

DRAFT #2 (10/13/2009)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
September 21, 2009

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall with the following actions:

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.
- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel read the following statement:
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**
Present: Mayor George C. Nebel, Council President Stanley F. Witkowski, Councilmen Steve Gillingham, Peter R. Strohm, James J. Brown and Councilwoman Ann Elizabeth Nelson
Absent: Councilman Donald S. Ness

Also Present: Borough Attorney Edwin J. O'Malley, Jr., Chief Financial Officer Michelle Swisher, Police Chief Mark Wright and Emergency Management Coordinator Robert S. McIntyre, Jr.
- 4. PLEDGE OF ALLEGIANCE:** The Mayor led the assembly in the Pledge of Allegiance.
- 5. PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda. No comments were made.
- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 09/21/2009 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the minutes of the Regular Meeting of August 17, 2009 be approved as distributed. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

7. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

- A. Councilman Witkowski introduced the Municipal Finance Officer Michelle Swisher who presented the monthly finance report.
- B. **Action Items:**

Councilman Witkowski moved the following four (4) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 09/21/2009 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER July 31 2009

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2009 municipal budget as of July 31, 2009; and

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

| ACCOUNT | BUDGET | EXPENDED | ENCUMBERED | |
|---------------------------------|----------------|--------------------------------|--------------|----|
| | | BALANCE YEAR TO DATE | | |
| 2009 Current Year Appropriation | \$3,924,585.79 | \$2,414,322.48 1,426,587.58 | \$ 83,675.73 | \$ |
| 2008 Appropriation Reserves | \$ 337,600.67 | \$ 123,637.71 210,936.52 | \$ 3,026.44 | \$ |
| Capital | \$1,334,028.99 | \$ 221,336.36 1,112,692.63 | | \$ |

| ACCOUNT | REVENUE | REVENUE |
|---------------|---------------|----------------|
| | THIS MONTH | YEAR TO DATE |
| Cash Receipts | \$812,354.59 | \$4,881,885.89 |

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. 09/21/2009 – 03: PAYMENT OF BILLS FOR THE MONTH OF September 2009

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$268,571.46** 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. 09/21/2009 – 04: REQUESTING A REFUND OF TAX OVERPAYMENTS

WHEREAS, an overpayment has occurred on tax accounts for the Borough of Mantoloking, and

WHEREAS, the overpayment(s) will be refunded to the party responsible for the overpayment,

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be authorized to refund the following:

| BLOCK/LOT | PROPERTY ADDRESS | REFUND NAME | AMOUNT |
|-----------------|--------------------|-------------|------------|
| Blk 22 LT 16 | 1048 Barnegat Lane | Mary Brown | \$4,223.97 |

Blk 22
LT 7

1030 Barnegat Lane

Michael & Patricia \$ 463.30
McCormack

RESOLUTION NO.09/21/2009 – 05: APPROVE RELEASE OF CASH SURETY BOND TO JEFF VAN SCHOICK BUILDER, INC.

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Jeff Van Schoick Builder, Inc. in conjunction with the demolition of a single family home located at 209 Channel Lane; 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 21st day of September, 2009, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Jeff Van Schoick Builder, Inc. 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.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Reports of the Public Safety Committee: Councilman Gillingham introduced Chief Wright who presented the report of the Police Department. Councilman Gillingham concluded with the presentation of the reports of the Municipal Court, Fire Company and Emergency Management. At the request of Councilman Brown, Mr. McIntyre explained the protocol of his department in a hurricane evacuation emergency.

B. Action Items:

Councilman Gillingham moved the following two (2) resolutions. The motion was seconded by Councilman Brown and approved by unanimous voice vote.

RESOLUTION NO. 09/21/2009 – 06: APPLICATIONS FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO. 1 (CHRIS SZCZYGIEL & JOHN STRICH)

WHEREAS, Chris M. Szczygiel and John M. Strich have applied for membership in the Mantoloking Fire Company No. 1; and

WHEREAS, the fire company is reviewing the applications and approval is pending; 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 21st day of September, 2009, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the applications of Chris M. Szczygiel and John M. Strich are hereby approved, subject to receipt of satisfactory physical examination reports and approval of the Mantoloking Fire Company No. 1.

RESOLUTION NO. 09/21/2009 – 07: URGING FCC TO TAKE ACTION TO MITIGATE ONGOING INTERFERENCE WITH RADIO COMMUNICATIONS EFFECTING FIRST RESPONDERS SERVING OCEAN COUNTY

WHEREAS, since 2002, the Ocean County Public Safety Radio System utilized by emergency responders has been plagued by ongoing interference from digital television; and

WHEREAS, interference, mostly from digital television broadcast facilities in Boston, Massachusetts and Columbia, North Carolina, would render Ocean County's Public Safety Radio Network unusable at times for our first responders in the field using mobile and portable radios; and

WHEREAS, more recently the switch to all digital television has compounded the ongoing problem since WTXN in Waterbury, Connecticut switched on its digital transmitter causing a large increase in the level and frequency of harmful interference; and

WHEREAS, Ocean County has made every effort to work with Federal Communications Commission in an effort to alleviate this ongoing safety hazard; and

