

DRAFT NO. 1 – 11/22/2016

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING

November 22, 2016

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
Councilman Steve Gillingham
Councilman Alan Laymon
Councilman E. Laurence White
Present via phone: Councilman Chris Nelson (no voting power)
Absent: None
Also Present: Beverley A. Konopada, Borough 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. **RESOLUTION NO. 11/22/2016-01: MINUTES OF PREVIOUS MEETINGS**

RESOLVED, the Mantoloking Borough Council approved the following minutes as printed and distributed.

Regular Council Meeting October 18, 2016

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

6. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel opened the meeting for public comment and questions about the agenda.

Telecommunication equipment cost and features
Telecommunications Standard Operating Procedures for Public Meetings should be reviewed and revised prior to adoption consideration.

7. **PUBLIC WORKS COMMITTEE,** Council President 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 Laymon and approved by unanimous voice vote.

A. **RESOLUTION NO. 11/22/2016-02: PROVIDING FOR THE SALE OF SURPLUS PERSONAL PROPERTY**

WHEREAS, the Borough of Mantoloking has determined that the Municipal personal property listed below is surplus:

- (a) 1988 Caterpillar Bulldozer, Model D7G, Serial Number: 3ZD00944R (1468 hours);
1988 Caterpillar Bulldozer, Model D7G, Serial Number: 3ZD01266 (1620 hours); and
1988 Caterpillar Bulldozer, Model D7G, Serial Number: ZD01229DD (3983 hours)
- (b) One (1) 1997 Elgin Sweeper;
- (c) One (1) 2010 Ford Crown Victoria Police Interceptor, VIN: 2FABP7BV3AX130594;
- (d) One (1) 2009 Ford Expedition, VIN: 1FMFU16579LA09387; and
- (e) One (1) 2012 Kawasaki TRX4 with Canvas Cab System, 569.2 hours; 4,307 miles.

WHEREAS, N.J.S.A. 40A:11-36 provides that all such personal property may be sold at public sale to the highest bidder.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

- 1. The above described personal property is hereby declared to be surplus, no longer required for public purposes; and
- 2. The Borough Clerk is hereby authorized and directed to advertise a public sale of said property via online auction in accordance with applicable law.

3. The Borough reserves the right to reject any or all bids if it determines that to do so will be in the public interest.

B. RESOLUTION NO. 11/22/2016-03: PROVIDING FOR THE APPOINTMENT OF DEPUTY LAND USE OFFICER

WHEREAS, there exists a need for a Deputy Land Use Officer to provide continuity of service upon the occasions of the absence of the Land Use Officer; and

WHEREAS, the Land Use Ordinance provides for such appointment by the Mayor with the consent of Council; and

WHEREAS, the public interest will be advanced by the availability of a Deputy Land Use Officer from time-to-time; and

WHEREAS, the Deputy Land Use Officer shall be compensated at an hourly rate of \$35.00 an hour; and

WHEREAS, Scott Loftus has been appointed by the Mayor to serve as Deputy Land Use Officer.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The appointment of Scott Loftus as Deputy Land Use Officer is hereby ratified and approved.
2. Scott Loftus shall be compensated on an hourly basis for services as Deputy Land Use Officer, as shall be set forth in the Salary Ordinance.
3. The Deputy Land Use Officer shall serve at the pleasure of the Mayor.

C. RESOLUTION NO. 11/22/2016-04: PROVIDING FOR THIRD PARTY TESTING CONSULTANT FOR THE BOROUGH HALL PROJECT

WHEREAS, the Borough Hall Contract specifications oblige the Borough to engage a third party testing consultant; and

WHEREAS, Robert Sibilis, the project manager, has obtained proposals for this required specialized service; and

WHEREAS, the proposal of NV5-Northeast, Inc. has been recommended by Sibilis; and

WHEREAS, the fee proposal of NV5-Northeast, Inc. is set forth in the attached document and is the lowest cost proposal for this necessary service; and

WHEREAS, it is recognized that the total cost to be incurred for this service is not susceptible to finite advance funds calculation; and

WHEREAS, the services agreement (Contract) has been reviewed by counsel and approved as to form; and

WHEREAS, the project budget includes the estimated sum of \$12,000.00 for third party testing service; and

WHEREAS, the Construction Committee has recommended the acceptance of the NV5-Northeast, Inc. proposal; and

WHEREAS, a Certificate of Funds Availability is on file.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the proposal of NV5-Northeast, Inc. dated October 12, 2016 (Revised), shall be and hereby is accepted.
2. The Mayor is authorized to execute the Services Agreement between the Borough and NV5-Northeast, Inc.

D. RESOLUTION NO. 11/22/2016-05: PROVIDING FOR AGREEMENT TO RELOCATE UTILITY LINES

Copy attached

E. RESOLUTION: ADOPTING A POLICY GOVERNING THE USE OF ELECTRONIC COMMUNICATIONS (VOICE AND VIDEO) FOR PARTICIPATION IN PUBLIC MEETINGS

Proposed resolution was tabled.

F. RESOLUTION NO. 11/22/2016-06: PROVIDING FOR CORRECTION OF 2016 HOLIDAY SCHEDULE

WHEREAS, the published 2016 schedule for paid holiday leave for Borough employees in 2016 incorrectly omitted one (1) day, resulting in 13 paid holidays; and

WHEREAS, 14 paid days' leave are routinely provided.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED**

by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that December 23, 2016 shall be included as a paid leave day, thereby increasing the 2016 paid holiday leave days to a total of 14.

