

DRAFT NO.1 – 01/08/2015

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

**MINUTES – REGULAR BUSINESS MEETING**  
**JANUARY 6, 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 Nebel called the meeting to order at 5:41 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 Steve Gillingham, Robert S. McIntyre, Peter R. Strohm, Chris Nelson, and Alan Laymon  
**Absent:** none  
**Also Present:** Acting Borough Clerk Beverley Konopada, Borough Attorney, Edwin J. O'Malley, Jr., Robert Mainberger, Hatch Mott McDonald
  
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.  
Questions and comments were made regarding:  
Budget  
Bond Council
  
6. **RESOLUTION NO. REG 01/06/2015-01: MINUTES OF PREVIOUS MEETINGS**  
**Resolved,** the Mantoloking Borough Council approved the following minutes as printed and distributed. Councilman Gillingham moved to approve the Council Meeting Minutes as distributed. The motion was seconded by Council President Ann Elizabeth Nelson and approved by unanimous voice vote.

Regular Council Meeting November 25, 2014  
Regular Council Meeting December 16, 2014

7. **COMMITTEE REPORTS AND RECOMMENDATIONS:**

8. **PUBLIC SAFETY COMMITTEE**, Councilman Robert McIntyre presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following four resolutions:

A. **RESOLUTION NO. REG 01/06/2015-02: PROMOTION OF JON WILLIAM MEYER TO THE RANK OF SERGEANT IN THE POLICE DEPARTMENT OF THE BOROUGH OF MANTOLOKING**

**WHEREAS**, upon the recommendation of the Chief of Police, Stacy Ferris, the Mayor and Council are pleased to announce the promotion of Patrolman Jon William Meyer to the position of Sergeant in the Mantoloking Police Department; and

**WHEREAS**, Patrolman Jon William Meyer has served as a Patrolman, Detective and Traffic Safety Officer for the Borough of Mantoloking Police Department since December 18, 2006. Based on his exemplary service and dedication to duty, Patrolman Meyer embodies the leadership qualities and skill set that is in line with our community policing model.

**NOW, THEREFORE**, this 6<sup>th</sup> day of January, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Patrolman Jon William Meyer is promoted to the rank of Sergeant effective January 1, 2015.

Acting Borough Clerk, Beverley Konopada, administered the Oath of Office to Sergeant Meyer.

Councilman McIntyre moved to approve the promotion of Patrolman Meyer. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

B. **RESOLUTION NO. REG 01/06/2015-03: APPOINTMENT OF PERSONNEL**

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

<b>Name</b>	<b>Position/Effective Date</b>	<b>Salary</b>	<b>Notes</b>
Kelly Burdge	Administrative Assistant FEMA Reimbursement Manager Matron Confidential Police Secretary Discovery Terminal Access Coordinator Dispatcher <b>Effective Date:</b> December 1, 2014	\$45,000.00	

Councilman McIntyre moved to approve the appointment of Kelly Burdge. The motion was seconded by Council President Nelson and approved by unanimous voice vote.

**C. RESOLUTION NO. REG 01/06/2015-04: AWARD OF PROFESSIONAL SERVICE AND MAINTENANCE CONTRACT FOR 2015**

**WHEREAS**, the award of contracts for professional services and maintenance of Borough facilities, equipment and personnel obligations, enumerated in this resolution, is necessary and in the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.
2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<b><u>POSITION</u></b>	<b><u>NAME</u></b>	<b><u>CONTRACT AMOUNT</u></b>	<b><u>BUSINESS NAME</u></b>
Prosecutor	Kim A. Pascarella, Esq	\$100-150 /Hr+Misc Exp	Kim A. Pascarella, Esq, Attorney-at-Law

Councilman McIntyre moved to approve the appointment of Prosecutor Kim A. Pascarella. The motion was seconded by Councilman President Nelson and approved by unanimous voice vote.

**D. RESOLUTION NO. REG 01/06/2015-05: APPROVAL OF MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2015**

**WHEREAS**, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution is necessary and in the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk’s office during regular business hours.

