

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING
Monday, August 16, 2004

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall.
Presentation of Award – United States Army for Patriotic Service and Employer Award
Presenters: Mrs. John (Tracy) Barcus & Sgt. Carlos Madera, U.S. Army National Guard

- 1. CALL TO ORDER: TIME: 4:10 p.m.**
- 2. OPEN PUBLIC MEETING STATEMENT: Mayor Dunbar**
This meeting is called pursuant to the provisions of the New Jersey Open Public Meetings Law. This meeting date was included in a list of meetings sent to the Ocean County Observer, Asbury Park Press, and Ocean Star and posted continuously on the bulletin board in the Municipal Building since January 2, 2004. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.
- 3. ROLL CALL**
Mayor William K. Dunbar, III, Council President Steve Gillingham, Councilmen Elbert E. Husted, III, John H. Jones, Alan C. Laymon, George C. Nebel, Douglas J. Popaca,
ABSENT: None
- 4. PLEDGE OF ALLEGIANCE**
- 5. PRIVILEGE OF THE FLOOR:** The Mayor will open the meeting for public comment and questions about the agenda and any other matter of public interest.
- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 08/16/2004-01: It was moved by Councilman Nebel to approve the following Minutes: Regular Meeting of July 19, 2004 The motion was seconded by Councilman Laymon and was approved by voice vote.
- 7. MAYOR’S REPORT & PRESENTATIONS**
Mayor Dunbar gave an update on the construction of the new Mantoloking Bridge. Also, a meeting has been arranged with the N.J. Department of Transportation in September to discuss the plans for drainage improvements on Highway 35 and Barnegat Lane.
- 8. DEPARTMENT REPORTS**
 - A. Police Report
 - B. Fire Report
 - C. Emergency Coordinator Report
 - D. Public Works Superintendent Report
 - E. Construction Official Report
 - F. Chief Financial Officer Report

Councilman Nebel moved the following:

RESOLUTION NO. 08/16/2004-02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER FOR June 30, 2004

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2004 municipal budget as of June 2004; and

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

	Cash Balance	Appropriation Balance	Fund Balance
Current Fund	1,124,583.70	1,280,184.97	3,781,283.84

Reserve Year Payroll		321,766.65	14,120.86
Trust & Escrow Fund	98,508.30		54,240.02
General Capital Fund	1,022,843.17		3,635,513.51
Total	1,395,282.35		

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 the meeting.

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

9. ORDINANCES:

- A. Public Hearing(s)
- B. Consideration of Ordinances for Adoption After Public Hearing
- C. Introduction of Ordinances by Title Only

RESOLUTION NO. 08/16/2004-03: PUBLIC HEARING/ADOPTION ORD. NO. 485 – AMEND STREET OPENING REGULATIONS

Councilman Nebel moved and Councilman Husted seconded the motion to approve the adoption of Ordinance No. 485.

WHEREAS, on the 16th day of August, 2004 a public hearing on Ordinance No. 485 was held. All council members present considered all comments made by one public commentator.

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt on the following Ordinance entitled: (Copy attached.)

ORDINANCE NO. 485

AN ORDINANCE AMENDING ORDINANCE NO. 281 (ROAD OPENING) OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AND PROVIDING FOR REGULATION OF ROAD OPENINGS FOR INDIVIDUAL CONNECTIONS OF UTILITIES

The motion was approved by voice vote.

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

- A. Activities of the Finance Committee
- B. Action Items:

Councilman Nebel moved the following:

RESOLUTION NO. 08/16/2004-04: PAYMENT OF BILLS FOR THE MONTH OF AUGUST 2004

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$ 236,884.24** and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves payment of the above referenced bills and directs that a copy be attached to and made part of the minutes of this meeting

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

Councilman Nebel moved the following:

RESOLUTION NO. 08/16/2004-05: 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 2004 in the sum of ~~\$6,041.00~~ **\$6,041.00** which is now available from the State of New Jersey, **Department of Environmental Protection**.

BE IT FURTHER RESOLVED, that the like sum of ~~\$6,041.00~~ **\$6,041.00** is hereby appropriated under the caption ~~2004~~ **Storm water Regulation Grant**; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey, Department of Environmental Protection in the amount of **\$6,041.00**.

