

**FINAL DRAFT (07/08/2008)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**June 16, 2008**

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall with the following actions:

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.
  
- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel will read the following statement:  
*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**  
**Present:** Mayor George C. Nebel, Council President Steve Gillingham, Councilmen John H. Jones, Peter R. Strohm, Donald S. Ness, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson  
**Absent:** None  
  
**Also Present:** Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Police Chief Mark Wright, Borough Dune Consultant Dr. Stewart Farrell and Beautification Committee Member Mary Anne Finch
  
- 4. PLEDGE OF ALLEGIANCE:** The Mayor led the assembly in the Pledge of Allegiance.
  
- 5. PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda.
  
- 6. MINUTES OF PREVIOUS MEETINGS:**  
**RESOLUTION NO. 06/16/2008 – 01:**  
Councilwoman Nelson moved that the Minutes of the Regular Meeting of May 19, 2008 be approved as distributed. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

**7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

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

Councilman Witkowski moved the following five (5) resolutions. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

**RESOLUTION NO. 05/16/2008 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER April 30, 2008**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2008 municipal budget as of April 30, 2008; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED	
2008 Current Year Appropriation	\$2,094,000.00	\$1,309,988.29 731,353.69	\$ 52,658.02	\$
2007 Appropriation Reserves	\$ 383,181.59	\$ 117,508.43 264,635.52	\$ 1,037.64	\$
Capital	\$ 957,851.17	\$ 126,223.40 831,627.77		\$

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 440,136.49	\$2,281,938.22

**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. 06/16/2008 – 03: PAYMENT OF BILLS FOR THE MONTH OF JUNE 2008**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$314,434.41** and recommended that they be paid, now, therefore, be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve 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. 06/16/2008 – 04: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION (ALCOHOL EDUCATION REHAB GRANT) 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 2008 in the sum of \$1,713.46, which is now available from the State of New Jersey, Alcohol Education Rehab Fund.

**BE IT FURTHER RESOLVED**, that the like sum of \$1,713.46 is hereby appropriated under the caption of 2008 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 \$1,713.46.

**RESOLUTION NO. 06/16/2008 – 05: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION (CLEAN COMMUNITIES GRANT) 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 2008 in the sum of \$4,000.00, which is now available from the State of New Jersey, Department of Environmental Protection.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,000.00 is hereby appropriated under the caption of 2008 Clean Communities Grant; and

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

**RESOLUTION NO. 06/16/2008 – 06: AWARD OF CONTRACT FOR TELECOMMUNICATIONS SERVICES**

**WHEREAS**, the Borough Clerk, Irene H. Ryan solicited quotes for a two year telecommunication service agreement in the Borough of Mantoloking; and

**WHEREAS**, the quotations were received with the following results:

Bidder	Amount of Bid	Bid Bond	Surety	Non-Collusion	Owner	NJ Bus. Cert.	Affirmative	Subcontractor
X-Tel Communications Inc	Local Call Rate: \$.025/Min. Long Distance: \$.035 - \$.039 /Min.	-	-	-	-	X		-
Broadview Networks	Local Call Rate: \$.03/Min. Long Distance: \$.049/Min.	-	-	-	-	-		-
Verizon	(No Response)							

And

**WHEREAS**, the quotation has been reviewed by the 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 \$.025/Min. to \$.039/Min. rates to X-Tel Communications Inc., 9 E. Stow Road, Suite F, Marlton, NJ 08053

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

**A. Reports of the Public Safety Committee:** Councilman Gillingham introduced Police Chief Mark Wright who presented his respective report and then presented the reports of the Municipal Court and Fire Company.

