

DRAFT NO. 1 – 12/21/2016

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

**MINUTES – REGULAR BUSINESS MEETING**

**December 20, 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 Chris Nelson  
Councilman Alan Laymon  
Councilman E. Laurence White

**Absent:**

None

**Also Present:**

Beverly A. Konopada, Borough Clerk, Edwin J. O’Malley, Jr. Borough Attorney, Matt Jessup, McManimon, Scotland and Baumann

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.
5. **RESOLUTION NO. 12/20/2016-01: MINUTES OF PREVIOUS MEETINGS**

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

Regular Council Meeting, November 22, 2016

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

**PRESENTATION:** by Matthew D. Jessup, Esq. - Police Contract – Presentation will be filed with

meeting minutes.

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

Remove Item 7 from Resolution 11 A

Questions regarding police contract- Step increases, Holiday Pay, Longevity, Road Job Rate, arbitration

7. **PUBLIC SAFETY COMMITTEE,** Councilwoman Nelson presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management.

Councilwoman Nelson moved to approve the following resolution. The motion was seconded by Councilman Laymon and approved by roll call vote.

**A. RESOLUTION NO. 12/20/2016-02: APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE BOROUGH AND THE BOROUGH OF MANTOLOKING POLICE DEPARTMENT EMPLOYEES ASSOCIATION**

**WHEREAS**, the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough"), is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, the Borough and the Borough of Mantoloking Police Department Employees Association (the "Association") previously entered into a Collective Negotiations Agreement dated as of February 12, 2014 (the "Prior Agreement"); and

**WHEREAS**, the Prior Agreement expired on December 31, 2015; and

**WHEREAS**, the Borough and the Association have negotiated the terms of a successor Collective Negotiations Agreement covering the period beginning on January 1, 2016 and ending on December 31, 2018 (in the form attached hereto as **Exhibit A**, the "Proposed Agreement"); and

**WHEREAS**, the Proposed Agreement sets forth key terms between the Borough and the Association regarding compensation and other benefits for employees of the Association; and

**WHEREAS**, the Borough desires to authorize and execute the Proposed Agreement and implement its terms as set forth therein.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mantoloking, in the County of Ocean, New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough Council hereby approves the Proposed Agreement in the form attached hereto as **Exhibit A**, together with such additions, deletions and other modifications as recommended by counsel to the Borough prior to execution thereof, and hereby authorizes and directs the Mayor of the Borough to enter into and execute the Proposed Agreement. The Borough Clerk is hereby authorized and directed, upon execution of the Proposed Agreement by the Mayor, to attest to the signature of the Mayor and, if necessary, to affix the seal of the Borough to the Proposed Agreement.

3. If any part of this resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this resolution.
4. A copy of this resolution shall be available for public inspection at the offices of the Borough Clerk.
5. This Resolution shall take effect as provided by applicable law.

**ROLL CALL VOTE:**

**Ayes:** Council President Ann Elizabeth Nelson  
Councilman Alan Laymon  
Councilman Chris Nelson  
Councilman E. Laurence White

**Nays:** Councilman Steve Gillingham

**Absent:** None

Councilwoman Nelson moved to approve the following resolution. The motion was seconded by Councilman Laymon and approved by roll call vote.

**B. RESOLUTION NO. 12/20/2016-03: PROVIDING FOR PARTICIPATION IN THE ROUTE 35 SUMMER CORRIDOR TRAFFIC SIGNAL (TS) FLASH PROGRAM**

**WHEREAS**, the New Jersey Department of Transportation will provide for a seasonal flash operation of traffic control signals at the intersections of New Jersey Route 35, with Bergen Avenue, Lyman Street and Downer Avenue; and

**WHEREAS**, it is the desire of the Mayor and Council to endorse implementation of the Flash Program, from October 1<sup>st</sup> through April 30<sup>th</sup>, annually, in coordination with the seasonal speed limit adjustment.

**IT IS NOW, THEREFORE**, this 20th day of December, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The New Jersey Department of Transportation is hereby petitioned to implement the Flash Program in accordance with the recitals and findings expressed above.
2. The Mayor and Chief of Police are authorized and requested to execute and deliver to the New Jersey Department of Transportation all documents required by the New Jersey Department of Transportation to facilitate the purposes of this Resolution.

**ROLL CALL VOTE:**

**Ayes:** Council President Ann Elizabeth Nelson  
Councilman Steve Gillingham  
Councilman Alan Laymon  
Councilman Chris Nelson  
Councilman E. Laurence White

**Nays:** None

**Absent:** None

8. **PUBLIC WORKS COMMITTEE**, Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official, and Land Use Officer.

