

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
November 15, 2004
BOROUGH HALL

The regular monthly meeting of the Mayor and Council was held this day in the meeting room of Borough Hall.

1. CALL TO ORDER: TIME: 8:00 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 opened the meeting for public comment and questions about the agenda and any other matter of public interest. No comments were made.

6. MINUTES OF PREVIOUS MEETINGS:

RESOLUTION NO. 11/15/2004-01: It was moved by Councilman Nebel to approve the following Minutes: Regular Meeting of October 18, 2004 and Closed Session of October 18, 2004 This motion was seconded by Councilman Popaca and approved unanimously by voice vote.

7. MAYOR'S REPORT & PRESENTATIONS

Mayor Dunbar announced that the Holiday Tree Lighting ceremony set for Sunday, December 5, 2004 will commence one hour later than his prior announcement. Therefore, all are invited to meet at 6:00 p.m. at the Borough Hall. The Mantoloking Fire Company No. 1 will host a reception at the fire house immediately following the tree lighting.

8. DEPARTMENT REPORTS

- A. Police Report
- B. Fire Report
- C. Emergency Coordinator Report
- D. Public Works Superintendent Report
- E. Construction Official Report
- F. Land Use Officer Report
- G. Chief Financial Officer Report

Councilman Nebel moved the following:

RESOLUTION NO. 11/15/2004-02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER FOR September 30, 2004

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

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

	Cash Balance	Appropriation Balance	Fund Balance
Current Fund	1,344,761.58	764,903.58	7,298,935.30
Reserve Year		48,790.93	
Payroll			25,277.58
Trust & Escrow Fund	102,785.88		47,797.81
General Capital Fund	989,599.83		3,013,107.59
Total	2,437,147.29		

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.

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

9. ORDINANCES: (NONE)

10. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN NEBEL:

A. Activities of the Finance Committee

B. Action Items: Councilman Nebel moved the following six resolutions. The motion was seconded by Councilman Popaca and approved unanimously by voice vote.

RESOLUTION NO. 11/15/2004-03: PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER 2004

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$270,093.58** 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

RESOLUTION NO. 11/15/2004-04: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2004

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 2004 Municipal Budget exists; and

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

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2004 Municipal Budget:

CURRENT ACCOUNT		TO	FROM
Tax Assessor	S&W	\$ 100.00	
Planning	S&W	100.00	
Police	S&W	22,000.00	
Uniform Fire Safety	S&W	100.00	
Sewer System	OE		\$15,000.00
Recycling	OE		7,300.00
TOTAL		\$22,300.00	\$22,300.00

RESOLUTION NO. 11/15/2004-05: AUTHORIZING THE SALE OF USED PUBLIC WORKS VEHICLE AS SURPLUS PERSONAL PROPERTY

WHEREAS, Council has authorized solicitation of bidders for the purchase of a used Borough public works vehicle, to wit: a 1989 Ford Dump Truck, Meyer plow with spark lift and tail gate spreader, VIN: 1FDPK74P9KVA50129; and

WHEREAS, the bid return date was November 12, 2004; and

WHEREAS, the highest bid was that tendered by the Borough of Point Pleasant Beach, the sum of Seven Thousand, Five Hundred and Twenty-six Dollars (\$7,526.00).

IT IS NOW, THEREFORE, this 15th day of November, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of the Borough of Point Pleasant Beach, the sum of \$7,526.00, is hereby accepted upon the following terms and conditions:
 - (a) payment for and removal of the vehicle from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
 - (b) payment shall be payable to the order of the Borough of Mantoloking;
 - (c) the purchaser shall, upon delivery, accept the bill of sale or title document and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an “as is”, “where is” basis, without representations or warranties of any nature whatsoever. Title shall pass upon delivery of payment to the Borough.

