

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
December 17, 2007

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

MAYOR'S PRESENTATION OF AWARDS

Recipients:	Jennifer B. Krieg	Certified Municipal Court Administrator
	Andrew R. Flihan	Holiday Tree Lighting Reception Coordinator
	Robert S. McIntyre, Jr.	Local Emergency Management Coordinator
	Joseph DeAmicis	Environmental Commission Chairman
	G. Russell Henshaw, Jr.	Planning Board Chairman
	Craig Goldman	Beach Protection Committee Member
	Elbert E. Husted, III	Beach Protection Committee Member
	Craig S. Symons	Beach Protection Committee Member
	Kara M. Symons	Beach Protection Committee Member
	Councilman John Jones	Beach Protection Committee Chairman
	Councilman Douglas Popaca	Council President

- 1. CALL TO ORDER: TIME: 4:35 p.m.**

- 2. OPEN PUBLIC MEETING STATEMENT: Mayor Nebel**
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**
Mayor George C. Nebel, Council President Douglas J. Popaca, Councilmen John H. Jones, Peter R. Strohm, Steve Gillingham, Stanley F. Witkowski and Councilwoman Ann Elizabeth Nelson
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.

- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 12/17/2007 – 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the following minutes as distributed are approved.
Regular Meeting of November 19, 2007. The motion was seconded by Councilwoman Nelson and unanimously approved by voice vote.

7. MAYOR’S REPORT

Mayor Nebel announced that the Borough Tax Assessor has received the property reassessment show book and it is available for inspection and purchase now.

Councilman Jones moved the following:

RESOLUTION NO. 12/17/2007 – 02: APPROVAL OF THE 2008 COUNCIL ORGANIZATIONAL MEETING DATE

The following is the schedule of the Organizational Council Meeting for 2008 for the Borough of Mantoloking. This meeting will be held at the Borough Hall, 202 Downer Avenue, in the Borough of Mantoloking, at 4:30 p.m.

ORGANIZATIONAL MEETING Monday, January 7, 2008

Councilwoman Nelson seconded the motion and it was 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. Environmental Commission Report
- I. Chief Financial Officer Report

9. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN WITKOWSKI

- A. Report of the Municipal Finance Officer
- B. Action Items:

Councilman Witkowski moves the following six (6) resolutions. Councilman Strohm seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 12/17/2007 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER October 31, 2007

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2007 municipal budget as of October 31, 2007; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED	
2007 Current Year Appropriation	\$3,664,136.26	\$2,819,557.35	\$ 81,616.99	\$ 762,961.92
2006 Appropriation Reserves	\$ 347,177.11	\$ 122,688.04	\$ 3,859.05	\$ 220,630.02
Capital	\$1,225,572.01	\$ 200,175.84		\$1,025,396.17

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 608,510.35	\$6,700,000.51

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. 12/17/2007 – 04: PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 2007

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$277,041.31 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. 12/17/2007 – 05: REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE BOROUGH OF MANTOLOKING LAW ENFORCEMENT TRUST ACCOUNT PURSUANT TO NJSA 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:5-29 allows municipalities to receive amounts for costs incurred for acceptance of bequests, legacies, and gifts, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESLOVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey as follows:

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for the Law Enforcement Trust Account as per NJSA 40A:4-39.
2. The Municipal Clerk of the Borough of Mantoloking is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION NO. 12/17/2007 – 06: MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2007/2008

WHEREAS, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution 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 following list, 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.

<u>SERVICE</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Upgrade Police Dept. Dispatch Area	\$ 9,000.00	Design Line Kitchens
	\$ 8,900.00 (Non-Conforming)	Ronald Galli Custom Cabinets
	\$ 8,500.00 (Non-Conforming)	Scott Hulse
Animal Control Services	\$ 1,072.50 Annually + \$18/day boarding fee	Associated Humane Societies, Inc.

RESOLUTION NO. 12/17/2007 – 07: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2007

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 2007 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 2007 Municipal

Budget:

<u>CURRENT ACCOUNT</u>	<u>TO</u>	<u>FROM</u>
Construction S&W	500.00	
Beach Guard OE		500.00
Beach Maintenance OE	10,000.00	
Sewer OE		10,000.00
TOTAL	\$10,500.00	\$10,500.00

RESOLUTION NO. 12/17/2007 – 08: TO AUTHORIZE PARTICIPATION IN THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM ACT OF THE STATE OF NEW JERSEY FOR SHBP DENTAL PLAN COVERAGE

BE IT RESOLVED the Borough of Mantoloking, a participating employer in the State Health Benefits Program, hereby elects to participate in the SHBP Employee Dental Plans provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.

WHEREAS as a participating employer we will remit to the State Treasury all charges due on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.

WHEREAS the Borough of Mantoloking Mayor and Council hereby appoint the Chief Financial Officer to act as Certifying officer in the administration of this plan.

NOW THEREFORE, this resolution shall take effect immediately and coverage shall be effective as of April 1, 2008 or as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

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

Councilman Gillingham moved the following:

RESOLUTION NO. 12/17/2007 – 09: PROVIDING FOR AMENDMENT OF PROPOSED ORDINANCE 544, AN AMENDMENT TO THE LAND USE ORDINANCE OF THE BOROUGH OF MANTOLOKING

WHEREAS, subsequent to introduction of proposed Ordinance 544, on November 19, 2007, this Ordinance was referred to the Planning Board/Board of Adjustment for its review/report; and

WHEREAS, by letter dated December 7, 2007, counsel for the Board, John DeVincens, forwarded the final report of the Board concerning this proposed legislation (see copy attached); and

WHEREAS, it is the desire of the governing body to accept the recommendations of the Board.

