

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
October 18, 2004
BOROUGH HALL

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 January 2, 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, George C. Nebel, Douglas J. Popaca,

ABSENT: Councilman Alan C. Laymon
- 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. No comments were made.
- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 10/18/2004-01: It was moved by Councilman Nebel to approve the following Minutes: Regular Meeting of September 20, 2004, Special Meeting of October 4, 2004 and Closed Session of October 4, 2004 with a correction to the Minutes of September 20, 2004 as follows: (Correction highlighted.) "**RESOLUTION NO. 09/20/2004-03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER FOR JULY 31, 2004** Councilman **Nebel** moved the following:" The motion with the correction was seconded by Councilman Gillingham and approved unanimously by voice vote.
- 7. MAYOR'S REPORT & PRESENTATIONS**
Mayor Dunbar reminded all present that the Borough will hold the annual Holiday Tree Lighting on Sunday, December 5, 2004 at 5:00 p.m.
- 8. DEPARTMENT REPORTS**
 - A. Police Report
 - B. Fire Report
 - C. Emergency Coordinator Report
 - D. Public Works Superintendent Report
 - E. Construction Official Report
 - F. Chief Financial Officer Report

Councilman Nebel moved the following:

RESOLUTION NO. 10/18/2004-02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER FOR August 31, 2004

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2004 municipal budget as of August 2004; and

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

	Cash Balance	Appropriation Balance	Fund Balance
Current Fund	1,436,337.99	928,998.50	7,470,935.03
Reserve Year		48,790.93	
Payroll			6,961.88
Trust & Escrow Fund	104,537.71		59,149.42
General Capital Fund	975,405.45		3,021,479.26
Total	2,516,281.15		

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.

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

9. ORDINANCES: (NONE)

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

A. Activities of the Finance Committee

B. Action Items: Councilman Nebel moved the following four resolutions. The motion was seconded by Councilman Jones and approved unanimously by voice vote.

RESOLUTION NO. 10/18/2004 – 03: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2004

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,455,039.82** 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. 10/18/2004-04: TRANSFERRING CURRENT YEAR APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2004 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2004 Municipal Budget effective November 1, 2004:

CURRENT ACCOUNT		TO	FROM
Engineer	OE	\$11,000.00	
Planning Board	OE		11,000.00
Insurance-Group Hlth	OE	16,000.00	
Electric	OE	1,000.00	
Telephone	OE	2,000.00	
Fire Hydrant	OE	6,500.00	
Natural Gas	OE	1,500.00	
Gasoline	OE	1,000.00	
Social Security	OE	5,000.00	
Recycling	OE		10,000.00
Legal	OE		5,000.00
Sewer System	OE		5,000.00
Beach Maintenance	OE		13,000.00
TOTAL		\$44,000.00	\$44,000.00

RESOLUTION NO. 10/18/2004 – 05: AUTHORIZED SALE OF MUNICIPAL PERSONAL PROPERTY

WHEREAS, the Borough of Mantoloking has determined that certain personal property, to wit:

- (A) 1989 Ford F700 Dump Truck, VIN: 1FDPK74P9KVA50129 with spark lift plow and a tailgate spreader; and
- (B) 9' Kawasaki, three person inboard jet powered boat, Model No. KAWJ8650-A3

are surplus property; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder.

WHEREAS, the Borough Superintendent has submitted a memorandum dated October 15, 2004 that reports the apparent value of the 1989 Ford F700 Dump Truck, spark lift plow and tailgate spreader in their present condition.

IT IS NOW, THEREFORE, this 18th day of October, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The equipment:

- (A) 1989 Ford F700 Dump Truck, VIN: 1FDPK74P9KVA50129 with spark lift plow and a tailgate spreader; and
- (B) 9' Kawasaki, three person inboard jet powered boat, Model No. KAWJ8650-A3

are hereby declared to be surplus, no longer needed for public purposes; and

2. The Borough Clerk is hereby authorized and directed to advertise a public sale of said property by sealed bid in accordance with the applicable law.