**NO RESOLUTIONS**

9. **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. 12/20/2016-04: 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 October 31, 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>
<b>2016 Adopted Budget</b>		5,794,080.20	4,817,995.11	113,478.53	862,606.56
<b>2015 Appropriation Reserve</b>	5,683,083.23	402,537.39	54,244.56	44,713.72	303,579.11
<b>2012 Emergency Appropriations</b>					
<b>Sandy Emergency #1</b>	2,000,000.00				
<b>Sandy Emergency #2</b>	2,000,000.00				
<b>Sandy Emergency #3</b>	3,100,000.00	834,812.90	178,199.26	5,818.00	650,795.64
<b>Subtotal Sandy Emergency</b>		834,812.90	178,199.26	5,818.00	650,795.64
<b>Capital</b>		8,212,309.40	1,157,186.51	0.00	7,055,122.89

**B. RESOLUTION NO. 12/20/2016-05 : PAYMENT OF BILLS**

**WHEREAS**, the municipal finance officer has presented

- A list of bills in the amount of \$270,641.72 with the recommendation they be paid, and
- A list of bills in the amount of \$214,807.88 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. 12/20/2016-06 : TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2016**

**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>
Finance	OE	\$10,000.00	
Auditing	OE	\$ 3,000.00	
Tax Collector	OE	\$ 500.00	
Tax Assessor	SW	\$ 500.00	
Engineering	OE	\$10,000.00	
Construction Official	SW	\$ 2,500.00	
Uniform Fire Official	SW	\$ 250.00	
Road Repair	SW	\$ 4,500.00	
Telephone	OE	\$ 1,000.00	
Fire Hydrants	OE	\$ 1,000.00	
Planning Board	SW		\$10,000.00
Planning Board	OE		\$10,000.00
Buildings & Grounds	OE		\$ 6,000.00
Electricity	OE		\$ 5,000.00
Gasoline	OE		\$ 2,250.00
<b>Total</b>		<b>\$ 33,250.00</b>	<b>\$ 33,250.00</b>

**D. RESOLUTION NO. 12/20/2016-07: RENEWAL OF MEMBERSHIP IN THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND**

**WHEREAS**, the Municipal Council of the Borough of Mantoloking (hereinafter the “Local Unit”) has determined that MEMBERSHIP IN THE New Jersey Intergovernmental Insurance Fund (hereinafter the “Fund) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), is in the best interest of the municipality.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Borough of Mantoloking in the County of Ocean in the State of New Jersey as follows:

**SECTION 1.** The Borough of Mantoloking hereby agrees to continue as a member in the “Fund” for a period commencing on 01/01/2017 and terminating on 12/31/2019 for the following types of insurance coverage:

- a) Workers Compensation and Employers Liability
- b) General Liability (including Police Professional & Public Officials Liability);
- c) Motor Vehicle and Equipment Liability Coverage;
- d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
- e) Environmental Impairment Liability
- f) Cyber Liability

**SECTION 2.** Local Unit agrees to enter into and abide by the terms of the Indemnity and Trust Agreement, attached hereto as Exhibit 1. Local Unit hereby authorizes and directs Borough of Mantoloking to execute the Indemnity and Trust Agreement and such other documents as are necessary to comply with the requirements if the Fund.

**SECTION 3.** The Bylaws of the New Jersey Intergovernmental Insurance Fund are hereby adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the “Fund” according to the rights and obligations set forth therein.

**SECTION 4.** The Local Unit certifies that it has never defaulted on claims under a self insurance plan and that it has not had its insurance canceled for non-payment of premium for a period of at least two (2) years prior to this application.

**SECTION 5. Inconsistent Resolutions.** All resolutions, or parts thereof that are or may be, inconsistent with provisions of this Resolution are hereby repealed to the extent of such inconsistency.

**SECTION 6. Severability.** If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Resolution shall be deemed valid and effective.

**SECTION 7. Effective Date.** This Resolution shall take effect upon its passage.

## INDEMNITY AND TRUST AGREEMENT

**AGREEMENT** made this \_\_\_\_\_ between the New Jersey Intergovernmental Insurance Fund, hereinafter referred to as the “Fund”, with an address c/o Polaris Galaxy Insurance, LLC., 777 Terrace Avenue, Hasbrouck Heights, New Jersey 07604 and the Borough of Mantoloking hereinafter referred to as “Local Unit”, located at 340 Drum Point Road, P.O. Box 4391, Brick, NJ 08723

**WHEREAS**, the Mayor and Council of the Borough of Mantoloking has adopted a Resolution dated \_\_\_\_\_, agreeing to continue its participation in the “Fund” and approving of the Bylaws, as approved by the Commissioner of the Department of Banking and Insurance and the Department of Community Affairs of the State of New Jersey.

