

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**December 20, 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.**

**MAYOR'S PRESENTATIONS**

Richard Sameth – Service on the Mantoloking Planning Board

Peter Strohm – Political efforts to control the upgrade of St. Hwy. 35 and the preservation of our Mantoloking School Board

Dr. Stewart Farrell – Service as ocean beach and dune consultant

William Shewan – Service as Police Officer

**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, Alan C. Laymon, George C. Nebel, Douglas J. Popaca,

**ABSENT: None**

**4. PLEDGE OF ALLEGIANCE**

**5. PRIVILEGE OF THE FLOOR:** The Mayor opened 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. 12/20/2004-01:** It was moved by Councilman Gillingham to approve the following Minutes: Regular Meeting of November 15, 2004 and Closed Session of November 15, 2004, Special Meeting of December 6, 2004 and Closed Session of December 6, 2004. This motion was seconded by Councilman Husted and approved unanimously by voice vote.

**7. MAYOR'S REPORT**

Mayor Dunbar read a letter from the N.J. Department of Transportation. The letter revealed that our request to lower the speed limit on Hwy. 35 was denied.

Mayor Dunbar introduced Dr. Stewart Farrell, Dune Consultant for the Borough of Mantoloking. Dr. Farrell presented a digital aerial photo of the Borough ocean coast. He explained that the new mapping will make his job of tracking storm damage to our 145 oceanfront properties easier with more accuracy.

**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. 12/20/2004-02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER FOR October 31, 2004**

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

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

	<b>Cash Balance</b>	<b>Appropriation Balance</b>	<b>Fund Balance</b>
<b>Current Fund</b>	<b>617,013.01</b>	<b>597,244.84</b>	<b>2,527,724.23</b>
<b>Reserve Year</b>		<b>45,646.22</b>	
<b>Payroll</b>			<b>4,871.72</b>
<b>Trust &amp; Escrow Fund</b>	<b>78,318.68</b>		<b>43,441.46</b>
<b>General Capital Fund</b>	<b>1,076,276.32</b>		<b>2,785,710.91</b>
<b>Total</b>	<b>1,771,608.01</b>		

**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 Laymon 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 moves the following five resolutions. The motion was seconded by Councilman Gillingham and approved unanimously by voice vote.

**RESOLUTION NO. 12/20/2004 – 03: PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 2004**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$242,256.01** 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. 12/20/2004 – 04: TRANSFERRING CURRENT YEAR APPROPRIATIONS #3-2004**

**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:

<b>CURRENT ACCOUNT</b>		<b>TO</b>	<b>FROM</b>
Engineering	OE	\$ 7,000.00	
Planning	OE		\$ 7,000.00
Construction	OE	1,000.00	
Police	S&W	10,000.00	
Beach Access	S&W		5,000.00
Sewer System	OE		5,000.00
Recycling	OE		1,000.00
<b>TOTAL</b>		<b>\$18,000.00</b>	<b>\$18,000.00</b>

**RESOLUTION NO. 12/20/2004 – 05: REFUND OVERPAYMENT OF PROPERTY TAXES**

**BE IT RESOLVED** by the Council of the Borough of Mantoloking that a check be drawn to the property owners listed below in the designated amounts representing an overpayment of Property Tax:

<b>BLOCK/LOT</b>	<b>NAME AND ADDRESS</b>	<b>AMOUNT</b>
7 6	Caputo, John & Linda 973 Ocean Avenue	\$1,112.84
14 3	Becker, Kevin & Mary 905 Barnegat Lane	\$1,883.84
24 46	Slack, Steven & Lori 1108 Ocean Avenue	\$ 919.48
40 10	Lennox, James & Georganne 1536 Ocean Avenue	\$1,562.39

**RESOLUTION NO. 12/20/2004 – 06: REDEMPTION OF TAX SALE CERTIFICATE**

**WHEREAS**, the Tax Collector has been paid the necessary amount to redeem **Tax Sale Certificate No.**

**04-001T** held by Crusader Servicing Corporation on property of Backgammon LTD, Inc. located at 1126 Ocean Avenue.

**NOW, THEREFORE, BE IT RESOLVED** on this 20<sup>th</sup> day of December 2004, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, that the Collector be authorized to draw a check for \$9,389.14 to Crusader Servicing Corporation from the Collector’s Escrow Account, and the Collector be provided with one certified copy of this Resolution.

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to cancel the lien on BLOCK 24 LOT 55 from the record.

**RESOLUTION NO. 12/20/2004 – 07: APPROVAL OF THE 2005 ROSTER OF COUNCIL MEETINGS**

The following is the schedule of the Organizational and Regular Council Meetings for 2005 for the Borough of Mantoloking. All meetings are held at the Borough Hall, 202 Downer Avenue, in the Borough of Mantoloking, at 8:00 p.m., unless otherwise noted.