3. The Borough reserves the right to reject any and all bids if it determines that to do so will be in the public interest.

RESOLUTION NO. 10/18/2004 – 06: TO SET-UP A RESERVE FOR PENSION CONTRIBUTIONS

WHEREAS, pension contributions had been suspended for several years and P.L. 2003, c 108 re-established the pension contributions of local units, allowing a five-year phase-in period,

WHEREAS, N.J.A.C. 5:30-3.7 provides for the establishment of a reserve for pension contributions set up by the municipality. This allows for anticipated increases in the cost of employer pension contributions.

WHEREAS, the 2003 and 2004 municipal budget for the Borough of Mantoloking provides for \$2,500.00 and \$10,000.00 respectively from the Public Employees Retirement System Appropriation,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking hereby establish the account "Reserve for Pension Contributions" on the balance sheet of the Borough of Mantoloking in the amount of \$12,500.00 representing the first allocation of funds into the account.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Activities of the Public Safety Committee

B. Action Items: Councilman Gillingham discusses the following:

MASS NOTIFICATION, HIGH-POWER VOICE AND SIREN SYSTEM Councilman Gillingham reported that bids for a replacement system were received and are being reviewed. Consideration for an award of contract will take place at a later date.

Councilman Gillingham moved the following:

RESOLUTION NO. 10/18/2004 – 07: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO. 1

WHEREAS, Harry A. McEnroe has applied for membership in the Mantoloking Fire Company No. 1; and

WHEREAS, the fire company has not convened to vote on the application as of this date; 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 18th day of October, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Harry A. McEnroe is hereby approved, subject to receipt of satisfactory physical examination report and acceptance by the Mantoloking Fire Company No. 1 at their next scheduled business meeting.

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

GARBAGE & RECYCLING COMMITTEE, COUNCILMAN POPACA:

A. Activities of the Garbage and Recycling Committee

B. Action Items: None

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: None

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:

RESOLUTION NO. 10/18/2004 – 08: PROVIDING FOR SUPPORT OF NEW JERSEY DEPARTMENT OF TRANSPORTATION PROJECT (N.J. ROUTE 35, PAVEMENT RESTORATION, MP 9.00 TO MP12.50)

WHEREAS, the New Jersey Department of Transportation (NJDOT), its engineering consultant, Parsons, Mayor William K. Dunbar, III and the Borough Engineer, Thomas S. Guldin, P. E., have engaged in extensive negotiations concerning the captioned project and its impact upon the Borough; and

WHEREAS, the nature and scope of the project has been, as a result of negotiations, revised in a manner which is reflective of local concerns; and

WHEREAS, the Borough Engineer has reviewed relevant documents including all minutes of project design meetings of March 30, 2004 and September 21, 2004 and has, accordingly, advised by his letter of October 6, 2004, of his understandings concerning the project. More particularly:

1. There will be no widening of Route 35 and, therefore, no taking of property is required for the project;
2. The existing traveled lanes and the shoulders will be overlaid with bituminous concrete (asphalt) of varying thickness to facilitate drainage;
3. There may be a need to overlay or reconstruct some private driveways to facilitate regrading of the shoulders;
4. Existing curbs and sidewalks, if in poor condition or to facilitate drainage, will be replaced. New curbs and sidewalks will be installed, where none currently exist, unless the Borough indicates that it is preferred that none be installed;
5. Once the existing NJDOT drainage system is inspected, determination can be made as to the need to replace any part of the system. No new outfalls to Barnegat Bay are proposed. New (not replacement) storm sewers along Route 35 may be installed to facilitate proper drainage; and

WHEREAS, it is the desire of the governing body of the Borough of Mantoloking to convey to the NJDOT its expression of support for construction of the project, as revised.

