

**DRAFT #1 01/04/12)**

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

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

**PRESENTATION OF CERTIFICATES OF RECOGNITION**

Recipients:	Jennifer B. Eaton	Mantoloking Court Administrator
	William L. Shewan, Jr.	Mantoloking Police Officer
	Donald S. Ness	Council Chairperson-Mantoloking Centennial Committee
	Chief Nils R. Bergquist, Jr.	Brick Township Chief of Police
	(Deputy Chief James Riccio will represent the Brick Township Police Dept.)	
	Chief Kevin C. Batzel	Brick Township Bureau of Fire Safety
	Sarah H. Dewing	Co-Chairperson-Mantoloking Centennial Committee
	Constance Kapp	Co-Chairperson-Mantoloking Centennial Committee
	William B. Tubbs	Co-Chairperson-Mantoloking Centennial Committee
	E. Steve Gillingham	Treasurer-Mantoloking Centennial Committee
	Mary Anne Finch	Chairwoman-Mantoloking Centennial "OdysSea" Flower Show
	Anne L. Benedict	Borough Historian-Mantoloking Centennial Committee

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 4:36 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, Councilmen Steve Gillingham, Peter R. Strohm, Stanley F. Witkowski, James J. Brown and Councilwoman Ann Elizabeth Nelson  
**Absent:** Council President Donald S. Ness  
  
**Also Present:** Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr., Chief Financial Officer Michelle Swisher and 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. 12/19/2011 - 01: APPROVAL OF MINUTES**

Councilwoman Nelson moved that the minutes of the Regular Meeting of November 21, 2011 be approved as distributed. The motion was seconded by Councilman Brown and approved by unanimous voice vote.

**RESOLUTION NO. 12/19/2011 - 02 OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY,  
NEW JERSEY, MEMORIALIZING THE CONTRIBUTIONS AND PUBLIC SERVICE OF**

**WILLIAM R. WESSON  
DECEASED - NOVEMBER 26, 2011**

WHEREAS, William R. Wesson, generously provided 34 years of dedicated, volunteer service as Borough Treasurer and Custodian of School Funds; and

WHEREAS, it is the desire of the Mayor and Council to recognize and honor the service and contributions of William R. Wesson; and

WHEREAS, his efficient and dedicated volunteer public service was unique and of unsurpassed value to the Borough and its residents.

IT IS NOW, THEREFORE, this 19<sup>th</sup> day of December, 2011, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All of the preceding statements above are incorporated by reference.
2. The Mayor and Council, for themselves and for all residents of the Borough, do hereby express to his family their most sincere appreciation for the volunteer public service of William (Bill) R. Wesson in the performance of the duties of his office. Further, they extend their condolences to his family.
3. A true copy of this Resolution shall be presented to his family.

**7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

A. Councilman Witkowski introduced the Municipal Finance Officer Michelle Swisher who 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. 12/19/2011 – 03: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER October 31, 2011**

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

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

ACCOUNT	BUDGET	EXPENDED	ENCUMBERED	BALANCE
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		YEAR TO DATE		
2011 Current Year Appropriation	\$4,060,011.94	\$3,195,011.83	\$ 105,592.58	\$ 759,407.53
2010 Appropriation Reserves	\$ 376,253.59	\$ 135,416.52	\$ 7,954.20	\$ 232,882.87
Capital	\$1,650,518.26	\$ 337,604.57		\$1,312,913.69

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$853,061.26	\$7,976,039.02

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. 12/19/2011 – 04: PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 2011**

*WHEREAS*, the Municipal Finance Officer has presented a list of bills in the total amount of **\$213,932.62** 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. 12/19/2011 – 05: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2011**

*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 2011 Municipal Budget exists; and

*WHEREAS*, it is recommended that these budget transfers be made and;

**NOW, THEREFORE BE IT RESOLVED**, that the following budget transfers be made in the 2011 Municipal Budget:

CURRENT ACCOUNT		TO	FROM
TAX ASSESSOR	OE	\$ 900.00	
SEWER	OE		\$ 900.00
<b>TOTAL</b>		<b>\$ 900.00</b>	<b>\$ 900.00</b>

**RESOLUTION NO. 12/19/2011 – 06: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO A TAX APPEAL**

*WHEREAS*, a State Tax Court Judgment has been favorably awarded to Debra Mercatanti, Block 23, Lot 41, for the fiscal year 2011; and,

*WHEREAS*, such judgment has resulted in an overpayment of 2011 property taxes in the amount of \$3,100.33,

**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 \$3,100.33 for said overpayment to Debra Mercatanti and received by Skoloff & Wolfe, P.C, 293 Eisenhower

Parkway, Livingston, NJ 07039, attorney for Debra Mercatanti, for the property known as 1101 Ocean Ave, Mantoloking, NJ 08738.