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

Councilman Nebel moved the following:

RESOLUTION NO. 08/16/2004-06 NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND (NJIIF) MEMBERSHIP RENEWAL

WHEREAS, the Borough of Mantoloking has been a participating member of the New Jersey Intergovernmental Insurance Fund (hereinafter the "Fund") established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), and

WHEREAS, the Municipal Council of the Borough of Mantoloking has determined that continued membership in the "Fund" is in the best interest of the municipality,

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

SECTION 1. The Borough of Mantoloking hereby agrees to continue its membership in the "Fund" for a period commencing January 1, 2005 and terminating on December 31, 2007 for the purpose of establishing the following types of insurance coverage:

- (x) a) Workers Compensation and Employers Liability;
- (x) b) General Liability Coverage (including Police Professional & Excess Public Official Liability);
- (x) c) Motor Vehicle and Equipment Liability Coverage;
- (x) d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, and Boiler and Machinery).
- (x) e) Environmental Impairment Liability.

SECTION 2. For the purposes of contribution of sums into the "Fund" to be designated for administrative costs and claims, the Borough of Mantoloking hereby agrees to obtain the types of coverage from the "Fund" as are set forth in SECTION 1 of the Resolution and Indemnity and Trust Agreement to be signed by it.

SECTION 3. The Bylaws of the New Jersey intergovernmental Insurance Fund have been adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the Fund according to the rights and obligations set forth therein.

SECTION 4. The Mayor and Council are hereby authorized and directed to execute a written agreement signifying application for membership in the "Fund" and are to execute such other agreements, including but not limited to the Indemnity and Trust Agreement, attached hereto as Exhibit A, in order to implement its membership in the Fund and conduct itself according to the terms thereof.

SECTION 5. The Local Unit certifies that it has never defaulted on claims under a self insurance plan and that it has not had its insurance cancelled for nonpayment of premium for a period of at least two (2) years prior to this application.

SECTION 6. Inconsistent Resolutions All Resolutions, or parts thereof, inconsistent with provisions of this Resolution are hereby repealed as to such inconsistency.

SECTION 7. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Resolution shall be deemed valid and effective.

SECTION 8. Effective Date. This Resolution shall take effect upon its passage.

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

Councilman Nebel moved the following:

RESOLUTION NO. 08/16/2004-07: ACCEPTANCE OF 2003 MUNICIPAL AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and,

WHEREAS, the Annual Report of Audit for the year 2003 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

And,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body (original attached), and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and,

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Mantoloking, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 31, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Councilman Nebel moved the following:

RESOLUTION NO. 08/16/2004-08: ADOPTING CORRECTIVE ACTION PLAN IN RESPONSE TO AUDIT, AS OF 12/31/03 FINDINGS

WHEREAS, the audit of the Borough's financial records for the period ending December 31, 2003, included six (6) "findings" concerning:

1. Fixed Asset Inventory (Land Values);
2. Fixed Asset Inventory (New Purchases);
3. Examination of Claims;
4. Timely Deposits (48 Hour Rule);
5. Department Records;
6. Interfund Balances.

WHEREAS, the Borough is obliged to adopt a Corrective Plan in response to said findings.

IT IS NOW, THEREFORE, this 16th day of August, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the attached Corrective Action Plan dated July 28, 2004 (copy attached) is hereby adopted.

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

Councilman Nebel moved the following:

RESOLUTION NO. 08/16/2004-09: URGING THE NEW JERSEY LEGISLATURE TO STRENGTHEN THE BALANCED BUDGET PROVISIONS OF THE STATE CONSTITUTION

WHEREAS, the New Jersey Supreme Court has ruled that Contract Bonds cannot be used to balance the State budget under the State Constitution; and

WHEREAS, the Supreme Court will allow the State to issue \$2.7 billion in Contract Bonds to support a 17 percent spending increase in this year's State budget; and

WHEREAS, the revenue from these Bonds would be used to cover normal State operating costs for a single year; and

WHEREAS, it will cost taxpayers billions of dollars more to retire this debt over the next 20 to 40 years; and

WHEREAS, the Legislature could attempt to use a different type of bonding mechanism to circumvent the Superior Court's ruling and balance the State budget in the future; and

WHEREAS, the impact of borrowing to balance the State budget will have severe negative short and long term consequences for municipalities and local taxpayers; and

WHEREAS, repaying these bonds may reduce the amount of money available for school and municipal aid, thereby causing local property taxes to rise; and

WHEREAS, this misguided attempt to borrow money to pay for services needed today will only hurt taxpayer and the financial stability of the State tomorrow; and

WHEREAS, a concurrent Resolution, ACR-181, pending the New Jersey General Assembly would authorize a referendum in November on a proposed amendment to the State Constitution that would prohibit the State from issuing bonds to balance its budget, thereby closing potential loopholes.

