

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**December 19, 2005**  
**BOROUGH HALL**

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall.

**MAYOR'S PRESENTATION OF CERTIFICATES OF RECOGNITION.**

The Schmierer Family  
Thomas S. Guldin, P.E., Borough Engineer  
Robert C. Mainberger, P.E., Assistant Borough Engineer  
Laurence H. Gilman, Fire Chief-Mantoloking Fire Company No. 1  
Stacy Ferris, Special Police Officer  
John D. Barcus, Police Detective  
Councilman Alan C. Laymon

**1. CALL TO ORDER:                    TIME: 8:10 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. 12/19/2005 – 01: APPROVAL OF MINUTES**

Councilman Husted moved that the following minutes as distributed are approved.  
Regular Meeting of November 21, 2005, Closed Session of November 21, 2005. The motion was seconded by Councilman Laymon and unanimously approved by voice vote.

**7. MAYOR'S REPORT**

Councilman Nebel moved the following:

**RESOLUTION NO. 12/19/2005 – 02: APPROVAL OF THE 2006 ROSTER OF COUNCIL MEETINGS**

**RESOLVED**, that the following is the schedule of the Organizational and Regular Council Meetings for 2006 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 2, 2006  
**REGULAR MEETINGS:** Tuesday, January 17, 2006  
 Tuesday, February 21, 2006  
 Monday, March 20, 2006  
 Monday, April 17, 2006  
 Monday, May 15, 2006  
 Monday, June 19, 2006  
 Monday, July 17, 2006  
 Monday, August 21, 2006  
 Monday, September 18, 2006  
 Monday, October 16, 2006  
 Monday, November 20, 2006  
 Monday, December 18, 2006

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 Management Coordinator Report
- E. Public Works Superintendent Report
- F. Construction Official Report
- G. Land Use Officer Report
- H. Chief Financial Officer Report

Councilman Nebel moved the following:

**RESOLUTION NO. 12/19/2005 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER October 31, 2005**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2005 municipal budget as of October 31, 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 | \$2,316,937.67        | \$30,873.58 | \$ 686,310.87 |
| 2004 Appropriation Reserves     | \$ 249,250.37  | \$ 97,826.93          | \$ 8,845.46 | \$ 142,577.98 |
| Capital                         | \$1,338,076.44 | \$ 350,559.16         |             | \$ 987,517.28 |
|                                 |                |                       |             |               |

| ACCOUNT       | REVENUE THIS MONTH | REVENUE YEAR TO DATE |
|---------------|--------------------|----------------------|
| Cash Receipts | \$ 833,897.62      | \$8,078,701.48       |
|               |                    |                      |
|               |                    |                      |

**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.

**9. ORDINANCES: NONE**

**10. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN NEBEL:**

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

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

**RESOLUTION NO. 12/19/2005 – 04: PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 2005**

*WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$363.038.06 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. 12/19/2005 – 05: REFUND OF PROPERTY TAXES TO O’MEALIA AND QUILTY**

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

| BLOCK/LOT | NAME AND ADDRESS                              | AMOUNT     |
|-----------|---|------------|
| 31 5      | O’MEALIA, HARRY III & LYNN<br>1304 BAY AVENUE | \$1,196.96 |
| 41 9      | QUILTY, JEAN M.<br>1535 OCEAN AVENUE          | \$6,734.45 |

**RESOLUTION NO. 12/19/2005 – 06: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2005**

*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 2005 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 2005 Municipal

Budget:

| <u>CURRENT ACCOUNT</u> |     | <u>TO</u>          | <u>FROM</u>        |
|------------------------|-----|--------------------|--------------------|
| Fire                   | OE  | 7,000.00           |                    |
| Plumbing Sub-Code      | OE  | 2,000.00           |                    |
| Prosecutor             | OE  | 2,000.00           |                    |
| Electricity            | OE  | 2,000.00           |                    |
| Sewer                  | OE  |                    | 9,000.00           |
| Beach Guard            | S&W |                    | 4,000.00           |
| <b>TOTAL</b>           |     | <b>\$13,000.00</b> | <b>\$13,000.00</b> |

**RESOLUTION NO. 12/19/2005 – 07: AUTHORIZED SALE OF MUNICIPAL PERSONAL PROPERTY**

*WHEREAS, the Borough of Mantoloking has determined that certain personal property, to wit:*

- (A) One (1) 1990 Federal Signal, 10hp Fire Siren – Model No. STH10; Includes Trojan Siren Timer – Catalog No. 4802, Serial No. 398, 115 v. 60-AC and relay electronic controls.
- (B) One (1) Metal Fab, Inc. Boat Trailer – Sea Lion Model, GVW 781, Galvanized Metal.
- (C) One (1) Onan Gasoline 60kw Generator, Model No. 60.ODYA-15R/9211G; Serial No. K770278495; 208 AMPS; 120/200 Volts; 906 hrs. metered.
- (D) One (1) Waterous Pump – Model No. PB11-2525C; 11 hp Briggs Straton Gasoline Engine.

