

**DRAFT #1 (10/31/2011)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**OCTOBER 17, 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., Police Chief Mark Wright
- 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. 10/17/2011 - 01: APPROVAL OF MINUTES**

Councilman Nelson moved that the minutes of the Regular Meeting of September 19, 2011 be approved as distributed. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

**7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

- A. Councilman Witkowski presented 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. 10/17/ 2011 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER August 30, 2011**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2011municipal budget as of August 30, 2011; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2011 Current Year Appropriation	\$4,055,418. 66	\$2,563,779.45 \$1,425,807.29	\$ 65,831.92
2010 Appropriation Reserves	\$ 376,253.59	\$ 132,830.73 243,247.86	\$ 175.00 \$
Capital	\$1,650,518. 26	\$ 265,097.81 \$1,385,420.45	

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$2,407,936. 56	\$6,777,731.81

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. 10/17/2011 – 03: PAYMENT OF BILLS FOR THE MONTH OF OCTOBER 2011**

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$246,431.83** and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey 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. 10/17/2011 – 04: REQUESTING THE CANCELLATION OF GRANT RESERVE BALANCES**

WHEREAS, there exists a balance on a grant from the Department of Transportation for a Study of Route 35 on the balance sheet of the Current Account; and

WHEREAS, all funds applicable to this grant have been spent and all funds have been reimbursed on this grant there does remain a balance of \$174.56, funds creating these reserves have been investigated and it has been determined that these reserves should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mantoloking that the following reserves in the amount of \$174.56 be and the same are hereby canceled:

Reserve for DOT Route 35 Study Grant \$174.56

Total

\$174.56

**RESOLUTION NO. 10/17/2011 – 05: INTRODUCTION OF ORDINANCE NO. 604 - AMENDMENT OF THE BOROUGH GENERAL FEE SCHEDULE**

*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. 604**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR AMENDMENT OF  
CHAPTER II (ADMINISTRATION), ARTICLE IX, FEES, OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007**

*and be it*

*FURTHER RESOLVED, the attached Comprehensive Resolution of Introduction is hereby adopted, and be it FURTHER 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](http://www.mantoloking.org), and provided to anyone free of charge during regular business hours, M-F 8:30am – 4:30pm, 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.*

**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. Councilman Gillingham concluded with the presentation of the reports of the Municipal Court and Fire Company.

**B. Action Items:**

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

**RESOLUTION NO. 10/17/2011 – 06: IN SUPPORT OF THE JERSEY SHORE RUNNING CLUB, JERSEY SHORE RELAY TO BENEFIT SPECIAL OLYMPICS**

**WHEREAS,** the Jersey Shore Running Club, have requested permission to utilize roadways in the Borough in conjunction with the "Jersey Shore Relay", on Saturday, April 21, 2012; and

**WHEREAS,** the Mayor and Council wish to endorse and support the Jersey Shore Running Club.

**IT IS NOW, THEREFORE,** this 17<sup>th</sup> day of October, 2011, **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 "Jersey Shore Relay" is hereby granted subject only to endorsement by the Chief of Police.
1. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to The Jersey Shore Running Club, Mr. Bob Both, Event Director
2. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

**RESOLUTION NO. 10/17/2011 – 07: APPROVED THE OF AWARD OF CONTRACT FOR PURCHASE OF A POLICE VEHICLE**

**WHEREAS**, the Borough Clerk advertised for sealed bids for the purchase of one (1), new, police vehicle  
**WHEREAS**, bids were publicly opened and read aloud at 4:00 p.m. on October 13, 2011 in the office of the Borough Clerk with the following results:

<b>Bidder</b>	<b>Amount of Bid</b>
<i>Mall Chevrolet</i>	<i>\$30,250.00</i>

**WHEREAS**, the bid submissions have now been reviewed by the Purchasing Agent and Borough Attorney, now therefore, be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey awards a contract in the amount of **\$30,250.00** for the furnishing of a new police vehicle to the lowest bidder Mall Chevrolet, Cherry Hill, N.J.

**PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON**

**A. Reports of the Public Works:** Councilwoman Nelson presented the reports from the Public Works Superintendent, Construction Official and Land Use Officer.

**B. Action Items:**

Councilwoman Nelson moved the following six (6) resolutions. The motion was seconded by Councilman Ness and approved by unanimous voice vote.

