

DRAFT # 1 12/16/2015

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

MINUTES – REGULAR BUSINESS MEETING

December 15, 2015
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The regular monthly meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** Mayor George C. Nebel called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. 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 Ann Elizabeth Nelson, Councilmen Alan Laymon, Peter R. Strohm, Steve Gillingham, Robert S. McIntyre, Councilman Chris Nelson (late arrival)

Absent: none

Also Present: Beverley A. Konopada, Municipal Clerk, Edwin J. O'Malley, Jr., Borough Attorney

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.
5. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel opened the meeting for public comments and questions about the agenda.

No comments were made.

6. **RESOLUTION NO. 12/15/2015-01: MINUTES OF PREVIOUS MEETINGS:**

Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed:

Regular Council Meeting November 17, 2015

Councilwoman Nelson moved to approve the minutes as distributed. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

COMMITTEE REPORTS AND RECOMMENDATIONS

7. **PUBLIC WORKS COMMITTEE**: Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moved the following resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. **RESOLUTION NO. 12/15/2015-02 : APPROVAL OF CHANGE ORDER NO. 3-FINAL AND FINAL PAYMENT ON HERBERT STREET PUMPING STATION RECONSTRUCTION (CONTRACT 2014-04)**

WHEREAS, JEV Construction, LLC. has requested approval of Change Order No. 3-Final for adjustment of Contract quantities (-\$964.60) and

WHEREAS, the Municipal Engineer, Lawrence Plevier, P. E., has recommended approval of the requested changes; and

WHEREAS, JEV Construction, LLC. has requested release of retainage and final payment, in the sum of \$64,507.96; and

WHEREAS, JEV Construction, LLC has submitted all certifications required under the Contract; and

WHEREAS, Hatch Mott MacDonald has recommended approval of JEV Construction, LLC request.

IT IS NOW, THEREFORE, this 15th day of December 2015, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the retainage shall be released along with final payment of \$64,507.96 to JEV Construction, LLC.

B. **RESOLUTION NO. 12/15/2015-03: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR BAY AVENUE PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorizes to submit an electronic grant application identified as MA-2016-BAY AVENUE FLOOD MITIGATION-00669 from NJDOT SAGE to the New Jersey Department of Transportation on behalf of the Borough of Mantoloking.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mantoloking and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

C. **RESOLUTION NO. 12/15/2015-04: APPOINTMENT OF PERSONNEL-PART-TIME**

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following appointments with the terms and conditions indicated:

Name	Position	Effective Date	Salary
Scott E. Loftus	Part-Time Assistant to Zoning and Construction Officer	Immediately	\$15.00 per hour Up to 10 hours per week

D. PUBLIC HEARING: Mayor George C. Nebel opened the meeting to the public on Ordinance No. 652

RESOLUTION NO. 12/15/2015-05: ADOPTION OF ORDINANCE NO. 652 AMENDING CHAPTER XXX, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS AND RESCINDING INTRODUCTION OF PROPOSED ORDINANCE NO. 649

WHEREAS, on the 15th day of December, 2015 a public hearing on Ordinance No. 652 was held and 3 comments were made by the public, now, therefore, be it **RESOLVED**, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

Sponsored by: Council President Nelson

Date Introduced: October 20, 2015

Public Hearing December 15, 2015

& Adoption:

Synopsis: Delete use of “footprint” in calculation of habitable area ratio. Proposed Ordinance 649 is withdrawn from consideration; revised proposed Ordinance 652 follows:

ORDINANCE NO: 652
AN ORDINANCE AMENDING CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING, LAND USE REGULATIONS

BE IT ORDAINED as follows:

1. Appendix B (revised June 17, 2013), Bulk Standards, is hereby amended as follows:
 Second Floor habitable Area to
 First Floor ~~footprint~~ habitable area ratio
2. Appendix B, footnote 6, is amended as follows;
 6. See Land Use Ordinance for definition of ~~footprint~~ habitable area.
3. All provisions of Chapter XXX not specifically amended hereby shall remain in full force and effect.
4. This Ordinance shall be effective upon final adoption.

