

DRAFT #1 (02/27/10)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
February 22, 2010

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 Stanley F. Witkowski, Councilmen Steve Gillingham, Peter R. Strohm, Donald S. Ness, 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. 02/22/2010 - 01: APPROVAL OF MINUTES
Councilman Gillingham moved that the minutes of the Regular Meeting of January 19, 2010 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 five (5) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

RESOLUTION NO. 02/22/2010 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER December 31, 2009

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2009 municipal budget as of December 31, 2009; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2009 Current Year Appropriation	\$3,928,445.56	\$3,537,186.94 358,696.18	\$ 32,562.44 \$
2008 Appropriation Reserves	\$ 337,600.67	\$ 122,191.50 215,409.17	\$ 0.00 \$
Capital	\$1,334,028.99	\$ 275,146.24 1,058,882.75	\$

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 144,980.97	\$8,601,889.89

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. 02/22/2010 – 03: PAYMENT OF BILLS FOR THE MONTH OF February 2010

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$723,403.32** 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. 02/22/2010 – 04: APPROVAL OF EMPLOYEE DENTAL PLAN POLICY ENDORSEMENT

WHEREAS, on March 17, 2003 the Mayor and Council approved the Borough's participation in a dental health insurance plan with Monumental Life Insurance Company, formally known as Peoples Benefit Life Insurance Company, effective April 1, 2003, and

WHEREAS, the Borough employees have benefited from their participation in the plan partially, at their own cost, and

WHEREAS, the Monumental Life Insurance Company has notified the Borough of Mantoloking that the monthly premium rates have changed. The change is a rate increase in all categories as outlined, policy endorsement effective April 1, 2010:

\$54.34 Per Employee
 \$54.34 Additional Per Two Party
 \$90.55 Additional Per Full Family

and therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the afore schedule of changes to the Monumental Life Insurance Company Master Policy No. GD3138 is hereby approved and, be it

FURTHER RESOLVED, that the Policy Endorsement be executed by the Mayor and made a part of the Master Policy.

RESOLUTION NO. 02/22/2010 – 05: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #1

WHEREAS, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

WHEREAS, the total emergency temporary resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$10,000.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2010 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&W</u>	<u>OE</u>
Ocean County UA OE		\$10,000.00
Total	0.00	\$10,000.00
GRAND TOTAL		\$10,000.00

RESOLUTION NO. 02/22/2010 – 06: REQUESTING THE CANCELLATION OF TAX AND SEWER OVERPAYMENTS OR DELINQUENT AMOUNTS LESS THAN \$10.00

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of sewer or property tax refunds or delinquent amounts in the amounts of less than \$10.00; and,

WHEREAS, the governing body may authorize a municipal employee chosen by said body to process, without further action on their part, any cancellation of property tax refunds or delinquencies of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary.

BE IT FINALLY RESOLVED, that a certified copy of the Resolution be forwarded to the Tax Collector.

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.
- C. **Action Items:**

Councilwoman Nelson moved the following resolution.

RESOLUTION NO. 02/22/2010 – 07: RELEASE OF 2009 UNUSED VACATION AND COMP TIME FOR PUBLIC WORKS PERSONNEL

WHEREAS, Laurence Gilman, Public Works Laborer, has accrued unused vacation time of 17 hours, as of December 31, 2009; and

WHEREAS, it is the desire of Council to now pay Mr. Gilman for these benefits in lieu of the continued accrual thereof; and

WHEREAS, funds are available for this purpose.

IT IS NOW, THEREFORE, this 22nd day of February, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That Laurence Gilman shall, forthwith, be compensated for his accrued vacation time, 17 hours, as of December 31, 2009, at the gross rate of \$25.96 per hour.

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

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

- A. **Report of the Dune & Beach Renourishment 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

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. 02/22/2010 – 08: BOROUGH OF MANTOLOKING INTENT TO ENTER INTO A SHARED SERVICES PROJECT WITH THE COUNTY OF OCEAN (RECORDS INFORMATION MANAGEMENT SYSTEM)

BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking, **THAT:**

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010/2011 grant cycle, priority funding will be given to county projects to perform continuing municipal inventories, records purging and reorganization projects including final implementation of a electronic records inventory system for all of their municipalities; and

WHEREAS, the Borough of Mantoloking desires to collaborate with the County of Ocean in the performance of a Records Information Management (RIM) System; and

WHEREAS, the Borough of Mantoloking is acknowledging that their eligible funding of \$40,000.00 will be leveraged with the County of Ocean; and

WHEREAS, the Borough of Mantoloking is acknowledging that the County of Ocean would be both the lead agency and the applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking, that the Borough of Mantoloking does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

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 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 four (4) resolutions. The motion was seconded by Councilman Ness and approved unanimous by voice vote.

RESOLUTION NO. 02/22/2010 – 09: MISCELLANEOUS, SERVICE AND MAINTENANCE CONTRACT FOR 2010

WHEREAS, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution is necessary and in the public interest to provide for the efficient operation of the Borough; and

WHEREAS, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it **RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.

