

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
July 17, 2006
BOROUGH HALL

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 20, 2005. 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 Elbert E. Husted, III, Councilmen John H. Jones, Peter R. Strohm, George C. Nebel, Douglas J. Popaca and Steve Gillingham
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 and any other matter of public interest.

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 07/17/2006 - 01: APPROVAL OF MINUTES

Councilman Nebel moved that the following minutes as distributed are approved.

Regular Meeting of June 19, 2006 and Closed Session of June 19, 2006. The motion was seconded by Councilman Jones and unanimously approved by voice vote.

7. MAYOR'S REPORT & PRESENTATIONS

RESOLUTION NO. 07/17/2006 – 02: IN MEMORY OF COUNCILMAN RICHARD T. LOWCHER

WHEREAS, Richard T. Lowcher, a former Councilman of the Borough, died on June 24, 2006; and

WHEREAS, Richard T. Lowcher provided dedicated and distinguished service as a member of the governing body from 1970 to 1978; and

WHEREAS, during his term of office he was effectively active in his position as a Member and Chairman of the Finance Committee and as a Member of the Zoning Committee; and

WHEREAS, Richard T. Lowcher displayed keen and continuing interest in the well-being of the Borough and all of its residents; and

WHEREAS, the service of Richard T. Lowcher was, in all respects, exemplary and of the highest competence.

IT IS NOW, THEREFORE, this 17th day of July, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The dedicated, effective, volunteer public service of Richard T. Lowcher is acknowledged with sincere appreciation.
2. The Mayor and Council hereby convey their heartfelt condolence to the family of Richard T. Lowcher.
3. A true copy of this Resolution shall be forwarded to his family.

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. Chief Financial Officer Report

Councilman Nebel moved the following:

RESOLUTION NO. 07/17/2006 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER May 31, 2006

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2006 municipal budget as of May 31, 2006; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2006 Current Year Appropriation	\$3,268,677.06	\$1,347,190.21	\$229,003.88	\$ 1,692,482.97
2005 Appropriation Reserves	\$ 332,526.95	\$ 121,188.69	\$ 108.26	\$ 211,230.00
Capital	\$1,146,741.35	\$ 163,504.15		\$ 983,237.20

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,266,355.12	\$3,653,028.92

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 unanimously approved by voice vote.

9. ORDINANCES None

10.COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

A. Report of the Municipal Finance Officer

B. Action Items: Councilman Nebel moved the following two (2) resolutions. Councilman Husted seconded this action and the resolutions were unanimously approved by voice vote.

RESOLUTION NO. 07/17/2006 – 04: PAYMENT OF BILLS FOR THE MONTH OF JULY 2006

WHEREAS, the interim Municipal Finance Officer has presented a list of bills in the total amount of **\$278,531.78** 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. 07/17/2006 – 05: 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 2006 in the sum of \$2652.84, which is now available from the State of New Jersey, Administrative Office of the Courts.

BE IT FURTHER RESOLVED, that the like sum of \$2,652.84 is hereby appropriated under the caption of 2006 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 \$2,652.84.

Councilman Popaca moved the following:

RESOLUTION NO. 07/17/2006 – 06: PROVIDING FOR ACCEPTANCE OF FEE INCREASES PROPOSED BY THE BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

WHEREAS, pursuant to an Interlocal Agreement between the Borough of Mantoloking and the BTMUA dated September 17, 2001, the Authority has provided sewage collection system maintenance services; and

WHEREAS, absent joint agreement to terminate the contract, it shall automatically renew, for successive five (5) year terms; and

WHEREAS, the current “flat fee” annual charge for the initial term is \$6,500.00 for defined services and a time and material charge for work beyond routine service; and

WHEREAS, by letter of July 5, 2006 (copy annexed), the Authority has advised of its desire to modify the compensation which it shall receive for its activities under the Agreement; and

WHEREAS, the proposal has been considered by the Public Works Committee; and

WHEREAS, the proposed increases will become effective as of January 1, 2007; and

WHEREAS, The Borough has been well served by the BTMUA during the term of the Contract.

IT IS NOW, THEREFORE, this 17th day of July, 2006, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough of Mantoloking does hereby confirm the continuation of the Agreement, to December 31, 2010.
2. The “flat fee” schedule set forth in the above referenced letter is approved;
3. The amended Schedule of Rates shall, per Contract, apply for repairs performed outside of the defined routine service.
4. A copy of this Resolution shall be forwarded to the BTMUA.

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

Councilman Gillingham moved the following:

RESOLUTION NO. 07/17/2006 – 07: 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:

Name	Position	Effective Date	Salary
<i>Bryanna Vacchiano</i>	<i>Beach Badge Checker</i>	<i>July 17, 2006</i>	<i>\$7.00 /Hour</i>

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

Councilman Nebel moved the following:

RESOLUTION NO. 07/17/2006 – 08: PROVIDING FOR EXECUTION OF CONTRACT WITH EASTERN ARMORED SERVICES, INC. (TRANSFER OF CASH DEPOSITS)

WHEREAS, there exists a desire to provide for secure transport of cash deposits of Borough funds; and

WHEREAS, Eastern Armored Services, Inc. has tendered a form of proposed Contract; and

WHEREAS, the Borough’s depository bank, Commerce Bank, N. A., Government Banking Division, will pay the cost of such transfer services.

