

**DRAFT #1 (06/05/2012)**

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

**MINUTES OF THE REGULAR BUSINESS MEETING**  
**MAY 21, 2012**

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 Steve Gillingham, Councilmen Donald S. Ness, 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 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. 05/21/2012 - 01: APPROVAL OF MINUTES**  
Councilman Brown moved that the minutes of the Regular Meeting of April 23, 2012 be approved as distributed. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

**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. 05/21/2012 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER March 31, 2012**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2012 municipal budget as of March 31, 2012; and

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

ACCOUNT	BUDGET	EXPENDED YEAR TO DATE	ENCUMBERED	BALANCE
2012 Current Year Appropriation	\$2,022,700.00	\$ 1,203,428.98	\$ 65,284.93	\$ 753,986.09
2011 Appropriation Reserves	\$ 447,532.84	\$ 152,925.93	\$ 87.76	\$ 294,519.15
Capital	\$1,295,592.49	\$ 7,957.69		\$1,287,634.80

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 100,814.84	\$2,264,803.68

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. 05/21/2012 – 03: PAYMENT OF BILLS FOR THE MONTH OF APRIL 2012**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$281,546.24** 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. 05/21/2012 – 04: APPROVE BYLAW AMENDMENTS TO THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND**

**WHEREAS**, N.J.S.A. 40A:10-36 et seq. permits local units to join together to form a joint insurance fund; and

**WHEREAS**, Said statute was designed to give local units the opportunity to use alternative risk management techniques, providing they are based on sound actuarial principles; and

**WHEREAS**, The New Jersey Intergovernmental Insurance Fund, hereinafter the Fund, was established effective February 1, 1991 pursuant to said statutes; and

**WHEREAS**, The Borough of Mantoloking, Ocean County, New Jersey is a member of the Fund; and

**WHEREAS**, Revisions to the existing bylaws of the fund were reviewed and approved by the Fund's Executive Committee at their March 21, 2012 meeting.

**NOW THEREFORE BE IT RESOLVED**, the Borough of Mantoloking, Ocean County, New Jersey hereby adopts the following bylaw amendments hereto attached:

**RESOLUTION NO. 05/21/2012 – 05: APPROVE RELEASE OF SURETY BOND TO GITHENS MANTOLOKING LLC**

**WHEREAS**, the Borough is the beneficiary of a Surety Bond posted by Githens Mantoloking LLC in conjunction with the demolition of a single family home at property located at 908 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 21<sup>st</sup> day of May, 2012, resolved by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The referenced Surety Bond posted by Githens Mantoloking LLC 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.

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

**A. Reports of the Public Safety Committee:** Councilman Gillingham introduced Chief Wright who presented the reports 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. 05/21/2012 – 06: APPOINTMENT OF PERSONNEL – SEASONAL/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>Blomquist, Kaitlyn</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Caruso, Melanie</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Carver, Helen</i>	<i>Badge Sales</i>	<i>May 24, 2012</i>	<i>\$ 9.18/hour</i>
<i>Castor, Kody</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Colby, Amy</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Coman, Tara</i>	<i>Badge Sales</i>	<i>May 24, 2012</i>	<i>\$ 8.50/hour</i>
<i>Cornejo, Flavia</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Coyle, Corinne</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Cuthbert, Brittany</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Federici, Ann</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Gilman, Taylor</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Goble, Amanda</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Hahn, Sara</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Hazelet, Hilary</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>

<i>Jaeger, Kelsey</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Laboy, Casey</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Montedoro, Anthony</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Nieves, Ashley</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Wriston, Anthony</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>
<i>Wright, Megan</i>	<i>Badge Checker</i>	<i>June 1, 2012</i>	<i>\$ 8.50/hour</i>

**RESOLUTION NO. 05/21/2012 – 07: CONSIDER SUSPENSION OF ENFORCEMENT OF TWO (2) HOUR TIME LIMIT PARKING ON BAY AVENUE FOR MANTOLOKING YACHT CLUB EVENTS**

**WHEREAS**, the Mantoloking Yacht Club has requested that enforcement of two-hour time limit parking regulations on Bay Avenue be suspended on the following dates and times:

