

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
Monday, March 15, 2004
8:00 P.M.
BOROUGH HALL

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall. The minutes of this meeting are as follows:

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

ABSENT: Councilman Elbert E. Husted, III and John H. Jones

RESOLUTION NO. 03/15/2004 – 1: APPROVAL OF FUTURE ABSENCES

It was moved by Councilman Popaca and seconded by Councilman Gillingham to approve the absence of Councilman Nebel from the Special Council Meeting of March 29, 2004 and Regular Meeting of April 19, 2004; Councilman Laymon to be excused from the Special Council Meeting of March 29, 2004. This was unanimously approved by voice vote.

4. PLEDGE OF ALLEGIANCE

Councilman Nebel moved the following:

Resolution No. 03/15/2004 – 2: Cancellation of and Reset Special Meeting Date for Public Hearing on 2004 Municipal Budget

WHEREAS, by resolution adopted on February 17, 2004, the Mayor and Council advertised and posted the Public Hearing date on the proposed 2004 Municipal Budget to be Monday, March 22, 2004 at 8:00 p.m., and

WHEREAS, due to approved, excused absences of some members of council, a quorum was not confirmed for the date of Monday, March 22, 2004, therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey on this 15th day of March, 2004 reset the Public Hearing date on the 2004 Municipal Budget for Monday, March 29, 2004 pending a confirmation of a quorum of Council members available on said date, and

FURTHER, RESOLVED, that a new notice of this Public Hearing be published in the Ocean Star Newspaper on the next publication date available.

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

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.

One citizen commended the Mayor and Council for their diligence in preventing the N.J. Department of Transportation from making unfavorable changes to Highway 35.

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 03/15/2004 – 3: APPROVAL OF PREVIOUS MEETING MINUTES

Councilman Nebel moved that the minutes of the Regular Meeting of February 19, 2004 and Closed Session of February 19, 2004 approved. This motion was seconded by Councilman Laymon and was unanimously approved by voice vote.

7. MAYOR’S REPORT & PRESENTATIONS

Mayor Dunbar announced that he has arranged to meet with representatives on March 30, 2004 from the N.J. Department of Transportation to request that drainage improvements be included in the plans for the paving project on Highway 35.

Jersey Central Power and Light Liaison Peter Johner commented on the February 9, 2004 accident by contractors Henkels and McCoy. He stated that the contractor was handling the massive power surge that caused damage to many homes in Mantoloking. They are aware that many residents have not returned to their summer homes as of today. They will honor all claims made. Mr. Johner also commented on the ongoing new construction of the lines in our area. He stated that higher poles are being installed in anticipation of more power that will be required in the future because of more people making the shore area their permanent home.

8. DEPARTMENT REPORTS: All written reports were ordered filed.

- A. Police Report
- B. Fire Report
- C. Emergency Coordinator Report – No Report
- D. Public Works Superintendent Report
- E. Construction Official Report
- F. Chief Financial Officer Report

Councilman Nebel moved the following:

Resolution No. 03/15/2004 – 4: Acceptance of the Report of the Municipal Finance Officer for January 31, 2004

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

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

| | Cash Balance | Appropriation Balance |
|--------------------------------|---------------------|------------------------------|
| Current Fund | 2,727,988.34 | |
| Trust & Escrow Fund | 148,342.44 | |
| General Capital Fund | 544,703.46 | |

| | | |
|--------------|---------------------|-------------------|
| Total | 3,421,034.24 | 618,162.38 |
|--------------|---------------------|-------------------|

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 Gillingham and was unanimously approved by voice vote.

