

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
September 19, 2005

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 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

RESOLUTION NO. 09/19/2005 – 01: APPROVAL OF FUTURE ABSENCES

Councilman Nebel moved that Councilman Laymon be excused from the Monday, October 17, 2005 Regular Meeting of the Mayor and Council. The motion was seconded by Councilman Jones and 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:
Deferred

7. MAYOR’S REPORT

Councilman Nebel moved the following:

RESOLUTION 09/19/2005 – 02: CONFIRMING THE APPOINTMENT OF MUNICIPAL COURT PERSONNEL & COMMITTEE MEMBERS

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

WHEREAS, a vacancy exists in the office of the Deputy Municipal Court Administrator; and

WHEREAS, additional Municipal Court Violations Clerks are required to conduct a proper court session.

WHEREAS, AFTER DUE DELIBERATION, the Mayor and Council have determined that the following individuals are nominated and approved for these duties in 2005:

- Deputy Court Administrator - Elizabeth Boettger
- Court Violations Clerk - Elizabeth Boettger
- 2011 Centennial Celebration Committee – Edwin C. O’Malley

IT IS NOW, THEREFORE, this 19th day of September, 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 Husted 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 five (5) resolutions. Councilman Husted seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 09/19/2005 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER July 31, 2005

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2005 municipal budget as of July 31, 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 | \$3,034,122.12 | \$1,793,124.15 | \$55,649.68 | \$1,185,348.29 |

| | | | | |
|------------------------------------|-----------------------|----------------------|--------------------|----------------------|
| | | | | |
| 2004 Appropriation Reserves | \$ 249,250.37 | \$ 97,435.06 | \$11,395.09 | \$ 140,420.22 |
| Capital | \$1,336,276.44 | \$ 264,156.75 | | |
| | | | | |

| ACCOUNT | REVENUE THIS MONTH | REVENUE YEAR TO DATE |
|----------------------|---------------------------|-----------------------------|
| Cash Receipts | \$ 662,138.48 | \$4,420,195.78 |
| | | |
| | | |

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.

9. ORDINANCES:

RESOLUTION NO. 09/19/2005 – 04: INTRODUCTION OF ORDINANCE NO. 500, AMENDMENT TO MANTOLOKING BOROUGH SALARY ORDINANCE NO. 471:

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. 500

AN ORDINANCE AMENDING ORDINANCE 471, THE MANTOLOKING BOROUGH SALARY ORDINANCE, REVISING SALARIES FOR THE DEPUTY MUNICIPAL COURT ADMINISTRATOR, COURT PERSONNEL CALL-OUT TIME (HOURLY) AND CREATING THE POSITION OF MUNICIPAL COURT VIOLATIONS CLERK AND THE SALARY FOR SAID OFFICE IN 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.

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

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

RESOLUTION NO. 09/19/2005 – 05: PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2005

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$101,949.93** 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. 09/19/2005 – 06: OBJECTION TO THE DIVERSION OF PARIS GRANT PRORAM DEDICATED FUNDS

WHEREAS, N.J.A.C. 15:3-7 in accordance with P.L. 2003, Chapter 117, sections 38 and 39, established the New Jersey Public Records Preservation Account for support of county and local government efforts in the management, storage and preservation of public records; and

WHEREAS, a key component of this legislation earmarked two dollars of document filing and recording fees collected by county clerks for deposit in this account, ensuring a sound foundation is laid for strategic broadening of the grant program in future years; and

WHEREAS, this dedicated fund is facing a \$5 million cut in funding, and diversion of these funds to the State’s General Fund, setting a dangerous precedent that threatens the integrity of the **PARIS** grant program and the premise that dedicated funds be used for their intended purposes; and

WHEREAS, this measure will reduce grant amounts, minimize the opportunity for municipalities to receive grant funding and fiscally impact counties and municipalities already impacted by continual State program and funding cuts, further escalating the burden of increased property taxes to offset these cuts;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that:

1. The Borough of Mantoloking strenuously urges the legislature and Acting Governor Richard Codey to restore full funding for county and municipal **PARIS** grants; and
2. The Borough of Mantoloking appeals to the Legislature and Acting Governor Richard Codey to protect these crucial, fundamental, viable programs when attempting to restore faith in the stability of our State government.
3. That the Clerk is directed to forward a certified copy of this resolution to the following:
 - Acting Governor Richard Codey
 - 9th, 10th and 30th District Legislators
 - Ocean County Municipalities
 - Ocean County Freeholders
 - Any other interested parties