<u>SERVICE</u> <u>AMOUNT</u>	<u>PROVIDER</u>	<u>CONTRACT</u>
Police Dept. Trailer Facilities Deposit	Nadler Mobile,LLC	11/29/14-11/28/15, \$875/Mo+\$1,750 Security

Councilman McIntyre moved to approve the Service Contract for Nadler Mobile. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

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

**A. RESOLUTION NO. REG 01/06/2015-06: ADOPTION OF APPROPRIATION RESERVE TRANSFER #1**

**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>
Legal	OE	\$20,000.00	
Engineering	OE	10,000.00	
Police	OE	20,000.00	
Beach	OE	10,000.00	

Road Repair	OE	2,000.00	
Electricity	OE	2,500.00	
Telephone	OE	500.00	
Natural Gas	OE	1,000.00	
Social Security	OE		\$4,000.00
PERS	OE		5,000.00
PFRS	OE		11,000.00
Municipal Clerk	SW		4,000.00
Tax Collector	SW		3,000.00
Construction	SW		10,000.00
Construction	OE		4,000.00
Liability	OE		10,000.00
Workers Comp	OE		2,600.00
Group Insurance	OE		12,400.00
Total		\$66,000.00	\$66,000.00

**B. RESOLUTION NO. REG 01/06/2015-07: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2014 municipal budget as of November 30, 2014; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2014 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
<b>2014 Temporary Budget</b>		7,555,401.96	6,683,659.54	199,180.39	672,562.03
<b>2013 Appropriation Reserve</b>	5,671,304.96	405,798.24	152,503.23	219.33	253,075.68
<b>2012 Emergency Appropriations</b>					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Subtotal Sandy Emergency		1,371,644.74	276,123.52	48,144.74	1,047,376.48
<b>Capital</b>		2,014,353.92	323,535.06	0.00	1,690,818.86

**C. RESOLUTION NO. REG 01/06/2015-08: PAYMENT OF BILLS FOR THE MONTH OF JANUARY 2015**

WHEREAS, the Municipal Finance Officer presented a list of bills in the total Amount of \$ 231,992.71 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.

**D. RESOLUTION NO. REG 01/06/2015-09: AWARD OF CONTRACTS FOR 2015 PROFESSIONAL SERVICES**

**WHEREAS**, the Borough of Mantoloking has a need to acquire Professional Services as traditional contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 (as appropriate); and

**WHEREAS**, Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and,

**WHEREAS**, the anticipated term of the contracts is one (1) year; and

**WHEREAS**, the following have submitted proposals by January 6, 2015 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Attorney	Edwin J. O'Malley, Jr., Esq	\$145-225 /Hr. +Misc Exp	O'Malley, Surman & Micheline
Auditor	Robert S. Oliwa, R.M.A.	\$24,000+\$30-115/Hr.+ Misc. Exp.	Oliwa and Company, CPA
Bond Counsel	Matthew Jessup	\$180-325/Hr. General Services, Bond Ordinance \$600.00	McManimon, Scotland & Baumann

Note Sales: For services rendered in connection with each note sale, a fee equal to the hourly rates reflected in paragraph 7 below, with a minimum fee of \$.50 per thousand dollars of notes issued up to \$15,000,000 of notes issued and \$.40 per \$1,000 of notes in excess of \$15,000,000. If more than one series of notes are issued, there will be an additional charge of \$500 for each such additional series

Bond Sales: For services rendered in connection with each bond sale, a fee of \$3,500, plus \$1.00 per thousand dollars of bonds issued for the first \$15,000,000 of bonds issued and \$.75 per thousand dollars of bonds issued in excess of \$15,000,000. If there is more than 1 series of bonds issued, there will be an additional charge of \$1,000 for each such additional series.

Refunding Bond Issue: In the event of a refunding bond issue consistent with the provisions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be an additional fee of \$5,000 for each refunded issue.

Arbitrage Compliance: For services rendered in connection with arbitrage compliance and related tax analysis, a fee of

\$250.

Credit Enhancement: In the event that a letter of credit, bond insurance, or similar credit enhancement facility is used in connection with either a bond or note issue, an additional fee of \$1,000 will be charged.

Hourly Fees: Services rendered on an hourly basis, including preparation of an application to and an appearance before the Local Finance Board, attendance at meetings, litigation, continuing disclosure undertakings and preliminary and final official statement or other offering or disclosure document work, will be billed at the blended hourly rate of \$215 per hour for attorneys and \$135 per hour for legal assistants.

Out of Pocket Expenses: Reasonable and customary out of pocket expenses and other charges, including but not limited to, photocopying, express delivery charges, travel expenses, telecommunications, telecopy, filing fees, computer-assisted research, book binding, messenger service or other costs advanced on behalf of the Client, shall be added to the fees referred to herein.

And, **WHEREAS**, as may be applicable pursuant to N.J.S.A. 19:44-A-20.4, et seq. obligates the professional contractors to certify that they have not made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Business Entity Disclosure Certification shall be executed prior to execution of the professional services contract, and

**WHEREAS**, a Certificates of Availability of Funds issued by the Chief Financial Officer has been submitted pursuant to N.J.A.C. 5:30-5.4.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Mantoloking authorize the Mayor to enter into the contracts with the professional contractors as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. And,

**BE IT FURTHER RESOLVED** that notice of this action is published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

**E. RESOLUTION NO. REG 01/06/2015-10: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2015**

**WHEREAS**, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution is necessary and in the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED**, by the Mayor and Council of the Borough of Mantoloking as follows:

The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts

are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk’s office during regular business hours.

