

**DRAFT #4 (09/14/2012)**

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**AGENDA – REGULAR BUSINESS MEETING**  
**SEPTEMBER 17, 2012**  
**4:30 P.M.**  
**BOROUGH HALL**

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

- 1. CALL TO ORDER:**                      **TIME:**
  
- 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:**  
    **Absent:**  
  
    **Also Present:**
  
- 4. PLEDGE OF ALLEGIANCE:** The Mayor will lead the assembly in the Pledge of Allegiance.
  
- 5. PRIVILEGE OF THE FLOOR:** The Mayor will open the meeting for public comment and questions about the agenda.
  
- 6. MINUTES OF PREVIOUS MEETINGS:** Regular Meeting of August 20, 2012 (Final, complete copies attached.)
  
- 7. COMMITTEE REPORTS AND RECOMMENDATIONS**

**FINANCE COMMITTEE, COUNCILMAN WITKOWSKI**

- A.** Councilman Witkowski will introduce the Municipal Finance Officer Michelle Swisher who will present the monthly finance report.
- B. Action Items:**

Councilman Witkowski moves the following \_\_\_\_\_ resolutions.

**RESOLUTION: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER July 31, 2012**

**WHEREAS**, the Chief Finance Officer has presented a report on the status of the 2012 municipal budget as of July 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	\$ 2,573,959.20	\$ 92,836.10	\$1,375,178.48
2011 Appropriation Reserves	\$ 447,532.84	\$ 154,311.11	\$ 87.76	\$ 293,133.97
Capital	\$1,595,592.49	\$ 385,314.23		\$1,210,278.26

ACCOUNT	REVENUE THIS MONTH	REVENUE YEAR TO DATE
Cash Receipts	\$608,126.44	\$5,486,643.33

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: PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER 2012**

**WHEREAS**, the Municipal Finance Officer has presented a list of bills in the total amount of **\$251,060.18** 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: REQUESTING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO A TAX APPEAL**

**WHEREAS**, a State Tax Court Judgment has been favorably awarded to Donna Walsh, Block 41, Lot 3, for the fiscal year 2011; and,

**WHEREAS**, such judgment has resulted in an overpayment of 2011 property taxes in the amount of \$6,004.46,

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$6,004.46 for said overpayment to Waters, McPherson, McNeill, PC Attorneys for Donna Walsh, 300 Lighting Way, PO Box 1560, Secaucus, NJ 07096 for the property known as 1513 Ocean Ave, Mantoloking, NJ 08738.

**BE IT FINALLY RESOLVED**, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

**RESOLUTION: PROVIDING FOR ENGAGEMENT OF PAYROLL SERVICE PROVIDER**

**WHEREAS**, the Borough of Mantoloking is of the view that efficient operation of the Borough is enhanced by the utilization of a payroll service provider; and

**WHEREAS**, the Chief Financial Officer has recommended the engagement of Action Data Services, of West Caldwell, New Jersey, as such provider; and

**WHEREAS**, the cost will be borne by Ocean First Bank, the Borough of Mantoloking's principal bank; and

**WHEREAS**, the undertaking will be on an at will basis,

**NOW, THEREFORE BE IT RESOLVED**, that this 17<sup>th</sup> day of September, 2012 that the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey as the Chief Financial Officer is hereby authorized to take such action as may be necessary to implement the purposes of this Resolution.

**RESOLUTION: ACCEPTING THE 2012 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, attached, for the 2012 Budget Year.

**PUBLIC SAFETY COMMITTEE, COUNCILMAN GILLINGHAM:**

**A. Reports of the Public Safety Committee:** Councilman Gillingham will present the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.

**B. Action Items:**

Councilman Gillingham moves the following \_\_\_\_\_ resolutions:

**RESOLUTION: REQUESTING 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 2012 in the sum of \$593.59, which is now available from the State of New Jersey, Administrative Office of the Courts, 2012 Alcohol Education Rehab fund.

**BE IT FURTHER RESOLVED**, that the like sum of \$593.59 is hereby appropriated under the caption of 2012 Alcohol Education Rehab Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, DWI Fund in the amount of \$593.59.

**RESOLUTION: CONSIDER THE SALE OF MUNICIPAL SURPLUS PROPERTY – POLICE VEHICLE**

**WHEREAS**, the Council has authorized solicitation of buyers for the purchase of surplus personal property, to wit: One (1), used, 2008 Ford Crown Victoria Police Vehicle, VIN. No. 2FAFP71V28X179430; and **WHEREAS**, the bid return date was 11:00 a.m. on September 14, 2012 in the office of the Borough Clerk with the following results:

Bidder	Amount of Bid
<i>Jersey One Auto Sales</i>	<i>\$2,779.99</i>
<i>Dan Dames</i>	<i>\$3,500.00</i>
<i>Liberty Motors Inc.</i>	<i>\$3,339.99</i>
<i>Mahmoud leweda</i>	<i>\$3,255.00</i>
<i>Chicago Motors Inc.</i>	<i>\$3,507.00</i>

**WHEREAS**, the bid submissions have now been reviewed by the Borough Attorney, now therefore, be it **RESOLVED**, this 17<sup>th</sup> day of September, 2012, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The bid of Chicago Motors Inc., the sum of \$3,507.00, is hereby accepted upon the following terms and conditions:
  - (i) 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;
  - (ii) payment shall be in cash or unendorsed bank check, payable to the order of the Borough of Mantoloking;
  - (iii) 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: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO. 1**

**WHEREAS**, Christopher r. Nelson has applied for membership in the Mantoloking Fire Company No. 1; and **WHEREAS**, the fire company has approved the application; and **WHEREAS**, pursuant to the provisions of the By-Laws of the Mantoloking Fire Company No. 1, all applications are also subject to approval of Council.

**IT IS NOW, THEREFORE**, this 17<sup>th</sup> day of September, 2012, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Christopher R. Nelson is hereby approved, subject to receipt of a satisfactory physical examination report.

**PUBLIC WORKS COMMITTEE, COUNCILWOMAN NELSON**

- A. Reports of the Public Works:** Councilwoman Nelson will present reports from the Public Works Superintendent, Construction Official and Land Use Officer.
- B. Action Items:**

Councilwoman Nelson moves the following \_\_\_\_ resolutions:

**RESOLUTION: 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 Zoning Officer has 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>
Anthony & Linda Ciavaglia 226 Grand Blvd Emerson, NJ 07630	\$1,075.00

RE: 1544 Runyon Lane

**RESOLUTION: 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>S. Charles West</i>	<i>Plumbing Code Official</i>	<i>October 1, 2012</i>	<i>\$ 4,000/Year</i>
<i>Robert Nelson</i>	<i>Deputy Plumbing Code Official</i>	<i>October 1, 2012</i>	<i>\$25/Hour</i>

**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**

**9. PUBLIC COMMENTS PERIOD**

**10. EXECUTIVE SESSION**

**RESOLUTION: 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)*

- a matter rendered confidential by federal or state law*
- a matter in which release of information would impair the right to receive government funds*
- material the disclosure of which constitutes an unwarranted invasion of individual privacy*
- a collective bargaining agreement and/or negotiations related to it*
- a matter involving the purchase, lease, or acquisition of real property with public funds*
- protection of public safety and property and/or investigations of possible violations or violations of law*
- pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege*
- specific prospective or current employees unless all who could be adversely affected request an open session*
- deliberation after a public hearing that could result in a civil penalty or other loss, and be it*

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

**11. OPEN SESSION AS NECESSARY**

**12. NEXT MEETING** Regular Meeting, Monday, October 15, 2012 @ 4:30 p.m.

**13. ADJOURNMENT**