

DRAFT NO. 1 3/16/2016

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING
MARCH 15, 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:** Council President Ann Elizabeth Nelson called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Council President Nelson 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: Council President Ann Elizabeth Nelson, Councilmen Alan Laymon, Peter Strohm, Steve Gillingham, Chris Nelson, Lance White

Absent: Mayor George C. Nebel

Also Present: Beverley Konopada, Borough Clerk, Edwin J. O'Malley, Jr., Borough Attorney Robert Mainberger, Dune Inspector, Flood Plain Manager, Dan Lynch, Architect, Pam Rue, Architect, Thomas McIntyre

4. **PLEDGE OF ALLEGIANCE:** Council President Nelson led the assembly in the Pledge of Allegiance.
5. **PRIVILEGE OF THE FLOOR:** Council President Nelson opened the meeting for public comment and questions about the agenda.
Sibilia hours
New borough hall

6. **RESOLUTION NO. 03/15/2016-01: MINUTES OF PREVIOUS MEETINGS**

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

distributed.

Regular Council Meeting February 16, 2016

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

7. COMMITTEE REPORTS AND RECOMMENDATIONS

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

A. RESOLUTION NO. 03/15/2016-02: APPROVAL OF CONTRACT CHANGE ORDER PROPOSALS FROM B.L.D.G. ARCHITECTURE, LLC AND FROM SIBILIA CONSTRUCTION SERVICES, LLC FOR SERVICES IN CONJUNCTION WITH THE RE-DESIGN/CONSTRUCTION OF REPLACEMENT BOROUGH HALL

WHEREAS, B.L.D.G. Architecture, LLC has provided architectural services in conjunction with the proposed Borough Hall; and

WHEREAS, the firm has provided supplemental services in the process of fulfilling the Borough's requests for re-design of the building; and

WHEREAS, the desired re-design services are not, in magnitude, within the scope of the existing Contract (03/18/14); and

WHEREAS, B.L.D.G. Architecture, LLC has submitted a Change Order request (02/22/16) for:

Re-design and Coordination	\$ 52,500.00
Structural Engineering	\$ 12,000.00
Mechanical Engineering	\$ 37,000.00
Administration/Observation	\$ <u>4,000.00</u>
Total	\$105,500.00

and

WHEREAS, upon approval such additional expense will increase the Architectural Contract total to \$312,500.00, of which \$196,705.94 has been paid; and

WHEREAS, Sibilia Construction Services, LLC has previously been engaged to provide construction management services pursuant to Contract dated April 14, 2015, at the hourly rate of \$115.00; and

WHEREAS, Sibilia Construction Services, LLC has proposed a Change Order to add certain defined pre-construction services as are more specifically defined in Change Order Proposal dated March 14, 2016 (copy attached), with a total pre-construction services cost of \$24,610.00, at \$115.00 per hour; and

WHEREAS, the addition of pre-construction services will increase the total Contract to \$158,460.00; and

WHEREAS, A Certificate of Funds availability is on file.

IT IS NOW, THEREFORE, RESOLVED that the proposed Contract Change Orders as are more particularly described above are hereby approved.

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

A. RESOLUTION NO. 03/15/2016-03: 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 January 31, 2016; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2016 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2016 Temporary Budget		1,719,744.00	383,101.91	186,183.91	1,150,458.18
2015 Appropriation Reserve	5,683,083.23	384,922.49	42,320.83	0.00	342,601.66
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		834,812.90	5,660.24	18,056.32	811,096.34
Capital		1,822,809.40	477,328.93	0.00	1,345,480.47

B. RESOLUTION NO. 03/15/2016-04: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$85,992.92 with the recommendation they be paid, and
- A list of bills in the amount of \$249,847.72 that have been paid with the approval of the municipal clerk and the mayor, now, therefore, be it

RESOLVED, the council approved 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. 03/15/2016-05: TO ADOPT APPROPRIATION RESERVE TRANSFER #3

WHEREAS, N.J.S.A. 40A: 4-59 provides that in the first 3 months of the fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopted by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

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 Reserves exists; and **WHEREAS**, it is recommended that these appropriation reserve transfers be made;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Mantoloking that the following budget transfers be made for the 2015 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Beach Maintenance	OE	\$10,800.00	
Water	OE		\$ 2,400.00
Social Security	OE		3,500.00
Electricity	OE		4,900.00
Total		\$10,800.00	\$10,800.00

