

**DRAFT #1 (09/27/11)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**September 19, 2011**

The regular monthly meeting of the Mayor and Council was 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 Donald S. Ness, Councilmen Steve Gillingham, Peter R. Strohm, Stanley F. Witkowski, James J. Brown and Councilwoman Ann Elizabeth Nelson  
**Absent:** None  
  
**Also Present:** Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Chief Financial Officer Michelle Swisher, Police Chief Mark Wright and Emergency Management Coordinator Robert S. McIntyre.
  
- 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. No comments were made.
  
- 6. MINUTES OF PREVIOUS MEETINGS:**  
**RESOLUTION NO. 09/19/2011 - 01: APPROVAL OF MINUTES**  
Councilwoman Nelson moved that the minutes of the Regular Meeting of August 15, 2011 be approved as distributed. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

**7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

A. Councilman Witkowski will introduce the Municipal Finance Officer Michelle Swisher who will present the monthly finance report.

**B. Action Items:**

Councilman Witkowski moved the following four (4) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

**RESOLUTION NO. 09/19/2011 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

**July 31, 2011**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2011municipal budget as of July 31, 2011; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2011 Current Year Appropriation	\$4,055,418.66	\$2,245,049.42	\$ 113,453.19	\$1,696,916.05
2010 Appropriation Reserves	\$ 376,253.59	\$ 132,830.73	\$ 175.00	\$ 243,247.86
Capital	\$1,650,518.26	\$ 246,097.81		\$1,385,420.45

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 62,980.08	\$4,477,845.12

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. 09/19/2011 – 03: PAYMENT OF BILLS FOR THE MONTH OF September 2011**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$442,639.37** 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. 09/19/2011 – 04: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO A TAX APPEAL**

**WHEREAS**, a County Tax Court Judgment has been favorably awarded to Peter Adams, Block 35, Lot 3, for the tax year 2011-2012; and,

**WHEREAS**, such judgment has resulted in an overpayment of 2011 property taxes in the amount of \$593.44 and for 2012 property taxes in the amount of \$296.72. Such refunds have occurred because the property owner has paid his balance for the 2011-2012 tax year in full,

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$890.16 for said overpayment to the taxpayer's attorney Wells, Jaworski, & Liebman, LLP, Attorney Trust Account, 12 Route 17 North, PO Box 1827, Paramus, NJ 07653-1827.

**BE IT FINALLY RESOLVED**, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

**RESOLUTION NO. 09/19/2011 – 05: PROVIDING FOR GRANT OF ADDITIONAL SICK LEAVE - PRISCILLA A. LEUCK**

**WHEREAS**, as a matter of policy the Borough Council may, in its discretion, upon petition, grant extensions to an employee's sick leave; and

**WHEREAS**, due to demonstrated need, Priscilla A. Leuck has been caused to utilize all of her allocated sick leave for 2011 and has petitioned for an increased allotment of sick leave for 2011; and

**WHEREAS**, Council is satisfied that the circumstances presented are extraordinary and that Priscilla A. Leuck is deserving of its favorable consideration of her petition.

**IT IS NOW, THEREFORE**, this 19<sup>th</sup> day of September, 2011 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that, for good cause shown, Priscilla A. Leuck is hereby granted sixty-three (63) hours additional sick leave to cover her absence through August 14, 2011.

**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. He then introduced Emergency Management Coordinator Robert S. McIntyre who presented the report of the Office of Emergency Management. Councilman Gillingham concluded with the presentation of the reports of the of the Municipal Court and Fire Company.

**B. Action Items:** None

**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.

**B. Action Items:** None

**DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM**

**A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program**

**B. Action Items:**

Councilman Strohm moved the following resolution:

**RESOLUTION NO. 09/19/2011 – 06: PROVIDING FOR DUNE SYSTEM REPLENISHMENT AND MAINTENANCE**

**WHEREAS**, as a result of Hurricane Irene, the dune system has been severely compromised by erosion; and

**WHEREAS**, the Borough's consulting engineers, Hatch Mott MacDonald, have recommended that the Borough should proceed with scraping/bulldozing and dune reconstruction in compliance with New Jersey DEP General Maintenance Permit Conditions, for Post-Storm Dune Restoration; and

**WHEREAS**, the Mayor and Council agree that it is necessary, in the public Interest, to immediately initiate dune maintenance restoration efforts in accordance with Municipal Ordinance and applicable (NJDEP) regulations; and

**WHEREAS**, it is necessary to obtain the consent of oceanfront owners for issuance of Dune Maintenance Permits and the owners decision concerning reliance upon the Borough or upon private contractors for completion of the required restoration. and;

**WHEREAS**, prompt initiation of the permit process is essential to timely completion of the project

**IT IS NOW, THEREFORE**, this 19th day of September, 2011, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The dune system within the Borough shall promptly be repaired and restored in compliance with applicable State regulations and the Borough's Ordinance.
2. All project costs will be the expense of the Borough, except in those instances wherein owners elect to engage contractors of their selection. All work must comply with permit specifications and the direction of the Dune Inspector.
3. Subject to the direction of the Mayor and Chairman of the Beach Committee, the Dune Inspector shall promptly provide notification of Ordinance compliance requirements to all oceanfront owners, together with a copy of this Resolution.

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

**MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN**

- A. Councilman Brown will present the reports of the Municipal Services Committee.
- B. Action Items:

Councilman Brown moved the following resolution:

**RESOLUTION NO. 09/19/2011 – 07: REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION**  
**NJS 40A:4-87**

**WHEREAS, NJS 40A:4-87** provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS,** the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED,** that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$567.98, which is now available from the State of New Jersey, under the title of 2011 Recycling Tonnage Grant.

**BE IT FURTHER RESOLVED,** that the like sum of \$567.98 is hereby appropriated under the caption of 2011 Recycling Tonnage Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, Solid Waste Administration in the amount of \$567.98.

The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

- A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.
- B. Action Items: None

**8. MAYOR AND COUNCIL COMMENTS**

No comments were made.

**9. PUBLIC COMMENTS PERIOD**

Three commentators spoke about the Mantoloking emergency personnel performance during “Hurricane Irene”, beach access walkways and summer crossing guards.

**10. NEXT MEETING** Regular Council Meeting, Monday, October 17, 2011 @ 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 Strohm and was approved by unanimous voice vote at 4:52 p.m.

Respectfully submitted,

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