

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**August 15, 2005**  
**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.**

**BEACH REPLENISHMENT UPDATE**

A presentation was made by beach preservation lobbyists' Howard Marlowe and Paul Ordal of Marlowe and Co. from Washington D.C. They updated the Council and residents on the current actions taken on the Federal Government level. The time line on the WRDA bill and funding for our reach were discussed. Reminders were given on the importance of the public's involvement with the continuing efforts to contact our legislators about the need for beach replenishment.

The presentation was continued by Dune Consultant, Dr. Stewart Farrell and Mark Mihalasky of the Coastal Research Center of Stockton College. They presented the most current digital aerial photographs of the Mantoloking beach front. The dune lines were drawn to reflect the calculated destruction of the dune system in a 20 year and 50 year storm events. The photographs will be made available on the Borough's website.

**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, John H. Jones, Alan C. Laymon, George C. Nebel, Douglas J. Popaca

**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. 08/15/2005 – 01: APPROVAL OF MINUTES**

It was moved by Councilman Gillingham to approve the minutes, as distributed, of the Regular Meeting of July 18, 2005 and Closed Session of July 18, 2005. The motion was seconded by Councilman Jones and unanimously approved by voice vote.

**7. MAYOR'S REPORT**

Councilman Laymon moved the following:

**RESOLUTION NO. 08/15/2005 – 02: CONFIRMING THE APPOINTMENT OF COURT ADMINISTRATOR AND COMMITTEE MEMBERS**

**WHEREAS**, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such as Municipal Court Administrator and committee members; and

**WHEREAS**, a vacancy exists in the office of the Municipal Court Administrator.

**THEREFORE, AFTER DUE DELIBERATION**, the Mayor and Council have determined that the following individuals are nominated for the 2011 Centennial Celebration Committee in 2005:

Sarah Dewing  
 Constance Kapp  
 Virginia Sigety

And

**WHEREAS**, the Mayor has recommended the appointment of Jennifer B. Krieg for the position of Municipal Court Administrator for the balance of 2005.

**IT IS NOW, THEREFORE**, this 15<sup>th</sup> day of August, 2005, Resolved by the Mayor and Council of the Borough of Mantoloking, as follows:

1. That the Council does, by this Resolution, hereby confirm, ratify, and approve the nominations and appointments and terms of office identified in both as to those officers and positions wherein the Mayor has the right to nominate and appoint with the advice and consent of Council or otherwise, and as to those offices and positions wherein the Council has the right to select said individuals or entities.

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. 08/15/2005 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER June 30, 2005**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2005 municipal budget as of June 30, 2005; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2005 Current Year Appropriation	\$3,026,572.13	\$1,593,617.59	\$28,275.52	\$1,404,679.02
2004 Appropriation Reserves	\$ 249,250.37	\$ 97,435.06	\$11,395.09	\$ 140,420.22
Capital	\$1,336,276.44	\$ 253,037.82		

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 106,300.58	\$3,798,057.30

**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 Popaca and unanimously approved by voice vote.

**9. ORDINANCES: NONE**

**10. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN NEBEL:**

**A. Activities of the Finance Committee**

**B. Action Items:** Councilman Nebel moved the following four (4) resolutions. The motion was seconded by Councilman Jones and approved unanimously by voice vote.

**RESOLUTION NO. 08/15/2005 – 04: PAYMENT OF BILLS FOR THE MONTH OF AUGUST 2005**

*WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$137,230.30 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. 08/15/2005 – 05: AUTHORIZING THE SALE OF USED PUBLIC WORKS UTILITY TRAILER AS SURPLUS PERSONAL PROPERTY**

**WHEREAS,** Council has authorized solicitation of bidders for the purchase of a used Borough public works equipment, to wit: a 1995 triple axle utility trailer, VIN: WLK0646; and

**WHEREAS,** the bid return date was August 12, 2005; and

**WHEREAS,** the highest bid was that tendered by Bob Perez of Jersey One Auto, the sum of \$689.99.

**IT IS NOW, THEREFORE,** this 15<sup>th</sup> day of August, 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of Bob Perez of Jersey One Auto, the sum of \$689.99, is hereby accepted upon the following terms and conditions:
  - (a) payment for and removal of the vehicle from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
  - (b) payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;
  - (c) the purchaser shall, upon delivery, accept the bill of sale or title document and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations or warranties of any nature whatsoever.