D. RESOLUTION NO. 03/15/2016-06: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #2

WHEREAS, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

WHEREAS, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$1,992,274.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2016 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&W</u>	<u>OE</u>
Municipal Clerk	\$25,000.00	
Finance	\$15,000.00	
Planning	\$35,000.00	
Beach Maintenance		\$50,000.00
Interest on Notes		\$31,500.00
Engineering		\$30,000.00
Construction	\$10,000.00	
Construction		\$ 1,500.00
Group Health Insurance		\$45,000.00
Sub-Code Plumbing	\$ 1,500.00	
Sub-Code Fire	\$ 1,500.00	
Sub-Code Electrical	\$ 1,500.00	
Road	\$ 25,000.00	
Accumulated Absences	\$ 25,000.00	
TOTAL	\$139,500.00	\$ 158,000.00
GRAND TOTAL	\$ 297,500.00	

10. PUBLIC SAFETY COMMITTEE, Councilman Strohm 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 Nelson and approved by unanimous voice vote.

A. RESOLUTION NO. 03/15/2016-07: EXECUTION OF A LEASE FOR USE OF THE LAVALLETTE MUNICIPAL COURT FACILITIES

WHEREAS, as a result of the destruction of the Mantoloking Borough Hall, there is a need to provide Municipal Court facilities for the Mantoloking Municipal Court; and
WHEREAS, the Borough of Lavallette has generously agreed to lease their Municipal Court facilities at a monthly rental of \$580.00, which includes two (2) hours for services by the Court Clerk. The term shall be one (1) year, subject to cancellation on 90 days’ written notice; and
WHEREAS, A Certificate of Funds Availability is on file.
IT IS NOW, THEREFORE, this 15th day of March, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, that the Mayor or Council President may execute an Agreement, approved by counsel as to form, to effectuate the purposes of this Resolution.

B. RESOLUTION NO. 03/15/2016-08: IN SUPPORT OF PROPOSED TRAFFIC REGULATIONS FOR N.J. ROUTE 35

WHEREAS, in conjunction with negotiations between the Borough and New Jersey Department of Transportation, certain changes in traffic regulations have been proposed for crosswalks, speed reduction in summer months, bicycle lanes and vehicle stopping or standing.
 See attached Schedule; and

WHEREAS, the New Jersey Department of Transportation has recommended formal implementation of the listed, requested changes; and

WHEREAS, it is the desire of the Mayor and Council to support the adoption of a Traffic Regulation Order consistent with the attached Schedule.

IT IS NOW, THEREFORE, this 15th day of March, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. It supports the promulgation of a Traffic Regulation Order consistent with the schedule.
2. Further, the Mayor and Council concurs that any approved regulation in conflict with or inconsistent with the provisions of this Resolution be rescinded upon approval of the Traffic Regulation Order.

11. **DUNE & BEACH RENOURISHMENT COMMITTEE**: Councilman Nelson stated no reports.

12. **MUNICIPAL SERVICES COMMITTEE** , Councilman White stated no reports.

13. **MANTOLOKING COMMITTEE** Councilman Laymon stated no reports.

14. **MAYOR AND COUNCIL COMMENTS**

Revised Borough Hall Committee Presentation
Robert Mainberger- Update on Beach and Replenishment Project

15. **PUBLIC COMMENTS PERIOD**

2003 beach renourishment plan
Low water pressure
Possibility of Verizon back in town

16. **EXECUTIVE SESSION**

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

Councilman Nelson motioned to go into closed session at 6:40 p.m. The motion was seconded by Councilman Strohm 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 adjourns to closed session to discuss:

- a collective bargaining agreement and/or negotiations related to it

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

17. OPEN SESSION

Councilman Laymon motioned to go back into open session as required. The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 6:56 p.m.

18. NEXT MEETING:

Special Council Meeting, Tuesday, March 29, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

19. ADJOURNMENT

There being no further business for this meeting, it was motioned by Council President Nelson to adjourn. The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 6:57 p.m.

Respectfully submitted,

Beverley A. Konopada, RMC
Borough Clerk