THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
September 17, 2007

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: 4:30 p.m.

2. OPEN PUBLIC MEETING STATEMENT: Mayor Nebel
   In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.

3. ROLL CALL
   Absent: None

4. PLEDGE OF ALLEGIANCE

5. PRIVILEGE OF THE FLOOR: The Mayor opened the meeting for public comment and questions about the agenda.

6. MINUTES OF PREVIOUS MEETINGS:
   RESOLUTION NO. 09/17/2007 – 01: APPROVAL OF MINUTES
   Councilman Gillingham moved that the following minutes as distributed are approved.
   Regular Meeting of August 20, 2007 and Special Meeting of September 4, 2007. The motion was seconded by Councilwoman Nelson and unanimously approved by voice vote.

7. MAYOR'S REPORT

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. Environmental Commission Report
   I. Chief Financial Officer Report
9. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI
A. Report of the Municipal Finance Officer
B. Action Items:
Councilman Witkowski moved the following six (6) resolutions. Councilman Gillingham seconded the motion and it was unanimously approved by voice vote.


WHEREAS, the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of July 31, 2007; and

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

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>BUDGET</th>
<th>EXPENDED YEAR TO DATE</th>
<th>ENCUMBERED</th>
<th>BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007 Current Year Appropriation</td>
<td>$3,653,220.27</td>
<td>$2,019,506.85</td>
<td>$57,257.44</td>
<td>$1,576,455.98</td>
</tr>
<tr>
<td>2006 Appropriation Reserves</td>
<td>$347,177.11</td>
<td>$122,688.04</td>
<td>$4,271.65</td>
<td>$220,217.42</td>
</tr>
<tr>
<td>Capital</td>
<td>$1,225,572.01</td>
<td>$138,371.80</td>
<td></td>
<td>$1,087,200.21</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>REVENUE THIS MONTH</th>
<th>REVENUE YEAR TO DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Receipts</td>
<td>$671,826.35</td>
<td>$4,478,649.60</td>
</tr>
</tbody>
</table>

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.


WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of $227,971.23 and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve 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. 09/17/2007 – 04: APPROVE RELEASE OF CASH SURETY BOND TO HERRINGTON BUILDERS, LLC

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Herrington Builders, LLC in conjunction with the demolition of a single family home located at 1013 East Avenue; 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 17th day of September, 2007, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Herrington Builders, LLC 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. 09/17/2007 – 05: APPROVE ADDITIONAL CHECK SIGNER

WHEREAS, it is necessary to designate and authorize persons to sign Borough checks; and
WHEREAS, the following have previously been designated as authorized signatories (all checks drawn upon Borough owned bank accounts shall be signed by three (3) authorized signatories):

1. Mayor or Council President;
2. Borough Clerk or Deputy Clerk; and
3. Chief Financial Officer or Councilman John Jones;

WHEREAS, it is the desire of the Mayor and Council to add an alternate signatory.

IT IS NOW, THEREFORE, this 17th day of September, 2007, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Councilman Stanley Witkowski be added as an alternate signatory for the Mayor or Council President on all Borough owned bank accounts.

RESOLUTION NO. 09/17/2007 – 06: REQUESTING A REFUND OF SEWER PAYMENTS

WHEREAS, the Mayor and Council of the Borough of Mantoloking have passed resolution 08/20/2007-09 which changed the delinquent date of sewer utility payments from August 1 to August 11.

WHEREAS, such change has created overpayments on certain homeowner accounts who have paid an interest amount.

WHEREAS, these overpayments need to be refunded to the homeowners,

NOW THEREFORE BE RESOLVED, by the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the proper officers be and are hereby authorized to refund the following overpayments of sewer payments.

William Smith
991 East Ave
Mantoloking, NJ 08738 $10.69

Michael & Helennuth Lucciola
8 Jodi Lane Road
Chatham, NJ 07928 11.11

Eugene & Marianna Oross
PO Box 706
Mantoloking, NJ 08738 8.87

Janet Tickner
954 Ocean Ave
Mantoloking, NJ 08738 6.42

Joseph & Doris Daly
991 Barnegat Lane
Mantoloking, NJ 08738 9.40

Doris Brinster
6 Smalley Lane
Skillman, NJ 08558 14.64

Art Harden
215 Channel Lane PO Box 2
Mantoloking, NJ 08738 8.85

FMS Realty c/o Joseph Franklin
c/o Joseph Mauriallo
202 Tuttle Ave
Spring Lake, NJ 07762 10.39

Robert Williams
242 Hoyt Farm Road
New Canaan, CT 06840 10.16

BLM-NJ LP c/o Dougherty
PO Box 554
1789 Hamilton Drive
Valley Forge, Pa 19481-0554 13.12

Alan Laymon
1130 Barnegat Lane
Mantoloking, NJ 08738 7.50

Robert Gordon
991 River Road
Piscataway, NJ 08854 7.12
David Loughran
1203 Bay Ave P.O. Box 746
Mantoloking, NJ 08738 6.98

Ken Wagner
308 East 79th Street
Apt 10EF
New York, NY 10021-0906 8.87

Correll & Eleanor Durling
PO Box 73
White House, NJ 08888 9.78

Lawrence & Elizabeth Nelson
305 Downer Ave
Mantoloking, NJ 08738 10.77

High Hill Pt Co LLC
PO Box C
Mantoloking, NJ 08738 8.30

George & Nancy Nebel
PO Box 905
Mantoloking, NJ 08738 8.87

George & Nancy Nebel
PO Box 905
Mantoloking, NJ 08738 10.69

Anthony & Linda Ciavaglia
226 Grand Blvd
Emerson, NJ 07630 11.90

Richard & Linda Bradley
1513 Runyon Lane
Mantoloking, NJ 08738 11.90
James & Valentine Clarke
1517 Runyon Lane
PO Box AB
Mantoloking, NJ 08738 8.56