Councilman Nebel moved the following:

RESOLUTION NO. 03/15/2004 – 5: ADOPTION OF 2004 TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough of Mantoloking has not adopted its 2004 municipal budget and therefore has not adopted the 2004 Capital portion of that budget,

WHEREAS, the Borough of Mantoloking desires to constitute the 2004 Temporary Capital Budget of said municipality,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mantoloking approves as follows:

SECTION 1. The 2004 Temporary Capital Budget of the Borough of Mantoloking is hereby constituted by the adoption of a schedule to read as follows:

| PROJECT | EST COST | CAPITAL IMPROV FUND | DEBT AUTHORIZED |
|------------------------------------|----------------|------------------------|--------------------|
| Road improvement Barnegat-Lyman | \$245,100 | \$13,000 | \$232,100 |
| Storm sewer Runyon Lane | 62,800 | 3,200 | 59,600 |
| Bulkhead replacement Downer Ave | 79,500 | 4,000 | 75,500 |
| GPS/GIS System | 30,000 | 1,500 | 28,500 |
| Garage | 25,000 | 1,250 | 23,750 |
| EMS Improvements | 20,000 | 1,000 | 19,000 |
| Fire Signal Replacement | 75,000 | 3,800 | 71,200 |
| Computers | 45,000 | 2,300 | 42,700 |
| TOTAL | 582,400 | 30,050 | 552,350 |

Section 2. The Clerk be and is hereby authorized to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after adoption of these projects for 2004 Temporary Capital Budget, to be included in the 2004 Permanent Capital Budget as adopted.

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

9. ORDINANCES:

- A. Public Hearing(s)
- B. Consideration of Ordinances for Adoption After Public Hearing
- C. Introduction of Ordinances by Title Only

Councilman Nebel moved the following:

RESOLUTION NO. 03/15/2004 – 6: ADOPTION OF ORDINANCE NO. 473

WHEREAS, on the 15th day of March, 2004 a public hearing was held and no comments have been made and considered by all council members present,

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

ORDINANCE NO. 473

**AN ORDINANCE AMENDING ORDINANCE NO. 266,
 ENTITLED: “AN ORDINANCE TO REGULATE THE
 PARKING OF MOTOR VEHICLES WITHIN THE BOROUGH OF
 MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AND REPEALING
 ALL PRIOR ORDINANCES PROVIDING FOR REGULATION
 OF PARKING WITHIN THE BOROUGH” AND PROVIDING FOR
 PROHIBITION OF PARKING ON PUBLIC STREETS IN THE
 EVENT OF SNOW STORMS OR DURING EMERGENCY CONDITIONS**

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

Councilman Nebel moved the following:

RESOLUTION NO 03/15/2004 – 7: INTRODUCTION OF ORDINANCE NO. 474, 475, 476, 477, 478, 479, 480 & 481

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopts on first reading (title only) the following Ordinances:

ORDINANCE NO. 474

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
 OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
 ROADWAY IMPROVEMENTS, ON BARNEGAT LANE
 (LYMAN STREET TO HERBERT STREET)
 AT A PROJECT COST OF \$245,100.00
 AND AUTHORIZING THE ISSUANCE OF BONDS
 AND NOTES IN THE PRINCIPAL SUM OF \$232,100.00, AND APPROPRIATING
 THE SUM OF \$13,000.00 FROM THE CAPITAL IMPROVEMENT
 FUND FOR SAID PURPOSE**

ORDINANCE NO. 475

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
RELOCATION OF STORM DRAINAGE FACILITIES ON RUNYON LANE
AT A PROJECT COST OF \$62,800.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$59,600.00, AND APPROPRIATING
THE SUM OF \$3,200.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO. 476

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
THE CONSTRUCTION OF BULKHEAD REPLACEMENT
(DOWNER AVENUE) AT A COST OF \$79,500.00
AND AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$75,500.00, AND APPROPRIATING
THE SUM OF \$4,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO. 477

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
ACQUISITION OF GPS-GIS SYSTEM (MAPPING)
AT A PROJECT COST OF \$30,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$28,500.00, AND APPROPRIATING
THE SUM OF \$1,500.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO. 478

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
MUNICIPAL BUILDING GARAGE RENOVATIONS
AT A PROJECT COST OF \$25,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$23,750.00, AND APPROPRIATING
THE SUM OF \$1,250.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO. 479

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
ACQUISITION OF GENERATOR AND IMPROVEMENTS**

**FOR EMERGENCY MANAGEMENT SERVICE HEADQUARTERS
AT A PROJECT COST OF \$20,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$19,000.00, AND APPROPRIATING
THE SUM OF \$1,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO. 480

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
REPLACEMENT OF FIRE/EMERGENCY SIGNAL
AT A PROJECT COST OF \$75,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$71,200.00, AND APPROPRIATING
THE SUM OF \$3,800.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

ORDINANCE NO. 481

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR
ACQUISITION OF COMPUTERS AND SOFTWARE
FOR FINANCE, POLICE, ETC.
AT A PROJECT COST OF \$45,000.00
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$42,700.00, AND APPROPRIATING
THE SUM OF \$2,300.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

***FURTHER RESOLVED**, the attached Comprehensive Resolutions of Introduction, are hereby adopted*

***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 p.m., 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 Ordinances 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 Laymon and unanimously approved by voice vote.