RESOLUTION NO. 11/15/2004-06: REQUESTING REFUND OF ESCROW FEES

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following escrow account which has been completed,

WHEREAS, the Borough Engineer and the Borough Planning Board Attorney have been consulted and confer that the following account is completed as far as they are concerned and

WHEREAS, the balance left on the account is due back to the escrow applicant

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Council of the Borough of Mantoloking authorize the Chief Financial Officer to refund the following escrow balance:

<u>Escrow Applicant</u>	<u>Amount</u>
Speno	\$537.00

RESOLUTION NO. 11/15/2004-07: REIMBURSEMENT OF PROPERTY TAX OVERPAYMENT

BE IT RESOLVED by the Council of the Borough of Mantoloking that a check be drawn to the property owner listed below in the designated amounts representing an overpayment of Property Tax:

<u>BLOCK/LOT</u>	<u>NAME AND ADDRESS</u>	<u>AMOUNT</u>
22 18	BYER, RONALD C. & WINIFRED N. 1052 BARNEGAT LANE	\$125.00

RESOLUTION NO. 11/15/2004-08: SUPPORTING SENATE BILL S-133 AND ASSEMBLY BILL A-946

WHEREAS, there is now pending in the New Jersey State Senate S-133 and the New Jersey State Assembly A-946 which would require the State of New Jersey to reimburse municipalities for the cost of disabled veterans’ total property tax exemptions; and

WHEREAS, currently all costs associated with disabled veterans’ total property tax exemptions are paid for by the municipality; and

WHEREAS, the municipalities would receive reimbursement on an annual basis in an amount equal to 102% of the amount of any disabled veterans’ total property tax exemptions permitted by that taxing district in the current year; and

WHEREAS, the 102% reimbursement would cover the cost of the actual taxes exempted plus any administrative costs that may be incurred by municipalities in connection with the reimbursement program; and

WHEREAS, the Mayor and Borough Council of the Borough of Mantoloking agrees that this would aid with the municipal budget process; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, hereby supports the passage of S-133 and A-946 for the aforesaid reasons; and

BE IT FURTHER RESOLVED that the Borough clerk shall forward certified copies of this resolution to the following:

1. Acting Governor
2. Senate President
3. Speaker of the Assembly
4. 9th, 10th and 30th Legislative Districts
5. Ocean County Municipalities

Councilman Gillingham moved the following:

RESOLUTION NO. 11/15/2004-09: AUTHORIZING THE SALE OF USED POLICE RESCUE JET BOAT AS SURPLUS PERSONAL PROPERTY

WHEREAS, Council has authorized solicitation of bidders for the purchase of a used police rescue jet boat, to wit: a 9 foot Kawasaki, three person inboard jet powered boat, Model No. KAWJ8650-A3 and

WHEREAS, the bid return date was November 12, 2004; and

WHEREAS, the highest bid, in compliance with our bid notice, was that tendered by Mr. Laurence H. Gilman, the sum of Four Hundred, twenty-five dollars (\$425.00).

IT IS NOW, THEREFORE, this 15th day of November, 2004, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

2. The bid of Mr. Laurence H. Gilman, the sum of \$425.00, is hereby accepted upon the following terms and conditions:

- (a) Receipt of confirmation from the Mantoloking Fire Co. No. 1 that the boat trailer will be modified and utilized upon the purchase of a new rescue boat
- (b) payment for and removal of the boat from Borough property shall be completed not later than seven (7) days from the date of this Resolution;
- (c) payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;
- (d) the purchaser shall, upon delivery, accept the boat and shall execute and deliver to the Clerk a statement acknowledging that the sale is made on an "as is", "where is" basis, without representations or warranties of any nature whatsoever.

The motion was seconded by Councilman Popaca. All council members voted in favor with the exception of Councilman Nebel who voted no. Therefore, the resolution was adopted by majority of council members present.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:

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

GARBAGE & RECYCLING COMMITTEE, COUNCILMAN LAYMON:

- A. Activities of the Garbage and Recycling Committee
- B. Action Items: None

BEAUTIFICATION OF MANTOLOKING COMMITTEE, COUNCILMAN LAYMON:

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

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

- A. Activities of the Drug & Alcohol Alliance & Ocean County Block Grant Committees
- B. Action Items: None

PUBLIC WORKS & PUBLIC WORKS FACILITIES COMMITTEES, COUNCILMAN POPACA

- A. Activities of the Public Works & Public Works Facilities Committees
- B. Action Items: None

Councilman Popaca reported that the Borough Public Works Garage is now equipped with a fire wet sprinkler system with alarms. This completes this building as a fully operational facility.

