

DRAFT # 1 11/17/2015

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

MINUTES – REGULAR BUSINESS MEETING

November 17, 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 5:30 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 Steve Gillingham, Alan Laymon, Robert S. McIntyre, Chris Nelson, Peter R. Strohm

Absent: None

Also Present: Beverley A. Konopada, Acting Borough Clerk, Edwin J. O'Malley, Jr., Borough Attorney, Matthew Jessup, McManimon, Scotland & Bauman, Dave Thomas, Phoenix Advisors

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.

Comment on the Executive Session.

Letter was read from the Republican Committee

Police Labor Contract

Council was commended for passing a resolution on Coastal A Zone

Mayor advised the Public hearing and final adoption of Bond Ord. # 653 and Land Use Ord. # 652 will not be held tonight. The public hearing and final adoption will be December 15th at 5:30.

6. **RESOLUTON NO. 11/17/2015-01: MINUTES OF PREVIOUS MEETINGS:**

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

Regular Council Meeting October 20, 2015

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

A. **RESOLUTION NO. 11/17/2015-02: PAYMENT NO. 9 – HERBERT STREET PUMP STATION RECONSTRUCTION (CONTRACT 2014-04)**

WHEREAS, the Borough has entered into a Contract with JEV Construction, LLC. (Contract 2014-04) to provide Herbert Street Pump Station Reconstruction; and

WHEREAS, the Contractor has submitted Payment Application No.9 in the sum of \$14,520.08 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No. 9 be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment.

B. **RESOLUTION NO. 11/17/2015-03 : APPROVAL OF CHANGE ORDER NO. 9 AND FINAL PAYMENT ON EMERGENCY BY-PASS PUMPING SYSTEM MUNICIPAL MAINTENANCE CO. “CONTRACTOR”**

WHEREAS, Contractor has requested approval of Change Order No. 9 for adjustment of Contract quantities (deduction) and time period extension; and

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

WHEREAS, Contractor has requested release of retainage and final payment, under Application No. 26 – Final, in the sum of \$17,440.13; and

WHEREAS, Contractor has submitted all certifications required under the Contract; and

WHEREAS, Hatch Mott MacDonald has recommended approval of Contractor’s request.

IT IS NOW, THEREFORE, this 17th day of November, 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 \$17,440.13 to Municipal Maintenance Co.

8. **PUBLIC SAFETY COMMITTEE:** Councilman McIntyre 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 Strohm and approved by unanimous voice vote.

A. RESOLUTION NO. 11/17/2015-04: APPROVAL TO RELEASE VACATION TIME FOR BOROUGH POLICE OFFICER GREGORY POPACA

WHEREAS, Gregory Popaca, Borough Police Officer, has accrued vacation time, and has requested payment for 70.00 hours of said vacation hours, and;

WHEREAS, it is the desire of Mayor and Council to now pay Police Officer Popaca for these benefits in lieu of the continued accrual thereof; and

WHEREAS, funds are available for this purpose, the Mayor and Council authorize the Chief Financial Officer to pay these 70.0 hours of accrued vacation time at the hourly rate of \$37.85 for a total payment of \$2,649.50;

IT IS NOW, THEREFORE, this 17th day of November, 2015, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That Borough Police Officer shall, forthwith, be compensated for his accrued vacation time, 70.0 hours at the gross rate of \$37.85 per hour for a total payment of \$2,649.50.
2. As of the date of the adoption of this resolution and following payment recited above, the remaining vacation time available to Borough Police Officer Popaca is 0.00 hours.

B. RESOLUTION NO. 11/17/2015/05: APPROVAL TO RELEASE VACATION TIME FOR BOROUGH POLICE CHIEF

WHEREAS, Stacy Ferris, Borough Police Chief, has accrued vacation time, and has requested payment for 80.00 hours of said vacation hours, and;

WHEREAS, it is the desire of Mayor and Council to now pay Police Chief Ferris for these benefits in lieu of the continued accrual thereof; and

WHEREAS, funds are available for this purpose, the Mayor and Council authorize the Chief Financial Officer to pay these 80.0 hours of accrued vacation time at the hourly rate of \$67.31 for a total payment of \$5,384.80;

IT IS NOW, THEREFORE, this 17th day of November, 2015, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That Borough Police Chief shall, forthwith, be compensated for her accrued vacation time, 80.0 hours at the gross rate of \$67.31 per hour for a total payment of \$5,384.80.
2. As of the date of the adoption of this resolution and following payment recited above, the remaining vacation time available to Borough Police Chief Ferris is 66.00 hours.