IT IS NOW, THEREFORE, this 16th day of August, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that it supports ACR-181, and urges its immediate passage by the General Assembly and State Senate and that a copy of this Resolution be forwarded to:

- Assembly Speaker Albio Sires;
- Assembly Minority Leader Alex DeCroce;
- Senate President Richard Codey; and
- Senate Minority Leader Leonard Lance.

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

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

- A. Activities of the Public Safety Committee**
- B. Action Items:**

Councilman Gillingham moved the following:

RESOLUTION NO. 08/16/2004-10: LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

BE IT RESOLVED that the following named persons are hereby appointed as members of the Borough of Mantoloking Local Emergency Planning Committee (LEPC) for the year 2004. The Coordinator is appointed for a term of three (3) years:

Richard Laird, Emergency Management Coordinator (Term expires 12/31/2006)
Police Sergeant Mark Wright, Deputy Emergency Management Coordinator
Steve Gillingham, Councilman
Douglas J. Popaca, Councilman
Irene H. Ryan, Borough Clerk
Richard Ortley, Chief of Police
William Heckman, Borough Superintendent
Dr. Michael Doyle, Director, Board of Health
Ocean County Department of Social Services
David Jenkins, Community Group–Mantoloking Yacht Club
Edwin J. O'Malley, Jr., Borough Attorney
Michelle Swisher, Chief Financial Officer
Christine Wilder, Editor–The Mantoloking Reporter
Craig Goldman, Member–Ocean County Amateur Radio Emergency Services

BE IT FURTHER RESOLVED that the Borough Coordinator of Emergency Management is authorized, upon adoption of this Resolution, to call necessary meetings, arrange for appropriate training sessions, and to set deadlines for responses in writing of the various sections of the Emergency Operations Plan as well as any further related requirements.

The motion was seconded by Councilman Nebel and was approved by voice vote.

Councilman Gillingham moved the following:

RESOLUTION NO. 08/16/2004-11: REQUESTING REFUND OF POLICE OUTSIDE EMPLOYMENT FEES

WHEREAS, Dorothy Windhorst contracted with the Borough of Mantoloking to have a police officer at her house for traffic control for a party she was having on July 9, 2004

WHEREAS, the fee for police outside employment is \$45.00 per hour

WHEREAS, the police officer was only at the Windhorst house for 3 hours and Ms. Windhorst paid the Borough \$145.00 instead of the correct amount of \$135.00.

NOW THEREFORE BE IT RESOLVED, that the Borough of Mantoloking refund Ms. Dorothy Windhorst \$10.00 for overpayment of police outside employment fees to the following address:

1124 Barnegat Lane
Mantoloking, NJ 08738

The motion was seconded by Councilman Nebel and approved by voice vote.

Councilman Gillingham moved the following:

RESOLUTION NO. 08/16/2004-12: PROVIDING FOR RATIFICATION OF EMPLOYMENT OF POLICE RECRUITS

WHEREAS, there exists a need for the Police Department to engage special officers; and

WHEREAS, historically, a source of such personnel has been through sponsorship of individuals as police recruit trainees, at the Police Academy; and

WHEREAS, current regulations mandate that any such arrangement constitutes employment of the sponsor recruit, by the Borough; and

WHEREAS, a form of Employment agreement (copy attached) has been prepared to formalize the scope and terms of the employment of police recruits; and

WHEREAS, the Chief has identified the recruits, and it is necessary to formally ratify such employment, as is memorialized in the form of Agreements (copies attached).

IT IS NOW, THEREFORE, this 16th day of August, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The practice of employing police recruits under the terms and conditions of the above described Contract is hereby approved.
2. Each individual Contract is subject to Council approval.

3. The Contracts with recruits Joseph Begyn, Michael DeRosa, Thomas Mauro and J Rienig, are hereby ratified.
4. The Chief of Police shall, not less than annually, report to Council concerning the efficacy of this procedure.

The motion was seconded by Councilman Nebel and approved by voice vote.