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: None

LEGISLATIVE ACTION COMMITTEE, COUNCILMAN HUSTED:

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

Councilman Husted reported that the Water Resources Development Act (WRDA) bill appears to be stalled in the Senate. Letters have been sent to our legislators to urge them to find another appropriate legislative vehicle for this project authorization before Congress adjourns for the year.

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

Councilman Jones made a general comment on the progress of our codification of ordinances. Mr. O'Malley reported that the project has been undertaken and will be a laborious task. Mr. O'Malley assured the council that he will keep the project moving.

Councilman Husted moved the following:

RESOLUTION NO. 11/15/2004-10: OPPOSITION OF THE "PROSECUTORIAL UNIFICATION ACT"

WHEREAS, the New Jersey Senate has introduced Senate Bill 282 – known as the "Prosecutorial Unification Act", whereby all County Prosecutors and prosecutorial employees would be situated in, but not part of, the N.J. Department of Law and Public Safety; and

WHEREAS, the State Legislature believes that by implementing the "Prosecutorial Unification Act" the Associated State Funding of the County Prosecutors' Office will result a "reduced" local property tax; and

WHEREAS, a review of total budgets of all 21 counties in New Jersey, reveals that a 4.7 percent of the county budgets represent costs associated with the operation of county prosecutors offices; and

WHEREAS, a State takeover of the funding of the county prosecutor's offices would, in fact, result in an "insignificant" reduction of county property taxes; and

WHEREAS, a State takeover of the funding of the county prosecutor's offices would shift one-hundred (100 %) percent of the funding responsibility to the State at a time when state resources are dwindling and state aid to counties and municipalities is being withdrawn; and

WHEREAS, there remains an issue of the "Constitutionality" of the proposed legislation as well as significant concerns involving the effective response to issues of local crime; and

WHEREAS, each County has different law enforcement needs, and a State bureaucracy could potentially impact local and county public safety, reduce response and limit vital crime-fighting services; and

WHEREAS, New Jersey citizens deserve effective law enforcement, working for and responsible to county residents, targeting crime and criminal activity in their respective counties and communities.

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

1. The actions defined in S282 would significantly impact the public safety of the County of Ocean and the Borough of Mantoloking respectively.
2. The Ocean County Prosecutors Office and the various County Prosecutorial divisions shall remain under their various county jurisdiction.
3. That the New Jersey Legislature investigate other areas of reducing property taxes, and not threaten the public safety in an effort to provide lower property taxes.

And; Be It Further Resolved, that the Governing Body of the Borough of Mantoloking, unanimously oppose "The Prosecutorial Unification Act" and urge all New Jersey Legislators to oppose the passage of S282; and

FURTHER RESOLVED that a copy of this resolution be submitted to all New Jersey Legislators, the Attorney General Peter C. Harvey, Ocean County Prosecutor Thomas F. Kelaher, Ocean County and all New Jersey Municipalities, urging their support of this resolution of opposition.

The motion was seconded by Councilman Gillingham. The Resolution was unanimously approved by voice vote.

11.EXECUTIVE SESSION AS NECESSARY

Councilman Nebel moved the following:

RESOLUTION NO. 11/15/2004-11: 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: (select one or more) pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege

FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.

Councilman Jones seconded the motion. The Resolution was approved unanimously by voice vote.

12.RECONVENE

The Mayor and Council reconvened in open session at 8:48 p.m. The public was invited to return to the meeting room.

13.NEXT MEETING Regular Meeting, December 20, 2004 at 8:00 p.m.

14. ADJOURNMENT

There being no further business for this meeting, it was moved by Councilman Gillingham and seconded by Councilman Laymon to adjourn at 8:50 p.m. This was unanimously approved by voice vote.

Respectfully submitted,

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