IT IS NOW, THEREFORE, this 18th day of October, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough of Mantoloking does hereby support the construction of the project subject to and conditioned upon implementation of the design detail described above, 1-5;
2. The early implementation of this project, coordinated with and responsive to such ancillary or related undertakings by the Borough, will advance the public interest;
3. The professionally appropriate cooperation of the NJDOT, Division of Project Planning and Development, Robert Verner, P. E., and its consultants, in resolution of issues of local concern is noted with appreciation;
4. A copy of this Resolution shall be delivered to:
 - a. New Jersey DOT
Division of Project Planning and Development
Attention: Robert Verner, P. E.
1035 Parkway Avenue, CN 600 Trenton, New Jersey 08625
 - b. Parsons
Attention: David M. Sorensen, P. E., Project Manager
100 Broadway

- New York, New York 10005
c. Thomas S. Guldin, P. E.
Stetler and Guldin Engineering, Inc.
Hunterdon Hills Plaza
1390 Route 22, Suite 107
Lebanon, New Jersey 08833

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

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: None

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: Councilman Husted moved the following:

RESOLUTION NO. 10/18/2004 – 09: SUPPORT LEGISLATION THAT WOULD AMEND THE NEW JERSEY CONSTITUTION

WHEREAS, for the second time in recent history, New Jersey is faced with a situation wherein the elected Governor is resigning prior to the completion of the term; and

WHEREAS, under the current rules of the New Jersey Constitution, when a vacancy occurs for any reason, the unexpired term of the Governor is fulfilled by the Senate President: and

WHEREAS, the Senate President has been elected by the people of only one of the 40 legislative districts within the state, specifically to represent the citizens of that district; and

WHEREAS, there is a strong need for separation of powers within our state government. When the Senate President secedes to the position of Governor, he serves in both roles for the duration of the unexpired Governor's term, thereby assuming the role of head of the legislative and executive branches at the same time; and

WHEREAS, the constitutions of more than 40 other states in the nation provide for the election of a lieutenant governor, who would succeed the seated governor in the event of a vacancy for any reason.

NOW, THEREFORE, BE IT RESOLVED that the **MAYOR AND COUNCIL OF THE BOROUGH OF MANTOLOKING**, of the County of Ocean, State of New Jersey hereby strongly urges the passage of legislation that would amend the New Jersey constitution creating the position of lieutenant governor to be elected by the people to serve out the term of a seated governor who's position is vacated for any reason.

BE IT FURTHER RRESOLVED that certified copies of this Resolution shall be forwarded to the Office of the Governor, the 9th, 10th and 30th Legislative Districts, the Senate President and the Speaker of the House.

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

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. 10/18/2004 – 10: APPOINTMENT OF ADDITIONAL MEMBERS OF NFIP FLOOD HAZARD MITIGATION COMMITTEE FOR THE BOROUGH OF MANTOLOKING

WHEREAS, in furtherance of the desire to fully comply with applicable flood insurance regulations, it is necessary to appoint additional members to the “NFIP Flood Hazard Mitigation Planning Committee”, and

WHEREAS, THE Mayor has appointed the following individuals to serve as Members.

More particularly:

Peter A. Flihan, Jr.;
John W. Schmierer

IT IS NOW, THEREFORE, this 18th day of October, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey:

- 1. The individuals named above are hereby appointed and confirmed to serve as Committee Members

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

11. EXECUTIVE SESSION AS NECESSARY

Councilman Husted moved the following:

Resolution No. 10/18/2004 – 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.*

***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 Nebel and approved unanimously by voice vote at 8:21 p.m.

12. RECONVENED

The Mayor and Council reconvened at 9:21 p.m. and the public was invited to return to the meeting room.

13. NEXT MEETING Regular Meeting, November 15, 2004 at 8:00 p.m.

14. ADJOURNMENT There being no further business for this meeting, it was moved by Councilman Nebel and seconded by Councilman Jones to adjourn at 9:22 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

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