

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

**MINUTES – REGULAR BUSINESS MEETING**  
**Monday, September 20, 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: 4:02 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**

**Present:** 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

**RESOLUTION NO. 09/20/2004 – 01**

Councilman Nebel moved to approve the absence of Councilman Laymon from Regular Council Meeting set for October 18, 2004. This was seconded by Councilman Jones and was unanimously approved by voice vote.

**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. 09/20/2004 - 02**

Councilman Gillingham moved to approve the minutes of the Regular Meeting of August 16, 2004, Special Meeting and Closed Session of August 30, 2004. This was seconded by Councilman Laymon and was approved unanimously by voice vote.

**7. MAYOR'S REPORT & PRESENTATIONS**

None

**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

**RESOLUTION NO. 09/20/2004 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER FOR JULY 31, 2004**

Councilman Gillingham moved the following:

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

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

	<b>Cash Balance</b>	<b>Appropriation Balance</b>	<b>Fund Balance</b>
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<b>Current Fund Reserve Year Payroll</b>	<b>219,852.66</b>	<b>1,093,151.32 48,790.93</b>	<b>8,522,509.76 6,731.41</b>
<b>Trust &amp; Escrow Fund</b>	<b>93,977.87</b>		<b>57,118.40</b>
<b>General Capital Fund</b>	<b>967,218.55</b>		<b>3,039,299.48</b>
<b>Total</b>	<b>1,281,049.08</b>		

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 Laymon seconded the motion and it was approved unanimously 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 five (5) resolutions. They were seconded by Councilman Laymon and unanimously approved by voice vote.

**RESOLUTION NO. 09/20/2004 – 04: PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2004**

*WHEREAS*, the Municipal Finance Officer has presented a list of bills in the total amount of **\$ 235,343.00** 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. 09/20/2004 - 05 RELEASE OF UNUSED ESCROW FOR COMPLETED VARIANCE MATTER**

*WHEREAS*, the Finance Office of the Borough of Mantoloking has researched the balances of escrow accounts which have had no activity for more than one year and

*WHEREAS*, the Borough Engineer and the Borough Planning Board Attorney have been consulted and confer that the following accounts are closed as far as they are concerned and

*WHEREAS*, the balance left on each account is due back to the escrow applicant

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and the Council of the Borough of Mantoloking authorize the Chief Financial Officer to refund the following escrow balances:

<u>Escrow Applicant</u>	<u>Amount</u>
Gillin	\$471.25
Dunning	593.75
Hayes	407.50
Thropp	700.12
Leddy	645.55
Ehinger	910.00
Naporano	725.00
Kleinert	542.50
Doyle	665.00
Shivers	220.00
Smith	15.00
Mattia	483.10
Salerno	215.00
Barton	1.00
Callaway	595.00
Nix	530.00

**RESOLUTION NO. 09/20/2004 – 06: RELEASE OF CASH SURETY FOR COMPLETED DEMOLITION**

*WHEREAS*, the Borough is the beneficiary of a Surety Bond posted by Dearborn Builders in conjunction with the demolition of a single family dwelling at 301 Old Bridge Street; 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 20<sup>th</sup> day of September, 2004, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Dearborn Builders 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. 09/20/2004 – 07: RELEASE OF 2003 UNUSED VACATION AND COMP TIME FOR BOROUGH SUPERINTENDENT**

**WHEREAS**, William Heckman, Borough Superintendent, has accrued unused vacation, 42.25 hours, as of December 31, 2003; and

**WHEREAS**, it is the desire of Council to now pay Mr. Heckman for these benefits in lieu of the continued accrual thereof; and

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

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of September, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That William Heckman shall, forthwith, be compensated for his accrued vacation, 42.25 hours, as of December 31, 2003, at the gross rate of \$25.70 per hour.

**RESOLUTION NO. 09/20/2004 – 08: REQUESTING REFUND OF SOCIAL SECURITY TAXES**

**WHEREAS**, it is a requirement of law that social security taxes be collected on all employees not covered under a section 218 agreement. The Finance Office of the Borough of Mantoloking has discovered an error in collecting social security taxes for Police Officer William Shewan

**WHEREAS**, William Shewan was originally hired by the borough of Mantoloking as a part-time special policeman. In the last quarter of 2002 he was then hired as a full-time police officer. Full-time police officers are covered under the section 218 agreement and no social security should be taken out of their pay.

**WHEREAS**, Social security was taken out of his pay for the period covered 11/01/02-12/31/03. The former payroll company of the Borough of Mantoloking, Ameripay, was notified of the error and they have filed the amended quarterly 941's and,

**WHEREAS**, the IRS has reimbursed the Borough of Mantoloking for both the employees share of social security and the employers share in the amount of \$9,868.62,

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and the Council of the Borough of Mantoloking authorize the Chief Financial Officer to refund half of the amount to William Shewan which represents the full amount of the employees share of the refund in the amount of \$4,934.31 with the remaining balance going back to the Borough

Councilman Nebel moved the following two (2) resolutions. Councilman Gillingham seconded the motion and they were unanimously approved by voice vote.