ROLL CALL VOTE:

Ayes: Council President Ann Elizabeth Nelson
 Councilman Steve Gillingham
 Councilman Alan Laymon
 Councilman Robert McIntyre
 Councilman Strohm

Nays: None

Absent: Councilman Chris Nelson

8. **PUBLIC SAFETY COMMITTEE:** Councilman McIntyre presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management.
 No Action
9. **DUNE & BEACH RENOURISHMENT COMMITTEE:** Councilman Strohm
 No Action
10. **MUNICIPAL SERVICES COMMITTEE:** Councilman Laymon
 No Action
11. **MANTOLOKING COMMITTEE:** Councilman Chris Nelson
 No Action
12. **FINANCE COMMITTEE:** Councilman Gillingham presented the monthly finance report and moved the following resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.
 - A. **RESOLUTION NO. 12/15/2015-06-: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2015 municipal Budget as of October 31, 2015; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2015 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2015 Adopted Budget		5,708,783.23	3,522,107.52	98,130.01	2,088,545.70
2014 Appropriation Reserve	7,555,401.96	638,758.25	250,120.63	30,055.35	358,582.27
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Subtotal Sandy Emergency		1,030,396.09	200,137.28	4,341.66	825,917.15
Capital		2,983,422.37	1,539,073.99	0.00	1,444,348.38

B. RESOLUTION NO. 12/15/2015-07: PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 2015

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$304,067.71 and recommended that they be paid, now, therefore, be it:

RESOLVED, the Mantoloking Borough Council Approve payment of the above referenced bills and directs that a copy attached to and made part of the minutes of this meeting.

C. RESOLUTION NO. 12/15/2015-08 : TRANSFERRING CURRENT YEAR APPROPRIATIONS # 2-2015

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 2015 Appropriation exists; and

WHEREAS, it is recommended that these budget transfers be made in the 2015 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2015Municipal Budget:

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Garbage	OE	\$ 7,000.00	
Police	SW	75,000.00	
Finance	SW	5,000.00	
Engineering	OE	50,000.00	
Tax Collector	SW		2,000.00
Municipal Clerk	SW		10,000.00
Road Repair	SW		3,500.00
Buildings & Grounds	OE		5,000.00
Sewer System	OE		14,000.00
Beach Guard	SW		45,000.00
Beach Guard	OE		1,500.00
Gasoline	OE		15,000.00
Social Security			500.00
Construction	SW		40,000.00
Legal	OE		500.00
Garbage	OE		
Total		\$ 137,000.00	\$137,000.00

D. RESOLUTION NO. 12/15/2015-09: APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A 40A:4-87- POST SANDY ZONING CODE ENFORCEMENT GRANT

WHEREAS, N.J.S.A. 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 2015 in the sum of \$84,483.20, which is now available from the State of New Jersey, Department of Community Affairs, Post Sandy Zoning Code Enforcement Grant Program;

BE IT FURTHER RESOLVED, that the like sum of \$84,483.20 is hereby appropriated under the caption of, Post Sandy Zoning Code Enforcement Grant Program, and shall be applied in compliance with the terms and conditions as set forth in the grant.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to execute the grant agreement.

E. RESOLUTION NO. 12/15/2015-10: APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A 40A:4-87- 2015 HOLIDAY DRIVE SOBER OR GET PULLED OVER

WHEREAS, N.J.S.A. 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 2015 in the sum of \$5,000.00, which is now available from the State of New Jersey, Division of Highway Traffic Safety, 2015 Holiday Drive Sober or Get Pulled Over Grant;

BE IT FURTHER RESOLVED, that the like sum of \$5,000 is hereby appropriated under the caption of 2015 Holiday Drive Sober or Get Pulled Over Grant and shall be applied in compliance with the terms and conditions as set forth in the grant.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to execute the grant agreement.

F. RESOLUTION NO. 12/15/2015-11: APPROVAL FOR THE ENGAGEMENT OF HOLLISTER CONSTRUCTION SERVICES

WHEREAS, it is deemed to be necessary and in the public interest to engage an independent professional construction services provider in conjunction with evaluation of the proposed Borough Hall project.

