

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING
Monday, July 19, 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 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 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, Councilmen Elbert E. Husted, III, John H. Jones, Alan C. Laymon, George C. Nebel, Douglas J. Popaca,

ABSENT: Council President, Steve Gillingham

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. 07/19/2004 –01: It was moved by Councilman Nebel to approve the following Minutes: Regular Meeting of June 21, 2004 and Closed Session of June 21, 2004

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

7. MAYOR'S REPORT & PRESENTATIONS

Mayor Dunbar reported that the construction of the new Mantoloking Bridge is progressing and they are now working on the east side. The plan to open the bridge in 2005 is still projected.

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. 07/19/2004 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER FOR May 31, 2004

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

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

	Cash Balance	Appropriation Balance Fund Balance
Current Fund	1,323,698.31	1,496,169.29
Reserve Year		4,051,530.79
Payroll		321,766.65
		6,452.63
Trust & Escrow Fund	89,499.21	53,218.76
General Capital Fund	1,433,432.67	3,635,513.51
Total	1,445,915.12	

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 Jones 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

RESOLUTION 07/19/2004 – 03: PUBLIC HEARING/ADOPTION OF ORDINANCE NO. 484, DOOR TO DOOR SOLICITATION REGULATIONS

Councilman Nebel motioned and Councilman Laymon seconded the motion to approve the adoption of Ordinance No. 484.

***WHEREAS**, on the 19th day of July, 2004 a public hearing on Ordinance No. 470 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. 484

**AN ORDINANCE GOVERNING DOOR TO DOOR
COMMERCIAL SOLICITATION IN THE
BOROUGH OF MANTOLOKING, OCEAN COUNTY,
NEW JERSEY**

The motion was approved by voice vote.

RESOLUTION NO. 07/19/2004 – 04: INTRODUCTION OF ORDINANCE NO. 485 – AMEND STREET OPENING REGULATIONS

Councilman Popaca moved the following:

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. 485

**AN ORDINANCE AMENDING ORDINANCE NO. 281 (ROAD OPENING)
OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
AND PROVIDING FOR REGULATION OF ROAD OPENINGS
FOR INDIVIDUAL CONNECTIONS OF UTILITIES**

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 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.

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

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

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

Councilman Nebel moves the following:

RESOLUTION NO. 07/19/2004 – 05: PAYMENT OF BILLS FOR THE MONTH OF JULY 2004

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,740,471.36** 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 Husted and was approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 07/19/2004 – 06: EXTENSION OF DUE DATE ON 2004 THIRD QUARTER TAX PAYMENTS

WHEREAS, the municipal budget of the BOROUGH OF MANTOLOKING was delayed through circumstances beyond the control of the municipality, and

WHEREAS, the BOROUGH OF MANTOLOKING has been put in a position of not being able to mail tax bills to property owners in the time period enabling taxes to be paid on the statutory date of August 1, 2004 as stated in N.J.S.A. 54:4-66.

NOW, THEREFORE, BE IT RESOLVED that a “grace period” is hereby established for the payment of third quarter 2004 taxes due the BOROUGH OF MANTOLOKING, and

BE IT FURTHER RESOLVED that a revision to the due date for quarterly taxes be established from August 1, 2004 to August 15, 2004, during which time interest charges will not be assessed. However, taxes not paid by August 15, 2004, will be charged interest from the original due date of August 1, 2004 at the rates of interest stated in Resolution No. 01/05/04-08 of the BOROUGH OF MANTOLOKING.

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500 becoming delinquent after due date.
2. A certified copy of this resolution shall be provided by the Borough Clerk to the Tax Collector, Borough Attorney and Borough Auditor for the Borough of Mantoloking.

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

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

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

Councilman Nebel moved the following:

RESOLUTION NO. 07/19/2004 – 07: 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
Michael DeLuca	Seasonal Police Officer	July 12, 2004	\$9.75 per hour
Kenneth LaChard	Part Time Police Officer	Years 2003 & 2004	\$12.00 per hour

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

Councilman Nebel moved the following:

RESOLUTION NO. 07/19/2004 – 08: 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 2004. The Coordinator is appointed for a term of three (3) years:

Richard Laird, Emergency Management Coordinator (Term expires 12/31/2006)
Steve Gillingham, Deputy Emergency Management Coordinator
Douglas J. Popaca, Councilman
Irene H. Ryan, Borough Clerk
Richard Ortley, Chief of Police
William Heckman, Borough Superintendent
Dr. Michael Doyle, Director, Board of Health
Ocean County Department of Social Services
David Jenkins, Community Group-Mantoloking Yacht Club
Edwin J. O'Malley, Jr., Borough Attorney
Michelle Swisher, Chief Financial Officer
Christine Wilder, 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 Councilman Husted and was approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 07/19/2004 – 09: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO. 1

WHEREAS, Craig S. Symons has applied for membership in the Mantoloking Fire Company No. 1; and

WHEREAS, the fire company has approved the application; and

WHEREAS, pursuant to the provisions of the By-Laws of the Mantoloking Fire Company No. 1, all applications are also subject to approval of Council.