**WHEREAS**, N.J.S.A. 40A:10-36 et seq, and the regulations implemented thereunder in N.J.A.C. 1:15-2.1 et seq, require a written agreement between the individual local units and the “Fund”.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants of the parties, they agree as follows:

1. “Local Unit” agrees to participate as a member of the “Fund: and contribute such sums and pay such assessments into the "Fund" that are required for the administrative costs and claims for the following types of coverage:

- a) Workers Compensation and Employers Liability Monoline

- b) General Liability (including Police Professional & Public Officials Liability);
  - c) Motor Vehicle and Equipment Liability Coverage;
  - d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
  - e) Environmental Impairment Liability
  - f) Cyber Liability
2. “Local Unit” affirms that it has not been in default on any insurance premium due any insurance carrier in the preceding two (2) years, or on any claim due under any self insurance.
  3. “Local Unit” hereby accepts the Bylaws of the “Fund” as approved by the Commissioner of the Department of Banking and Insurance and the Department of Community affairs of the State of New Jersey and agrees to be bound by same.
  4. “Local Unit” agrees to continue participation in the “Fund” to the extent designated in Paragraph 1 above for a period from **1/1/2017** until and including **12/31/2019**
  5. “Fund” agrees to operate the insurance pool established by the parties and administer all monies contributed to the “Fund” in compliance with the provisions of the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq), the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq), the enabling legislation authorizing the “Fund”,(N.J.S.A. 40A:10-36 et seq), the Bylaws of the “Fund”, and such other rules and regulations as govern the custody, investment and expenditures of public funds by local units. In furtherance thereof, “Fund” agrees to employ an individual duly certified as a Municipal Finance Officer to administer the funds of the “Fund”.
  6. “Local Unit” agrees to be jointly and severally liable for the assumption and discharge of the liabilities of each and every other member of the “Fund”, but only to the extent of its participation in the type of coverage specifically designated in Paragraph 1 above.
  7. To further the intent and purposes of Paragraph 5 above, “Fund” agrees that all assessment payments made by “Local Unit” shall be held in trust for the benefit of “Local Unit”. Separate trust accounts must be established by the “Fund” pursuant to N.J.S.A. 11:15-2.13. The monies from said fund shall be disbursed solely for the payment of claims, allocated claim expenses and excess insurance or reinsurance premiums for the risk or liability coverage which “Local Unit” has agreed to participate in pursuant to paragraph 1 above. The funds on deposit in one trust account for a specific type of coverage may not be expended, assessed or attached for use by the “Fund” for that “Local Unit” or any other “Local Unit’s” obligations or liabilities for any other type of coverage it may be participating in the “Fund”.
  8. “Local Unit” acknowledges that upon payment of its assessment into the trust account, it shall not have any further right to said funds except as deemed surplus and returnable by the “Fund” in accordance with the “Fund’s” Bylaws and regulations or in the event of termination of the “Fund” and then only to the extent authorized by its Bylaws and regulations of the State of New Jersey.
  9. “Local Unit” agrees that no later than ninety (90) days prior to the expiration of the term, they shall advise the Fund Administrator in writing of its intent to either renew or terminate its membership, the “Fund”, at its sole option, shall be entitled to assume that any member delinquent in its notice requirements under this section, shall have renewal membership.
  10. “Local Unit” agrees that if it fails to promptly pay any such assessment charged to it or to comply with the Bylaws and regulations of the “Fund”, that it shall indemnify the “Fund”, its officers, commissioners and Agencies for any loss or damage resulting from such failure.

11. This agreement shall be governed by the Laws of the State of New Jersey.

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_  
Borough of Mantoloking

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

New Jersey Intergovernmental Insurance Fund

**E. RESOLUTION NO. 12/20/2016-08: OFFICIAL PERSONNEL DESIGNATION**

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

<u>Name</u>	<u>Position</u>	<u>Salary</u>	<u>Effective Date</u>
Gary DalCorso	Tax Assessor	\$15,400.00 Annually	January 1, 2016

