

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**September 18, 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**

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. 09/18/2006 - 01: APPROVAL OF MINUTES**

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

Regular Meeting of August 21, 2006. The motion was seconded by Councilman Husted and unanimously approved by voice vote.

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

Councilman Nebel moved the following:

**RESOLUTION NO. 09/18/2006 – 02: CONFIRMING THE APPOINTMENT OF THE MUNICIPAL COURT SECURITY COMMITTEE**

**WHEREAS**, it is the responsibility of the Mayor with the consent of Council to appoint various individuals to serve on Committees; and

**WHEREAS, AFTER DUE DELIBERATION**, the Mayor and Council have determined that the following individuals are nominated for the Municipal Court Security Committee in the Borough of Mantoloking:

Councilman Steve Gillingham, Chairman  
Councilman Douglas Popaca  
Samuel M. Morris, Judge of the Municipal Court  
Jennifer Krieg, Municipal Court Administrator  
Police Chief Richard Ortley  
Police Sgt. Mark Wright

**IT IS NOW, THEREFORE**, this 18<sup>th</sup> day of September, 2006, 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.

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

Councilman Gillingham moved the following:

**RESOLUTION NO. 09/18/2006 – 03: DESIGNATE THE DATE OF THE ORGANIZATION MEETING FOR 2007**

WHEREAS, Council must hold its' Organizational Meeting during the first seven (7) days of January.

IT IS NOW, THEREFORE, this 18th day of September, 2006, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

2. The Organizational Meeting of the governing body shall be held on Sunday, January 7, 2007, at 3 p.m.

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

**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. 09/18/2006 – 04: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER July 31, 2006**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2006 municipal budget as of July 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	\$1,990,518.55	\$ 60,478.11	\$ 1,217,680.40
2005 Appropriation Reserves	\$ 332,598.39	\$ 122,129.64	\$ 54.95	\$ 210,413.80
Capital	\$1,146,741.35	\$ 276,728.08		\$ 870,013.27

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 679,280.27	\$4,438,682.74

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 Nebel moved the following:

**RESOLUTION NO. 09/18/2006 – 05: THE ADOPTION OF ORDINANCE NO. 524**

WHEREAS, on the 18<sup>th</sup> day of September, 2006 a public hearing on Ordinance No. 524 was held. No comments were made by the public.

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance entitled: (Copy attached)

**ORDINANCE NO. 524**

**AN ORDINANCE AMENDING ORDINANCE NO. 465,  
THE LAND USE ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY**  
Councilman Husted seconded the motion and it was unanimously approved by voice vote.

Councilman Nebel moved the following:

**RESOLUTION NO. 09/18/2006 – 06: THE ADOPTION OF ORDINANCE NO. 525**

**WHEREAS**, on the 18<sup>th</sup> day of September, 2006 a public hearing on Ordinance No. 525 was held. No comments were made by the public.

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance entitled: (Copy attached)

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

Councilman Husted moved the following:

**RESOLUTION NO. 09/18/2006 – 07: INTRODUCTION OF ORDINANCE NO. 526: SALARY ORDINANCE**

**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. 526**

**AN ORDINANCE FIXING SALARY AND COMPENSATION OF CERTAIN OFFICERS, POSITIONS AND  
EMPLOYEES IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY  
TO BE KNOWN AS THE MANTOLOKING BOROUGH SALARY ORDINANCE**

**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](http://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.

Councilman Jones seconded the motion and it was 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 Nebel moved the following:

**RESOLUTION NO. 09/18/2006 – 08: PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2006**

**WHEREAS**, the interim Municipal Finance Officer has presented a list of bills in the total amount of **\$410,785.44** 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.

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

**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: 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. 09/18/2006 – 09: BARNEGAT LANE PHASE 4 STORM DRAINAGE IMPROVEMENTS AND ROADWAY RESURFACING – PAYMENT NO. 3**

**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. 3 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$19,088.34, by letter dated September 15, 2006; and

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

**IT IS NOW, THEREFORE**, this 18<sup>th</sup> day of September, 2006, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 3 of Earle Asphalt Company is hereby approved in the sum of \$19,088.34 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.

**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:**

Councilman Jones moved the following:

**RESOLUTION NO. 09/18/2006 – 10: ADOPTION OF FLOOD MITIGATION PLAN**

**WHEREAS** the Borough of Mantoloking has experienced severe damage from hurricanes, and flooding, on many occasions in the past century, resulting in property loss, loss of life, economic hardship, and threats to public health and safety;

**WHEREAS** a Flood Mitigation Plan, revised as of September 2006, (the Plan) has been developed after more than one year of research and work by the Borough of Mantoloking and the Flood Mitigation Planning Committee;

**WHEREAS** the Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that face Mantoloking;

**WHEREAS** a public meeting was held to review the Plan as required by law;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Mantoloking that:

1. The Flood Mitigation Plan revised, as of September 2006, is hereby adopted as an official plan of the Borough of Mantoloking.
2. The respective Borough officials identified in the strategy of the Plan are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Flood Mitigation Planning Committee.
3. The Flood Mitigation Planning Committee will provide annual progress reports on the status of implementation of the plan to the Mayor and Borough Council. This report shall be submitted to the Borough Council by June 15th of each year.

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

**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. 09/18/2006 – 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 and specific prospective or current employees unless all who could be adversely affected request an open session.*

*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 Jones and unanimously approved by voice vote.

**12. OPEN SESSION AS NECESSARY**

The Mayor and Council reconvened at 9:48p.m. and the public was invited to return to the meeting room. No action was taken.

**13. NEXT MEETING** Special Meeting of Friday, September 22, 2006 at 2:30 p.m. and Regular Meeting of October 16, 2006 at 8:00 p.m.

**14. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilman Husted to adjourn at 9:50 p.m. Councilman Nebel seconded the motion and it was unanimously approved by voice vote.

Respectfully submitted,

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