

DRAFT #1 (12/09/2009)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
November 23, 2009

The regular monthly meeting of the Mayor and Council will be 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, Donald S. Ness, James J. Brown and Councilwoman Ann Elizabeth Nelson
Absent: Councilman Peter R. Strohm

Also Present: Municipal Clerk Irene H. Ryan, Acting Borough Attorney Joseph Michelini, Chief Mark Wright, Local Emergency Management Coordinator Robert S. McIntyre, Jr., Dune Inspector Robert Mainberger

- 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.

- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 11/23/2009 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the minutes of the Regular Meeting of October 19, 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 five (5) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 11/23/2009 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER September 30 2009

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2009 municipal budget as of September 30, 2009; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2009 Current Year Appropriation	\$3,924,585.79	\$2,855,985.59 1,019,950.09	\$ 48,650.11 \$
2008 Appropriation Reserves	\$ 337,600.67	\$ 122,284.21 212,290.02	\$ 3,026.44 \$
Capital	\$1,334,028.99	\$ 244,420.41 1,089,608.58	\$

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$145,620.65	\$6,489,398.57

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. 11/23/2009 – 03: PAYMENT OF BILLS FOR THE MONTH OF November 2009

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,607,741.97** 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. 11/23/2009 – 04: TO CANCEL UNIDENTIFIED TAX OVERPAYMENTS

WHEREAS, the Borough of Mantoloking is carrying on its books an amount for tax overpayments from the period 1998-2007 and:

WHEREAS, every effort has been made to identify the property and the action which caused the overpayment but the records dating back to the period before 2004 are no longer available and:

WHEREAS, the amount of the overpayment in total is \$5,330.19 and is over 1 year old,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Tax Collector is hereby authorized to cancel the \$5,330.19 in unidentified tax overpayments and the amount be turned over to surplus.

RESOLUTION NO. 11/23/2009 – 05: REQUESTING THE CANCELLATION OF OUTSTANDING CHECKS

WHEREAS, the Borough of Mantoloking's Current checking account has issued numerous checks drawn on this account; and

WHEREAS, there exists checks which have been outstanding for over one year or more and are therefore non-negotiable,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mantoloking that the following checks drawn on the Current Account be canceled and the balance be returned to the Current Miscellaneous Revenue Account in the total amount of \$601.18

<u>VENDOR</u>	<u>CK#</u>	<u>AMOUNT</u>	<u>DATE ISSUED</u>
Peter VanSciver	20528	\$50.00	04/04/06
Stacey Ferris	20714	69.30	07/18/06
Thomas Kocaj	21593	9.17	09/18/07
NJ American Water	21959	92.71	03/18/08
Landex	22138	380.00	06/17/08

WHEREAS, the Borough of Mantoloking's Payroll Account has issued numerous checks drawn on this account; and

WHEREAS, some of these checks have been outstanding for over one year or more and are therefore non-negotiable,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mantoloking that the following checks drawn on the Payroll Account be canceled and the balance be turned over to the Current Miscellaneous Revenue Account in the total amount of \$349.15

<u>CK#</u>	<u>AMOUNT</u>
10888	\$246.02
11560	38.39
12128	64.74

RESOLUTION NO. 11/23/2009 – 06: REQUESTING THE RE-ISSUANCE OF A CANCELED CHECK

WHEREAS, in the Borough of Mantoloking's Current Account checking account there was an outstanding check which was canceled for being a year or more old ; and

WHEREAS, the check was originally made payable to Patrolwoman Stacy Ferris for reimbursement of the cost of college books as required in the 2006 police contract,

AND WHEREAS, it was the Borough of Mantoloking's intention to reimburse Patrolwoman Ferris for the cost of those books,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking that the Chief Financial Officer be hereby directed to re-issue the check to Patrolwoman Ferris in the amount of \$69.30 which was the original amount of check #20714 which was canceled in the previous 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 and Fire Company. Emergency Management did not submit a report.

B. Action Items:

Councilman Gillingham moved the following three (3) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 11/23/2009 – 07: APPOINTMENT OF PERSONNEL – POLICE ACADEMY RECRUITS

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>Karissa Hahn</i>	<i>Class II Special Officer</i>	<i>December 15, 2009</i>	<i>\$ 7.25/Hour</i>
<i>Gregory Popaca</i>	<i>Class II Special Officer</i>	<i>December 15, 2009</i>	<i>\$ 7.25/Hour</i>

RESOLUTION NO. 11/23/2009 – 08: PROVIDING FOR ISSUANCE OF BEACH BADGES TO ACTIVE DUTY MEMBERS OF THE U. S. MILITARY SERVICE AND THEIR IMMEDIATE FAMILY

WHEREAS, it is the desire of the governing body to recognize the highly valued contributions of the Members of the United States Military Services; and

WHEREAS, the service is essential to the preservation of the well-being of our nation; and

WHEREAS, the ocean beaches in Mantoloking present a desirable recreational facility.

IT IS NOW, THEREFORE, this 23rd day of November, 2009, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The services of the Members of the U. S. Military are hereby acknowledged with respect and sincere appreciation.
2. Effective upon adoption of this Resolution, all active duty members of the U.S. Military Services and their immediate families shall, upon application, be issued annual Borough beach badges free of charge.

