

**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**  
Mayor George C. Nebel, Council President Douglas J. Popaca, Councilmen John H. Jones, Peter R. Strohm, Steve Gillingham, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson  
**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.

**RESOLUTION NO. 09/17/2007 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER July 31, 2007**

**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:

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

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 671,826.35	\$4,478,649.60

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.

**RESOLUTION NO. 09/17/2007 – 03: PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2007**

**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 17<sup>th</sup> 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 & Helenruth 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 79 <sup>th</sup> 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

TOTAL \$308.32

**RESOLUTION NO. 09/17/2007 – 07: APPROVE CAPITAL BUDGET FIVE YEAR PLAN 2007 - 2011**

**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 17<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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:

**RESOLUTION NO. 09/17/2007 – 10: APPROVE PARTICIPATION IN THE COMMUNITY**

**FOUNDATION OF NEW JERSEY**

**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