

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
August 21, 2006

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

Present: 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. 08/21/2006 – 01: APPROVAL OF MINUTES

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

Regular Meeting of July 17, 2006 and Closed Session of July 17, 2006. The motion was seconded by Councilman Nebel and unanimously approved by voice vote.

7. MAYOR'S REPORT & PRESENTATIONS

Mayor Dunbar reported that he was contacted by Mayor Scarpelli's office of Brick Township about a meeting to be held on August 23, 2006 at 6:00 p.m. Said meeting to be held at the Brick Township Municipal Building, will be about the development of the Traders Cove property on the west side of the Mantoloking Bridge. Councilman Steve Gillingham volunteered to attend as the representative of the Borough of Mantoloking governing body.

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. 08/21/2006 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER
June 30, 2006

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2006 municipal budget as of June 30, 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	\$1,735,423.17	\$134,114.55	\$ 1,399,139.34
2005 Appropriation Reserves	\$ 332,526.95	\$ 122,129.64	\$ 54.95	\$ 210,342.36
Capital	\$1,146,741.35	\$ 264,086.66		\$ 882,654.69

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 106,373.55	\$3,759,402.47

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.

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

9. ORDINANCES

Councilman Gillingham moved the following:

RESOLUTION NO. 08/21/2006 – 03: INTRODUCTION OF ORDINANCE NO. 524-AMEND LAND USE ORDINANCE NO. 465 (TENT PERMITS)

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. 524

**AN ORDINANCE AMENDING ORDINANCE NO. 465,
THE LAND USE ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY**

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 Husted and unanimously approved by voice vote.

Councilman Jones moved the following:

RESOLUTION NO. 08/21/2006 – 04: INTRODUCTION OF ORDINANCE NO. 525-FLOOD DAMAGE PREVENTION

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. 525

AN ORDINANCE TO PROVIDE FOR FLOOD DAMAGE PREVENTION IN THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEAL OF ORDINANCES NO. 174, 221, 254, 326, 415, 424, 452 AND ALL AMENDMENTS THERETO

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 Husted and unanimously approved by voice vote.

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

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

Councilman Gillingham moved the following:

RESOLUTION NO. 08/21/2006 – 05: IN OPPOSITION TO A STATE WIDE EQUALIZED SCHOOL TAX

WHEREAS, Since 1911, Mantoloking has maintained a local Board of Education and provided a free public education to hundreds of young people by means of a contract with the Point Pleasant Beach Public Schools, and

WHEREAS, the citizens of Mantoloking have consistently supported this means of providing the "thorough and efficient" system of education required by law and have never rejected a school budget proposal at the polls, and

WHEREAS, despite the low cost and efficiency of the public school system, Mantoloking taxpayers now shoulder average tax bills which are higher than all but five of the New Jersey's 566 municipalities, and

WHEREAS, the Joint Committee on Government Consolidation and Shared Services is currently considering proposals to replace our local property tax for the support of schools with a statewide equalized school property tax and/or to merge the Mantoloking School System into a countywide school system, and

WHEREAS, either of these solutions to the State's property tax dilemma would be inconsistent with Mantoloking's commitment to efficient and effective home rule and would impose an even greater burden on local taxpayers, and

WHEREAS, Assemblyman David W. Wolfe represents Mantoloking in the New Jersey Legislature and serves as one of six members of the Joint Committee on Government consolidation and Shared Services as well as the Assembly Education Committee and the Joint Committee on the Public Schools, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking state its unequivocal opposition to either a statewide school property tax or a countywide public school system and advise Assemblyman Wolfe and the other members of our legislative delegation, Senator Andrew R. Ciesla and Assemblyman James W. Holzapfel, of our opposition, and be it,

FURTHER RESOLVED, the Mayor and Council request our legislative delegation to encourage the Special Session on Property Tax Reform to consider some of the other proposals advanced by the Governor to reduce local property taxes including reduction of state mandated services, direct property tax credits, reduction of state spending overseen by an appointed controller, reform of pensions and benefits for state employees, removal of civil service impediments to shared services, elimination of interest arbitration of public safety worker contract disputes, and an annual cap on local property tax increases.