<u>SERVICE</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
ANIMAL CONTROL	\$2,500.00 ANNUAL	JERSEY SHORE ANIMAL CENTER

RESOLUTION NO. 02/22/2010 – 10: APPROVAL OF AWARD OF CONTRACT FOR PURCHASE OF A POLICE VEHICLE

WHEREAS, the Borough Clerk advertised for sealed bids for the purchase of one (1), 2010 full size Ford Crown Victoria Law Enforcement Vehicle.

WHEREAS, bids were publicly opened and read aloud at 3:00 p.m. on February 11, 2010 in the office of the Borough Clerk with the following results:

Bidder	Amount of Bid
<i>Weisleder Ford, Brick, NJ</i>	<i>\$22,396.00</i>
<i>Route 23 Ford Automall, Butler, NJ</i>	<i>\$21,555.00</i>
<i>Winner Ford, Cherry Hill, NJ</i>	<i>\$21, 771.00</i>
<i>Motors Fleet, Ocean, NJ</i>	<i>\$21,734.00</i>
<i>Hertrich Fleet Services, Milford, De</i>	<i>\$21,654.00</i>
<i>Chapman Auto Group, Philadelphia, Pa</i>	<i>\$22,760.00</i>
<i>Pacifico Marple Fleet Group, Broomall, Pa</i>	<i>\$21,989.00</i>
<i>Warnock Fleet, East Hanover, NJ</i>	<i>\$21,959.00</i>

WHEREAS, the bid submissions have now been reviewed by the 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 **\$21,555.00** for the furnishing of a 2010 full size Ford Crown Victoria Law Enforcement vehicle to the lowest bidder, Route 23 Ford Automall, Butler, N.J.

RESOLUTION NO. 02/22/2010 – 11: AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN PURSUANT TO N.J.S.A. 40a:65-1 ET SEQ. FOR 911 EMERGENCY TELECOMMUNICATIONS SERVICES

WHEREAS, pursuant to N.J.A.C. 17:24-6.1 the County is required to coordinate the implementation and operation of 911 activities within the County in accordance with the Emergency Telecommunications Services Act (hereinafter “Act”), N.J.S.A. 52:17C-1 et seq., and the rules promulgated pursuant thereto; and

WHEREAS, pursuant to N.J.A.C. 17:24-6.2, the Office of Emergency Telecommunications Services in the Department of Law and Public Safety; has previously approved the County’s 911 Emergency Telecommunications Plan; and

WHEREAS, the County has offered to all municipalities an opportunity to participate in the County’s enhanced 911 Emergency Telecommunications Program; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40a:65-1 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Borough of Mantoloking wishes to enter into an agreement with the County of Ocean for the provision of 911 Emergency Telecommunications Services; and

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

1. The Mayor and clerk of the Borough are hereby authorized and directed to enter into and execute a Shared Services Agreement with the County of Ocean for the provision of 911 Emergency Telecommunication Services as more specifically set forth therein.
2. A copy of that agreement is on file and available for public inspection at the Borough Clerk’s Office.
3. This Resolution shall take effect immediately upon passage.

RESOLUTION NO. 02/22/2010 – 12: APPROVAL OF INTERLOCAL SERVICE AGREEMENTS BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING THE PROSECUTOR’S PROGRAM IN 2010

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Prosecutor’s Program”; and

WHEREAS, to the extent officers of the Borough’s Police Department provide services under these Agreements, the County will provide compensation at the rate of \$62.70 per hour; and

WHEREAS, all the terms and conditions of the proposed Interlocal Service Agreements have been reviewed by counsel; and

WHEREAS, participation has been endorsed by the Chief of Police.

IT IS NOW, THEREFORE, this 22nd day of February, 2010, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the 2010 Interlocal Service Agreements and the Mayor and Clerk are authorized to execute the Agreements in the form annexed.

Councilman Gillingham moved the following resolution.

RESOLUTION NO. 02/22/2010 – 13: APPROVAL OF SCHOOL TAX SHARING PROCEDURE

WHEREAS, the July 1, 2009 determination by the Commissioner of Education merging the Mantoloking and Point Pleasant Beach School systems included policy direction in regard to how the annual school tax levy should be apportioned between the two municipalities comprising the merged school district, and

WHEREAS, representatives of the Borough of Mantoloking and the Point Pleasant Beach School District have cooperatively developed a procedure for implementing that policy which is attached to and made part of this resolution, now, therefore, be it

RESOLVED, Mantoloking Borough Council hereby approves and endorses the attached *SHARING THE TAX LEVY OF THE MERGED MANTOLOKING AND POINT PLEASANT BEACH SCHOOL COMMUNITIES* for use during the 2010-2011 and subsequent school years and urges the Point Pleasant Beach Board of Education to submit it to the New Jersey Department of Education.

