

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
January 18, 2005
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 December 21, 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, Alan C. Laymon, George C. Nebel, Douglas J. Popaca,

ABSENT: None

NEXT MEETING: TUESDAY, FEBRUARY 15, 2005

RESOLUTION NO. 01/18/2005 – 01: APPROVAL OF FUTURE ABSENCES

Councilman Laymon moved that Councilman Nebel be excused from the Tuesday, February 15, 2005 Regular Meeting of the Mayor and Council. The motion was seconded by Councilman Jones and unanimously approved by voice vote.

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.

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 01/18/2005 – 02: APPROVAL OF MINUTES

Councilman Gillingham moved that the following minutes as distributed are approved.

Regular Meeting of December 20, 2004, Closed Session of December 20, 2004 and Organization Meeting of January 3, 2005. The motion was seconded by Councilman Husted and unanimously approved by voice vote.

7. MAYOR'S REPORT

Councilman Nebel moved the following:

RESOLUTION NO. 01/18/2005 – 03: NATIONAL WEAR RED DAY FOR WOMEN

WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death.

WHEREAS, cardiovascular diseases (CVD) are the leading cause of death among women; and,

WHEREAS, heart attack, stroke and other cardiovascular diseases claim the lives of close to half a million women each year – more than the next seven causes of death combined, and nearly twice as many female lives as from all forms of cancer, including breast cancer; and,

WHEREAS, the cost of cardiovascular diseases and stroke in the US is estimated at \$368 billion; and,

WHEREAS, one in five females in the United States have some form of cardiovascular disease; and,

WHEREAS, 64 percent of women who died suddenly of coronary heart disease had no previous symptoms of this disease; and,

WHEREAS, February is designated as American Heart Month; and,

WHEREAS, the American Heart Association launched the **Go Red For Women** movement to encourage women to take charge of their cardiovascular health, pay attention to their hearts and help them live longer, stronger lives by reducing their risk for cardiovascular disease;

NOW, THEREFORE, I, William K. Dunbar, III in recognition of the importance of the ongoing fight against heart disease and stroke among women, do hereby proclaim Friday, February 4, 2005, to be

“National Wear Red Day for Women”

In the Borough of Mantoloking and urge all citizens to “go red” for the day and wear red on February 4, 2005 to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends and neighbors who have suffered from cardiovascular disease. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Borough of Mantoloking this 18th day of January 2005.

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

8. DEPARTMENT REPORTS

- A. Police Report
- B. Fire Report
- C. Emergency Coordinator Report
- D. Public Works Superintendent Report
- E. Construction Official Report
- F. Land Use Officer Report
- G. Chief Financial Officer Report

Councilman Nebel moved the following:

RESOLUTION NO. 01/18/2005 – 04: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER November 30, 2004

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

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

	Cash Balance	Appropriation Balance	Fund Balance
Current Fund	1,497,700.93	395,050.56	1,645,529.81
Reserve Year		45,646.22	
Payroll			7,843.95
Trust & Escrow Fund	88,721.97		50,193.67
General Capital Fund	1,050,274.26		2,759,708.85
Total	2,636,697.16		

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 Husted and unanimously approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 01/18/2005 – 05: TO ADOPT A TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough of Mantoloking has not adopted its 2005 municipal budget and therefore has not adopted the 2005 Capital portion of that budget,

WHEREAS, the Borough of Mantoloking desires to constitute the 2005 Temporary Capital Budget of said municipality,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mantoloking approve as follows:

SECTION 1. The 2005 Temporary Capital Budget of the Borough of Mantoloking is hereby constituted by the adoption of a schedule to read as follows:

PROJECT	EST COST	CAPITAL IMPROV FUND	DEBT AUTHORIZED
Road improvement Barnegat Lane Bergen to Herbert	\$280,000	\$14,000	\$266,000
Sewer Pump Station Generator Replacement	80,000	4,000	76,000
Archive Shelving	25,000	2,000	23,000
Police Equipment	33,000	2,000	31,000
TOTAL	418,000	22,000	396,000

Section 2. The Clerk be and is hereby authorized to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after adoption of these projects for 2005 Temporary Capital Budget, to be included in the 2005 Permanent Capital Budget as adopted.
The motion was seconded by Councilman Gillingham and unanimously approved by voice vote.