C. RESOLUTION NO. 11/17/2015-06: CONFIRMING PERMANENT APPOINTMENT OF STACY S. FERRIS, AS CHIEF OF THE MANTOLOKING POLICE DEPARTMENT

WHEREAS, on November 25, 2014, Stacy S. Ferris (“Ferris”) was appointed Chief of the Mantoloking Police Department subject to a one-year probationary term; and

WHEREAS, Ferris’ performance of the duties of her office has been regularly monitored and evaluated by a Police Administration Consultant, Raymond J Hayducka, Jr. with favorable endorsement; and

WHEREAS, the Public Safety Committee has recommended the unconditional appointment of Ferris as Chief.

IT IS NOW, THEREFORE, this 17th day of November, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. Stacy S. Ferris has performed all of the duties of the Office of Chief in a professionally competent and responsible manner.
2. Accordingly, the appointment of Stacy S. Ferris as Chief of the Mantoloking Police Department is hereby unconditionally confirmed and restated, with immediate effect. The probationary term shall be deemed satisfactorily completed upon adoption of this Resolution.
3. This permanent appointment relates back to November 25, 2014, for all purposes to the same effect as if the initial appointment was unconditional.

9. DUNE & BEACH RENOURISHMENT COMMITTEE: Councilman Strohm moved the following resolution. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

A. RESOLUTION NO. 11/17/2015-07: REQUESTING THAT THE NEW REQUIREMENTS FOR THE COASTAL A ZONES BE ROLLED BACK

WHEREAS, Super Storm Sandy struck the State of New Jersey, inflicting unprecedented damage throughout the State and causing catastrophic flooding and damage to communities across the State, including the Borough of Mantoloking; and

WHEREAS, as a result of the disaster, the Federal Emergency Management Agency ("FEMA") released Base Flood Elevations (BFE) to aid communities in rebuilding; and

WHEREAS, FEMA has recognized areas between the Zone VE and the Limit of Moderate Wave Action ("LimWA") referred to as the Coastal *A* Zone may be subject to flood hazards associated with floating debris and high velocity water flow, which can cause damage to the structure over time; and

WHEREAS, the Coastal *A* Zone designation by itself did not affect building standards or flood insurance premiums, however, the State's adoption of the Uniform Construction Code, with building standards for the Coastal *A* Zone does; and

WHEREAS, these new building standards require structures in the Coastal *A* Zone be built to V Zone standards; and

WHEREAS, homeowners have relied on the BFEs and have built or rebuilt according to those maps are now facing higher flood insurance rates due to their failure to meet the V Zone criteria imposed by the UCC; and

WHEREAS, these homeowners should not be penalized by the State's decision to impose new requirements, as doing so would be patently unfair; and

WHEREAS, due to the projected thousands of individuals who will be affected unfairly by the State's imposition of V Zone regulations for Coastal A Zones, the Mayor and Council of the Borough of Mantoloking requests that the State roll back its current regulations and not impose these regulations against those in the Coastal A Zone.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

1. That the Mayor and Council requests that the State roll back its current regulations and not impose these regulations against those in the Coastal A Zone.
2. That upon the adoption of this resolution, the Borough Clerk is authorized and directed to forward a certified copy of said resolution to the Governor of the State of New Jersey, New Jersey Senate President, New Jersey Assembly Speaker, Commissioner of Department of Community Affairs, Ocean County Freeholders, New Jersey mayors of Coastal communities, and the 3rd, 9th and 10th Legislative Districts.