Agnes Defelice
246 Red Hill Road
Middletown, NJ 07748 7.24

Doug Popaca
1558 Ocean Ave
Mantoloking, NJ 08738 9.00

Jean Quilty
41 Anthony Wayne Road
Morristown, NJ 07960 13.42

Dorothy Windhorst
1124 Barnegat Lane
Mantoloking, NJ 08738 9.67

Herbert Wright
954 South Lagoon Lane
Mantoloking, NJ 08738 13.12

Mary Lee Trousdale
161 Oak Ridge Ave
Summit, NJ 07901 20.31

John Waller
30 Rockefeller Place
Suite 4350
New York, NY 10112 11.50

Thomas & Kim Kocaj
1111 Wychwood Road
Westfield, NJ 07090 9.17

WHEREAS, Council deems it to be necessary and in the public interest to develop and adopt a long-range capital budget; and 
WHEREAS, the attached document entitled “Borough of Mantoloking, Capital Budget, Five-Year Plan 2007 - 2011”, as prepared by Councilman Stanley F. Witkowski dated May 15, 2007 (2 pages), has been reviewed by Council.

IT IS NOW, THEREFORE, this 17th day of September, 2007, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the attached, above referenced document, is hereby adopted as the Borough’s long-range capital budget, 2007 - 2011.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Activities of the Public Safety Committee

B. Action Items:

Mayor Nebel opened the meeting to the public for a public hearing on Ordinance No. 544.

PUBLIC HEARING ON ORDINANCE NO. 544

On the 17th day of September, 2007 a public hearing on Ordinance No. 544 was held and two (2) comments were made by the public. No action was taken by Council.

Ordinance entitled:

ORDINANCE NO. 544
AN ORDINANCE AMENDING ORDINANCE NO. 465,
THE LAND USE ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY

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

RESOLUTION NO. 09/17/2007 – 08: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO. 1, SUSAN LAYMON

WHEREAS, Susan Laymon 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 17th day of September, 2007, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Susan Laymon is hereby approved.

RESOLUTION NO. 09/17/2007 – 09: THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE BOROUGH OF MANTOLOKING

WHEREAS, the President, in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;
WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, Local, and tribal organizations utilize standard terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Borough of Mantoloking's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes.

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the Borough of Mantoloking including current emergency management training programs; and

WHEREAS, The National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey that the National Incident Management System (NIMS) is designated as the Borough of Mantoloking standard for incident management.

PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA

A. Activities of the Public Works & Public Works Facilities Committees

B. Action Items:

Councilman Popaca moved the following:


WHEREAS, the Borough of Mantoloking (the "Borough") is located on the New Jersey barrier island peninsula and is frequently subject to severe storms with attendant high winds; and

WHEREAS, the Borough and surrounding areas are popular destinations for summer vacation travel and as such the roadways are subject to heavy traffic flows; and

WHEREAS, the Borough’s electrical supply distribution, cable and telephone system, is provided via above ground electrical wires and facilities mounted on poles throughout the Borough; and

WHEREAS, downed electrical wires pose serious public safety problems because above ground wires are subject to damage from storms and heavy traffic flows increase the incidences of downed poles arising from vehicle collisions; and

WHEREAS, placement of wires underground will lead to more reliable electrical, telephone and cable services thereby decreasing the safety risks associated with downed poles and benefiting the Borough and its residents by greater continuity of service; and

WHEREAS, placement of wires underground will assist in neighborhood beautification efforts and will increase the attractiveness of the Borough to its residents and tourist, as well as reducing the environmental impact of trees that are adversely affected when pruned to accommodate the wires; and

WHEREAS, placement of wires underground will reduce the costs to the Borough arising from potential disruption to the community and its business of downed utility poles and wires, and resulting increased police and fire department expenses.

IT IS NOW, THEREFORE, this 17th day of September 2007. RESOLVED by the Mayor and Council (the governing body) of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Considering the safety, environmental, neighborhood beautification and other various potential benefits to the Borough described above, the governing body believes it is in the Borough’s best interests to take the steps necessary to move the electrical, cable and telephone system wires, currently located above ground on poles, to underground locations throughout the Borough.
2. The Borough would engage qualified consultants and experts necessary to evaluate the feasibility and costs related to grounding the overhead wires and to prepare a written report detailing same to be delivered the Council. To the extent feasible, the Borough will consider taking steps to include the proposed costs of the project in its budgets over the coming years, as well as to explore the sources of funding for the project. Councilman Strohm seconded the motion and it was unanimously approved by voice vote.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES
A. Activities of the Dune & Beach Renourishment Committee
B. Action Items: None

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM
A. Activities of the Legislative Action Committee
B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILWOMAN ANN ELIZABETH NELSON
Activities of the Mantoloking Committee
Action Items: None

10. MAYOR AND COUNCIL COMMENTS

11. PUBLIC COMMENTS PERIOD

12. NEXT MEETING Regular Council Meeting of Monday, October 15, 2007 @ 4:30 p.m.

13. ADJOURNMENT
There being no further business for this meeting, it was moved by Councilwoman Nelson to adjourn at 5:00 p.m. Councilman Jones seconded the motion and it was unanimously approved by voice vote.

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