Councilman Laymon moved the following:

RESOLUTION NO. 03/15/2004 – 8: INTRODUCTION OF ORDINANCE NO. 482

***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. 482

**AN ORDINANCE AMENDING ORDINANCE NO. 271 ENTITLED:
 “AN ORDINANCE TO PROMOTE AND PRESERVE THE
 PUBLIC PEACE, SAFETY AND GENERAL WELFARE
 WITHIN THE BOROUGH OF MANTOLOKING IN THE
 COUNTY OF OCEAN, NEW JERSEY; AND TO REPEAL
 BOROUGH ORDINANCE NO. 115”
 AND PROVIDING FOR LIMITATIONS OR PROHIBITION
 OF COMMERCIAL CONSTRUCTION ACTIVITY**

FURTHER RESOLVED, the attached Comprehensive Resolution of Introduction, are hereby adopted

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 Popaca and was unanimously approved by voice vote.

9. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN JONES:

- A. Activities of the Finance Committee**
- B. Action Items:** Councilman Nebel moves the following:

Councilman Nebel moved the following:

Resolution No. 03/15/2004 – 9: Transfer of 2003 Budget Appropriation Reserves #3

WHEREAS, N.J.S. 40A:4-59, upon terms, permits the transfer of budget appropriation: and
WHEREAS, the Borough desires to transfer appropriations within the 2003 budget reserves.

IT IS NOW, THEREFORE, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the appropriation transfers described below are hereby authorized, a total of \$26,400.00.

| <u>TRANSFER TO</u> | | <u>TO</u> | <u>FROM</u> |
|--------------------------|----------------|--------------------|--------------------|
| Engineering | Other Expense | 13,000.00 | |
| Electric | Other Expense | 2,000.00 | |
| Plumbing Sub-code | Other Expense | 1,400.00 | |
| Finance | Other Expense | | 1,000.00 |
| Police | Other Expense | | 10,000.00 |
| Group Health Ins | Other Expense | | 2,700.00 |
| Solid Waste | Other Expense | | 11,000.00 |
| Prosecutor | Other Expense | | 700.00 |
| Beach Maint (Inside Cap) | Other Expense | 1,000.00 | |
| Tax Collector | Salary & Wages | | 1,000.00 |
| Audit | Other Expense | 9,000.00 | |
| TOTAL | | \$26,400.00 | \$26,400.00 |

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

Councilman Nebel moved the following:

Resolution No. 03/15/2004 – 10: Payment of Bills for the Month for the Month of March 2004

WHEREAS, the Chief Finance Officer has presented a list of bills in the total amount of \$121,477.83 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.

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

Councilman Nebel moved the following:

Resolution No. 03/15/2004 – 11: Setting Interest Rates to be Charged for Delinquent Taxes or Assessments

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charges for unpaid taxes and assessments; and

WHEREAS, the rate may be 8% per annum on the first \$1,500.00 of the delinquent sum, and 18% per annum on any sum which is in excess of \$1,500.00; and

WHEREAS, a penalty of 6% may be imposed on any delinquent account which is in excess of \$10,000.00 and which remains unpaid as of the end of the fiscal year.