Councilman Gillingham moved the following:

RESOLUTION NO. 08/16/2004-13: REQUESTING BIDS FOR NEW FIRE SIGNAL

BE IT RESOLVED, the Mayor and Council authorize the Borough Clerk to solicit bids for replacement fire signals.

BE IT FURTHER RESOLVED, that the bids are to be received in a timely manner as to award a contract at the September 20, 2004 Council Meeting.

The motion was seconded by Councilman Nebel and was approved by voice vote.

Councilman Gillingham moved the following:

RESOLUTION NO. 08/16/2004-14: IN SUPPORT OF STATEWIDE SMOKE FREE AIR LEGISLATION

WHEREAS, smoking is the leading cause of preventable illness and death in the United States, responsible for 444,000 deaths annually, including an estimated 13,000 in New Jersey; and

WHEREAS, environmental tobacco smoke (ETS) known as “Second-hand Smoke” contains over 4,000 substances, many of them dangerous poisons that can cause cancer; and

WHEREAS, ETS is responsible for 53,000 deaths per year of non-smokers, including 1,600 in New Jersey; and

WHEREAS, infants exposed to ETS are more likely to die from SIDS (Sudden Infant Death Syndrome) than infants never exposed; moreover, it can be a direct threat to anyone who already has respiratory, heart and lung disease; and

WHEREAS, the Environmental Protection Agency (EPA) designates ETS as a Group “A” carcinogen, a rating used only for dangerous substances (i.e. asbestos) proven to cause cancer in humans; and

WHEREAS, indoor public places and on-the-job exposure to second-hand smoke can be four times higher than in the home.

IT IS NOW, THEREFORE, this 16th day of August, 2004, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the members of the New Jersey Legislature support the statewide smoke free air legislation which would prohibit smoking in the common areas of indoor public places and workplaces throughout the State while also reserving local authority to enact stronger legislation.
2. That a copy of this Resolution shall be forwarded to:
Governor James McGreevey;
Legislative Members of the 9th 10th and 30th Districts;
The New Jersey Prevention Network;
NJGASP; and
Members of the Ocean County Communities Against Tobacco(CAT) Coalition.

The motion was seconded by Councilman Nebel and approved by voice vote.

GARBAGE & RECYCLING COMMITTEE, Councilman Laymon:

- A. Activities of the Garbage and Recycling Committee
- B. Action Items:

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

- A. Activities of the Beautification of Mantoloking Committee
- B. Action Items:

DRUG & ALCOHOL ALLIANCE & COUNTY BLOCK GRANT COMMITTEES, COUNCILMAN LAYMON:

- A. Activities of the Drug & Alcohol Alliance & Ocean County Block Grant Committees
- B. Action Items:

PUBLIC WORKS & PUBLIC WORKS FACILITIES COMMITTEES, Councilman Popaca:

- A. Activities of the Public Works & Public Works Facilities Committees
- B. Action Items: Councilman Popaca moves the following:

REGIONALIZATION & SHARED SERVICES COMMITTEE, COUNCILMAN POPACA:

- A. Activities of the Regionalization & Shared Services Committee
- B. Action Items: None

UTILITY SERVICES COMMITTEE, COUNCILMAN POPACA:

- A. Activities of the Utility Services Committee
- B. Action Items: None

LONG RANGE PLANNING COMMITTEE, COUNCILMAN HUSTED:

- A. Activities of the Long Range Planning Committee
- B. Action Items: None

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN HUSTED:

- A. Activities of the Dune & Beach Renourishment Committee
- B. Action Items:

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN HUSTED:

- A. Activities of the Legislative Action Committee
- B. Action Items: None

DUNE WALK COMMITTEE, COUNCILMAN JONES:

- A. Activities of the Dune Walk Committee
- B. Action Items: None

FLOOD STRATEGY COMMITTEE, COUNCILMAN JONES:

- A. Activities of the Flood Strategy Committee
- B. Action Items: None

NFIP FLOOD HAZARD MITIGATION PLANNING COMMITTEE, COUNCILMAN JONES:

- A. Activities of the NFIP Flood Hazard Mitigation Planning Committee
- B. Action Items: None

11. NEXT MEETING Special Meeting, Monday, August 30, 2004 at 4:00 p.m. & Regular Council Meeting, Monday September 20, 2004 at 4:00 p.m.

14. ADJOURNMENT

It was moved by Councilman Laymon to adjourn at 4:36 p.m. The motion was seconded by Councilman Nebel and was approved by voice vote.

Respectfully submitted,

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