9. ORDINANCES:

Councilman Nebel moved the following:

RESOLUTION NO. 01/18/2005 – 06: INTRODUCTION OF CAPITAL ORDINANCES NO. 486, 487, 488, 489 AND 2005 BUDGET CAP ORDINANCE NO. 490: Councilman Nebel moves the following:

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinance:

ORDINANCE NO.: 486

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
ROAD IMPROVEMENTS – BARNEGAT LANE,
FROM BERGEN AVENUE TO HERBERT STREET
AT A PROJECT COST OF \$280,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$266,00.00, AND APPROPRIATING
THE SUM OF \$14,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO.: 487

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
SANITARY SEWER PUMP STATION GENERATOR REPLACEMENT
AT A PROJECT COST OF \$80,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$76,000.00, AND APPROPRIATING
THE SUM OF \$4,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO.: 488

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
ACQUISITION AND INSTALLATION OF ARCHIVES SHELVING
AT A PROJECT COST OF \$25,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$23,000.00, AND APPROPRIATING
THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO. 489

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
POLICE EQUIPMENT
AT A PROJECT COST OF \$33,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$31,000.00, AND APPROPRIATING
THE SUM OF \$2,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO. 490

**ORDINANCE TO EXCEED THE 2005 MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
and be it**

FURTHER RESOLVED, the attached Comprehensive Resolution of Introduction is hereby adopted, and be it

FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough's Website, www.mantoloking.org, and provided to anyone at cost during regular business hours, M-F 9am–1 pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council's direction to the contrary upon introduction.

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

Councilman Gillingham moved the following:

RESOLUTION NO. 01/18/2005 – 07: INTRODUCTION OF ORDINANCE NO. 491

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinance:

ORDINANCE NO.: 491

**AN ORDINANCE AMENDING ORDINANCE 179, ENTITLED:
“AN ORDINANCE TO REGULATE THE DIRECTION OF TRAFFIC
ON PRINCETON AVENUE, BAY AVENUE, ARNOLD STREET,
AND EAST AVENUE, PROVIDING FOR CERTAIN RELATED TURN**

**PROHIBITIONS AND FOR THE LOCATION OF STOP INTERSECTIONS
IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY”
AND PROVIDING FOR ADDITIONAL STOP INTERSECTIONS**

and be it

FURTHER RESOLVED, the attached Comprehensive Resolution of Introduction is hereby adopted, and be it

FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough’s Website, www.mantoloking.org, and provided to anyone at cost during regular business hours, M-F 9am–1 pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council’s direction to the contrary upon introduction

The motion was seconded by Councilman Popaca. Councilman Laymon opposed the resolution. All other Council members approved the introduction of Ordinance No. 491. Therefore the resolution was approved by majority of Council members present.

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

A. Activities of the Finance Committee

B. Action Items: Councilman Nebel moved the following eight (8) resolutions. The motion was seconded by Councilman Laymon and unanimously approved by voice vote.

RESOLUTION NO. 01/18/2005 – 08: PAYMENT OF BILLS FOR THE MONTH OF JANUARY 2005

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,348,971.40** 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. 01/18/2005 – 09: TO ADOPT APPROPRIATION RESERVE TRANSFER #1

WHEREAS, N.J.S.A. 40A: 4-59 provides that in the first 3 months of the fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopted by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

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 Appropriation Reserves exists; and

WHEREAS, it is recommended that these appropriation reserve transfers be made;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Mantoloking that the following budget transfers be made for the 2004 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>		<u>FROM</u>
Police	OE		\$5,000.00	
Police	SW		10,000.00	
Road Repair	SW		3,000.00	
Mun Clerk	SW		1,000.00	
Telephone	OE		1,000.00	
Mun Clerk	OE			\$10,000.00
Tax Coll	SW			5,000.00
Road Repair	OE			8,000.00
Natural Gas	OE		2,000.00	

Fire Dept.	OE	1,000.00	
Total		23,000.00	23,000.00

RESOLUTION NO. 01/18/2005 – 10: PROFESSIONAL SERVICE CONTRACTS FOR 2005

WHEREAS, The Local Public Contracts Law requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contracts must be available for public inspection; and

WHEREAS, the award of contracts for the professional services enumerated in the attached Exhibit “A” is necessary and in the public interest to provide for the efficient operation of the Borough; and

WHEREAS, a Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

RESOLVED by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute professional services agreements in accordance with the attached Exhibit “A”, which identifies the services and providers thereof. Copies of the contracts are available for inspection at the Clerk’s office during regular business hours.
2. These Contracts are awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(I) et. seq., the Local Public Contracts Law, because the contracts are for professional services by a person authorized by law to practice a recognized profession that is regulated by law.
3. Appropriate legal notice of this action shall be published once in the official newspaper of the Borough.

RESOLUTION NO. 01/18/2005 – 11: MISCELLANEOUS SERVICE AND MAINTENANCE CONTRACTS FOR 2005

WHEREAS, the award of contracts for services and maintenance of Borough facilities, equipment and personnel obligations enumerated in the attached Exhibit “B” is necessary and in the public interest to provide for the efficient operation of the Borough; and

WHEREAS, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

RESOLVED by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the attached Exhibit “B”, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney. Copies of the contracts are available for inspection at the Clerk’s office during regular business hours.