IT IS NOW, THEREFORE, this 15th day of March, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Tax Collector of the Borough of Mantoloking is hereby authorized and directed to charge and collect interest at the rate of 8% per annum upon the first \$1,500.00 of taxes which remain unpaid as of ten (10) days following the quarterly due date. Further, the Tax Collector shall charge and collect interest at the rate of 18% per annum on all amounts of taxes or assessments over \$1,500.00, which remain unpaid as of ten (10) days following the quarterly due date. Any sum in excess of \$10,000.00, which remains unpaid as of the end of the fiscal year, shall incur a penalty of an additional 6%.
2. Effective upon adoption of this Resolution, payments hereafter due will become delinquent upon the expiration of ten (10) days following the due date. All payments made following expiration of the grace period hereby established shall include interest from the due date.
3. The interest and penalty provisions set forth herein shall be effective upon the next due date following notice to all taxpayers advising of the interest rate and the effective date. No change in interest or penalty shall take effect until notice has been provided. In the interim, interest shall be imposed and collected as heretofore.
4. A copy of this Resolution shall be published in the official newspaper of the Borough.

5. True copies of this Resolution shall be provided to the Tax Collector, Chief Municipal Financial Officer and Auditor of the Borough.

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

Councilman Laymon moved the following:

Resolution No. 03/15/2004 – 12: Support of N.J. Senate Bill No. S-128 and A-939 to Outlaw Punitive Damages

WHEREAS, the potential assessment of punitive damages against public entities represents an unwarranted burden upon taxpayers; and

WHEREAS, recent New Jersey Supreme Court decisions have held that public agencies are liable for punitive damages; and

WHEREAS, there is legislative initiative to eliminate this exposure whereby taxpayers would be penalized for the alleged violation of a claimant's rights by acts or omissions of public entities; and

WHEREAS, Senate Bill S-128 and Assembly Bill A-939 are designed to address and to remedy this egregious situation.

IT IS NOW, THEREFORE, this 15th day of March, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The prompt adoption of the proposed legislation (S-128 and A-939) will be in the public interest and will serve to eliminate the exposure of innocent taxpayers to the risk of paying punitive damages.
2. A copy of this Resolution shall be forwarded forthwith to all Members of the Ocean County Delegation to the New Jersey Legislature, and to the Ocean County Board of Chosen Freeholders.

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

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

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

Councilman Gillingham moved the following:

Resolution No. 03/15/2004 – 13: Appointment of Temporary Class 2 Police Officer

Special Class 2 Police Officer John A. Conway is hereby appointed at a salary rate of \$9.50 per hour. Said appointment is effective March 20, 2004. The motion was seconded by Councilman Nebel and was unanimously approved by voice vote.

GARBAGE & RECYCLING COMMITTEE, COUNCILMAN LAYMON:

A. Activities of the Garbage and Recycling Committee

B. Action Items: None

Councilman Laymon commented on the great job that our new trash pick-up company is doing.

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

A. Activities of the Beautification of Mantoloking Committee

B. Action Items: None

Councilman Laymon stated that the committee is waiting for warmer weather to make their plans on beautification.

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

A. Activities of the Drug & Alcohol Alliance & Ocean County Block Grant Committees

B. Action Items:

Councilman Laymon moved the following:

Resolution No. 03/15/2004 – 14: Proclamation to Recognize April 1, 2004 as “Choose to be Tobacco Free” Day

WHEREAS, one out of every five Americans deaths is smoking-related; and

WHEREAS, smoking is the number one preventable cause of death responsible for 440,000 deaths nationally, including 13,000 in New Jersey; and

WHEREAS, smoking kills more people than cocaine, heroine, alcohol, fire, automobile accidents, homicides, suicides and AIDS combined; and

WHEREAS, each pack of cigarettes sold in the United States costs the nation an estimated \$7.18 (per pack) in medical care costs and lost productivity; and

WHEREAS, estimates show that smoking causes over \$150 billion in annual health related economic losses; and

WHEREAS, Environmental Tobacco Smoke (ETS) known as “second-hand smoke” is the third leading preventable cause of death responsible for 53,000 deaths per year of nonsmokers, including 1,600 in New Jersey. This includes 37,000 to 40,000 deaths from heart disease, and 3,825 lung disease deaths; and

WHEREAS, ETS is responsible for 150,000 to 300,000, lower respiratory infections, 400,000 to 1,000,000 attacks of asthma and 8,000 to 26,000 new cases of asthma; and

WHEREAS, infants exposed to ETS are two times more likely to die from SIDS (Sudden Infant Death Syndrome) than infants never exposed; and