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

Councilman Nebel motioned to approve the following eight (8) resolutions. The motion was seconded by Councilman Husted and unanimously approved by voice vote.

RESOLUTION NO. 08/21/2006 – 06: PAYMENT OF BILLS FOR THE MONTH OF AUGUST 2006

WHEREAS, the interim Municipal Finance Officer has presented a list of bills in the total amount of **\$1,554,758.56** 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. 08/21/2006 – 07: ACCEPTANCE OF 2005 MUNICIPAL AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and,

WHEREAS, the Annual Report of Audit for the year 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

And,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body (original attached), and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and,

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Mantoloking, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 08/21/2006 – 08: ADOPTING CORRECTIVE ACTION PLAN IN RESPONSE TO AUDIT, AS OF 12/31/05 FINDINGS

WHEREAS, the audit of the Borough’s financial records for the period ending December 31, 2005, included six (1) “findings” concerning:

1. Police Department did not maintain complete cash books or the equivalent.

WHEREAS, the Borough is obliged to adopt a Corrective Plan in response to said finding.

IT IS NOW, THEREFORE, this 21st day of August, 2006, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the attached Corrective Action Plan dated August 7, 2006 (copy attached) is hereby adopted.

RESOLUTION NO. 08/21/2006 – 09: REQUESTING THE CANCELLATION OF PAYROLL RESERVE BALANCES

WHEREAS, there exists various reserves on the balance sheet of the Payroll Account which are over three years old; and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mantoloking that the following reserves in the amount of \$481.35 be and the same are hereby canceled:

Reserve for AFLAC-Cancer account	\$480.41
Reserve for AFLAC-Dependent Care	<u>.94</u>
Total	\$481.35

RESOLUTION NO. 08/21/2006 – 10: APPROVE RELEASE OF SURETY BOND TO JOSEPH A. FRANKLIN

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Joseph A. Franklin in conjunction with the demolition of a garage at home located at 919 Lagoon 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 21st day of August, 2006, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Joseph A. Franklin 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. 08/21/2006 – 11: APPROVE RELEASE OF SURETY BOND TO CONKLIN CONSTRUCTION CORP

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Conklin Construction Corp. in conjunction with the demolition of a single family home located at 2032 Channel 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 21st day of August, 2006, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

3. The referenced Surety Bond posted by Conklin Construction Corp. in the amount of \$1,000.00 shall be released, forthwith;
4. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

RESOLUTION NO. 08/21/2006 – 12: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE-LYNNE HAZELET

WHEREAS, as a matter of policy the Borough Council may, in its discretion, upon petition, grant extensions to an employee's sick leave; and

WHEREAS, due to demonstrated need, Lynne Hazelet, has been caused to utilize all of her allocated sick leave for 2006 and has petitioned for an increased allotment of sick leave for 2006; and

WHEREAS, Council is satisfied that the circumstances presented are extraordinary and that Lynne Hazelet is deserving of its favorable consideration of her petition.

IT IS NOW, THEREFORE, this 21st day of August, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Lynne Hazelet is hereby granted for forty-two (42) hours additional sick leave to cover her absence through August 4, 2006.

RESOLUTION NO. 08/21/2006 – 13: AUTHORIZED SALE OF MUNICIPAL PERSONAL PROPERTY

WHEREAS, the Borough of Mantoloking has determined that certain personal property, to wit:

- (A) One (1) 1994 Ford Dump Truck, MODEL: 384, VIN: 2FDKF38G6RCA75166; Accessories included are: One (1) 8' Meyers Plow and One (1) Side Body Toolbox
- (B) One (1) 2003 Ford Crown Victoria Police Vehicle, MODEL: 4 Door, VIN: 2FAFP71W73X181255

are surplus property; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder.