IT IS NOW, THEREFORE, this 15th day of December, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The services proposal of Hollister Construction Services dated November 25, 2015, to provide the desired project analysis for the sum of \$6,450.00 is hereby accepted and ratified.
2. This services contract is awarded on an emergency basis without competitive bidding, in an effort to enable informed and timely resolution of issues concerning the Borough Hall project.
3. A Certificate of Funds Availability has been filed.

G. RESOLUTION NO. 12/15/2015-12: APPROVAL OF TAX REFUND FOR OVERPAYMENT OF TAXES DUE TO DUPLICATE PAYMENTS

WHEREAS, a duplicate tax payment was made on the 4th quarter 2015 property taxes on property owned by Callahan, Lawrence F. & Chris, Block 8, Lot 16, for the fiscal year 2015 ; and,

WHEREAS, such duplicate payment has resulted in an overpayment of 2015 property taxes in the amount of \$2,590.98 and said property owner is requesting a refund of this overpayment in a total refund amount of \$2,590.98,

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 \$2,590.98 for said overpayment to Callahan, Lawrence F. & Chris, 254 E. 68th Street., Apt. 25D, New York City, NY 10065 for the property known as 957 Ocean Avenue, 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.

H. RESOLUTION NO. 12/15/2015-13: APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A 40A:4-87- STEEL SHEET PILE DUNE RESTORATION FOR PROJECT NO. 4256-14

WHEREAS, N.J.S.A. 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 2015 in the sum of \$200,000, which is now available from the State of New Jersey, Department of Environmental Protection, Project No. 4256-14 Steel Sheet Pile Dune Restoration Project;

BE IT FURTHER RESOLVED, that the like sum of \$200,000 is hereby appropriated under the caption of Project No. 4256-14 Steel Sheet Pile Dune Restoration Project and shall be applied in compliance with the terms and conditions as set forth in the grant.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to execute the grant agreement.

I. RESOLUTION NO. 12/15/2015-14: APPROVAL TO POSTPONE HEARING AND CONSIDERATION FOR FINAL ADOPTION OF BOND ORDINANCE NO. 653 TO A SPECIAL MEETING OF THE MAYOR AND COUNCIL ON DECEMBER 29, 2015

WHEREAS, for the last three years the Mayor and Council, with the assistance of local residents and taxpayers, have been researching and developing plans for restoring the Mantoloking Municipal Building that was destroyed in Superstorm Sandy in October 2012; and

WHEREAS, the Mayor and Council, with the assistance of local residents and taxpayers, have developed a plan for a building that conforms to established state and local regulations and will provide a permanent location for the municipality's critical government, administration, and police functions at the same place they had been conducted since 1928; and

WHEREAS, the Mayor and Council, with the assistance of local residents and taxpayers, have developed a plan for financing the construction of the building using existing municipal reserves, monies re appropriated from previous bond ordinances, and a FEMA reimbursement and introduced Bond Ordinance 653 to fund the remainder of the cost of the project, and

WHEREAS, the Mayor and Council requested a committee of local residents and taxpayers to advise them about the substance of resident and taxpayer opposition to the project and engaged a construction services company to assist in those efforts; and

WHEREAS, the Mayor and Council desire to provide an opportunity for themselves and interested residents and taxpayers to review and consider the results of the efforts of the committee and the consultants prior to and in preparation for the public hearing and final vote on the Bond Ordinance; now, therefore, be it

RESOLVED, the Council defer the scheduled hearing and vote on Bond Ordinance 653 until a special meeting of the Council at 5:30, Tuesday, December 29, 2015 at the Mantoloking Yacht Club.

13. MAYOR AND COUNCIL COMMENTS

None

14. PUBLIC COMMENT PERIOD

Tom McIntyre Presentation – Mantoloking, Bay Head and Lavallette Borough Hall Comparisons
Citizens Committee Report and Recommendations for Borough Hall
Holister report
Concerns regarding merging towns
Mayor and Council thanked for their hard work

15. NEXT MEETING –

Special Meeting December 29, 2015 at the Mantoloking Yacht Club, 1224 Bay Avenue,
Mantoloking, NJ

Organization Meeting, January 5, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay
Avenue, Mantoloking, NJ

16. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilwoman Nelson to adjourn.
The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 7:15 p.m.

Respectfully submitted,



Beverley A. Konopada, RMC
Municipal Clerk