- |  |  |
|--|--|
| June 23, 2012, 8:00 a.m. to 11:00 p.m. | August 11, 2012, 7:00 p.m. to 11:00 p.m. |
| July 4, 2012, 8:00 a.m. to 4:00 p.m.   | August 23, 2012, 4:00 p.m. to 9:00 p.m.  |
| July 7, 2012, 8:00 a.m. to 4:00 p.m.   | August 24, 2012, 8:00 a.m. to 5:00 p.m.  |
| July 21, 2011, 7:00 p.m. to 11:00 p.m. |  |

And

**WHEREAS**, Chief Mark Wright has considered this request and will direct personnel not to enforce two (2) hour time limit parking on said dates, during the above listed events; and

**WHEREAS**, it is the desire of the governing body to grant the request and to endorse the Chief's determination.

**IT IS NOW, THEREFORE**, this 21<sup>st</sup> day of May, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

- The suspension of enforcement of two (2) hour time limit parking, on Bay Avenue, during the following events are hereby approved and endorsed.
 

June 23, 2012, 8:00 a.m. to 11:00 p.m.	August 11, 2012, 7:00 p.m. to 11:00 p.m.
July 4, 2012, 8:00 a.m. to 4:00 p.m.	August 23, 2012, 4:00 p.m. to 9:00 p.m.
July 7, 2012, 8:00 a.m. to 4:00 p.m.	August 24, 2012, 8:00 a.m. to 5:00 p.m.
July 21, 2011, 7:00 p.m. to 11:00 p.m.	
- All prohibited parking regulations will be enforced.

**PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON**

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

**B. Action Items:**

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

**RESOLUTION NO. 05/21/2012 – 08: 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>Safeer, Stuart M.</i>	<i>Deputy Electrical Subcode Official</i>	<i>May 21, 2012</i>	<i>\$ 25.00/hour</i>

**RESOLUTION NO. 05/21/2012 – 09: 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 2012 in the sum of \$3,245.00, which is now available from the State of New Jersey, NJ Division of Elections, HAVA Grant.

**BE IT FURTHER RESOLVED**, that the like sum of \$3,245.00 is hereby appropriated under the caption of 2012 HAVA Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, NJ Division of Elections in the amount of \$3,245.00.

**RESOLUTION NO. 05/21/2012 – 10: CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: OCEAN COUNTY WASTEWATER MANAGEMENT PLAN**

**WHEREAS**, the Borough of Mantoloking, Ocean County, New Jersey desires to provide for the orderly development of wastewater facilities within Ocean County, New Jersey; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

**WHEREAS**, a proposed WQM plan amendment noticed in the New Jersey Register on May 21, 2012 for the Ocean County Wastewater Management Plan has been prepared by Ocean County;

**NOW, THEREFORE, BE IT RESOLVED** on this 21<sup>st</sup> day of May, 2012, by the governing body of the Borough of Mantoloking, Ocean County, New Jersey that:

1. The Mayor and Council of the Borough of Mantoloking hereby consents to the amendment entitled Ocean County Wastewater Management Plan, and publicly noticed on May 21, 2012, prepared by Ocean County, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

**RESOLUTION NO. 05/21/2012 – 11: INTRODUCTION OF ORDINANCE NO. 613 – REVISE CONSTRUCTION PERMIT FEES**

**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. 613**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 13, SUBCHAPTER 13-3.1, 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.

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

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

**B. Action Items:** None

Councilman Strohm reported that the beaches and dunes bulldozing project is almost complete and favorable comments from beachfront property owners has been received.

#### **MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN**

**A. Councilman Brown will present the reports of the Municipal Services Committee.**

**B. Action Items:** None

#### **MANTOLOKING COMMITTEE, COUNCILMAN NESS**

**A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.**

**B. Action Items:** None

Councilman Ness announced the 2012 Electronics Recycling Day has been set for June 25, 2012.

