

DRAFT # 1 12/17/2014

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

MINUTES – REGULAR BUSINESS MEETING

December 16, 2014
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 Steve Gillingham, Councilmen Chris Nelson, Robert S. McIntyre, Peter R. Strohm, Councilwoman Ann Elizabeth Nelson, Councilman James J. Brown

Absent: None

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

4. **PLEDGE OF ALLEGIANCE** Mayor George C. Nebel lead 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 made

6. **MINUTES OF PREVIOUS MEETINGS:**

Deferred approval of minutes for Regular Meeting November 25, 2014 until January 6, 2015

COMMITTEE REPORTS AND RECOMMENDATIONS

7. **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 resolution. The motion was seconded by Councilman Christopher Nelson and approved by unanimous voice vote.

A. **RESOLUTION NO. 12/16/2014-01: APPROVAL OF TIME EXTENSION FOR NEGOTIATION OF EMPLOYMENT CONTRACT**

WHEREAS, the Borough and Chief Stacy S. Ferris have not completed contractual negotiations; and **WHEREAS**, Stacy S. Ferris has agreed to waive the completion period established by Resolution on November 25, 2014.

IT IS NOW, THEREFORE, this 16th day of December, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The time limitation established for execution of an Employment Contract is, by mutual consent, waived;
2. The Contract shall be finalized by February 10, 2015, with retroactive effect as of January 1, 2015.

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

A. **RESOLUTION NO. 12/16/2014-02: 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 October, 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>
2014 Temporary Budget		7,555,401.96	6,293,493.22	207,937.49	1,053,971.25
2013 Appropriation Reserve	5,671,304.96	405,798.24	152,503.23	219.33	253,075.68
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		1,371,644.74	288,141.31	40,916.84	1,042,586.59
Capital		2,014,353.92	323,535.06	0.00	1,690,818.86

B. **RESOLUTION NO. 12/16/2014-03: PAYMENT OF BILLS FOR THE MONTH OF DECEMBER 2014**

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$322,901.23 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. 12/16/2014-04: APPROVAL OF REFUND OF ESCROW FEES

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following escrow account which has been completed,

WHEREAS, the Borough Engineer and Zoning Officer has been consulted and confer that the following account is completed as far as they are concerned and

WHEREAS, the balance left on the account is due back to the escrow applicant

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Council of the Borough of Mantoloking authorize the Chief Financial Officer to refund the following escrow balance:

<u>Escrow Applicant</u>	<u>Amount</u>
Walter Bray 1216 Ocean Avenue Mantoloking, NJ 08738 RE: 1216 Ocean Avenue	\$973.00

D. RESOLUTION NO. 12/16/2014-05: TRANSFER OF CURRENT YEAR APPROPRIATIONS #2-2014

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 2014 Appropriation exists; and

WHEREAS, it is recommended that these budget transfers be made in the 2014 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2014 Municipal Budget:

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Engineering	OE	\$18,750.00	
Legal	OE	20,000.00	
Municipal Clerk	OE	750.00	
Finance	SW	5,000.00	
Police	SW	60,000.00	
Road Repair	SW	12,000.00	
Planning Board	SW	6,000.00	
Municipal Clerk	SW		\$20,000.00
Audit	OE		2,000.00
Sub-Code Plumbing	SW		4,000.00
Sub-Code Electrical	SW		3,000.00
Group Insurance	OE		35,000.00
Building & Grounds	OE		7,500.00
Garbage	OE		35,000.00
Gasoline	OE		8,000.00
Planning Board	OE		3,000.00
Construction	SW		5,000.00
Total		\$122,500.00	\$122,500.00

E. RESOLUTION NO. 12/16/214-06: APPROVAL OF A ONE HUNDRED DOLLAR DONATION TO THE JERSEY SHORE ANIMAL CENTER, BRICK, NEW JERSEY

WHEREAS, the Borough of Mantoloking’s animal control provider is Jersey Shore Animal Center, 185 Brick Boulevard, Brick, New Jersey; and

WHEREAS, there is an urgent need to provide for animal services for the year 2014; and

WHEREAS, the Mayor and Council would like to authorize the donation of \$100.00 to Jersey Shore Animal Center to assist in providing the necessary animal services for the year 2014;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking to authorize the donation of \$100.00 to Jersey Shore Animal Center.

- 8. PUBLIC WORKS COMMITTEE**, Councilwoman Nelson presented reports from Public Work Superintendent, Construction Official, and Land Use Officer and moved the following (5) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. RESOLUTION NO. 12/16/2014 -07: APPROVAL OF CHANGE ORDER REQUEST FOR THE EMERGENCY TEMPORARY BYPASS PUMPING SYSTEM, CONTRACT NO. 2013-1, CHANGE ORDER NO. 5

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-1) to provide an Emergency Bypass Pumping System; and

WHEREAS, due to the need for extending the Contract time period an additional six (6) months, Municipal Maintenance Company has submitted Change Order No. 5.

WHEREAS, it is deemed to be in the public interest to accept Change Order No. 5; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated December 10, 2014, recommended the execution of Change Order No. 5 which added \$38,350.00 to the total cost of the project which is now \$232,750.00.

IT IS NOW, THEREFORE, this 16th day of December, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 5, is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

B. RESOLUTION NO. 12/16/2014-08: PAYMENT NO. 21– EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-01)

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-01) to provide Emergency Bypass Pumping System; and

WHEREAS, the Contractor has submitted Payment Application No.21, in the sum of \$ 10,118.50 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No.21 be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment of the claim.