IT IS NOW, THEREFORE, this 19th day of July, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Craig S. Symons is hereby approved, subject to receipt of satisfactory physical examination report.

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

GARBAGE & RECYCLING COMMITTEE, Councilman Laymon:

- A. Activities of the Garbage and Recycling Committee**
- B. Action Items: None**

Councilman Laymon reported that our new trash collection company M & S Waste is now getting compliments on their removal of our trash and recyclables.

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

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

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**

Councilman Laymon reported that Project Graduation was a success.

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. 07/19/2004 – 10: 2005 DEPARTMENT OF TRANSPORTATION ROAD IMPROVEMENTS GRANT APPLICATION

SUMMARY: Funds requested for the resurface of Barnegat Lane, from Bergen Avenue to Herbert Street. The project would also include storm drainage improvements, and would be a continuation of our current ongoing projects. Total estimated cost, \$220,000.00 (Application/Resolution attached)

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

Councilman Popaca moved the following:

RESOLUTION NO. 07/19/2004 – 11: AUTHORIZE BOROUGH ENGINEER TO SOLICIT BIDS FOR VARIOUS BOROUGH PROJECTS

WHEREAS, the Borough Engineer has recommended that the following listed capital projects be completed in 2004:

- a. Westerly Terminus of Downer Avenue Replacement of Bulk Head, Ordinance No. 476
- b. Barnegat Lane - Bergen Avenue to Lyman Street Curb, Sidewalk and Storm Drainage Improvements, Ordinance No. 457
- c. Barnegat Lane Reconstruction - 2,000 Linear Feet South of Lyman Street , Ordinance No. 474.

IT IS NOW, THEREFORE, this 19th day of July, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey that the Borough shall, forthwith, solicit bids for these projects in accordance with specifications prepared by the Borough Engineer (Stetler and Guldin Engineering, Inc., Thomas Guldin, P.E.)

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

Councilman Popaca moved the following:

RESOLUTION NO. 07/19/2004 – 12: AUTHORIZE THE APPLICATION FOR STATE AID UNDER THE MUNICIPAL STORMWATER REGULATION PROGRAM

WHEREAS the Governing Body of the Borough of Mantoloking desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$6,041.00 to fund the following project:

Municipal Stormwater Regulation Program
Grant Number: WQ04-449

THEREFORE, the Governing Body resolves that William K. Dunbar III or the successor to the office of the Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State of New Jersey for a grant in an amount not less than \$6,041.00 and not more than \$6,041.00, and (c) to execute any amendments thereto.

NOW THEREFORE BE IT RESOLVED that the Grantee agrees to comply with all applicable Federal, State, and Municipal laws, rules, and regulations in its performance pursuant to the agreement.

The motion was seconded by Councilman Jones and 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

Councilman Popaca reported that the Mayor and members of Council have been invited by Comcast Cable Television to a breakfast meeting to be held on July 29th at 8:00 a.m. at the Grenville Hotel Restaurant.

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 the WRDA bill could be a set back if the Senator from Vermont tacks on his amendment. It will push the project back 2 years while tests are redone. Our Senators are working to keep this moving forward. All residents in this area must encourage our senators.

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 must schedule an inspection of the beach before the middle of August in order to comply with the new Memorandum of Understanding Agreement with the U.S. Department of interior Fish and Wildlife Services. We must report our findings on the existence or non-existence of Seabeach Amaranth vegetation.

FLOOD STRATEGY COMMITTEE, COUNCILMAN JONES:

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

NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE, COUNCILMAN JONES:

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

13. NEXT MEETING It was the sense of Council to hold the next Regular Council Meeting on Monday, August 16, 2004 at 4:00 p.m.

Councilman Nebel moved the following:

RESOLUTION NO. 07/19/2004 – 13: CHANGE IN COUNCIL MEETING TIME

The Council will hold the Regular Meeting of Monday, August 16, 2004 at 4:00 p.m. as opposed to 8:00 p.m.

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

14. ADJOURNMENT

It was moved by Councilman Nebel to adjourn at 8:18 p.m. The motion was seconded by Councilman Laymon and approved by voice vote.

Respectfully submitted,

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