**Councilman Ness moved the following resolution:**

#### **RESOLUTION NO. 05/21/2012 – 12: 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 2012 in the sum of \$4,000.00, which is now available from the State of New Jersey, Solid Waste Administration, 2012 Clean Communities Grant.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,000.00 is hereby appropriated under the caption of 2012 Clean Communities 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 \$4,000.00.

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

#### **8. MAYOR AND COUNCIL COMMENTS**

Councilwoman Nelson announced that the Bay Head Mayor's Wellness Committee has requested the Borough of Mantoloking to participate in the placement of street curb quarter mile markers along East Avenue. The approved project will benefit Mantoloking and Bay Head residents.

## **9. PUBLIC COMMENTS PERIOD**

Two commentators spoke about protection of the dunes and the proposed dog waste stations.

## **10. EXECUTIVE SESSION**

Councilwoman Nelson moved the following resolution:

### **RESOLUTION NO. 05/21/2012 – 13: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

*WHEREAS, the Open Public Meetings Act, N.J.S.A. 10: 4-11, permits municipal governing bodies to meet in closed session to discuss certain matters, now, therefore be it*

*RESOLVED, the Mayor and Council adjourns to closed session to discuss confidential advice of counsel, anticipated litigation and investigation of possible violations of law.*

*FURTHER RESOLVED, the minutes of this closed session discussion may be released when confidentiality is no longer required. No formal action will be taken in executive session. The Mayor and Council may reconvene, today, in open session and may take action.*

The motion was seconded by Councilman Witkowski and approved by unanimous voice vote at 4:46 p.m.

## **11. OPEN SESSION AS NECESSARY**

The Mayor and Council reconvened in open session at 5:54 p.m. The public was invited to return to the meeting room. Councilwoman Nelson moved the following resolution:

### **RESOLUTION NO. 05/21/2012 – 14: CONCERNING THE NUMBER OF MEMBERS OF THE POLICE DEPARTMENT AND THE UTILIZATION OF SPECIAL OFFICERS**

**WHEREAS**, the governing body (Mayor and Council) is the "appropriate authority" charged with oversight of the operation of the Police Department; and

**WHEREAS**, the Public Safety Committee has recommended that the Department membership shall remain at seven (7) officers; and

**WHEREAS**, the Public Safety Committee, has recommended that the utilization of special officers be in strict compliance with the policy and practice set forth in the governing statutes and Rules and Regulations of the Mantoloking Police Department, as set forth in the Police Manual.

**IT IS NOW, THEREFORE**, this 21st day of May, 2012 **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mantoloking Police Department shall consist of not more than seven (7) Regular Members.
2. Special Officers shall be utilized only in strict compliance with applicable statutes and the Rules and Regulations of the Mantoloking Police Department.

3. The Chief of Police will provide the Mayor and Council monthly reports as shown in the attached format.

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

**12. NEXT MEETING** Regular Meeting, Monday, June 18, 2012 @ 4:30 p.m.

**13. ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilman Gillingham to adjourn. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote at 5:56 p.m.

Respectfully submitted,

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

**ORDINANCE NO. 613**

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,  
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 13, SUBCHAPTER  
13-3.1, OF THE  
REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF MANTOLOKING, 2007**

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

1. Chapter 13, Building and Housing, Sub-Chapter 13-3.1, Building  
Subcode Fees, is amended by the deletion of sub-article b.

2. Chapter 13, Building and Housing, Sub-Chapter 13-3.1, Building  
Subcode Fees, sub-article b is amended as follows:

- b. Fees for renovations, alterations, repairs, and site construction or associated with premanufactured construction shall be based upon the estimated cost of the work. For \$1.00 to \$50,000.00 the fee shall be \$20.00, per \$1,000.00 with a minimum fee of \$45.00; for \$50,001.00 to \$100,000.00, the fee shall be in the amount of \$14.00, per \$1,000.00; and for cost over \$100,001.00, the fee shall be in the amount of \$12.00, per \$1,000.00.

3. All provisions of Chapter 13 which are not specifically amended  
by this Ordinance shall remain in full force and effect.

4. This Ordinance shall become effective upon final adoption.

## **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 21<sup>st</sup> day of May, 2012, 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 18th day of June, 2012, 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.