RESOLUTION NO. 09/19/2005 – 7: REFUND OF OVERPAYMENT OF PROPERTY TAXES, BLOCK 31 – LOT 5

BE IT RESOLVED by the Council of the Borough of Mantoloking that a check be drawn to Wells Fargo Tax Service for the property listed below in the designated amount representing an overpayment of Property Tax:

| <u>BLOCK/LOT</u> | <u>NAME AND ADDRESS</u> | <u>AMOUNT</u> |
|------------------|---|---------------|
| 31 5 | O’MEALIA, HARRY III & LYNN 1304 BAY AVENUE | \$1,280.25 |

RESOLUTION NO. 09/19/2005 – 08: REFUND OF OVERPAYMENT OF PROPERTY TAXES, BLOCK 7 –LOT 6 & BLOCK 6 –LOT 3

BE IT RESOLVED by the Council of the Borough of Mantoloking that a check be drawn to the property owners listed below in the designated amount representing an overpayment of Property Tax:

| <u>BLOCK/LOT</u> | <u>NAME AND ADDRESS</u> | <u>AMOUNT</u> |
|------------------|--|---------------|
| 7 6 | CAPUTO, JOHN & LINDA 973 OCEAN AVENUE | \$1,022.31 |
| 6 3 | GILLEN, J. SCOTT & ELIZABETH 1004 EAST AVENUE | \$1,711.65 |

RESOLUTION NO. 09/19/2005 – 09: DESIGNATION OF SALARIES FOR BOROUGH EMPLOYEES

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>Jennifer B .Krieg</i> | <i>Court Administrator</i> | <i>August 15, 2005</i> | <i>Amended Salary - An additional \$17.00/Hr. For "Call-Out" Duties at a Minimum of 3 Hours/Call</i> |
| <i>Elizabeth Boettger</i> | <i>Deputy Court Administrator</i> | <i>September 9, 2005</i> | <i>\$15.00 per hour & an additional \$15.00/Hr. for "Call-Out" Duties at a Minimum of 3 Hr. per call</i> |
| <i>Elizabeth Boettger</i> | <i>Court Violations Clerk</i> | <i>September 22, 2005</i> | <i>\$100.00 per Session</i> |

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

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

Councilman Gillingham moved the following three (3) resolutions. The motion was seconded by Councilman Nebel and unanimously approved by voice vote.

RESOLUTION NO. 09/19/2005 – 10: RATIFICATION OF SUSPENSION OF ENFORCEMENT OF TWO (2) HOUR TIME LIMIT PARKING ON BAY AVENUE ON AUGUST 26, 2005

WHEREAS, the Mantoloking Yacht Club has requested that enforcement of two-hour time limit parking regulations on Bay Avenue be suspended on August 26, 2005; and

WHEREAS, Chief Richard Ortley has granted this request and directed personnel not to enforce two (2) hour time limit parking on said dates, during the World Duck Boat Sailing Regatta; and

WHEREAS, it is the desire of the governing body to ratify the request and to endorse the Chief's determination.

IT IS NOW, THEREFORE, this 19th day of September, 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 World Duck Boat Sailing Regatta on August 26, 2005, is hereby approved and endorsed.
2. All prohibited parking regulations were enforced.

RESOLUTION NO. 09/19/2005 – 11: APPLICATION FOR MEMBERSHIP (COURTNEY B. BIXBY) MANTOLOKING FIRE COMPANY NO. 1

WHEREAS, Courtney B. Bixby 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 September, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Courtney B. Bixby is hereby approved, subject to receipt of proof of successful completion of Fire Fighter 1 and Fire Fighter 2 courses

RESOLUTION NO. 09/19/2005 – 12: OBJECTION OF AWARD OF STATE HOMELAND SECURITY GRANT FUNDS TO CERTAIN POLITICALLY FAVORED LEGISLATIVE DISTRICTS