RESOLUTION NO. 01/18/2005 – 12: AMEND RESOLUTION NO. 12/20/2004-06, “REDEMPTION OF TAX SALE CERTIFICATE”

WHEREAS, the Mayor and Council adopted Resolution No. 12/20/2004 – 06 entitled, REDEMPTION OF TAX SALE CERTIFICATE at a regular council meeting held on December 20, 2004; and

WHEREAS, the Borough Tax Collector has reported that:

1. The original amount of refund, \$9,389.14, is incorrect.
2. The correct amount of refund is \$9,989.14.
3. An additional refund of a 2% penalty in the amount of \$67.78 is due.

WHEREAS, the correct amount of the refund is \$10,056.92 which is a difference of \$667.78; and,

WHEREAS, Tax Sale Certificate No. 04-001 T held by Crusader Servicing Corporation on property owned by Backgammon LTD, Inc. located at 1126 Ocean Avenue has received refund checks No. 236 and 9961 in the amount of \$9,989.14 from the Borough of Mantoloking.

NOW, THEREFORE, BE IT RESOLVED on this 18th day of January, 2005, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, that the Borough Chief Financial Officer be authorized to draw a check for \$67.78 to Crusader Servicing Corporation and the Borough Tax Collector be provided with one certified copy of this Resolution.

BE IT FURTHER RESOLVED, that:

1. the Tax Collector be authorized to cancel the lien on BLOCK 24 LOT 55 from the record.
2. Resolution No. 12/20/2004 – 06 is hereby amended by this resolution.
3. The effective date of this resolution is December 20, 2004.

RESOLUTION NO. 01/18/2005 – 13: ESTABLISHMENT OF EMPLOYEE SALARIES FOR 2005

WHEREAS, the Mayor has recommended annual salaries for all borough employees for 2005, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the attached Exhibit "C", schedule of salaries for 2005 and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 01/18/2005 – 14: EMPLOYMENT CONTRACT AGREEMENT FOR LYNNE HAZELET

WHEREAS, LYNNE HAZELET, possesses the qualifications to serve in the capacity of a regular part time clerical assistant and has indicated her willingness to assume said responsibilities; and

WHEREAS, Council desires to enter into a revised Agreement with LYNNE HAZELET effective as of January 1, 2005.

IT IS NOW, THEREFORE, this 18th day of January, 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking as follows:

1. *The Mayor and Borough Clerk are hereby authorized to execute the attached (Exhibit "D") Agreement on behalf of the Borough.*

RESOLUTION NO. 01/18/2005 – 15: EMPLOYMENT CONTRACT AGREEMENT FOR ALFRED J. HOPKINS

WHEREAS, ALFRED J. HOPKINS, possesses the qualifications to serve in the capacity of a regular part time manual laborer and has indicated his willingness to assume said responsibilities; and

WHEREAS, Council desires to enter into an Agreement with ALFRED J. HOPKINS, effective as of January 1, 2005.

IT IS NOW, THEREFORE, this 18th day of January, 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking as follows:

2. *The Mayor and Borough Clerk are hereby authorized to execute the attached (Exhibit "E") Agreement on behalf of the Borough.*

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

- A. **Activities of the Public Safety Committee**
- B. **Action Items: None**

GARBAGE & RECYCLING COMMITTEE, COUNCILMAN LAYMON:

- 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 moves the following:

RESOLUTION NO. 01/18/2005 – 16: CURB, SIDEWALK, AND STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (LYMAN STREET TO BERGEN AVENUE), CONTRACT NO. 2003-2, CHANGE ORDER NO. 1

WHEREAS, the Borough entered into Contract No. 2003-2 with F & P Contractors, Inc. for roadway and drainage improvements for Barnegat Lane (Lyman Street to Bergen Avenue); and

WHEREAS, due to unforeseeable site conditions, F & P Contractors, Inc. has submitted Change Order No.1 for:

Due to winter season, it is deemed appropriate and necessary to cease work on the project at this time and to resume the work in the spring of 2005.

And

WHEREAS, it is deemed to be in the public interest to temporarily cease with the work; and

WHEREAS, the Borough Engineer, Thomas Guldin, P.E. (Stetler and Guldin) has, by letter dated January 10, 2005 (Exhibit "F" attached), recommended the execution of Change Order No. 1.

IT IS NOW, THEREFORE, this 18th day of January, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

The motion was seconded by Councilman Gillingham and unanimously approved 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: None

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: None

11.EXECUTIVE SESSION AS NECESSARY

Councilman Laymon moved the following:

RESOLUTION NO. 01/18/2005 – 17: 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 Husted and unanimously approved to enter into closed session at 8:35 p.m..

12.OPEN SESSION AS NECESSARY

The Mayor and Council reconvened at 8:52 p.m. The public was invited to return to the meeting room. No action was taken by the Council.

13.NEXT MEETING Regular Meeting of February 15, 2005 at 8:00 p.m.

14. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Popaca to adjourn and 8:53 p.m. The motion was seconded by Councilman Husted and unanimously approved by voice vote.

Respectfully submitted,

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