**B. Action Items:**

Councilman Gillingham moved the following:

**RESOLUTION NO. 06/16/2008 – 07: ADOPTION OF REVISED 2008 LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

**BE IT RESOLVED** that the following named persons are hereby appointed as members of the Borough of Mantoloking Local Emergency Planning Committee (LEPC) for the year 2008. The Coordinator is appointed for a term of three (3) years:

Robert S. McIntyre, Emergency Management Coordinator (Term Expires 12/31/2008)  
Steve Gillingham, Deputy Emergency Management Coordinator  
Courtney Bixby, Mantoloking Fire Company No. 1  
Irene H. Ryan, Borough Clerk  
Mark Wright, Chief of Police  
William Heckman, Borough Superintendent  
Dr. Michael Doyle, Director, Board of Health  
Denise Boughton, H.E.L.P. Coordinator  
Thomas S. Guldin, P.E., Damage Assessment Officer  
Ocean County Department of Social Services  
G. Sandy Diehl, Community Group-Mantoloking Yacht Club  
Edwin J. O'Malley, Jr., Borough Attorney  
Michelle Swisher, Chief Financial Officer  
Editor-The Mantoloking Reporter  
Craig Goldman, Member-Ocean County Amateur Radio Emergency Services

**BE IT FURTHER RESOLVED** that the Borough Coordinator of Emergency Management is authorized, upon adoption of this Resolution, to call necessary meetings, arrange for appropriate training sessions, and to set deadlines for responses in writing of the various sections of the Emergency Operations Plan as well as any further related requirements.

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

**PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON**

**A. Reports of the Public Works:** Councilwoman Nelson presented reports from the Borough Superintendent, Construction Official and Land Use Officer.

**C. Action Items:**

Councilwoman Nelson moved the following three (3) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

**RESOLUTION NO. 06/16/2008 – 08: INTRODUCTION OF ORDINANCE NO. 558 – BUILDING SUB CODE INSPECTION FEE SCHEDULE**

*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. 558**

**AN ORDINANCE AMENDING CHAPTER 13 OF ORDINANCE 531, ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AND AMENDING PROVISIONS PERTAINING TO**

**STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY**

*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 8:30am –4:30pm, 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 Special Business meeting of the Mayor and Council to be determined following introduction, absent Council's direction to the contrary upon introduction.*

**RESOLUTION NO. 06/16/2008 – 09: 2009 N.J. DEPARTMENT OF TRANSPORTATION ROAD IMPROVEMENTS GRANT APPLICATION**

**SUMMARY:** Funds requested for the raising of roadway and milling resurfacing of Bergen Avenue and Channel Lane from Route 35 to the Barnegat Bay. The project would also include storm drainage improvements and curb replacement. Total estimated cost, \$200,000. (Application/Resolution attached)

**RESOLUTION NO. 06/16/2008 – 10: PROVIDING FOR PURCHASE OF SANITARY SEWERAGE EASEMENT, BLOCK 14, LOTS 10.01 AND 11.01 AND APPROPRIATING THE SUM OF \$23,856.91**

**WHEREAS**, it is necessary to acquire legal title to a sanitary sewerage easement upon Block 14, Lots 10.01 and 11.01; and

**WHEREAS**, the value of the easement has been established by appraisal at the sum of \$22,729.00; and

**WHEREAS**, the owners of the real property, Harry A. and Margaret H. McEnroe have advised that they will accept the sum of \$22,729.00, together with interest through April 8, 2008, for a total sum of \$23,856.91, as complete consideration for their conveyance of the easement; and

**WHEREAS**, it is the desire of the Mayor and Council to accept the terms now tendered for acquisition of the easement; and

**WHEREAS**, funds are available for this purpose.

**IT IS NOW, THEREFORE**, this 16<sup>th</sup> day of June, 2008, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall acquire a sanitary sewerage easement upon and across Block 14, Lots 10.01 and 11.01. The form of Deed of Easement shall be as approved by the Borough Engineer and Borough Attorney;
2. The consideration to be paid to the owners, Harry A. and Margaret H. McEnroe, shall be the sum of \$23,856.91;
3. The funds shall be released to the Grantors upon receipt of the Deed of Easement in recordable form.

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

**A. Report of the Dune & Beach Renourishment Committee**

**B. Action Items:**

Councilman Jones moved the following resolution.