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. 11/17/2015-08: 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 September 30, 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		5,703,783.23	3,409,056.24	93,777.99	2,200,949.00
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	194,807.62	8,376.32	827,212.15
Capital		2,983,422.37	1,498,539.30	0.00	1,484,883.07

B. RESOLUTION NO. 11/17/2015-09: PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER 2015

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$ 282,117.91 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. 11/17/2015-10: TRANSFERING CURRENT YEAR APPROPRIATIONS #1-2015

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 2015 Municipal Budget:

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Liability Insurance	OE	\$ 1,000.00	
Ocean County Utilities Authority	OE	4,900.00	
Finance	OE	2,000.00	
Municipal Clerk	OE	2,000.00	
Audit	OE		\$ 3,000.00
Municipal Clerk	SW		4,500.00
Tax Collector	SW		2,400.00
Total		\$ 9,900.00	\$ 9,900.00

D. RESOLUTION NO. 11/17/2015-11: APPOINTMENT OF PERSONNEL

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

Name	Position	Effective Date	Salary
Barbara Kovach-Falco Herget	Administrative Assistant to Finance and Tax Office	November 16, 2015	\$42,000.00

E. PUBLIC HEARING: Mayor advised that the Public hearing and final adoption of Bond Ord. # 653 will be postponed.

Councilman Gillingham moved the following resolution. The motion was seconded by Councilman Strohm

and approved by unanimous voice vote.

RESOLUTION NO. 11/17/2015-12 : TO POSTPONE THE PUBLIC HEARING AND ADOPTION OF BOND ORDINANCE # 653 FOR CONSTRUCTION OF MUNICIPAL BUILDING

BOND ORDINANCE NO. 653

PROVIDING FOR CONSTRUCTION OF A MUNICIPAL BUILDING IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$5,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,879,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$5,500,000, including (i) \$395,985.00 from the Borough reserve for judgments, (ii) \$139,299.09, representing the Reappropriation Amount (as defined in Section 4 hereof), (iii) \$1,100,000.00 in Federal Emergency Management Agency reimbursements and/or insurance proceeds and (iv) \$1,085,715.91 as the down payment required by the Local Bond Law (including \$1,085,352.15 from the Borough reserve for beach replenishment within the Borough Capital Fund). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,879,000

pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of a municipal building, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. It is hereby determined that \$139,299.09 (the "Reappropriation Amount") originally made available pursuant to the following bond ordinances of the Borough are no longer necessary for the various purposes for which such amount was previously appropriated and authorized:

<u>Bond Ordinance Number</u>	<u>Improvement Description</u>	<u>Amount to be Reappropriated</u>
218	Back Bay Flap Valve Program	\$ 66.73
534	Borough Yard Garage construction	65,980.91
551	Evaluation of sewer force main	12,462.94
566	Solar panels in Municipal Building	16,883.20
569	Sanitary sewer repairs	2,651.85
582	Evaluation of sewer force main	2,298.33
583	Storm sewer investigation	4,778.18
585	Flap Valve Program	11,000.00
597	Firehouse apron	632.45
599	Flap Valve Program	936.75
600	ADA walkway #4 construction	16,517.65
601	Emergency management radios	1,490.10
611	ADA walkway #4 improvements	<u>3,600.00</u>
Total:		\$139,299.09

As set forth in Section 1 hereof, the Reappropriation Amount is hereby reappropriated for the improvement described in Section 3(a) hereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year

from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and

filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,879,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 8. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 9. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the

undertaking.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law

13. MAYOR AND COUNCIL COMMENTS

Councilman Chris Nelson presentation -update on post Sandy
Matt Jessup-McManimon, Scotland & Bauman - Bond Ordinance Financing
Dave Thomas-Phoenix Advisors - Bond Rating and Interest Rates

14. PUBLIC COMMENT PERIOD

Concerns regarding new Borough Hall- size, cost, building requirements, aesthetics
Beach Replenishment
Compensation for holding meetings at Mantoloking Yacht Club

15. EXECUTIVE SESSION

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

Councilman Gillingham motioned to go into closed session at 7:30 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.

16. OPEN SESSION

Council President Nelson motioned to go back into open session as required. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote at 8:06 p.m.

17. NEXT MEETING –

Regular Council Meeting, December 15, 2015 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 Councilwoman Nelson to adjourn. The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 8:06 p.m.

Respectfully submitted,

Beverley A. Konopada,
Acting Borough Clerk