled:

**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**

**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**

12. **NEXT MEETING** Regular Council Meeting of Monday, July 16, 2007 @ 4:30 p.m.

13. **ADJOURNMENT**

There being no further action for this meeting, it was motioned Councilman Jones to adjourn. Councilman Witkowski seconded the motion and it was unanimously approved by voice vote at 5:33 p.m.

Respectfully submitted,

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