**RESOLUTION NO. 08/15/2005 – 06: AUTHORIZING THE SALE OF USED POLICE VEHICLE AS SURPLUS PERSONAL PROPERTY**

**WHEREAS,** Council has authorized solicitation of bidders for the purchase of a used Borough Police Vehicle, to wit: 2003 Ford Crown Victoria, VIN: 2FAFP71W53X112807; and

**WHEREAS,** the bid return date was August 15, 2005; and

**WHEREAS,** the highest bid was that tendered by Grace Quality Used Cars, Inc., the sum of \$6,556.00.

**IT IS NOW, THEREFORE,** this 15<sup>th</sup> day of August, 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

2. The bid of Grace Quality Used Cars, Inc. of Morrisville, Pennsylvania, the sum of \$6,556.00, is hereby accepted upon the following terms and conditions:
  - (a) payment for and removal of the vehicle from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
  - (b) payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;
  - (c) the purchaser shall, upon delivery, accept the bill of sale or title document and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations

or warranties of any nature whatsoever. Title shall pass upon delivery of payment to the Borough.

**RESOLUTION NO. 08/15/2005 – 07: SALARY APPROVAL OF PERSONNEL-COURT ADMINISTRATOR AND POLICE ACADEMY RECRUIT**

*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>Jennifer B .Krieg</i>	<i>Court Administrator</i>	<i>August 15, 2005</i>	<i>\$17,000. Annual</i>
<i>Michael Bennett</i>	<i>Police Academy Recruit</i>	<i>August 18, 2005</i>	<i>\$5.15 per hour</i>

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

- A. Activities of the Public Safety Committee**
- B. Action Items:** Councilman Gillingham moved the following:

**RESOLUTION NO. 08/15/2005 – 08: SUSPENSION OF ENFORCEMENT OF TWO (2) HOUR TIME LIMIT PARKING ON BAY AVENUE ON AUGUST 15, 2005**

**WHEREAS**, the Mantoloking Yacht Club has requested that enforcement of two-hour time limit parking regulations on Bay Avenue be suspended on August 15, 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 Regatta; 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 15<sup>th</sup> day of August, 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 Regatta on August 15, 2005, is hereby approved and endorsed.
2. All prohibited parking regulations will be enforced.

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

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

**RESOLUTION NO. 08/15/2005 – 09: PROVIDING FOR REJECTION OF ALL BIDS FOR EMERGENCY PUBLIC NOTIFICATION SYSTEM – BID DATE: JULY 18, 2005**

**WHEREAS**, two bidders submitted proposals in response to the invitation to bidders; and

**WHEREAS**, review of both bids revealed failure to provide, at bid delivery, certain required documentation; and

**WHEREAS**, all omissions are material, non-waiveable, and render the bids ineligible for award; and

**WHEREAS**, the borough specifically reserved the right to reject all bids, in the public interest.

**IT IS NOW, THEREFORE**, this 15<sup>th</sup> day of August, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All of the bids received for this project are hereby rejected as unresponsive.
2. Bid security provided shall be forthwith returned and/or released.
3. Council will continue to consider means for possible resolution of the nuisance which is the focus of this project.

**RESOLUTION NO. 08/15/2005 – 10: DEFERRED AWARD OF CONTRACT FOR EMERGENCY PUBLIC NOTIFICATION SYSTEM**

**WHEREAS**, the Borough Clerk advertised for sealed bids for the purchase and installation of an EMERGENCY PUBLIC NOTIFICATION SYSTEM, and

**WHEREAS**, bids were publicly opened and read aloud at 1:00 p.m. on August 15, 2005 in the Public Meeting Room of the Borough Hall with the following results:

Bidder	Amount of Bid	Bid Bond	Surety Guarantee	Non-Collusion	Owner Disclosure	Site Visitation	Affirmative Action	Subcontractors
Acoustic Technology, Inc.	\$42,410.00							
Bay Comm Inc.	\$37,452.10							
	\$							

And

*WHEREAS, the bid submissions have now been reviewed by the Public Safety Committee and Borough Attorney  
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County,  
 New Jersey that a contract award for an EMERGENCY PUBLIC NOTIFICATION SYSTEM is deferred for further review, to  
 wit:*

1. *To allow the Mayor and council to experience the actual performance of the equipment proposed by the lowest responsible bidder, Bay Comm, Inc.*

**GARBAGE & RECYCLING COMMITTEE, COUNCIL**

- A. Activities of the Garbage and Recycling Committee
- B. Action Items:

**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

**PUBLIC WORKS & PUBLIC WORKS FACILITIES COMMITTEES, COUNCILMAN POPACA**

- A. Activities of the Public Works & Public Works Facilities Committees
- B. Action Items: None

**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: 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

**11.EXECUTIVE SESSION AS NECESSARY**

Councilman Nebel moved the following:

**RESOLUTION NO. 08/15/2005 – 11: 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 Laymon and unanimously approved by voice vote at 9:16 p.m.

**12.OPEN SESSION AS NECESSARY**

The Mayor and Council reconvened at 9:35 p.m. The public was invited to return to the meeting room. No further action was taken.

**13.NEXT MEETING** Regular Meeting of September 19, 2005 at 8:00 p.m.

**14. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilman Laymon and seconded by Councilman Jones to adjourn at 9:38 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

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