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

**PUBLIC HEARING** Mayor Nebel opened the meeting for a Public Hearing on Ordinance No. 604 – Fees. No comments were made.

Councilman Witkowski moved the following resolution:

**RESOLUTION NO. 12/19/2011 – 07: ADOPTION OF ORDINANCE NO. 604 – FEES**

**WHEREAS**, on the 19<sup>th</sup> day of December, 2011 a public hearing on Ordinance No. 604 was held and no comments were made by the public, now, therefore, be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt 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**

**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]

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

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

**A. Reports of the Public Safety Committee:** Councilman Gillingham presented the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

**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. 12/19/2011 – 08: APPROVAL OF MANTOLOKING FIRE COMPANY NO. 1 MEMBER APPLICATION – MICHAEL APPEGATE**

**WHEREAS**, Michael Applegate, 14 Cummins Street, Mantoloking, NJ, has applied to become a firefighter with the Mantoloking Fire Company No. 1 (MFC) and the Trustees of the MFC have recommended the Borough Council approve his application, and

**WHEREAS**, one or more of the requirements for designation as a firefighter set forth in the MFC bylaws are still in the process of being completed, and

**WHEREAS**, Michael Applegate's appointment must be approved by the Borough Council before he can begin active duty, now, therefore, be it

**RESOLVED**, the Borough Council hereby approves Michael Applegate as a probationary firefighter member of the Mantoloking Fire Company No. 1, effective immediately, but subject to completion of any and all legal and administrative requirements.

**RESOLUTION NO. 12/19/2011 – 09: PROVIDING FOR SALE OF SURPLUS PERSONAL PROPERTY ONE (1) ALL TERRAIN VEHICLE**

**WHEREAS**, the Borough owns the all-terrain vehicle (ATV) equipment described below:

2002 Polaris Sportsman ATV, Vin No: 4XACH42A12C558791; and

**WHEREAS**, the equipment is no longer needed by the Borough.

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

1. that the above described personal property is surplus and shall be sold at public sale;
2. The sale shall be publicly advertised. The notice shall include, but not be limited to, a recital that the equipment is used, vehicle is intended for off-road use, only and is sold without warranties, express or implied, "where is, as is".
3. the Notice of Sale – Invitation to Bidders shall be published forthwith.

**PUBLIC HEARING** Mayor Nebel opened the meeting for a Public Hearing on Ordinance No. 605 – Prohibits Solid Waste Collection By Unauthorized Persons. One (1) comment was made.

Councilman Gillingham moved the following resolution:

**RESOLUTION NO. 12/19/2011 – 10: ADOPTION OF ORDINANCE NO. 605 – PROHIBITS SOLID WASTE COLLECTION BY UNAUTHORIZED PERSONS**

**WHEREAS**, on the 19<sup>th</sup> day of December, 2011 a public hearing on Ordinance No. 604 was held and One (1) comment was made, now, therefore, be it

**RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

**ORDINANCE NO. 605**

**AN ORDINANCE AMENDING CHAPTER XIX, SECTION 19-1.9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007, OCEAN COUNTY, NEW JERSEY**

**WHEREAS**, the Borough of Mantoloking codified its local ordinances in The Revised General Ordinances of the Borough of Mantoloking in 2007; and

**WHEREAS**, the Borough now deems it appropriate to amend the Solid Waste Management Ordinance, Chapter XIX, Section 19-1.9;

Now, therefore, **BE IT ORDAINED** by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey, as follows:

**SECTION ONE:** Chapter XIX, Section 19-1.9 shall be amended as follows:

**19-1.9 Collection by Unauthorized Persons.**

It shall be a violation of this section for any unauthorized person or organization to ***stop to inspect***, collect, pick up or cause to be collected or picked up within the boundaries of the Borough any of the recyclable materials designated in subsections 19-1.4 and 19-1.5 ***or any other solid waste or other material left at any curbside***. Each ***act*** ~~collection~~ in violation of this section ***shall*** constitutes a separate and distinct offense punishable as hereinafter provided. (Ord. No. 263 § 7).

**SECTION TWO:** This Ordinance shall become effective upon its final passage and publication as required by law. (New language indicated by ***bold, italic underline***; removed language indicated by ~~strikethrough~~.)

**SECTION THREE:** All other provisions of Ordinance 263, not modified by this Ordinance shall remain in full force and effect.

