

DRAFT NO. 1 – 02/17/2016

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING
FEBRUARY 16, 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 Steve Gillingham, Alan Laymon and Lance White

Absent: Mayor George C. Nebel, Councilman Chris Nelson, Councilman Peter Strohm

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

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.

Status of Mantoloking Beaches

Temporary Emergency Appropriations # 1

6. **RESOLUTION NO. 02/16/2016-01: MINUTES OF PREVIOUS MEETINGS**

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

Regular Council Meeting January 19, 2016

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

A. RESOLUTION NO. 02/16/2016-02: PROVIDING FOR APPROVAL OF 2016 OCEAN COUNTY SCHEDULE C AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF OCEAN

WHEREAS, the County of Ocean has offered to enter into a Contract with the Borough whereby the County will provide certain road maintenance and repair of municipal streets, together with materials and supplies; and

WHEREAS, the utilization of County services during the term of the proposed Agreement is optional and at the sole discretion of the Borough; and

WHEREAS, in accordance with the terms of the proposed Agreement, the Borough is obliged, pursuant to Article 2, to certify that sufficient funds are available in its current budget to cover the anticipated cost; and

WHEREAS, the form of Contract has been reviewed by counsel and is deemed appropriate upon the condition that the County will accept the Borough's insurance coverage in lieu of the indemnification clause, Article 7 (see copy of proposed Agreement annexed); and

WHEREAS, a Certificate of Funds Availability has been provided.

IT IS NOW, THEREFORE, this 16th day of February, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the Borough of Mantoloking shall enter into the proposed Schedule C Agreement for the period January 1, 2016 through December 31, 2016, subject to the acceptance by the County of the Borough's liability insurance in lieu of indemnification;
2. Further, that it is hereby certified that funds are available in the current budget to cover the anticipated cost, \$6,000.00. [Road Maintenance Supplies (Salt)],
3. The Council President and Borough Clerk are hereby authorized to execute and deliver the Agreement in accordance with this Resolution.
4. A true copy of the Agreement shall be available for public inspection in the Clerk's Office

B. RESOLUTION NO. 02/16/2016-03: APPOINTMENT OF PERSONNEL

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

Name	Position	Effective Date	Salary
John Helmstetter	Deputy Electrical Subcode Official	Immediately	\$35.00 hr.

C. RESOLUTION NO. 02/16/2016-04: AUTHORIZING PAYMENT FOR USE OF MANTOLOKING YACHT CLUB BUILDINGS FOR MEETINGS

WHEREAS, the Mantoloking Yacht Club has heretofore, post Sandy, permitted the use of its buildings for Borough meetings; and

WHEREAS, it is the desire of the Borough to provide compensation to the Yacht Club for this accommodation; and

WHEREAS, the Yacht Club has suggested that a fee of \$250.00, per month, is reasonable.

IT IS NOW, THEREFORE, this 16th day of February, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

The Borough shall pay to the Yacht Club the sum of \$250.00 each month commencing January, 2016;

1. The Borough shall pay to the Yacht Club the sum of \$250.00 each month commencing January, 2016;
2. Each use shall be subject to prior approval by the Yacht Club;
3. This arrangement shall constitute a revocable license subject to cancellation by the Yacht Club.
4. The Borough shall provide proof of liability insurance covering such use in such form as shall be accepted by the Yacht Club.
5. A Certificate of Funds Availability is on file.

D. RESOLUTION NO. 02/16/2016-05: PROVIDING FOR EXERCISE OF SIX (6) MONTH LEASE EXTENSION OPTION FOR RENTAL OF 340 DRUM POINT ROAD, BRICK, NEW JERSEY

WHEREAS, pursuant to the Lease dated November 15, 2012, modified by Lease Extension Agreement dated July, 2014, with Rajpriya, LLC., the Borough has the right to exercise a six (6) month extension for the period commencing May 1, 2016; and

WHEREAS, it is the desire of the Borough to exercise the six (6) month extension.

IT IS NOW, THEREFORE, this 16th day of February, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

- 1 The Borough shall and hereby does exercise the six (6) month extension commencing May 1, 2016;
2. All other provisions of the Lease dated November 15, 2012, modified by Lease Extension Agreement dated July, 2014, shall remain in full force and effect;
- 3 Notice of this exercise of Lease extension shall be provided forthwith to Rajpriya, LLC.

