

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
November 21, 2005

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

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. 11/21/2005 - 01: APPROVAL OF MINUTES

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

Regular Meeting of October 17, 2005 and Closed Session of October 17, 2005. The motion was seconded by Councilman Husted and unanimously approved by voice vote.

7. MAYOR'S REPORT

Councilman Gillingham moved the following:

RESOLUTION NO. 11/21/2005 – 02: OPPOSITION TO ESTABLISHMENT OF SALTWATER FISHING REGISTRATION OR LICENSE FEE

WHEREAS, the Federal Government, in reevaluating the Federal Fishery Management and Conservation Act, is considering a registration system for recreational anglers to track the fish population; and

WHEREAS this would include a registration fee to be charged to recreational fisherman; and

WHEREAS tourism is the largest industry in the State of New Jersey; and

WHEREAS recreational salt water fishing is an important component of the Borough's tourism economy with many small family businesses supporting fishing activities.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Mantoloking, County of Ocean and State of New Jersey, does hereby strongly oppose the imposition of any salt water fishing registration /license fee because of its negative impact on tourism and the economy; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to forward certified copies of this resolution, upon adoption, to President George W. Bush, United States Senators Jon S. Corzine and Frank R. Lautenberg, United States Congressmen H. James Saxton and Christopher H. Smith, the Ocean County Board of Chosen Freeholders and all Ocean County Governing Bodies.

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

8. DEPARTMENT REPORTS

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

Councilman Nebel moves the following:

RESOLUTION NO. 11/21/2005 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER September 30, 2005

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2005 municipal budget as of September 30, 2005; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2005 Current Year Appropriation	\$3,034,122.12	\$2,166,695.16	\$33,883.13	\$ 833,543.83
2004 Appropriation Reserves	\$ 249,250.37	\$ 97,826.93	\$10,981.36	\$ 140,442.08
Capital	\$1,336,276.44	\$ 323,118.94		\$1,013,157.50

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,086,566.95	\$7,244,803.86

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 Jones and unanimously approved by voice vote.

9. ORDINANCES: Councilman Popaca moves the following:

RESOLUTION NO. 11/21/2005 – 04: INTRODUCTION OF ORDINANCES NO. 502 THROUGH 508 – STORMWATER MANAGEMENT Councilman Popaca 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. 502
AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR STORMWATER CONTROL, IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY NEW JERSEY, AND PROVIDING PENALTIES FOR VIOLATIONS

ORDINANCE NO. 503

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR DISPOSAL OF PET SOLID WASTE IN THE BOROUGH OF MANTOLOKING, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

ORDINANCE NO. 504

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR CONTROL OF LITTERING IN THE BOROUGH OF MANTOLOKING AND PROVIDING FOR PENALTIES FOR VIOLATIONS

ORDINANCE NO. 505

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR PROPER HANDLING OF YARD WASTE IN THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

ORDINANCE NO. 506

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR PROHIBITION OF THE DISPOSAL OF MATERIALS OTHER THAN STORM WATER IN THE MUNICIPAL SEPARATE STORM WATER SYSTEM OF THE BOROUGH OF MANTOLOKING, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

ORDINANCE NO. 507

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR PROHIBITION OF THE FEEDING OF UNCONFINED WILDLIFE IN ANY PUBLIC PARK, OR PUBLIC LANDS OWNED OR OPERATED BY THE BOROUGH OF MANTOLKING, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

ORDINANCE NO. 508

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR THE PROHIBITION OF ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM WATER SYSTEM IN THE BOROUGH OF MANTOLOKING, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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 Jones and unanimously approved by voice vote.

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

- A. Activities of the Finance Committee
- B. Action Items:

Councilman Nebel moves the following four (4) resolutions. The motion was seconded by Councilman Husted and unanimously approved by voice vote.

RESOLUTION NO. 11/21/2005 – 05: PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER 2005

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$138,267.93** 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. 11/21/2005 – 06: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 FOR STORMWATER MANAGEMENT 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 2005 in the sum of \$6,041.00, which is now available from the State of New Jersey, NJ Department of Environmental Protection.

BE IT FURTHER RESOLVED, that the like sum of \$6,041.00 is hereby appropriated under the caption of 2005 Storm Water Management Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, NJ Department of Environmental Protection in the amount of \$6,041.00.

RESOLUTION NO. 11/21/2005 – 07: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 FOR 2005 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 2005 in the sum of \$293.63, which is now available from the State of New Jersey, Solid Waste Administration.

BE IT FURTHER RESOLVED, that the like sum of \$293.63 is hereby appropriated under the caption of 2005 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 \$293.63.