**RESOLUTION NO. 10/17/2011 – 08: APPROVE GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BAY AVENUE DRAINAGE IMPROVEMENTS PROJECT**

**NOW THEREFORE, BE IT RESOLVED** that Council of Mantoloking Borough formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Mantoloking Borough-00657 to the New Jersey Department of Transportation on behalf of the Borough of Mantoloking.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Mantoloking Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION NO. 10/17/2011 – 09: APPROVE RELEASE OF SURETY BOND TO SALVATORE AND LEONA CALABRESE**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by Salvatore and Leona Calabrese in conjunction with the demolition of a single family home at property located at 1093 Ocean Avenue; and

**WHEREAS**, the Construction Official, John Wardell, has advised that a final inspection has been completed, the debris has been completely cleared and it is appropriate to release the Bond at this time.

**IT IS NOW, THEREFORE**, this 17<sup>th</sup> day of October, 2011, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Salvatore and Leona Calabrese in the amount of \$1,000.00 shall be released, forthwith;
2. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

**RESOLUTION NO. 10/17/2011 – 10: APPROVE RELEASE OF SURETY BOND TO LAGOON LANE LLC (PETER W. EHRCOOD)**

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Lagoon Lane LLC (Peter W. Ehrgood) in conjunction with the demolition of a single family home at property located at 915 Lagoon Lane; and

WHEREAS, the Construction Official, John Wardell, has advised that a final inspection has been completed, the debris has been completely cleared and it is appropriate to release the Bond at this time.

IT IS NOW, THEREFORE, this 17<sup>th</sup> day of October, 2011, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

3. The referenced Surety Bond posted by Lagoon Lane LLC (Peter W. Ehrgood) in the amount of \$1,000.00 shall be released, forthwith;
4. All officials having jurisdiction in the matter shall take such action as may be necessary to implement this Resolution.

**RESOLUTION NO. 10/17/2011 – 11: CONFIRMING THE APPOINTMENT OF OFFICIALS – FIRE SUB CODE OFFICIAL**

WHEREAS, a vacancy exists in the offices of Fire Sub Code Official;

WHEREAS, it is the responsibility of the Mayor with the consent of Council to appoint various individuals such as Fire Sub Code Official;

WHEREAS, AFTER DUE DELIBERATION, the Mayor and Council have determined that the following individual is nominated for this vacancy:

Michael Clayton

Effective: October 3, 2011 to December 31, 2011

Salary: \$4,000.00 Annual (Prorated)

IT IS NOW, THEREFORE, this 17<sup>th</sup> day of October, 2011, Resolved by the Mayor and Council of the Borough of Mantoloking, as follows:

1. That the Council does, by this Resolution, hereby confirm, ratify, and approve the nomination and appointment and term of office identified as to that officer and position wherein the Mayor has the right to nominate and appoint with the advice and consent of Council or otherwise, and as to that office and position wherein the Council has the right to select said individuals or entities.

**RESOLUTION NO. 10/17/2011 – 12: APPOINTMENT OF PERSONNEL – PART TIME HELP**

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

<i>Name</i>	<i>Position</i>	<i>Effective Date</i>	<i>Salary</i>
<i>Robert Furrange</i>	<i>Deputy Fire Sub Code Official</i>	<i>October 3, 2011</i>	<i>\$ 25.00/Hour</i>

**RESOLUTION NO. 10/17/2011 – 13: APPROVED SHARED SERVICE AGREEMENT FOR SALT SHED USE WITH BOROUGH OF BAY HEAD**

WHEREAS, Mantoloking has, for several years, been permitted to utilize a portion of the road salt storage facility in Bay Head; and

WHEREAS, Bay Head will now require use of the space presently utilized by Mantoloking; and

**WHEREAS**, Bay Head will permit Mantoloking to construct additional salt storage space for the use of Mantoloking; and

**WHEREAS**, it is in the public interest for Mantoloking to accept the neighborly offer of continuing accommodation;

**IT IS NOW, THEREFORE**, resolved as follows:

1. The attached proposed Agreement shall constitute a shared service intermunicipal Agreement for implementation of the purposes of the project.
2. The agreement may be executed by the Mayor and Clerk, upon advice of counsel as to form, and shall be operative upon execution on behalf of Bay Head.
3. Project cost shall not exceed \$4,500 for material. Labor by Borough Public Works.