are surplus property; and

**WHEREAS**, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder; and

**WHEREAS**, the Mayor and Council reserve the right to place a minimum bid on certain items.

**IT IS NOW, THEREFORE**, this 19<sup>th</sup> day of December, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The equipment:
2. One (1) 1990 Federal Signal, 10hp Fire Siren – Model No. STH10; Serial No. C0015496B90; Includes Trojan Siren Timer – Catalog No. 4802, Serial No. 398, 115 v. 60-AC and relay electronic controls. Minimum bid: \$250.00
3. One (1) Metal Fab, Inc. Boat Trailer – Sea Lion Model, GVW 781, Galvanized Metal. No minimum bid required.
4. One (1) Onan Gasoline 60kw Generator, Model No. 60.ODYA-15R/9211G; Serial No. K770278495; 208 AMPS; 120/200 Volts; 906 hrs. metered. Minimum Bid: \$1,000.00
5. One (1) Waterous Pump – Model No. PB11-2525C; 11 hp Briggs Stratton Gasoline Engine. No minimum bid required.

are hereby declared to be surplus, no longer needed for public purposes; and

1. The Borough Clerk is hereby authorized and directed to advertise a public sale of said property by sealed bid in accordance with the applicable law.
2. The Borough reserves the right to reject any and all bids if it determines that to do so will be in the public interest.

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

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

**B. Action Items:**

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

**RESOLUTION NO. 12/19/2005 – 08: APPOINTMENT OF MUNICIPAL COURT VIOLATIONS CLERK AND CHIEF OF POLICE SALARY DESIGNATION**

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

| <b>Name</b>             | <b>Position</b>               | <b>Effective Date</b>    | <b>Salary</b>                 |
|-------------------------|-------------------------------|--------------------------|-------------------------------|
| <i>Michelle Sargent</i> | <i>Court Violations Clerk</i> | <i>December 15, 2005</i> | <i>\$100.00/Court Session</i> |
| <i>Richard Ortle</i>    | <i>Chief of Police</i>        | <i>January 1, 2006</i>   | <i>\$97,718.00 annually</i>   |
|                         |                               |                          |                               |

**RESOLUTION NO. 12/19/2005 – 09: PROVIDING FOR RATIFICATION OF EMPLOYMENT OF POLICE RECRUITS**

**WHEREAS**, there exists a need for the Police Department to engage special officers; and

**WHEREAS**, historically, a source of such personnel has been through sponsorship of individuals as police recruit trainees, at the Police Academy; and

**WHEREAS**, current regulations mandate that any such arrangement constitutes employment of the sponsored recruit, by the Borough; and

**WHEREAS**, a form of Employment agreement (copy attached) has been prepared to formalize the scope and terms of the employment of police recruits; and

**WHEREAS**, the Chief has identified the recruit, and it is necessary to formally ratify such employment, as is memorialized in the form of Agreement (copy attached).

**IT IS NOW, THEREFORE**, this 19<sup>th</sup> day of December, 2005, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The practice of employing police recruits under the terms and conditions of the above described Contract is hereby approved.
2. Each individual Contract is subject to Council approval.
3. The Contract with recruit Jon Meyer is hereby ratified.
4. The Chief of Police shall, not less than annually, report to Council concerning the efficacy of this procedure.

**RESOLUTION NO. 12/19/2005 – 10: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO. 1 (PAUL HULSE)**

**WHEREAS**, Paul Hulse 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 19<sup>th</sup> day of December, 2005, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Paul Hulse is hereby approved, subject to receipt of satisfactory physical examination report.

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

**RESOLUTION NO. 12/19/2005 – 11: STORM DRAINAGE IMPROVEMENTS FOR BARNEGAT LANE (LYMAN STREET TO HERBERT STREET) – PAYMENT NO. 3**

**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. 3 has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$156,754.43, by letter dated December 12, 2005; and

**WHEREAS**, funds have heretofore been appropriated by Ordinance 497.

**IT IS NOW, THEREFORE**, this 19<sup>th</sup> day of December, 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 \$156,754.43 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. 12/19/2005 – 12: AUTHORIZE ENTRANCE INTO A COOPERATIVE PRICING AGREEMENT**

**WHEREAS**, N.J.S.A. 40A:11(5) authorizes contracting units to enter into Cooperative Pricing Agreements; and

**WHEREAS**, the Township of Stafford, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of work, materials and supplies; and

**WHEREAS**, the Borough of Mantoloking, County of Ocean, State of New Jersey, desires to participate in the Stafford Township Cooperative Pricing System.

**NOW THEREFORE, BE IT RESOLVED** on the 19<sup>th</sup> day of December, 2005 by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

1. This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Mantoloking.
2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency entering into contracts on behalf of the Borough of Mantoloking shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage.

**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 Husted moved the following:

**RESOLUTION NO. 12/19/2005 – 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 Nebel and unanimously approved by voice vote at 8:40 p.m.

**12.OPEN SESSION AS NECESSARY**

The Mayor and Council reconvened in open session at 9:03 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** Organization Meeting on Monday, January 2, 2006 at 8:00 p.m. and Regular Meeting of Tuesday, January 17, 2006.

**14. ADJOURNMENT**

There being no further business for this meeting, it was moved Councilman Laymon to adjourn. The motion was seconded by Councilman Husted and unanimously approved by voice vote at 9:04 p.m.

Respectfully submitted,

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