

DRAFT #1 (07/25/2012)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
JULY 16, 2012

The regular monthly meeting of the Mayor and Council will be 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., Police Chief Mark Wright and Emergency Management Coordinator Robert S. McIntyre, Jr.
- 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. 07/16/2012 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the minutes of the Regular Meeting of June 18, 2012 and Executive Session of June 18, 2012 be approved. 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 presented the monthly finance report.
 - B. Action Items:

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

RESOLUTION NO. 07/16/2012 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER May 31, 2012

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2012 municipal budget as of May 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	\$4,041,973.78	\$ 2,032,458.68	\$ 81,225.67	\$1,928,289.43
2011 Appropriation Reserves	\$ 447,532.84	\$ 154,153.16	\$ 245.71	\$ 293,133.97
Capital	\$1,691,271.69	\$ 7,957.69		\$1,287,634.80

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$1,691,271.69	\$4,757,082.28

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. 07/16/2012 – 03: PAYMENT OF BILLS FOR THE MONTH OF JULY 2012

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,965,433.48** 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.

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. No report was submitted from the Office of Emergency Management.

B. Action Items:

Councilman Gillingham moved the following three (3) resolutions. The motion was seconded by Councilman Strohm and unanimously approved by voice vote.

RESOLUTION NO. 07/16/2012 – 04: CONFIRMING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER AND ALTERNATES

WHEREAS, a vacancy exists in the Office of Municipal Public Defender and Alternate Public Defender, and

WHEREAS, such Officers shall be appointed by the Mayor with the consent of Council; and

WHEREAS, the Mayor has recommended Margarie M. Herlihy, Esq. to serve as Municipal Public Defender

and Kevin E. Young, Esq. and Thaddeus D. Niemiec, Esq. to serve as Alternate Municipal Public Defenders, and

WHEREAS, it is the desire of Council to accept the nominations and to confirm the appointments.

IT IS NOW, THEREFORE, this 16th day of July, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Margarie M. Herlihy, Esq., is hereby appointed as Municipal Public Defender and Kevin E. Young, Esq. and Thaddeus D. Niemiec, Esq., are hereby appointed as Alternate Municipal Public Defenders of the Borough of Mantoloking.

RESOLUTION NO. 07/16/2012 – 05: AUTHORIZING REFUNDS

WHEREAS, the administration of Borough finances will be facilitated by the adoption of a policy permitting administrative refunds by the Borough; and

WHEREAS, the policy shall be implemented by the Chief Financial Officer.

IT IS NOW, THEREFORE, this 16th day of July, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Chief Financial Officer may return funds which represent excess, incorrect or inadvertent receipt of funds by the Borough;
2. The Chief Financial Officer is authorized to exercise this discretionary authority for sums less than \$1,000.00, and upon receipt of such supporting documentation as the Chief Financial Officer may deem appropriate;
3. This Policy shall not be operative in any situation wherein refunds are statutorily subject to prior approval by action of the governing body.
4. This policy authorization shall be operative upon adoption of this Resolution.

RESOLUTION NO. 07/16/2012 – 06: PETITIONING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO ADD TRAFFIC SIGNALS ON N. J. ROUTE 35 AT LYMAN AND ALBERTSON STREETS

WHEREAS, the seasonally high vehicular traffic on Route 35 presents serious risk of injury to pedestrians seeking to cross at Lyman Street and Albertson Street; and

WHEREAS, these intersections lack traffic control lights; and

WHEREAS, no other alternate controlled crossings are located within a reasonable distance from these intersections; and

WHEREAS, pedestrians must cross Route 35 to access the ocean beaches; and

WHEREAS, the installation of seasonally operative traffic signals will materially reduce the risk of pedestrian injury or death at these locations.

IT IS NOW, THEREFORE, this 16th day of July, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mayor and Council of the Borough of Mantoloking do hereby petition the New Jersey Department of Transportation to, forthwith, take such action as will result in the installation of seasonally operative traffic control lights at the intersections of Route 35 and Lyman Street and Albertson Street;
2. A copy of this Resolution/Petition shall be forwarded to the New Jersey Department of Transportation.