C. RESOLUTION NO. 12/16/2014-09: PAYMENT ESTIMATE# 1 SIDEWALK REPLACEMENTS PROJECT (CONTRACT # 2014-3)

WHEREAS, the Borough has entered into a Contract with Totoro Concrete. (Contract No. 2014-3), to compensate the contractor for mobilization, replacement of curbs, and replacement of sidewalks and driveway aprons; and

WHEREAS, the Contractor has submitted Payment Application No.1 in the sum of \$40,410.30; and

WHEREAS, it is deemed to be in the public interest to accept Payment Application No. 1; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated December 11, 2014, (attached) recommended Payment Application No. 1 be paid.

IT IS NOW, THEREFORE, this 16th day of December, 2014,

RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 1 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

D. RESOLUTION NO. 12/16/2014-10: APPROVAL OF AWARD FOR THE HERBERT STREET PUMP STATION RECONSTRUCTION PROJECT - CONTRACT NO. 2014-4 TO JEV CONSTRUCTION, LLC

WHEREAS, in response to duly advertised request for bids, seven (7) bids were submitted which have been reviewed by the Borough Engineer for technical compliance; and

WHEREAS, the Engineer has recommended award of the contract to JEV Construction, LLC, in the amount of 722,860.00; and

WHEREAS, the required submittals have been reviewed by counsel and found to be in compliance with bid specifications; and

WHEREAS, A Certificate of Funds Availability has been provided.

IT IS NOW, THEREFORE, this 16th day of December, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Contract 2014-4 for the Herbert Street Pump Station Reconstruction is awarded to JEV Construction, LLC, as the lowest responsive responsible bidder at a total bid price of \$722,860.00;
2. This award is subject to the contractor's timely compliance with post-award conditions, as approved by counsel;
3. The Mayor and Clerk are authorized to execute the Contract upon satisfaction of post award requirements;

Company Name & Address		Total Bid
1	JEV CONSTRUCTION LLC 1040 Potter Avenue, P.O. Box 4025 Union, NJ 07083	\$722,860.00
2	MONTANA CONSTRUCTION INC. 80 Contant Avenue Lodi, NJ 07644	\$860,000.00
3	MBE MARK III ELECTRIC INC. 213 Main Street Madison, NJ 07940	\$899,983.00

4	ALLIED CONSTRUCTION GROUP, INC. 499 Washington Road Parlin, NJ 08859	\$936,800.00
5	COPPOLA SERVICES, INC. 28 Executive Parkway Ringwood, NJ 07456	\$1,024,000.00
6	WORTH & COMPANY, INC. 6263 Kellers Church Road Pipersville, PA 18947	\$1,234,000.00
7	DMR CONSTRUCTION SERVICES, INC. 160 Hopper Avenue Waldwick, NJ 07463	\$1,560,000.00

E. RESOLUTION NO. 12/16/2014-11: 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	Notes
Stephen Grenley	Electrical Subcode/Inspector Part-Time Effective Date: 12/9/2014	\$35.00 per hour	\$35.00 up to 4 hours per week *additional compensation up to 8 hours per week as needed

- 10. **DUNE & BEACH RENOURISHMENT COMMITTEE**, Councilman Strohm stated no reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program. No action item.
- 11. **MUNICIPAL SERVICES COMMITTEE**, Councilman Brown stated no report of the Municipal Services Committee. No action item.
- 12. **MANTOLOKING COMMITTEE**, Councilman Chris Nelson state no report of the Mantoloking Committee and moved the following resolution. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. RESOLUTION NO. 12/16/2014-12: PROVIDING FOR ENGAGEMENT OF CERTIFIED RECYCLING PROFESSIONAL SERVICES

WHEREAS, the Borough is required to comply with the provisions of the Recycling Enhancement Act, which mandates, among other provisions, that documentation must be submitted by a Certified Recycling Professional; and
WHEREAS, Jude Walker, a Certified Recycling Professional, will provide services in conjunction with reporting requirements; quarter-annually, annually and amendments; and
WHEREAS, his annual compensation, \$1,750.00, shall be paid in quarter-annual installments; and
WHEREAS, the engagement is for professional services and is awarded without competitive bidding; and

IT IS NOW, THEREFORE, this 16th day of December, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Jude Walker, a New Jersey Certified Recycling Professional, is hereby engaged to provide a limited scope of services in conjunction with preparation and execution of four (4) quarterly reports, the annual report and amendments thereof.
2. This engagement shall be effective upon mutual execution of a Contract approved by Borough counsel as to form and the filing of a Certificate of Funds Availability.

REPORT ON THE STATUS OF SOLID WASTE BID SPECIFICATIONS

Bid specifications are being reviewed

13. MAYOR AND COUNCIL COMMENTS

Councilwoman Ann Elizabeth Nelson provided a status update on the Borough Hall project. It is anticipated the project will go out to bid late January and break ground in March.

14. PUBLIC COMMENT PERIOD

One comment was made regarding the Beach Replenishment Project

15. NEXT MEETING –

Re-Organization Meeting, Tuesday, January 6, 2015 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

Regular Council Meeting, Tuesday, January 6, 2015 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 Councilwomen Ann Elizabeth Nelson to adjourn. The motion was seconded by Council President Steve Gillingham and approved by unanimous voice vote at 5:40 p.m.

Respectfully submitted,

Beverley A. Konopada
Acting Borough Clerk

