

DRAFT #1 (08/25/11)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING

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 will 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 Donald S. Ness, Councilmen Peter R. Strohm, Stanley F. Witkowski, James J. Brown and Councilwoman Ann Elizabeth Nelson
Absent: Councilman Steve Gillingham

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. 08/15/2011 - 01: APPROVAL OF MINUTES
Councilwoman Nelson moved that the minutes of the Regular Meeting of July 18, 2011 be approved as distributed. The motion was seconded by Councilman Strohm 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 Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 08/15/2011 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER June 30, 2011

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2011 municipal budget as of June 30, 2011; and

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

ACCOUNT	BUDGET	EXPENDED BALANCE YEAR TO DATE	ENCUMBERED
2011 Current Year Appropriation	\$4,055,418.66	\$1,940,127.50 \$2,047,186.14	\$ 68,105.02
2010 Appropriation Reserves	\$ 376,253.59	\$ 131,830.73 244,247.86	\$ 175.00 \$
Capital	\$1,650,518.26	\$ 246,270.25 \$1,404,248.01	

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$ 108,049.87	\$4,414,865.04

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. 08/15/2011 – 03: PAYMENT OF BILLS FOR THE MONTH OF August 2011

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of **\$1,879,788.57** 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. 08/15/2011 – 04: ACCEPTANCE OF 2010 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 2010 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 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 08/15/2011 – 05: ACCEPTING THE 2011 BEST PRACTICES CHECK LIST

WHEREAS, the Borough of Mantoloking is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services; and

WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking accept the Best Practices Check List as required by the State of New Jersey Department of Community Affairs for the 2011 Budget Year.

PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM: (ABSENT)

A. Reports of the Public Safety Committee: Councilman Ness introduced Chief Wright who presented the report of the Police Department. Councilman Ness concluded with the presentation of the reports of the Municipal Court and Fire Company.

B. Action Items:

Councilman Ness moved the following resolution:

RESOLUTION NO. 08/15/2011 – 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>Kenny, Daniel</i>	<i>Special Class II Police Officer</i>	<i>August 15, 2011</i>	<i>\$9.50/Hr.</i>
<i>Kenny, Daniel</i>	<i>Special Class II Police Academy Student</i>	<i>September 6, 2011</i>	<i>\$7.25/Hr.</i>

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

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 two (2) resolutions. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

RESOLUTION NO. 08/15/2011 – 07: 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>S. Charles West</i>	<i>Deputy Plumbing Subcode Inspector</i>	<i>August 15, 2011</i>	<i>\$25.00/Hour</i>

RESOLUTION NO. 08/15/2011 – 08: PROVIDING FOR ENDORSEMENT OF INTERLOCAL AGREEMENT

BETWEEN MANTOLOKING AND BAY HEAD FOR STORM SEWER MAINTENANCE (JET-VAC)

WHEREAS, it is in the public interest for the Borough to participate in efforts designed to improve the water quality of Barnegat Bay; and

WHEREAS, Shoreline Initiative has a Grant Program to assist municipalities in the attainment of improved water quality; and

WHEREAS, the Borough of Bay Head has proposed that the Borough of Mantoloking cooperate with Bay Head in a storm sewer cleaning and maintenance program, utilizing the Jet-Vac machine which will be acquired by Bay Head through the application of grant funds; and

WHEREAS, the equipment will be garaged in Bay Head; and

WHEREAS, it is intended that the municipalities will share the cost of maintenance, repairs and operation based upon their proportionate share of the total number of storm sewer facilities in each community. (Total storm sewer facilities. 197: Bay Head – 137; Mantoloking – 60. Sharing ratio: Bay Head’s share – 70%; Mantoloking’s share 30%).

IT IS NOW, THEREFORE, this 15th day of August, 2011, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the Borough of Mantoloking shall enter into an Interlocal Agreement with the Borough of Bay Head to implement the purposes of this Resolution. The form of document shall be such as is mutually acceptable and as confirmed by final action of the Mayor and Council of each municipality.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN STROHM

- A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program
- B. Action Items: None

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

8. MAYOR AND COUNCIL COMMENTS

Councilman Witkowski commented on the late submission of the annual audit. He stated that the present auditor has been performing this professional service for many years. Therefore, the Borough will seek new auditors by competitive request for proposals in 2012.

9. PUBLIC COMMENTS PERIOD

Six commentators talked about the commercial barge “parked” in Barnegat Bay, Highway 35 crosswalks, the rise in property taxes, the Mantoloking municipal budget and the nostalgic movie “Mantoloking Moonshine” availability.

10. NEXT MEETING Regular Council Meeting, Monday, September 19, 2011 @ 4:30 p.m.

11. 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 unanimously approved by voice vote at 5:00 p.m.

Respectfully submitted,

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