WHEREAS, ETS contains more than 4,000 chemicals, including 401 poisons and 43 carcinogens, such as nicotine; and

WHEREAS, the Environmental Protection Agency (EPA) designates ETS as a Group “A” carcinogen, a rating used only for dangerous substances, such as asbestos, known to cause cancer in humans

BE IT HEREBY RESOLVED, that the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey petitions members of the New Jersey Legislature to support Senate Bill S-264 (Adler/Kean, Jr.) and Assembly Bill A-315 (Weinberg/Gusciora), which may be cited as the “Clean Indoor Air Act”, and which would prohibit smoking in the common areas of indoor public places throughout the State.

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

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:

Resolution No. 03/15/2004 – 15: Roadway and Storm Drainage Improvements for Downer Avenue-Contract No. 2002-1: Pay Application No. 4 – FINAL

WHEREAS, the Borough has entered into a Contract with C.J. Hesse, Inc. (Contract 2002-1) to provide roadway and storm drainage improvements: and

WHEREAS, the Contractor's Application for Payment No. 2 (Exhibit "A" attached) has been reviewed and recommended for payment by the Borough Engineer, Thomas Guldin, P.E. in the sum of \$12,423.75, by letter dated February 26, 2004; and

WHEREAS, funds have heretofore been appropriated by Ordinance 462 (\$10,726.42) and the budget appropriation in the 2003 Municipal Budget for Roads and Streets (\$1,697.33)

IT IS NOW, THEREFORE, this 15th day of March, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 4 – FINAL of C.J. Hesse, inc. is hereby approved in the sum of \$12,423.75 and shall be paid forthwith from funds heretofore appropriated, upon receipt, by the Chief Financial Officer, of appropriate documentation.

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

Councilman Popaca moved the following:

Resolution No. 03//15/2004 – 16: Release of Contractor from Award of Contract for Installation of Fire Sprinkler System in Public Works Garage & Award of Contract to Second Lowest Bidder

WHEREAS, the Borough awarded a contract for the installation of a fire sprinkler system in the Public Works Garage to G. Falck Fire Protection, Inc. on December 15, 2003, and

WHEREAS, the Borough has not received a response from G. Falck Fire Protection, Inc. on the submission of a proposed contract, and

WHEREAS, the second lowest responsible bidder, Fire Pro Tech, Inc. has displayed interest in proceeding with the project if awarded at a cost of \$11,250.00, and

WHEREAS, a Certificate of Availability has been received.

IT IS NOW, THEREFORE, this 15th day of March 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows.

3. The resolution of award of contract to G. Falck Fire Protection, Inc. as adopted on December 15, 2003 is rescinded.
4. \$11,250.00 is hereby accepted subject to mutual execution of a Contract, approved as to form, by the Borough Attorney.

5. The Mayor is authorized to sign the approved Contract and the Borough Clerk shall attest to said signature

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

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

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:

Mayor Dunbar reported that Dr. Farrell will notify us when they determine that adequate amounts of sand is on the beach to conduct bulldozing replenishment of the dunes.

Councilman Gillingham moved the following:

Resolution No. 03/15/2004 – 17: Mayor and Council Order Beachfront Property Owners to Replenish Dunes in Spring 2004

WHEREAS, the protective dune system in the Borough of Mantoloking has reportedly been damaged by several winter storms in 2003 and 2004, and

WHEREAS, the Borough, under the guidance of Dune Consultant Dr. Stewart C. Farrell of the Coastal Research Center of The Richard Stockton College of New Jersey, must insure that all properties in the Borough of Mantoloking are protected from the development of a breach due to any further ocean wave action, and be it

RESOLVED, the Mayor and Council mandate the replenishment of the beachfront dune system by property owners of said dunes at the designated time period as set by the Dune and Beach Renourishment Committee of the Borough of Mantoloking, and

FURTHER, RESOLVED, that all-beachfront property owners be notified of this order in writing.

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

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

10. EXECUTIVE SESSION AS NECESSARY: None

11. ADJOURNMENT

There being no further business, it was moved by Councilman Nebel and seconded by Councilman Laymon to adjourn at 8:48 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

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