**F. RESOLUTION NO. 12/20/2016-09: AUTHORIZATION OF CANCELLATION OF \$200,000 FROM SPECIAL EMERGENCY RESOLUTION #'S 12/17/2012-06 IN THE AMOUNT OF \$2,000,000, 12/26/2013-09 IN THE AMOUNT OF \$2,000,000, 04/08/2013-01 IN THE AMOUNT OF \$3,100,000 FOR AN AGGREGATE OF \$7,100,000 IN SPECIAL EMERGENCY AUTHORIZATIONS**

**WHEREAS**, the Borough of Mantoloking adopted Resolution #12/17/2012-06 in the amount of \$2,000,000 on December 17, 2016, Resolution #02/26/2013-09 in the amount of \$2,000,000 on February 26, 2013 in the amount of \$2,000,000, and Resolution #04/08/2013-01 in the amount of \$3,100,000 on April 8, 2013 authorizing Special Emergency and Financing of same (N.J.S.A. 40A:4-54) in the aggregate amount of \$7,100,000 for hurricane damage arising from Superstorm Sandy; and **WHEREAS**, \$200,000 of the \$7,100,000 of the emergency appropriation is not needed.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby authorized the cancellation of \$200,000 from the Special Emergency Resolutions outlined above; and



**BE IT FURTHER RESOLVED**, that two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

- 10. DUNE & BEACH RENOURISHMENT COMMITTEE**: Councilman Nelson stated no reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.

Councilman Nelson updated the public on a rock revetment application within the borough. Eminent domain will proceed accordingly.

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

Councilman White motioned to approve the following resolution.. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

**A. RESOLUTION NO. 12/20/16-10: ADOPTING A POLICY GOVERNING THE USE OF ELECTRONIC COMMUNICATIONS (VOICE AND/OR VIDEO) FOR PARTICIPATION IN PUBLIC MEETINGS**

**WHEREAS**, The Open Public Meetings Act (OPMA) defines a meeting as “any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of the public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body.” N.J.S.A. 10:4-8(B) and;

**WHEREAS**, “communication equipment” may include electronic equipment including, but not limited to telephone, email, text message, social media, “Skype” or any other similar device, and;

**WHEREAS**, it is appropriate for the Borough of Mantoloking to adopt a policy regarding of the use of electronic communications, such as participation via telephone and/or video (skype) from a remote location when discussing or deliberating or voting upon municipal issues; and

**WHEREAS**, the Council recognizes there may be occasion(s) where an elected official may be unable to attend a meeting in person due to illness, family emergency, vacation, work related travel, etc. and that the business of the Borough must nevertheless be transacted.

**IT IS NOW, THEREFORE**, this 20th day of December, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, County of Ocean, New Jersey, that the following policy is hereby adopted and shall constitute the policy of the governing body of the Borough of Mantoloking governing participation in a public meeting remotely via electronic technology:

1. Every elected official shall make a reasonable effort to attend and participate in all public meetings in person unless excused in accordance with applicable statutes.
2. In the event an elected official cannot attend a public meeting due to illness, family emergency, vacation, work related travel, etc., he or she shall notify the Clerk with as much advance written notice as possible that he or she will be unable to attend a public meeting.
3. In the written notice an elected official shall advise if he or she desires and intends to participate in the public meeting remotely and shall provide contact information.
4. Upon receipt of such notice, the Clerk shall arrange for the required (telephone and video) equipment necessary for the remote participation of a requesting elected official during the upcoming public meeting.
5. The electronic equipment utilized shall enable all members of Council and the public present to hear and, as may be appropriate, to participate in the deliberative discussion and, depending upon the equipment then available to the Borough, to see the participants while Council is in session.
6. The minutes of all public meetings shall reflect the names of the elected officials, if any, who participated in the public meeting remotely.
7. Remote participation, by an elected official, shall be limited to two (2) occasions per calendar year. Remote participation in excess of two (2) times is subject to Council approval.

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

Councilman Laymon informed the public that the Beautification Committee will be meeting to determine which trees will be planted in the borough.

13. **MAYOR AND COUNCIL COMMENTS**

Councilwoman Nelson discussed the Borough Hall Project. There will be no interruption of electrical service when the wires are moved. Ground breaking should take place in early January.

14. **PUBLIC COMMENTS PERIOD**

The natural gas line  
Frozen pipes  
Keep your door locked at all times  
Passing of Mark Hawkings  
Stop sign at Downer and Berger while lights are fixed

15. **NEXT MEETING:**

Reorganization Meeting, Wednesday January 4, 2017 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 Councilwoman Nelson to adjourn. The motion was seconded by Councilman Laymon and approved by unanimous voice vote at 7:16 p.m.

Respectfully submitted,

Beverley A. Konopada, RMC  
Borough Clerk