**SERVICE                      CONTRACT AMOUNT                      BUSINESS NAME**

Computer Software Maint. \$7,829/Annual+\$150/Hr Misc Serv      Edmunds & Associates, Inc.

**F. RESOLUTION NO. REG 01/06/2015-11: OFFICIAL PERSONNEL DESIGNATION**

**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	Notes
Beverley Konopada	Acting Borough Clerk Assessment Search Officer Public Agency Compliance Officer-PACO Insurance Commissioner Records Project Manager-DARM Contract Administrator for Solid Waste Local Registrar of Vital Statistics <b>Effective</b> January 1, 2015	\$54,000.00	

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

**A. RESOLUTION NO. REG 01/06/2015-12: AWARD OF CONTRACTS FOR 2015 PROFESSIONAL SERVICES**

**WHEREAS**, the Borough of Mantoloking has a need to acquire Professional Services as traditional contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 (as appropriate); and,

**WHEREAS**, Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and,

**WHEREAS**, the anticipated term of the contracts is one (1) year; and

**WHEREAS**, the following have submitted proposals by January 6, 2015 indicating they will provide their listed services:

<b><u>POSITION</u></b>	<b><u>OFFICIAL</u></b>	<b><u>CONTRACT AMOUNT</u></b>	<b><u>BUSINESS NAME</u></b>
Borough Engineer Stormwater Program Coordinator Ocean County Block Grant Program Representative	Lawrence Plevier P.E.	\$48- \$200/Hour + Misc Exp	Hatch, Mott, MacDonald
Assistant Engineer Municipal Planner Dune Inspector Flood Plain Manager Community Rating System Coordinator	Robert Mainberger, P.E	\$48 -\$200/Hour + Misc Exp	Hatch, Mott, MacDonald
			And



**WHEREAS**, as may be applicable pursuant to N.J.S.A. 19:44-A-20.4, et seq. obligates the professional contractors to certify that they have not made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Business Entity Disclosure Certification shall be executed prior to execution of the professional services contract, and

**WHEREAS**, a Certificates of Availability of Funds issued by the Chief Financial Officer has been submitted pursuant to N.J.A.C. 5:30-5.4.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Mantoloking authorize the Mayor to enter into the contracts with the professional contractors as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. And,

**BE IT FURTHER RESOLVED** that notice of this action is published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

**B. RESOLUTION NO. REG 01/06/2015-13: AWARD OF MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2015**

**WHEREAS**, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution is necessary and in the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.

<u>SERVICE</u>	<u>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
Construction Official Computer Software Annual	Mitchell Humphrey & Co.	\$2,205.00

11. **DUNE & BEACH RENOURISHMENT COMMITTEE**, Councilman Strohm stated no reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program moved the following resolution. The motion was seconded by Council President Nelson and approved by unanimous voice vote.

**A. RESOLUTION NO. REG 01/06/2015-14: AWARD OF OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2015**

**WHEREAS**, the award of contracts for professional services and maintenance of Borough facilities, equipment and personnel obligations, enumerated in this resolution, is necessary and in

the public interest to provide for the efficient operation of the Borough; and

**WHEREAS**, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.

2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>POSITION</u>	<u>NAME</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS NAME</u>
Dune Consultant Coastal Res. Ctr.	Dr. Stewart Farrell	Monitor Beaches: (Not to exceed) \$21,695.66/Ann.; Meetings: \$1,370.49/Meet; Requested Special Services: \$6,999.45	Stockton College

12. **MUNICIPAL SERVICES COMMITTEE**, Councilman Laymon stated there were no reports of the Municipal Services Committee.

13. **MANTOLOKING COMMITTEE**, Councilman Chris Nelson stated there were no reports of the Mantoloking Committee.

14. **MAYOR AND COUNCIL COMMENTS:**  
None

15. **PUBLIC COMMENTS PERIOD:**  
Comments were made regarding:  
V zone appeal  
Beach Renourishment Project  
Dune system concerns  
Public access ways and parking requirements  
Abandoned Property  
Beach access  
Easement transfers with new homeowners

16. **NEXT MEETING:**  
Regular Council Meeting, Tuesday, February 10, 2015 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

17. **ADJOURNMENT:** There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Council President Nelson and approved by unanimous voice vote at 6:32

Respectfully submitted,

Beverley A. Konopada  
Acting Borough Clerk