RESOLUTION NO. 11/23/2009 – 09: INTRODUCTION OF ORDINANCE NO. 576 – AMEND LAND USE ORDINANCE

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. 576
AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER XXX,
OF ORDINANCE 531, “THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING, 2007”
(FENCE HEIGHT AND VEGETATION)
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 free of charge during regular business hours, M-F 8:30am –4:30pm, 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.*

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

RESOLUTION NO. 11/23/2009 – 10: CONSIDER THE SALE OF MUNICIPAL SURPLUS PROPERTY – PUBLIC WORKS VEHICLE

WHEREAS, the Council has authorized solicitation of buyers for the purchase of surplus personal property, to

wit: One (1), used 2000 Ford Ranger Pickup vehicle, VIN: 1FTYR10X3YTB18792; and

WHEREAS, the bid return date was 11:00 a.m. on November 13, 2009 in the office of the Borough Clerk with the following results:

Bidder	Amount of Bid
<i>Jersey One Auto Sales, Inc.</i>	<i>\$912.00</i>
<i>Laurence Gilman</i>	<i>\$708.00</i>
<i>State Surplus Auto Sales II</i>	<i>\$350.00</i>

WHEREAS, the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it

RESOLVED, this 23rd day of November, 2009, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of Jersey One Auto Sales, Inc., the sum of \$912.00, is hereby accepted upon the following terms and conditions:

- (i) payment for and removal of the vehicle from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
- (ii) payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;
- (iii) the purchaser shall, upon delivery, accept the bill of sale or title document and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an "as is", "where is" basis, without representations or warranties of any nature whatsoever. Title shall pass upon delivery of payment to the Borough.

RESOLUTION NO. 11/23/2009 – 11: INTRODUCTION OF ORDINANCE NO. 577 – PURCHASE OF LAND

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. 577

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF PREMISES KNOWN AS LOTS 16, 19, 20 AND 21, BLOCK 68 BRICK TOWNSHIP (120 MANTOLOKING ROAD) FOR THE SUM OF \$180,000.00; APPROPRIATING \$10,000.00 FROM THE CAPITAL IMPROVEMENT FUND AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$170,000.00

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 free of charge during regular business hours, M-F 8:30am –4:30pm, 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.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM (Absent)

A. Report of the Dune & Beach Renourishment Committee

B. Action Items: None

Dune Inspector Robert Mainberger reported on the condition of the dune system. In summary, only fifty percent of the dune structures are in better shape than the 1992 post storm conditions. The area south of Herbert Street is primarily at the 1992 post storm condition. Emergency repair work will be performed as soon as possible.

MANTOLOKING COMMITTEE, COUNCILMAN NESS

A. Councilman Ness announced that no reports of the Mantoloking Committee and the Environmental Commission were submitted.

B. Action Items: None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

A. Councilman Brown announced that no reports of the Municipal Services Committee were submitted.

B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

Mayor Nebel announced that at the December 21, 2009 Council Meeting, we will hold the annual presentation of plaques and certificates for service to the Borough of Mantoloking. In addition, the Council will be promoting two police officers and will be sworn-in at that meeting.

9. PUBLIC COMMENTS PERIOD

Three commentators talked about replacement of beach walkways for safety, the Holiday Tree Lighting which is set for Sunday, December 6, 2009 at 5:30 p.m. and a reminder from the 2011 Centennial Committee that the historical book, Mantoloking Through the Lens, and Mantoloking car magnets are a great holiday gift.

10. NEXT MEETING Regular Council Meeting of December 21, 2009 @ 4:30 p.m.

11. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Witkowski and approved by unanimous voice vote at 4:49 p.m.

Respectfully submitted,

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

ORDINANCE NO. 576

**AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER XXX,
OF ORDINANCE 531, "THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MANTOLOKING, 2007"
(FENCE HEIGHT AND VEGETATION)**

BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking as follows:

1. Chapter XXX, Section 30-4.4c5, is amended as follows:

Delete:

"The type of vegetation to be used in screening shall be in the discretion of the Land Use Officer"; and

Provide:

"The Land Use Officer shall encourage the use of native species of vegetation which require less fertilization and watering than non-native species".

2. Chapter XXX, Section 30-4.6c is amended as follows:

Delete second sentence:

"The type of vegetation to be used in screening shall be in the discretion of the Land Use Officer"; and

Provide:

"The Land Use Officer shall encourage the use of native species of vegetation which require less fertilization and watering than non-native species".

3. Chapter XXX, Section 30-6.13a, delete and provide:

30-6.13 Fences:

a. In all residential zones, fences and walls may be erected or maintained along or adjacent to a lot line to a height not more than four (4) feet in the required side, rear and front yards, *as follows:*

1. *Where rear lot lines of residential lots are abutting each other, the rear line fencing shall not exceed 6' in height;*

2. *Side yard, rear yard (not abutting) and front yard fences, shall not exceed 4' in height. However, a fence not exceeding 6' in height may be erected upon the easterly boundary of lots abutting the westerly boundary of Route 35 between Herbert Street and Lyman Street.*

Six (6) foot fences may require appropriate landscape screening as determined by the Borough Land Use Officer or the Planning Board. Fence height measurement shall not include finials or gate posts. Finials shall not be higher than six (6) inches over permitted fence height. Gate posts shall not be higher than eighteen (18) inches over permitted fence height. A maximum of two (2) gate posts is permitted at each entry. Lights on gate posts (one (1) on each post) are permitted and the dimension of the light shall be included in the height measurement. Gate posts may be used only at a gated location.

4 All provisions of Ordinance 531 not specifically amended by this Ordinance shall remain in full force and effect.

5. This Ordinance shall become effective upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Council for the Borough of Mantoloking, in the County of Ocean and State of New Jersey, held on November 23, 2009, and said Ordinance will be considered for final passage at the Borough Hall, Downer Avenue, Mantoloking, New Jersey, at 4:30 p.m. on Monday, December 21, 2009, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

Irene H. Ryan, R. M. C.