IT IS NOW, THEREFORE, this 17th day of December, 2007, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that proposed Ordinance 544, as introduced on November 19, 2007, is hereby amended to incorporate all of the recommendations of the Planning Board, as are more particularly set forth in the final report, December 7, 2007.

Councilman Witkowski seconded the motion and it was unanimously approved by voice vote.

Councilman Gillingham moved the following:

RESOLUTION NO. 12/17/2007 – 10: ADOPTION OF ORDINANCE NO. 544 – AMENDMENT TO THE LAND USE REGULATIONS (CHAPTER XXX) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING

WHEREAS, on the 17th day of December, 2007 a public hearing on Ordinance No. 544 as amended was held. No comments made by public commentator.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance entitled: (Copy attached)

**ORDINANCE NO. 544
AN ORDINANCE AMENDING CHAPTER XXX, LAND USE REGULATIONS,
OF THE MUNICIPAL CODE OF THE
BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY**

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

Councilman Gillingham moved the following two (2) resolutions. Councilwoman Nelson seconded the motion and it was unanimously approved by voice vote.

RESOLUTION NO. 12/17/2007 – 11: IN SUPPORT OF THE NATIONAL MULTIPLE SCLEROSIS SOCIETY, (MID-JERSEY CHAPTER) “COAST THE 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 17, 2008 and May 18, 2008; and

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

IT IS NOW, THEREFORE, this 17th day of December, 2007, **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 the 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: Jessica Moll, Logistics and Volunteer Coordinator
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

RESOLUTION NO. 12/17/2007 – 12: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO. 1

WHEREAS, Alan C. Laymon 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 17th day of December, 2007 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Alan C. Laymon is hereby approved.

PUBLIC WORKS COMMITTEE, COUNCILMAN POPACA

- A. Activities of the Public Works & Public Works Facilities Committees
- B. Action Items: None

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN JONES

- A. Activities of the Dune & Beach Renourishment Committee
- B. Action Items: None

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN STROHM

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

MANTOLOKING COMMITTEE, COUNCILWOMAN ANN ELIZABETH NELSON

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

10. MAYOR AND COUNCIL COMMENTS

Mayor Nebel commented on the excellent performance of this council this year. Mayor Nebel stated, “We’ve had a good year.” He then continued with the following:

Our largest project was the explanation and education of our residents on beach nourishment. We had five general meetings and six mailings. Our residents understand the project and reject the general nature of the easement. Never before has such an education effort in beach nourishment occurred in this reach.

We finally convinced the N.J. American Water Company that we have a low pressure problem in the Borough. They have a solution: A new additional 16” water main from Manasquan to our pump house. We met with them last week and they are scheduling installation in the Fall of 2008. You’ve probably seen surveyors on Rt. 35.

Under Jim Kellogg’s leadership, we launched a project to place utility lines under ground, financed by donations to the Community Foundation of N.J.

We established a new Environmental Commission under the able leadership of Joe DeAmicis.

We've had universal cooperation of cleaning sidewalks of shrubbery this summer. We are currently doing the same on sight triangles.

We strengthened our Emergency Management Organization with the knowledge and leadership of Bob McIntyre.

We continued our street paving program, this time on Runyon Lane and Albertson St. And we did it in the late Fall after most people left for the winter. Our last streets are scheduled for the Spring: Channel Lane, Lyman Street and east Downer Avenue.

We completed the reexamination our master plan, on time, as required by the N.J. Municipal Land Use Law.

Under Russ Henshaw's leadership, the Planning Board operated smoothly all year. There has been no queue. We've never had more than one open application at any time.

Borough Engineer, Thomas Guldin has designed a revetment plan for the Arnold Street end negating the need for a bulkhead which the neighbor's objected to.

We continue to lobby for low taxes from the County. We're currently attacking the library tax which is around 16% last year. Our relationship with the Ocean County Board of Chosen Freeholders remains excellent.

We've made several right decisions after hearing from you, the taxpayers:

- a) We dropped plans for crosswalks at Lyman Street and Bergen Avenue.
- b) We dropped plans for a borough garage.
- c) We dropped plans to purchase the private vacant lot on Downer Avenue.
- d) We didn't vacate the southeast end of South Lagoon Lane.

No new lawsuits were initiated against the borough this year.

Attendance is up at these 4:30 p.m. meetings. We encourage that. We like the input.

I could go on but I believe I've made my point. I'm pleased with the year and I'm very appreciative of the performance of this council for its accomplishments. It has been an honor to serve with you. Thank you.

Councilman Jones commented on the National Flood Insurance Program review. He stated that he is hopeful that we will acquire a lower insurance premium for residents with flood insurance coverage.

11. PUBLIC COMMENTS PERIOD

12. NEXT MEETING Reorganization Council Meeting of Monday, January 7, 2008 @ 4:30 p.m.

13. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Gillingham to adjourn. Councilman Jones seconded the motion and it was unanimously approved by voice vote at 4:59 p.m.

Respectfully submitted,

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