RESOLUTION NO. 11/21/2005 – 08: APPROVE RELEASE OF 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 934 Lagoon 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 November, 2005, 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.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

A. Activities of the Public Safety Committee

B. Action Items:

Councilman Gillingham moved the following:

RESOLUTION NO. 11/21/2005 – 09: APPOINTMENT OF PERSONNEL – POLICE DEPARTMENT TEMPORARY CLERICAL WORKER

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointments with the terms and conditions indicated:

Name	Position	Effective Date	Salary
<i>Donna Heckman</i>	<i>Temporary Clerical Worker</i>	<i>October 25, 2005</i>	<i>\$9.00 /Hour</i>

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

GARBAGE & RECYCLING COMMITTEE, COUNCIL

- A. Activities of the Garbage and Recycling Committee
- B. Action Items:

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

- A. Activities of the Beautification of Mantoloking Committee
- B. Action Items:

DRUG & ALCOHOL ALLIANCE & COUNTY BLOCK GRANT COMMITTEES, COUNCILMAN LAYMON:

- A. Activities of the Drug & Alcohol Alliance & Ocean County Block Grant Committees
- B. Action Items:

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 three (3) resolutions. The motion was seconded by Councilman Gillingham and unanimously approved by voice vote.

RESOLUTION NO. 11/21/2005 – 10: RATIFICATION OF AWARD OF CONTRACT FOR SANITARY SEWER PUMP HOUSE EMERGENCY GENERATOR WIRING PROJECT

WHEREAS, the Borough Engineer, Thomas S. Guldin, P.E. solicited quotes for the furnishing Emergency Generator Wiring in the Sanitary Sewer Pump House (Contract No. 2005-5) in the Borough of Mantoloking; and

WHEREAS, the quotations were received on October 11, 2005 with the following results:

Bidder	Amount of Bid	Bid Bond	Surety Guarantee	Non-Collusion	Owner Disclosure	Site Visitation	Affirmative Action	Subcontractors
Municipal Maintenance Co	\$14,750.00							
Lake Electric of Toms River	\$30,300.00							

And

WHEREAS, the quotation has been reviewed by the Borough Engineer and Borough Attorney, now, therefore, be it

It IS NOW, THEREFORE, this 21st day of November, 2005, RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey as follows:

1. Awards a contract in the amount of \$14,750.00 for the furnishing of Emergency Generator Wiring in the Sanitary Sewer Pump House (Contract No. 2005-5) to Municipal Maintenance Co., Cinnaminson, New Jersey
2. The award of contract is subject to the mutual execution of a formal Contract in form endorsed by the Borough Attorney.

RESOLUTION NO. 11/21/2005 – 11: STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (LYMAN STREET TO HERBERT STREET) – PAYMENT NO. 2

WHEREAS, the Borough has entered into a Contract with Haskell Site Work, LLC (Contract 2004-2) to provide storm drainage improvements: and

WHEREAS, the Contractor's Application for Payment No. 2 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$52,387.13, by letter dated November 8, 2005; and

WHEREAS, funds have heretofore been appropriated by Ordinance 497.

IT IS NOW, THEREFORE, this 21st day of November, 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 2 of Haskell Site Work, LLC is hereby approved in the sum of \$52,387.13 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

RESOLUTION NO. 11/21/2005 – 12: ADOPTION OF STORMWATER POLLUTION PREVENTION PLAN

WHEREAS, the Borough is obliged to undertake mitigation of stormwater pollution; and

WHEREAS, the applicable regulations provide for the Borough to adopt a Stormwater Pollution Prevention Plan; and

WHEREAS, a proposed plan has been drafted by Thomas S. Guldin, P. E., dated January 27, 2005; and

WHEREAS, it is the desire of the governing body to adopt this document as the Stormwater Pollution Prevention Plan for the Borough of Mantoloking.

IT IS NOW, THEREFORE, this 21st day of November 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the above referenced document is hereby adopted as the Stormwater Pollution Prevention.

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:

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:

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 Gillingham moved the following:

RESOLUTION NO. 11/21/2005 – 13: 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 Laymon and unanimously approved by voice vote at 8:17 p.m.

12. OPEN SESSION AS NECESSARY

The Mayor and Council reconvened at 8:36 p.m. and the public was invited to return to the meeting room. No further action was taken as a result of the closed session.

13. NEXT MEETING Regular Meeting of December 19, 2005 at 8:00 p.m.

14. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Laymon to adjourn. The motion was seconded by Councilman Jones and unanimously approved by voice vote at 8:37p.m.

Respectfully submitted,

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