IT IS NOW, THEREFORE, this 21st day of August, 2006 RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The equipment:

- (A) One (1) 1994 Ford Dump Truck, MODEL: 384, VIN: 2FDKF38G6RCA75166; Accessories included are: One (1) 8' Meyers Plow and One (1) Side Body Toolbox
- (B) One (1) 2003 Ford Crown Victoria Police Vehicle, MODEL: 4 Door, VIN: 2FAFP71W73X181255

are hereby declared to be surplus, no longer needed for public purposes; and

2. The Borough Clerk is hereby authorized and directed to advertise a public sale of said property by

sealed bid in accordance with the applicable law.

3. The Borough reserves the right to reject any and all bids if it determines that to do so will be in the public interest.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

- A. Activities of the Public Safety Committee
- B. Action Items: None

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:

Councilman Strohm moved the following:

RESOLUTION NO. 08/21/2006 – 14: CONSIDER WAIVER OF PERMIT FEES FOR MANTOLOKING PARTICIPANTS IN THE FALL 2006 “MUNICIPAL ALLIANCE COMMITTEE OF PT. PLEASANT BEACH, BAY HEAD AND MANTOLOKING TOWN-WIDE GARAGE SALE CHARITY FUND RAISER”

WHEREAS, pursuant to Ordinance, any garage sale permit applicant shall pay a permit fee to the Borough; and

WHEREAS, the Municipal Alliance Committee of Point Pleasant Beach, Bay Head and Mantoloking desires to host a garage sale to support its charitable, public interest purposes; and

WHEREAS, it is the desire of the governing body to encourage and support the efforts of the Committee.

IT IS NOW, THEREFORE, this 21st day of August, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the collection of a garage sale permit fee from the Municipal Alliance Committee would be inimical to the spirit of the effort and the public interest.
2. Payment of the 2006 garage sale permit fee by the Municipal Alliance Committee of Point Pleasant Beach, Bay Head and Mantoloking is hereby waived as an expression of endorsement and appreciation for the efforts of the Municipal Alliance Committee.
3. Due to unsafe conditions concerning illegal parking on certain roadways, the Mantoloking Police Chief has ordered that the “No Parking” regulations of the Borough of Mantoloking will be strictly enforced.
4. Upon adoption, the Borough Clerk shall issue a certified copy of this resolution to the Coordinator of the Municipal Alliance Committee.

Councilman Husted 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:

RESOLUTION NO. 08/21/2006 – 15: BARNEGAT LANE PHASE 4 STORM DRAINAGE IMPROVEMENTS AND ROADWAY RESURFACING – PAYMENT NO. 2

WHEREAS, the Borough has entered into a Contract with Earle Asphalt Company (Contract 2006-2) to provide storm drainage improvements and roadway resurfacing: and

WHEREAS, the Contractor’s Application for Payment No. 2 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$167,438.21, by letter dated August 15, 2005; and

WHEREAS, funds have heretofore been appropriated by Ordinances 486 and 512.

IT IS NOW, THEREFORE, this 21st day of August, 2006, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 2 of Earle Asphalt Company is hereby approved in the sum of \$167,438.21 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

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

Councilman Popaca moved the following:

RESOLUTION NO. 08/21/2006 – 16: PROVIDING FOR CONNECTION TO SANITARY SEWERAGE EASEMENT BLOCK 37, LOT 4 (1414 OCEAN AVENUE)

WHEREAS, the Borough owns a sanitary sewer easement (10' in width along the northerly boundary of Lot 5); and

WHEREAS, the developer of Lot 4 has requested the Borough's permission to install a sanitary sewer lateral, within the easement from Lot 4 to the existing sewer lateral at the main collector in Carpenter Lane; and

WHEREAS, the subject easement will accommodate the desired sewer lateral.

IT IS NOW, THEREFORE, this 21st day of August, 2006, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Application for the proposed utilization of the sanitary sewerage easement is hereby approved subject to the developer's compliance with Borough regulations concerning such installation, including but not limited to inspection and approval of the lateral and connections by the Borough engineer and payment of applicable fees.

Councilman Husted seconded the motion and it was 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. NEXT MEETING Regular Meeting of September 18, 2006

12. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilman Nebel and unanimously approved by voice vote at 9:42 p.m.

Respectfully submitted,

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