WHEREAS, some of those efforts have included traveling to Washington, D.C. in November 2002 along with Camden County representatives and Congressman Robert Andrews to meet with officials from the Federal Communications Commission regarding the DTV interference both Counties were receiving. That in December the Commission placed monitoring equipment at our facilities to record data and make observations; and

WHEREAS, the County of Ocean has also filed numerous complaints and reports with the FCC Field Office in Philadelphia as well as supplying the Commission with data recorded from our test equipment; and

WHEREAS, in May of 2007 the County of Ocean filed a license application and supporting engineering documentation with the FCC for a set of new frequencies that would help to mitigate the DTV interference; and

WHEREAS, despite repeated efforts for the past two years that have yielded no response, the County continues to wait for the commission to grant the County approval for this license; and

WHEREAS, Ocean County has begun to implement backup channels where possible during times of interference, however, limited channel resources are hampering the County's efforts.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, in conjunction with the Ocean County Sheriff's Department and all emergency responders serving the residents of Ocean County, expresses concern about officer and public safety during times of communications disturbance, and calls upon the FCC to take immediate action that will mitigate the ongoing interference with radio communications and expedite approval of Ocean County's requested license application.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be made available to:

- Federal Communications Commission
- U.S. Representatives from Ocean County
- State Legislators
- Ocean County Fire Coordinators Association
- Ocean County Fire Chiefs Association
- Ocean County Sheriff
- Ocean County First Aid Captains Association
- 15th District, New Jersey First Aid Council
- Ocean County Police Chiefs Association
- All Ocean County Mayors

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 574, Amendment to the Solicitation Regulations. No comments were made.

Councilman Gillingham moved the following resolution:

RESOLUTION: ADOPTION OF ORDINANCE NO. 574 – AMEND SOLICITATION REGULATIONS

WHEREAS, on the 21st day of September, 2009 a public hearing on Ordinance No. 574 was held and no comments were made by the public, now, therefore, be it

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

ORDINANCE NO. 574

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR THE REGULATION
OF PEDDLERS**

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 575, Amendment to the Solicitation Regulations. No comments were made.

Councilman Gillingham moved the following resolution:

RESOLUTION: ADOPTION OF ORDINANCE NO. 575 – AMEND LAND USE ORDINANCE

WHEREAS, on the 21st day of September, 2009 a public hearing on Ordinance No. 575 was held and no comments were made by the public, now, therefore, be it

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

ORDINANCE NO. 575

AN ORDINANCE OF THE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007, MORE PARTICULARLY LAND USE REGULATIONS, SECTION 30-4.3 SURFACE WATER MANAGEMENT, SECTION D, DATA REQUIRED 2(C) SITE TOPOGRAPHY AND PROVIDING FOR TECHNICAL CORRECTION

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON

A. Reports of the Public Works: Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official and Land Use Officer.

C. Action Items:

Councilwoman Nelson moved the following resolution:

RESOLUTION NO. 09/21/2009 – 10: AUTHORIZE PURCHASE OF SURPLUS VEHICLE FROM THE COUNTY OF OCEAN

WHEREAS, the County of Ocean has offered a surplus vehicle for sale to the Borough of Mantoloking for the sum of \$1.00; and

WHEREAS, the Superintendent of Public Works of the Borough of Mantoloking has examined and recommends the purchase of a 2000 Ford F150 Pickup Truck, VIN No. 1FTZF1721YNB20021.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking, County of Ocean, New Jersey approve the purchase of a 2000 Ford F150 Pickup Truck, VIN No. 1FTZF172YNB20021 for the sum of \$1.00 from the County of Ocean, New Jersey.

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

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

A. Report of the Dune & Beach Renourishment Committee

B. Action Items:

Councilman Strohm reported that the Borough continues diligent monitoring of the dune system and follows through with the recommendations of the dune inspector.

MANTOLOKING COMMITTEE, COUNCILMAN NESS (Absent)

A. Councilman Ness, as Chairman, presents the reports of the Mantoloking Committee and the Environmental Commission.

B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

- A. Councilman Brown stated that there are no reports of the Municipal Services Committee.
- B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel announced that a flag raising ceremony on the Mantoloking Bridge will take place on Tuesday, September 22, 2009 at 9:00 a.m.; the East Avenue paving project will commence in early October; the Arnold Street bay revetment project is near completion; the Borough Engineer has sent letters to all property owners who have impeded driveways that prevent our fire trucks from access to the property; and Councilman Brown has arranged a seminar on ethics in government to be held tentatively on Friday, October 9, 2009. This seminar will be presented by the N.J. State League of Municipalities in our public meeting room. Mayor Nebel invited all borough officials, employees and residents to attend.

9. PUBLIC COMMENTS PERIOD

Comments were made by the public concerning handicap parking problems on the easterly terminus of Downer Avenue and the lack of improvements to the Herbert Street beach access walkway.

10. NEXT MEETING Regular Council Meeting of October 19, 2009 @ 4:30 p.m.

11. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Strohm to adjourn. The motion was seconded by Councilwoman Nelson and was approved by unanimous voice vote at 5:00 p.m.

Respectfully submitted,

Edwin J. O'Malley, Jr.
Borough Attorney