- ORGANIZATIONAL MEETING:** Monday, January 3, 2005
- REGULAR MEETINGS:**
  - Tuesday, January 18, 2005
  - Tuesday, February 15, 2005
  - Monday, March 21, 2005
  - Monday, April 18, 2005
  - Monday, May 16, 2005
  - Monday, June 20, 2005
  - Monday, July 18, 2005
  - Monday, August 15, 2005
  - Monday, September 19, 2005
  - Monday, October 17, 2005
  - Monday, November 21, 2005
  - Monday, December 19, 2005

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

**A. Activities of the Public Safety Committee**

**B. Action Items:**

Councilman Gillingham reported that Acting Governor Codey has signed legislation that gives municipalities authority to regulate traffic on local streets without the approval of the N.J. Department of Public Safety.

Councilman Gillingham moved the following:

**RESOLUTION NO. 12/20/2004 – 08: IN SUPPORT OF THE NATIONAL MULTIPLE SCLEROSIS SOCIETY, (MID-JERSEY CHAPTER) “COAST TO COAST” BIKE TOUR**

**WHEREAS**, the National Multiple Sclerosis Society (Mid-Jersey Chapter), has requested permission to utilize roadways in the Borough in conjunction with the bike tour, on Saturday and Sunday, May 21, 2005 and May 22, 2005; and

**WHEREAS**, the Mayor and Council wish to endorse and support the National Multiple Sclerosis Society, Mid-Jersey Chapter.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of December, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize roadways within the Borough, as part of the “Coast to Coast” bike tour, is hereby granted subject only to endorsement by the Chief of Police.
2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to The National Multiple Sclerosis Society, Mid-Jersey Chapter, Attention: Lorraine Macklin, Community Relations Coordinator.
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

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

**GARBAGE & RECYCLING COMMITTEE, COUNCILMAN LAYMON:**

**A. Activities of the Garbage and Recycling Committee**

**B. Action Items:** None

Councilman Laymon reported that solid waste contractor, M&S Waste is on notice about resident’s holiday trees and extra trash that will require diligent service.

**BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:**

**A. Activities of the Beautification of Mantoloking Committee**

**B. Action Items:** None

Mary Anne Finch reported on their progress with beautification of Mantoloking. More plans are being worked on for Spring 2005. Mrs. Finch thanked all that were involved with the projects.

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

**RESOLUTION NO. 12/20/2004 – 09: DOWNER AVENUE REPLACEMENT BULKHEAD PROJECT CONTRACT NO. 2004-1 – PAYMENT APPLICATION NO. 1**

**WHEREAS**, the Borough has entered into a Contract with Albert Marine Construction Inc. (Contract 2004-1) to provide replacement of the Downer Avenue bulkhead; and

**WHEREAS**, the Contractor’s Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$30,429.98, by letter dated December 7, 2004; and

**WHEREAS**, funds have heretofore been appropriated by Ordinance 476.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of December, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. Albert Marine Construction Inc. is hereby approved in the sum of \$30,429.98 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. 12/20/2004 – 10: PROVIDING FOR CONTRACT CLOSE OUT AND RELEASE OF RETAINAGE – F & P CONTRACTORS, INC. ROADWAY AND STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE CONTRACT 2003-1**

**WHEREAS**, F & P Contractors, Inc. has submitted all required post construction documentation, including but not limited to Maintenance Bond No.: 180713-M, issued by American Contractors Indemnity, October 21, 2004, all having been reviewed and approved by counsel; and

**WHEREAS**, the contractor has submitted its Application For Final Payment in the sum of \$9,661.52 (including retainage); and

**WHEREAS**, the Borough Engineer has recommended Approval for Final Payment as submitted; and

**WHEREAS**, a Certificate of Funds Availability has been filed.

**IT IS NOW, THEREFORE**, this 20<sup>th</sup> day of December, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Maintenance Bond, described above, is accepted;
2. Final payment, the sum of \$9,661.52, shall be forthwith released to F & P Contractors, Inc.

**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

Councilman Husted reported that the WRDA bill was not adopted by Congress. Therefore, the new Congress will be reworking the plan.

**LEGISLATIVE ACTION COMMITTEE, COUNCILMAN HUSTED:**

- A. Activities of the Legislative Action Committee
- B. Action Items: Councilman Husted moves the following:

**DUNE WALK COMMITTEE, COUNCILMAN JONES:**

- A. Activities of the Dune Walk Committee
- B. Action Items: None

Councilman Jones reported that the results of the Fall Dune Walk inspections are completed and will be released soon.

**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

Councilman Jones reported that the committee will meet on January 18, 2005.

**11.EXECUTIVE SESSION AS NECESSARY**

Councilman Gillingham moved the following:

**RESOLUTION NO. 12/20/2004 – 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 session*

*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 at 8:45 p.m.

**12.OPEN SESSION AS NECESSARY**

The Mayor and Council reconvened in open session at 8:55 p.m. the public was invited to return to the meeting room.

**13.NEXT MEETING** Organization Meeting, January 3, 2005 at 8:00 p.m. and Regular Meeting of Tuesday, January 18, 2005 at 8:00 p.m.

**14. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilman Gillingham and seconded by Councilman Nebel to adjourn at 8:56 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

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