**RESOLUTION NO. 06/16/2008 – 11: PROVIDING FOR EMERGENCY REPAIR AND RESTORATION OF BEACH AND DUNES DAMAGED BY THE NORTHEAST STORM OF MAY 11<sup>TH</sup> & 12<sup>TH</sup>, 2008**

**WHEREAS**, the beach and dune system within the Borough sustained significant damage as a result of the above referenced storm; and

**WHEREAS**, the quarter-annual Beach Evaluation Dune Report as provided by Dr. Stewart Farrell, on June 16, 2008, has been considered and the findings are deemed consistent with and not inimical to the implementation of the purposes and scope of this Resolution, or the Resolution of May 19, 2008, providing for dune repair; and

**WHEREAS**, the initial post storm evaluation of the condition of the beach and dune performed by Stewart Farrell, Ph.D. (Richard Stockton College of New Jersey) at the request of the governing body confirmed that approximately 200,000 cubic yards of sand were displaced from the beach and dune, that beach elevations were reduced by 3' to 5'; that the shoreline has relicted, in some location by 50', that generally the dunes relicted in a range from 10' to 25'; and

**WHEREAS**, the above described post storm conditions constitute an emergency which presents an immediate threat to the public health, safety and welfare; and

**WHEREAS**, it is the desire of the Mayor and Council to require repair of the dune system in accordance with the Dune Ordinance of the Borough of Mantoloking, with the cost to be the responsibility of the property owner; and

**WHEREAS**, it is the desire of the governing body that the condition be evaluated on a lot-by-lot basis so that unnecessary work will not be mandated.

**IT IS NOW, THEREFORE**, this 16th day of June, 2008, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The May 11-12, 2008 storm has presented emergency circumstances which constitute an immediate threat to the public health, safety and welfare;
2. The Dune Inspector and Mayor are hereby authorized to take such actions as may be necessary to remediate the storm damage, pursuant to the Resolution of May 19, 2008, this Resolution and the requirements of the Dune Ordinance;
3. The analysis, designed to identify property which is in need of post storm bulldozing has been completed on a lot-by-lot basis;
4. The Dune Inspector has determined that the entire dune system frontage (each lot) must be repaired by bulldozing of available sand; compliance is mandatory;
5. All official actions undertaken pursuant to the May 19, 2008 dune repair Resolution are hereby ratified;
6. All bulldozing shall be completed not later than July 1, 2008.

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

Councilman Jones introduced Borough Dune Consultant Dr. Stewart Farrell who made a presentation of his latest report on the condition of the beaches and dunes as a result of the May 11-12, 2008 storm.

**LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM**

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

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

- A. Councilman Ness introduced Committee Member Mary Anne Finch who presented the report of the Mantoloking Beautification Sub-Committee. Councilman Ness then presented the Environmental Commission report.
- B. **Action Items:** None

## **8. MAYOR AND COUNCIL COMMENTS**

Councilman Witkowski reported on the upcoming July 6, 2008 Family Pancake Breakfast presented by the Mantoloking Fire Company No. 1.

## **9. PUBLIC COMMENTS PERIOD**

Public comments were made in regards to police activity, beach replenishment, regionalization of schools, solid waste recycling and water pressure problems.

## **10. EXECUTIVE SESSION**

Councilman Gillingham moved the following:

### **RESOLUTION NO. 06/16/2008 – 12: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

*WHEREAS, the Open Public Meetings Act, N.J.S.A.10: 4-11, permits municipal governing bodies to meet in closed session to discuss certain matters, now, therefore be it*

*RESOLVED, the Mayor and Council adjourn to closed session to discuss:  
specific prospective or current employees unless all who could be adversely affected request an open session*

*FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.*

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote at 5:00 p.m.

## **11. OPEN SESSION AS NECESSARY**

The Mayor and Council reconvened in open session at 5:23 p.m. and the public were invited to return to the Public Meeting Room. No action was taken as a result of the executive session.

- 12. NEXT MEETING** Special Meeting of June 30, 2008 @ 4:30 p.m. and Regular Council Meeting of July 21, 2008 @ 4:30 p.m.

## **13. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote at 5:25 p.m.

Respectfully submitted,

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