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

RESOLUTION NO. 07/16/2012 – 07: APPROVE RELEASE OF SURETY BOND TO PAUL D. AND HELEN K. MOTZENBECKER

WHEREAS, the Borough is the beneficiary of a Surety Bond posted by Theodore and Janice Fiore in conjunction with the demolition of a single family home at property located at 941 East 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 16th day of July 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 Paul D. and Helen K. Motzenbecker 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. 07/16/2012 – 08: AUTHORIZE PARTIAL PAYMENT FOR OLD BRIDGE STREET AND BAY AVENUE IMPROVEMENTS (CONTRACT NO. 2011-2) – PAYMENT NO. 1

WHEREAS, the Borough has entered into a Contract with A-Team Concrete, Inc. (Contract 2011-2) to complete roadway improvements: and

WHEREAS, the Contractor's Application for Payment No. 1 has been reviewed and recommended for payment by the Borough Engineer, Lawrence Plevier, P.E. in the sum of \$206,021.49, by letter dated July 10, 2012; and

WHEREAS, funds have heretofore been appropriated by Ordinance No. 607.

IT IS NOW, THEREFORE, this 16th day of July, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking that the Application for Payment No. 1 to A-Team Concrete, Inc. is hereby approved in the sum of \$206,021.49 and shall be paid forthwith from funds heretofore appropriated and shall be disbursed upon receipt, by the Chief Financial Officer, of appropriate documentation.

RESOLUTION NO. 07/16/2012 – 09: INTRODUCTION OF ORDINANCE NO. 614 – AMEND LAND USE REGULATIONS

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. 614

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007, LAND USE REGULATIONS, ARTICLE 30-6.13, FENCES

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, 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:

Councilman Strohm moved the following resolution. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 07/16/2012 – 10: INTRODUCTION OF ORDINANCE NO. 615 – AMEND BEACH REGULATIONS

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. 615

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007, ANIMAL CONTROL, ARTICLE 5-4.5, RESTRAINT OF DOGS OUTDOORS ON BEACHES AND PUBLIC PROPERTY

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, 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.

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN BROWN

A. Councilman Brown - No reports of the Municipal Services Committee were submitted.

B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN NESS

A. Councilman Ness – No reports of the Mantoloking Committee and the Environmental Commission were submitted.

B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

Councilwoman Nelson reported that a joint application for grant funds, with the Borough of Bay Head, to purchase a sewer jet-vac truck was not approved by the State of New Jersey.

9. PUBLIC COMMENTS PERIOD

One commentator was concerned about pedestrian crosswalks at the intersection of Lyman Street and Ocean Avenue.

10. NEXT MEETING Regular Meeting, Monday, August 20, 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 4:48 p.m.

Respectfully submitted,

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

ADOPTED: _____
BY TITLE ONLY – FIRST READING_7/16/12_____
DATE OF INTRODUCTION _____
DATE OF PUBLICATION _____
DATE OF FINAL ADOPTION _____

ORDINANCE NO. 614

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
MANTOLOKING, 2007, LAND USE REGULATIONS,
ARTICLE 30-6.13, FENCES**

WHEREAS, the fence replacement without permit limitation, sub-article k., 30 linear feet, is unreasonably burdensome in view of the prevailing length of available fence sections, 8 linear feet; and

WHEREAS, the public interest will be advanced by reasonable facilitation of fence replacement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Article 30-6.13, sub-article k. is hereby amended by deletion of 30', and insertion of 32' “. . .an owner may replace thirty-two (32) linear feet. . . “
2. All provisions of the Land Use Regulations, not hereby amended shall remain in full force and effect.
3. 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 16th day of July, 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 20th day of August, 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.

IRENE H. RYAN, R.M.C.

ADOPTED: _____
BY TITLE ONLY – FIRST READING_7/16/12_____
DATE OF INTRODUCTION _____
DATE OF PUBLICATION _____
DATE OF FINAL ADOPTION _____

ORDINANCE NO. 615

AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, 2007, ANIMAL CONTROL, ARTICLE 5-4.5, RESTRAINT OF DOGS OUTDOORS ON BEACHES AND PUBLIC PROPERTY

WHEREAS, sub-article 5-4.5 b.1.a provides for the absolute exclusion of dogs on the Lyman Street beach and access way; and

WHEREAS, it is the desire of the governing body to permit dogs in that area subject to the general seasonal and time of day constraints as are generally applicable to dogs on beaches and public property in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Sub-article 5-4.5b.1. is hereby amended by the deletion of sub-section 1.a.
2. All provisions of Chapter V, not hereby amended shall remain in full force and effect.
3. 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 16th day of July, 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 20th day of August, 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.

IRENE H. RYAN, R.M.C.