WHEREAS, the Statewide Local Domestic Preparedness Equipment Grant Program which was established in 2002 in response to the 9/11 terrorist attacks in New York City, Washington, D.C. and Shanksville, Pennsylvania, has been exposed as nothing more than a way to give money to politically favored legislative districts; and

WHEREAS, the grant program was intended to help municipalities purchase first-responder equipment, such as radios, gas masks, protective “haz mat” suits and bomb-sniffing dogs, that they were unable to purchase from their own budgeted funds; and

WHEREAS, it is documented that in the three years of the program’s operation, towns in Democratic legislative districts have received 93% of the 23 million in funds which were available; and

WHEREAS, it is also documented that in that same time period, towns in Republican legislative districts received just 7% of the money available, a mere \$1,647,642; and

WHEREAS, it has also been documented that Acting Governor Dick Codey and Attorney General Peter Harvey used no criteria to award funds under this grant program except for the political affiliation of the legislative district in which these municipalities are located; and

WHEREAS, this shocking use of homeland security funds for purely political purposes has put the safety and security of the citizens of this town at greater risk; and

WHEREAS, this September 11th marks the fourth year anniversary of the 9/11 terrorist attack on the citizens of our country, in which New Jersey lost nearly 700 of its citizens; and

WHEREAS, the Borough of Mantoloking’s Local Domestic Preparedness Equipment Grant was improperly and shamefully ignored and denied by Acting Governor Dick Codey and Attorney General Peter Harvey and based purely on the fact that it is located in a Republican legislative district; now, therefore,

BE IT RESOLVED

1. The Borough of Mantoloking condemns the awarding of Statewide Local Domestic Preparedness Equipment Grants for partisan political purposes;
2. The Borough of Mantoloking expresses its outrage that the Statewide Local Domestic Preparedness Equipment Grant Program did not base the awarding of grants on merit;
3. The Borough of Mantoloking calls on Acting Governor Codey and State Treasurer John McCormac to fund State homeland security grants from the \$40 million currently budgeted for property tax assistance and community development projects;
4. This resolution shall take effect immediately.

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:

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

RESOLUTION NO. 09/19/2005 – 13: AWARD OF CONTRACT FOR HYDROGEN SULFIDE CONTROL SYSTEM CONVERSION AT SANITARY SEWER PUMP HOUSE (HERBERT STREET)

WHEREAS, the Borough Engineer, Thomas S. Guldin, P.E. solicited quotes for the furnishing of a Hydrogen

Sulfide Control System Conversion (Contract No. 2005-3) at the sanitary sewer pump house located on Herbert Street in the Borough of Mantoloking; and

WHEREAS, the quotations were received on July 29, 2005 with the following results:

| Bidder | Amount of Bid | Bid Bond | Surety Guarantee | Non-Collusion | Owner Disclosure | Site Visitation | Affirmative Action | Subcontractors |
|----------------------------------|---------------|----------|------------------|---------------|------------------|-----------------|--------------------|----------------|
| US Filter Wastewater Group, Inc. | \$15,809.00 | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

And

WHEREAS, the quotation has been reviewed by the Borough Engineer and Borough Attorney, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of \$15,809.00 for the furnishing of a Hydrogen Sulfide Control System Conversion at the Herbert Street pump house to US Filter Wastewater Group, Inc.

RESOLUTION NO. 09/19/2005 – 14: STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (HERBERT STREET TO LYMAN STREET) – PAYMENT NO. 1

WHEREAS, the Borough has entered into a Contract with Haskell Site Work, LLC (Contract 2004-2) to provide storm drainage improvements: and

WHEREAS, the Contractor's Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$7,570.50, by letter dated September 6, 2005; and

WHEREAS, funds have heretofore been appropriated by Ordinance 497

IT IS NOW, THEREFORE, this 19th day of September, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 of Haskell Site Work, LLC is hereby approved in the sum of \$7,570.50 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

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 Gillingham moved the following:

RESOLUTION NO. 09/19/2005 – 15: 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 Husted and was unanimously approved at 8:16 p.m.

12.OPEN SESSION AS NECESSARY

The Mayor and Council reconvened at 8:25 p.m. The public was invited to return to the meeting room. No action was taken.

13.NEXT MEETING Regular Meeting of October 17, 2005 at 8:00 p.m.

14. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Husted and seconded by Councilman Jones to adjourn at 8:26 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

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