**SECTION FOUR:** If any provision of this Ordinance shall be adjudicated to be illegal or unenforceable, all of the remainder hereof, not so adjudicated, shall remain in full force and effect. This Ordinance shall be construed to give full effect to the provisions hereof. In the event of conflict, the provisions of this Ordinance shall prevail.

The motion was seconded by Councilman Strohm and a roll call vote was taken:

Nelson – Yes, Brown – No, Strohm – Yes, Witkowski – Yes, Gillingham – Yes, Ness – Absent

The Ordinance was adopted by majority vote.

**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:**

Councilwoman Nelson moved the following resolution.

**RESOLUTION NO. 12/19/2011 – 11: PROVIDING FOR SALE OF SURPLUS PERSONAL PROPERTY ONE (1) BULLDOZER**

**WHEREAS**, the Borough owns the earthmoving equipment described below:

1984 Fiat Allis 14C Bulldozer, Serial No.: 050769; and

**WHEREAS**, the equipment is in disrepair and not suitable for use by the Borough.

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

1. that the above described personal property is surplus and shall be sold at public sale;
2. The sale shall be publicly advertised. The notice shall include, but not be limited to, a recital that the equipment is used, is in disrepair due to salt water flooding, and is sold without warranties, express or implied, "where is, as is".
3. the Notice of Sale – Invitation to Bidders shall be published forthwith.

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

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

- A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program
- B. Action Items: None

**MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN**

- A. Councilman Brown stated that no reports of the Municipal Services Committee were submitted.
- B. Action Items:

Councilman Brown moved the following three (3) resolutions. The motion was seconded by Councilman Witkowski and approved by unanimous voice vote.

**RESOLUTION NO. 12/19/2011 – 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>John Keynton</i>	<i>Certified Recycling Professional</i>	<i>December 9, 2011 – December 31, 2011</i>	<i>\$75.00</i>

**RESOLUTION NO. 12/19/2011 – 13: SUBMISSION OF ANNUAL RECYCLING REPORT, ANNUAL TONNAGE REPORT AND APPLICATION FOR 2010 TONNAGE GRANT**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, A resolution authorizing this municipality to apply for the 2010 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the Borough of Mantoloking and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Mantoloking that James J. Brown hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates John Keynton, Certified Recycling Professional to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION NO. 12/19/2011 – 14: APPROVING INTERLOCAL CONTRACT FOR SERVICES OF CERTIFIED RECYCLING COORDINATOR**

**WHEREAS**, the Borough is required to designate a Certified Recycling Coordinator not later than January 13, 2012; and

**WHEREAS**, the Borough of Manasquan has agreed to provide the services of John Keynton, a Certified Recycling Coordinator; and

**WHEREAS**, the terms and conditions of the Agreement are as set forth in the attached document.

**IT IS NOW, THEREFORE**, this 19<sup>th</sup> day of December, 2011, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Mayor and Clerk are authorized to execute the Contract, with advice of counsel.

**MANTOLOKING COMMITTEE, COUNCILMAN NESS (Absent)**

**A. Councilman Witkowski stated that no reports of the Mantoloking Committee and the Environmental Commission were submitted.**

**B. Action Items:**

Councilman Witkowski moved the following resolution:

**RESOLUTION NO. 12/19/2011 – 15: APPROVAL OF THE 2012 ROSTER OF COUNCIL MEETINGS**

The following is the schedule of the 2012 Organization and Regular Council Meetings for the Borough of Mantoloking. All meetings are held at the Borough Hall, 202 Downer Avenue, in the Borough of Mantoloking, at 4:30 p.m., unless otherwise noted.

**ORGANIZATION MEETING:** Monday, January 2, 2012

**REGULAR MEETINGS:** Tuesday, January 17, 2012

Tuesday, February 21, 2012

Monday, March 26, 2012

Monday, April 23, 2012

Monday, May 21, 2012

Monday, June 18, 2012

Monday, July 16, 2012

Monday, August 20, 2012

Monday, September 17, 2012

Monday, October 15, 2012

Monday, November 19, 2012

Monday, December 17, 2012

2013 Organization Meeting Monday, January 7, 2013 (TENTATIVE)

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

**8. MAYOR AND COUNCIL COMMENTS**

No comments were made.

**9. PUBLIC COMMENTS PERIOD**

No comments were made.

**10. NEXT MEETING** Organization Council Meeting, Monday, January 2, 2012 @ 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 Brown and approved by unanimous voice vote at 4:51 p.m.

Respectfully submitted,

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