- 8. PUBLIC SAFETY COMMITTEE**, Council President Nelson presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. RESOLUTION NO. 11/22/2016-07: SHARED SERVICE AGREEMENT WITH OCEAN COUNTY PROSECUTOR'S OFFICE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County "Driving While Intoxicated Enforcement Program"; and

WHEREAS, the purpose of this program is to identify and remove intoxicated drivers from the roadway; and

WHEREAS, to the extent officers of the Borough's Police Department provide services under this Agreement, the County will provide compensation at the rate of \$55.00 per hour; and

WHEREAS, all the terms and conditions of the proposed Shared Services Agreement have been reviewed by counsel; and

WHEREAS, this agreement shall be retroactive from October 1, 2016 and shall continue in full force and effect until September 30, 2017.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the Shared Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

B. RESOLUTION NO. 11/22/2016-08: SHARED SERVICE AGREEMENT WITH OCEAN COUNTY PROSECUTOR’S OFFICE DRUG RECOGNITION EXPERT CALLOUT PROGRAM

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Drug Recognition Expert Callout Program”; and

WHEREAS, the purpose of this program is to identify and remove drug impaired drivers from the roadway; and

WHEREAS, to the extent officers of the Borough’s Police Department provide services under this Agreement, the County will provide compensation at the rate of \$55.00 per hour; and

WHEREAS, all the terms and conditions of the proposed Shared Services Agreement have been reviewed by counsel; and

WHEREAS, this agreement shall be retroactive from October 1, 2016 and shall continue in full force and effect until September 30, 2017.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Borough shall participate in the Shared Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.

9. **FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved the following resolutions. The motion was seconded by Council President Nelson and approved by unanimous voice vote.

A. RESOLUTION NO. 11/22/2016-09: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2016 temporary Municipal budget as of September 30, 2016; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2016 ADOPTED BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2016 Adopted Budget		5,794,080.20	4,619,913.68	38,866.88	1,135,299.64
2015 Appropriation Reserve	5,683,083.23	402,537.39	84,092.51	44,713.72	273,731.16
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	834,812.90	176,606.26	6,843.00	651,363.64
Subtotal Sandy Emergency		834,812.90	176,606.26	6,843.00	651,363.64
Capital		7,522,809.40	0.00	1,032,357.68	6,490,451.72

B. RESOLUTION NO. 11/22/2016-10: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$204,237.32 with the recommendation they be paid, and
- A list of bills in the amount of \$168,190.84 that have been paid with the approval of the municipal clerk and the mayor, now, therefore, be it

RESOLVED, the council approves the payment of all the bills and directs that a copy of these lists be attached to and made part of the minutes of this meeting.

C. RESOLUTION NO. 11/22/2016-11: ACCEPTING BEST PRACTICES 2016-2017 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, and.

WHEREAS the inventory results for 2016 are as follows: 19 yes, 6 no, 5 N/A, and 0 prospective for a total percentage of 80% with no State Aid to be withheld,

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 2016 Budget Year.

D. RESOLUTION NO. 11/22/2016-12: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2016

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 2016 Appropriation exists; and

WHEREAS, it is recommended that these budget transfers be made in the 2016 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2016 Municipal Budget:

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Municipal Clerk	SW	\$ 5,000.00	
Finance	OE	\$ 5,500.00	
Liability Insurance	OE	\$25,000.00	
Road Repair	SW	\$ 8,000.00	
Planning Board	OE		\$25,000.00
Road Repair	OE		\$ 8,000.00
Buildings & Grounds	OE		\$ 5,000.00
Beach Guard	SW		\$ 5,500.00
Total		\$ 43,500.00	\$ 43,500.00

E. RESOLUTION NO. 118/22/2016-13: PROVIDING FOR REAL PROPERTY TAX REFUND

WHEREAS, as a result of a real property tax appeal, it has been determined that the taxes for 2016/2017 on Block 35, Lot 4, have been overpaid by the sum of \$2,215.94; and

WHEREAS, the overpayment shall be refunded, forthwith.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey as follows:

1. That the Chief Financial Officer is hereby authorized and requested to refund \$2,215.94, to the offices of McKirdy and Riskin, P. A., Trustee for Eshelman.
2. A true copy of this Resolution shall be forwarded to the Tax collector, Chief Financial Officer and the property owner.

10. DUNE & BEACH RENOURISHMENT COMMITTEE:

Councilman White commented on beach replenishment project on behalf of Councilman Nelson
3 bids came in under budget for the project.

11. MUNICIPAL SERVICES COMMITTEE, Councilman White stated no report of the Municipal Services Committee.

12. MANTOLOKING COMMITTEE Councilman Laymon stated no report of the Mantoloking Committee.

13. MAYOR AND COUNCIL COMMENTS

None

14. PUBLIC COMMENTS PERIOD

Concerns regarding moving electrical wires and the impact on nearby residents

Speed limit change on Route 35

Use of microphone during council meetings to enable audience to hear better

Questions regarding Dune Replenishment Project start date

15. EXECUTIVE SESSION

RESOLUTION: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Council President Nelson motioned to go into closed session at 5:53 p.m. The motion was seconded by Councilman Laymon and approved by unanimous voice vote.

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 adjourn to closed session to discuss:

- To consider confidential advice of counsel concerning contractual matters.

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

16. OPEN SESSION

Council President Nelson motioned to go back into open session 7:00 p.m. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

17. NEXT MEETING:

Regular Council Meeting, Tuesday, December 20, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

18. ADJOURNMENT

There being no further business for this meeting, it was motioned by Council President Nelson to adjourn. The motion was seconded by Councilman Laymon and approved by unanimous voice vote at 7:00 p.m.

Respectfully submitted,

Beverley A. Konopada, RMC
Borough Clerk