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

- A. Reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program were not submitted.
- B. Action Items: None

**MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN**

- A. Reports of the Municipal Services Committee were not submitted.
- B. Action Items:

Councilman Brown moved the following resolution:

**RESOLUTION NO. 10/17/2011 – 14: APPROVED SOLID WASTE & RECYCLING CONTRACT OPTION YEAR NO. 4 WITH REPUBLIC SERVICES OF NJ, LLC (D/B/A MARPAL COMPANY)**

**WHEREAS**, pursuant to Contract dated March, 2009, between the Borough and Republic Services of NJ, LLC, the Borough may extend the Contract for an additional one (1) year term; and

**WHEREAS**, it is the judgment of the Mayor and Council that the public interest will be served by the exercise of the one (1) year extension option, at a price of \$130,924.00, for a term ending March 2, 2013.

**IT IS NOW, THEREFORE**, this 17<sup>th</sup> day of October, 2011, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The 4<sup>th</sup> year Contract option shall be and hereby is exercised for the term ending March 2, 2013, at a cost of \$130,924.00;
2. Notice of this election of exercise of option shall be provided forthwith to Republic Services of NJ, LLC.

The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

**MANTOLOKING COMMITTEE, COUNCILMAN NESS**

- A. Reports of the Mantoloking Committee and the Environmental Commission were not submitted.
- B. Action Items: None

**8. MAYOR AND COUNCIL COMMENTS**

Councilman Brown reported that the National Flood Insurance Program recertification has been approved.

**9. PUBLIC COMMENTS PERIOD**

Two commentators made comments about the recent theft of property, policing of traffic during construction on Ocean Avenue and street light outages.

**10. ADJOURNMENT**

There being no further business for this meeting, it was moved by Councilwoman Nelson to adjourn. The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 4:48 p.m.

Respectfully submitted,

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

**ORDINANCE NO. 604**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR AMENDMENT OF  
CHAPTER II (ADMINISTRATION), ARTICLE IX, FEES, OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Mantoloking, as follows:

1. Sub-article 2-72.1 – Fees Charged – is deleted and replaced with the following:

“2-72.1 – Fees Charged: The fees charged and collected by the Borough of Mantoloking, shall be as noted below:

- |    |  |                                    |
|----|--|------------------------------------|
| a. | Copy of Zoning and Land Use Ordinance                  | \$ 35.00                           |
| b. | Copy of other Ordinance, per page                      | Per N.J. S.A. 47:1A-5(b)*          |
| c. | Certified copy of Birth, Marriage or Death Certificate | \$ 5.00                            |
| d. | Copy of miscellaneous documents (per page)             | Per N.J. S.A. 47:1A-5(b)*          |
| e. | Charge for returned/dishonored check (per check)       | (Per N.J. statute)                 |
| f. | Beach badge, per badge                                 | \$ 12.00                           |
| g. | Certified List of Property Owners                      | \$ 10.00                           |
| h. | Property Tax Search                                    | \$ 10.00                           |
| i. | Property Assessment Search                             | \$ 10.00                           |
| j. | Mailing of Notice of Tax Sale                          | \$ 25.00 per property, per mailing |

- k. CD copies of records (per CD) Actual Cost
- l. Copies of large documents  
(larger than 11" x 17") (per sheet) Actual Cost

2. Sub-Article 2-72.2 – Fees Charged by the Police Department, is amended as follows:

Police Discovery Charges:	
Vehicle Accident Report	Per N.J.S.A. 39:4-131
All other documents	Per N.J. S.A. 47:1A-5(b)*

3. All other provisions of the Code shall remain in full force and effect.

4. This Ordinance shall be effective upon final adoption according to law.

\*[\$.05 per letter size page or smaller, and \$.07 per legal and ledger size page]

### NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Council of the Borough of Mantoloking, in the County of Ocean and State of New Jersey held on the 17<sup>th</sup> day of October, 2011, and said Ordinance will be considered for final passage at the Borough Hall, Downer Avenue, Mantoloking, New Jersey at 4:30 p.m. on the 19<sup>th</sup> day December, 2011, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

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IRENE H. RYAN, R.M.C.