**RESOLUTION NO. 09/20/2004 – 09: 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 2004 in the sum of **\$271.03**, which is now available from the State of New Jersey, Solid Waste Administration.

**BE IT FURTHER RESOLVED**, that the like sum of **\$271.03** is hereby appropriated under the caption of 2004 Recycling Tonnage Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, Solid Waste Administration in the amount of **\$271.03**.

**RESOLUTION NO. 09/20/2004 – 10: REFUND OF REAL PROPERTY TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector has reported that the Borough has received real property tax payments for Block 26, Lot 10, Margaret K. Redlinger of 1237 Ocean Avenue, Mantoloking and Block 24, Lot 35, The Alexis Trust of 1085 Barnegat Lane, Mantoloking in duplicate which created overpayments; and

**WHEREAS**, it is the desire of the Mayor and Council to facilitate refund of such overpayments.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of September, 2004 **RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the overpayment in the amount of \$6,993.80 (Redlinger) and \$136.48 (Alexis Trust) shall, forthwith, be refunded to the owners of the subject real property at the time of original overpayment transaction.

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

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

**GARBAGE & RECYCLING COMMITTEE, COUNCILMAN POPACA:**

- A. Activities of the Garbage and Recycling Committee**
- B. Action Items:** Councilman Laymon moved the following:

**RESOLUTION NO. 09/20/2004 - 11 OCEAN COUNTY RECYCLING CENTER USE AND REVENUE SHARING AGREEMENT**

**WHEREAS**, pursuant to applicable law, the Borough is obliged to provide for separation and recycling of designated solid waste components; and

**WHEREAS**, the County of Ocean has adopted a Recycling Plan, duly approved by the New Jersey Department of Environmental Protection; and

**WHEREAS**, utilization of the County recycling facility will enable the Borough to comply with requirements of the law and may generate income, based upon volume of recyclables delivered; and

**WHEREAS**, the proposed Agreement has been reviewed by counsel; and

**WHEREAS**, it is deemed to be necessary and appropriate for the Borough to participate in the County Recycling Program.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of September, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall continue to participate in the Ocean County Recycling Program.
2. The Mayor and Clerk are authorized to execute the proposed Contract.
3. The execution of the Contract shall not be construed to supercede or modify any provisions of any existing solid waste recyclable contract between the Borough and its designated hauler.

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

**BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:**

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

Councilman Laymon reported that future plans for access ways is in the works.

**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: Councilman Popaca moved the following:

**RESOLUTION NO. 09/20/2004 – 12: ROADWAY AND DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (NORTH OF BERGEN AVENUE), CHANGE ORDERS NO. 2-REVISED AND NO. 3**

**WHEREAS**, the Borough entered into Contract No. 2003-1 with F & P Contractors, Inc. for roadway and drainage improvements for Barnegat Lane (North of Bergen Avenue); and

**WHEREAS**, due to unforeseeable site conditions, F & P Contractors, Inc. has submitted Change Order No. 2 (Revised) for:

Change Order No. 2-Revised: (Exhibit "A")	TOTAL	\$6,445.00
Change Order No. 3: (Exhibit "B")	TOTAL	-\$14,658.84
		And

**WHEREAS**, it is deemed to be in the public interest to proceed with the work; and

**WHEREAS**, the Borough Engineer, Thomas Guldin, P.E. (Stetler and Guldin) has, by letter dated Sept. 20, 2004 (Exhibit "A" and Exhibit "B" attached), recommended the execution of Change Order No. 2-Revised and No. 3.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of September 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 2-Revised and No. 3 are hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

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

**REGIONALIZATION & SHARED SERVICES COMMITTEE, COUNCILMAN POPACA:**

- A. Activities of the Regionalization & Shared Services Committee
- B. Action Items: None

Councilman Popaca reported that he is looking into purchasing liquid ice melt with Point Pleasant Beach or Ocean County.

**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

**DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN HUSTED:**

- A. Activities of the Dune & Beach Renourishment Committee
- B. Action Items:

**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**

Councilman Jones reported that we have recently met with our Community Rating System representative. The meeting resulted in changes being made to help us apply for a lower Classification in the National Flood Insurance Program.

**NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE, COUNCILMAN JONES:**

**A. Activities of the NFIP Flood Hazard Mitigation Planning Committee**

**B. Action Items: None**

Councilman Jones reported that the committee will meet tomorrow and is moving forward with plans.

**11. NEXT MEETING** Special Meeting, Monday, September 27, 2004 at 8:00 p.m. and Regular Meeting, Monday, October 18, 2004 at 8:00 p.m.

**12. ADJOURNMENT** There being no further business for this meeting, it was moved by Councilman Nebel and seconded by Councilman Laymon to adjourn at 4:40 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

Nancy Klumb, R.M.C.  
Deputy Borough Clerk