IT IS NOW, THEREFORE, this 17th day of July, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Mayor and Clerk are authorized to execute the Contract, subject, however, to incorporation of a provision which confirms that the payment obligations which shall become due and payable under the Contract shall be entirely borne by Commerce Bank and not by the Borough. The motion was seconded by Councilman Popaca and unanimously 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. 07/17/2006 – 09: PROVIDING FOR RATIFICATION OF EMPLOYMENT OF POLICE RECRUIT

WHEREAS, there exists a need for the Police Department to engage special officers; and
WHEREAS, historically, a source of such personnel has been through sponsorship of individuals as police recruit trainees, at the Police Academy; and
WHEREAS, current regulations mandate that any such arrangement constitutes employment of the sponsored recruit, by the Borough; and
WHEREAS, a form of Employment agreement has been prepared to formalize the scope and terms of the employment of police recruits; and
WHEREAS, the Chief has identified the recruit, and it is necessary to formally ratify such employment, as is memorialized in the form of Agreements.

IT IS NOW, THEREFORE, this 17th day of July, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The practice of employing police recruits under the terms and conditions of the above described Contract is hereby approved.
2. Each individual Contract is subject to Council approval.
3. The Contract with recruit Jared England, is hereby ratified.
4. The Chief of Police shall, not less than annually, report to Council concerning the efficacy of this procedure.

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

BEACH ORDINANCE & STAFFING REVIEW COMMITTEE, COUNCILMAN GILLINGHAM

- A. **Activities of the Beach Ordinance & Staffing Review Committee**
- B. **Action Items: None**

GARBAGE & RECYCLING COMMITTEE, COUNCILMAN STROHM

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

DRUG & ALCOHOL ALLIANCE COMMITTEE, COUNCILMAN STROHM

- A. **Activities of the Drug & Alcohol Alliance committee**
- B. **Action Items: None**

PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA

- A. **Activities of the Public Works & Public Works Facilities Committees**
- B. **Action Items:** Councilman Popaca moved the following:

RESOLUTION NO. 07/17/2006 – 10: PROVIDING FOR RATIFICATION OF PAVING PERIOD EXTENSION, BARNEGAT LANE

WHEREAS, in the public interest, the Borough has prosecuted a roadway improvement project designed to ameliorate storm water flooding problems upon Barnegat Lane; and

WHEREAS, the final paving phase of the project was unavoidably delayed as a result of weather conditions and contractual constraints; and

WHEREAS, completion of the travel surface was deemed a necessary expedient

sufficient to warrant relaxation of Borough policies concerning the periods during which roadway improvement activities would be permitted.

IT IS NOW, THEREFORE, this 17th day of July, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the public interest in completion of the final paving phase of the Barnegat Lane Roadway Improvement Project warranted relaxation of the policy prohibition concerning such activity during the summer period and the action is hereby ratified as an appropriate exercise of discretion. The motion was seconded by Councilman Gillingham and unanimously approved by voice vote.

Councilman Popaca moved the following:

RESOLUTION NO. 07/17/2006 – 11: BARNEGAT LANE PHASE 4 STORM DRAINAGE IMPROVEMENTS AND ROADWAY RESURFACING – CHANGE ORDER NO. 1

WHEREAS, the Borough entered into Contract No. 2006-2 with Earle Asphalt Company for drainage improvements for Barnegat Lane (Lyman Street to Herbert Street); and

WHEREAS, due to the final calculations of as-built quantities of work completed under the contract, Earle Asphalt Company has submitted Change Order No. 1.

WHEREAS, it is deemed to be in the public interest to accept Change Order No. 1 ; and

WHEREAS, the Borough Engineer, Thomas Guldin, P.E. (Hatch Mott MacDonald) has, by letter dated July 14, 2006, (Exhibit " A " , attached) recommended the execution of Change Order No. 1 which added to an overall increase of the total cost of the project by \$23,310.33.

IT IS NOW, THEREFORE, this 17th day of July, 2006, 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 Gillingham and unanimously approved by voice vote.

OCEAN COUNTY BLOCK GRANT PROGRAM COMMITTEE, COUNCILMAN POPACA

A. Activities of the Ocean County Block Grant Program Committee

B. Action Items: None

REGIONALIZATION & SHARED SERVICES COMMITTEE, COUNCILMAN POPACA

A. Activities of the Regionalization & Shared Services Committee

B. Action Items: None

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN POPACA

A. Activities of the Beautification of Mantoloking 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

ARCHIVES AND RECORDS COMMITTEE, COUNCILMAN POPACA

A. Activities of the Archives and Records Committee

B. Action Items: None

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN HUSTED:

A. Activities of the Dune & Beach Renourishment Committee

B. Action Items: None

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: None

NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE, COUNCILMAN JONES

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

COMMITTEE TO SECURE ALTERNATE BEACH REPLENISHMENT FUNDING, COUNCILMAN JONES

- A. Activities of the Committee to Secure Alternate Beach Replenishment Funding
- B. Action Items: None

11. EXECUTIVE SESSION AS NECESSARY

Councilman Nebel moved the following:

RESOLUTION NO. 07/17/2006 – 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 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 be made public when the need for confidentiality no longer exists.

The motion was seconded by Councilman Popaca at 8:15 p.m. and unanimously approved by voice vote.

12. OPEN SESSION AS NECESSARY

The Mayor and Council returned to open session at 9:23 p.m. The public was invited to return to the meeting room. No action was taken.

13. NEXT MEETING Regular Meeting of August 21, 2006

14. ADJOURNMENT

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

Respectfully submitted,

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