

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
October 15, 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, Steve Gillingham, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson

Absent: Councilman Peter R. Strohm

4. PLEDGE OF ALLEGIANCE

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

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 10/15/2007 – 01: APPROVAL OF MINUTES

Councilman Gillingham moved that the following minutes as distributed are approved: Regular Meeting of September 17, 2007. The motion was seconded by Councilman Jones and unanimously approved by voice vote.

7. MAYOR'S REPORT

Mayor Nebel thanked all residents for cleanup and compliance with vegetation in the sidewalk and roadway areas. He stated that letters addressing sight triangles have recently been sent out, as well.

Dune grass will be delivered to Mantoloking on November 2, 2007. All beach front property owners are to call Borough Hall and reserve your allotment. Dune fencing is also available.

Any resident in need of an absentee ballot for Election Day-November 6, 2007 can pick up an application in the Borough Hall. A supply was available at the entrance of the Public Meeting Room.

Paving of Runyon Lane will commence this week. Paving on Clayton Avenue in Bay Head where it meets with Barnegat Lane has been completed.

Paving of Channel lane will take place in Spring 2008.

Mr. Benjamin Daniel of the New Jersey American Water Company was in attendance. He reported on the status of the water pressure problems in Mantoloking. This and all questions and comments were addressed at the second public comments period.

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. Councilwoman Beth Nelson seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 10/15/2007 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER August 31, 2007

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of August 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	\$2,246,057.01	\$ 68,875.05	\$ 1,338,288.21
2006 Appropriation Reserves	\$ 347,177.11	\$ 122,688.04	\$ 4,271.65	\$ 220,217.42
Capital	\$1,225,572.01	\$ 170,430.48		\$1,055,141.53

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,454,516.74	\$5,933,166.34

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. 10/15/2007 – 03: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2007

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$ 1,334,780.57** 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. 10/15/2007 – 04: APPROVE RELEASE OF CASH SURETY BOND TO HOLLY R. HUBBELL

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Holly R. Hubbell in conjunction with the demolition of a garage located at 1026 Barnegat 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 15th day of October, 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 Holly R. Hubbell 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. 10/15/2007 – 05: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87, STATE DEPARTMENT OF CRIMINAL JUSTICE BODY ARMOR GRANT

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$686.03, which is now available from the State of New Jersey, Division of Criminal Justice.

BE IT FURTHER RESOLVED, that the like sum of \$686.03 is hereby appropriated under the caption of 2007 Body Armor Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Division of Criminal Justice in the amount of \$686.03.

RESOLUTION NO. 10/15/2007 – 06: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87, STATE DIVISION OF MOTOR VEHICLES DRUNK DRIVING ENFORCEMENT FUND

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$4,256.55, which is now available from the State of New Jersey, Division of Motor Vehicles.

BE IT FURTHER RESOLVED, that the like sum of \$4,256.55 is hereby appropriated under the caption of 2007 Drunk Driving Enforcement Fund; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Division of Motor Vehicles in the amount of \$4,256.55.

RESOLUTION NO. 10/15/2007 – 07: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87, STATE SOLID WASTE ADMINISTRATION 2007 RECYCLING TONNAGE GRANT

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$56.47, which is now available from the State of New Jersey, Solid Waste Administration.

BE IT FURTHER RESOLVED, that the like sum of \$56.47 is hereby appropriated under the caption of 2007 Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Solid Waste Administration in the amount of \$56.47.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

- A. Activities of the Public Safety Committee**
- B. Action Items:**

Councilman Gillingham moved the following:

RESOLUTION NO. 10/15/2007- 08: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO. 1, GEORGE M. PETERSON

WHEREAS, George M. Peterson 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 15th day of October, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of George M. Peterson is hereby approved.

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

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. 10/15/2007 – 09: ENDORSING APPROVAL OF GREEN ACRES

WHEREAS, on November 6, 2007, New Jersey voters will have the opportunity to approve the above described Bond Act, authorizing the issuance of \$200 million in general obligation bonds; and

WHEREAS, the Act will provide funds to continue the New Jersey open space, farmland, blue acres and historic preservation programs; and

WHEREAS, the Garden State Preservation Trust, established in 1998, has exhausted its funds and will directly benefit from funds generated by this Act now under consideration; and

WHEREAS, it is the view of the governing body and the residents of the Borough, as is reflected in the Land Use Regulations of the Borough, that the preservation of open space is vital to the Borough, Ocean County and the State, and all residents; and

WHEREAS, the preservation of land from unwarranted or inappropriate development is essential to the preservation and improvement of the quality of life.

IT IS NOW, THEREFORE, this 15th day of October, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The approval of the Green Acres, Farmland, Blue Acres and Historical Preservation Bond Act of 2007 is essential to the continuation of a viable open space program in New Jersey;
2. All voters, in the Borough, and elsewhere are urged to Vote “Yes” on Public Question #3 on November 6, 2007;
3. Copies of this Resolution shall be forwarded to all municipalities in Ocean County.

Councilman Gillingham 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

Representatives from the New Jersey American Water Company presented an estimated 1.7 million dollar project to rectify the water pressure problems in the Borough. Said project is in the development stage and the utility will be meeting with Borough officials in the near future to finalize the proposed extension of the Monmouth System pipeline. Commencement of the project is estimated to begin the Fall of 2008 and completed by the end of 2008.

12. EXECUTIVE SESSION

Mayor Nebel stated, "I'll entertain a motion to adjourn to closed session in compliance with the open public meetings act to consider a taxpayer request to vacate the street end at South Lagoon Lane. We will return to open session if any action is required as a result of that consideration. Thank you for coming this afternoon."

Councilwoman Nelson moved the following:

RESOLUTION NO. 10/15/2007 – 10: 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, that the governing body shall now convene in executive session to consider vacating the street end

at Sough Lagoon Lane. The Minutes of the executive session shall be released for public inspection at such date as may be determined by the governing body upon approval of the minutes of the executive session. It is anticipated that Council will reconvene, today, in open public session. Action may be taken.

Councilman Jones seconded the motion and it was unanimously approved at 5:19 p.m.

13. OPEN SESSION AS NECESSARY

The Mayor and Council reconvened at 5:35 p.m. and the public was invited to return to the meeting room. Mayor Nebel opened the meeting to the public for comments made by five (5) people. Councilman Gillingham moved the following:

RESOLUTION NO. 10/15/2007 – 11: CONSIDERATION OF VACATING SOUTH END OF LAGOON LANE

WHEREAS, the Mayor and Council has considered the request of Daniel Fitzgerald to vacate the southern terminus of Lagoon Lane; and therefore,

RESOLVED, that it is not in the public interest to vacate the street end.

Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

14. NEXT MEETING Regular Council Meeting of Monday, November 19, 2007 @ 4:30 p.m.

15. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Gillingham to adjourn. Councilman Jones seconded the motion and it was unanimously approved by voice vote at 5:47 p.m.

Respectfully submitted,

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