SHARING THE TAX LEVY OF THE MERGED MANTOLOKING AND POINT PLEASANT BEACH SCHOOL DISTRICTS

A plan developed cooperatively by the Board of Education of the Borough of Point Pleasant Beach and the Mayor and Council of the Borough of Mantoloking pursuant to recommendations by Dr. Bruce Greenfield, Ocean County Executive County and approved by Lucille E. Davy, New Jersey Commissioner of Education

Effective July 1, 2009, the Borough of Mantoloking became a constituent of the Point Pleasant Beach School District. The merger came about because of state legislation and a careful study by the Executive Ocean County Superintendent of Schools and approved by the New Jersey Commissioner of Education. That report established a number of basic policies associated with the merged district. The purpose of this paper is to memorialize the procedures Mantoloking and Point Pleasant Beach are following to implement the Commissioner's recommendations and share the cost (tax levy) during this, the first year of merged operation (2009-2010). An additional purpose is to establish mutually acceptable procedures for sharing school costs during the second and subsequent years of operation of the merged district.

For almost 100 years, Point Pleasant Beach operated a high-performing, desirable public school system and made its programs and services available to Mantoloking students through a sending-receiving arrangement. Now that both municipalities are part of a new school system, Mantoloking is prepared to accept its share of financial responsibility for continuing the high level of education its residents have come to expect.

The objectives of these proposed procedures are:

1. To comply with the recommendations of the Executive County Superintendent and Commissioner of Education “that the transition to a single combined district be accomplished as seamlessly as possible” while “causing the least fiscal disruption to the affected districts.”
2. To comply with the recommendations of the Executive County Superintendent and Commissioner of Education that “the general fund tax levy of the single Point Pleasant Beach School district will be apportioned to each community at the ratio in which it is currently apportioned.”
3. To preserve the current status of the Point Pleasant Beach School District budget in regard to the budget cap, tax levy, and non-tax revenue,
4. To avoid wide variations in the public school tax levy in either Point Pleasant Beach or Mantoloking, where the number of public school students traditionally ranges between four and seven and one student constitutes a 14 to 25 percent swing.

Establishment of the General Fund Tax Levy is one of the annual budget development responsibilities of the Point Pleasant Beach Board of Education on which Mantoloking residents have the opportunity to serve.

Mantoloking’s Share of the General Fund Tax Levy for 2009-2010 Based on the Commissioner’s direction, Mantoloking’s tax collector is sending the Point Pleasant Beach School District the amount of the 2009-2010 Mantoloking public school tax levy: \$74,000.

Mantoloking’s Share of the General Fund Tax Levy (Payment in Lieu of Tuition) for 2010-2011 and Subsequent Years will be determined according to the apportionment formula approved by the Commissioner: 0.5 % equalized valuation and 99.5% pupil enrollment. Equalized valuations will be determined based on the most recent Ocean County Abstract of Ratables. Mantoloking’s enrollment will be based on the average of the enrollments on the most recent October 15 Application for State School Aid and the nine prior years. Point Pleasant Beach enrollment will be resident enrollment reported on the most recent October 15 Application for State School Aid. For 2010-2011 Mantoloking’s share of the 2010-2011 Point Pleasant Beach public school tax levy (assuming it goes to the four percent cap) would be \$114,049 calculated as follows:

Mantoloking Enrollments	
10/15/09	4.00
10/15/08	5.00
10/15/07	5.00
10/15/06	6.00
10/15/05	6.00
10/15/04	5.00
10/15/03	9.00
10/15/02	9.00
10/15/01	9.00
10/15/00	10.00
10 Yr Average	6.80

Equalized Valuations

Source: 2009 Ocean County Abstract of Ratables

	Amount	Percentage	Apportionment	Total Tax Levy	Manto Tax Levy
Point Pleasant Beach	\$2,418,449,773	59.14%			
Mantoloking	\$1,671,057,087	40.86%	0.50%	\$10,051,912	\$20,537.10
Total	\$4,089,506,860	100.00%			

Source for PPB= 10/15/2009 ASSA, For Mantoloking= 10-year average per PPB

Enrollments

	Amount	Percentage	Apportionment	Total Tax Levy	Manto Tax Levy
Point Pleasant Beach	720.5	99.07%			
Mantoloking	6.8	0.93%	99.50%	\$10,051,912	\$93,511.94
Total	727.3	100.00%			

Apportioned Share

\$114,049.04

Reconciliation of Actual to Budgeted Costs and Revenues There will be no payments expected of Mantoloking for excess costs or increases in enrollment and no refunds expected from Point Pleasant Beach for lower than anticipated costs or reduced enrollment for the current fiscal year, recently completed fiscal years, or any future fiscal years. Those differences are reflected in changes to fund balance, a situation that affects both municipalities. Specifically, any surplus generated becomes part of the assets of the merged district and available for appropriation in subsequent years. Overexpenditures reduce that surplus.

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

7. MAYOR AND COUNCIL COMMENTS

Councilwoman Nelson inquired about the completion of the emergency dune reinforcement efforts performed by the Public Works Department. Council President Witkowski commented on the 2010 Municipal Budget, definition of Emergency Appropriations and the Fire Company annual installation dinner.

8. PUBLIC COMMENTS PERIOD

Two comments were made about the position of Dune Consultant and the outstanding job performed by the Public Works personnel with all the snow removal this winter.

9. NEXT MEETING Regular Council Meeting, March 22, 2010 @ 4:30 p.m.

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 4:50 p.m.

Respectfully submitted,

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