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

A. RESOLUTION NO. 02/16/2016-06: 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 December 31, 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>
2016 Temporary Budget	1,485,274.00				
2015 Current Yr Appropriation Adopted Budget		5,708,783.23	5,323,136.03	43,816.46	341,830.74
2014 Appropriation Reserve	7,555,401.96	638,758.25	285,929.89	29,932.92	322,895.44
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	192,703.19	0.00	837,692.90
Capital		2,983,422.37	1,637,941.90	0.00	1,345,480.47

B. RESOLUTION NO. 02/16/2016-07: PAYMENT OF BILLS FOR THE MONTH OF FEBRUARY 2016

WHEREAS, the Municipal Finance Officer presented a list of bills in the total Amount of \$ 1,894,091.45 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.

C. RESOLUTION NO. 02/16/2016-08: TO ADOPT APPROPRIATION RESERVE TRANSFER
#2

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>
Police	SW		\$29,500.00
Police	OE	\$29,500.00	
Municipal Clerk	SW		2,000.00
Municipal Clerk	OE	\$ 2,000.00	
Total		\$31,500.00	\$31,500.00

D. RESOLUTIO NO.02/16/2016-09: ADOPT TEMPORARY EMERGENCY APPROPRIATIONS
#1

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 \$1,719,774.00.

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		\$ 5,000.00
Finance		
Audit		
Tax Collector		
Tax Assessor	10,000.00	
Legal		
Engineering		
Planning	4,000.00	
Construction		
Sub-Code Plumbing		
Sub-Code Fire		
Sub-Code Electrical		
Police	110,000.00	10,000.00
Liability Insurance		
Municipal Prosecutor		2,000.00
Public Defender		
Workmen's Comp		
Group Health Ins		32,000.00
Emergency Management		
Fire Official	500.00	
Road Repair	10,000.00	5,000.00
Garbage		25,000.00
Buildings & Grounds		2,000.00
Sewer		2,000.00
Dog Account		
Beach Guard		
Beach Maintenance		
Electric		3,000.00
Telephone		4,000.00
Water		
Fire Hydrant		5,000.00
Natural Gas		
Gasoline		
Ocean County Utility Auth		
Contingent		
PERS		
Social Security	5,000.00	
PFRS		
Court		
Note Principal		
Note Interest		
Reconstruction of Borough Hall		
TOTAL	\$134,500.00	\$ 100,000.00
GRAND TOTAL	\$ 234,500.00	

E. RESOLUTION NO. 02/16/2016-10: REQUESTING 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>
Jane Mathews 15 Skyview Road Ringwood, NJ 07456	\$701.00

RE: 993 Ocean Avenue

F. PUBLIC HEARING: Council President Nelson opened the meeting to the public on Ordinance No. 654

RESOLUTION NO. 02/16/2016-11: ADOPTION OF ORDINANCE NO. 654 BEACH PROTECTION

WHEREAS, on the 16th day of February, 2016 a public hearing on Ordinance No. 654 was held and one comment were made by the public, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

Sponsored by:	Councilman Gillingham
Date Introduced:	January 19, 2016
Public Hearing & Adoption:	February 16, 2016
Synopsis:	Appropriating moneys from the Reserve for Beach Replenishment for beach protection improvements.

ORDINANCE APPROPRIATING \$200,000 FROM THE RESERVE FOR BEACH REPLENISHMENT FOR BEACH PROTECTION IMPROVEMENTS IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY AS FOLLOWS:

Section 1. The Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough"), hereby appropriates \$200,000 from the Reserve for Beach Replenishment within the Borough Capital Fund for beach protection improvements, including, but not limited to, sand and engineering, appraisal and survey services, and all related costs and expenditures incidental thereto, including \$200,000 anticipated to be reimbursed by the State of New Jersey.

Section 2. 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 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 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

ROLL CALL VOTE:

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

Nays: None

Absent: Councilman Peter Strohm
Councilman Chris Nelson

10. **PUBLIC SAFETY COMMITTEE**, Councilwoman Nelson 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 Gillingham and approved by unanimous voice vote.

A. RESOLUTION NO. 02/16/2016-12: APPROVAL OF SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN POLICE SERVICES - MAJOR CRIME UNIT

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County Police Services – Major Crime Unit; and

WHEREAS, all the terms and conditions of the proposed Shared Services Agreement have been reviewed by counsel; and

WHEREAS, participation has been endorsed by Chief Stacy S. Ferris.

IT IS NOW, THEREFORE, this 16th day of February, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. That the Borough shall participate in the Shared Services Agreement and the Mayor and Clerk are authorized to execute the Agreement in the form annexed.
2. Officer Scott Dryburgh is hereby designated as the police officer from the Borough for assignment to the Major Crime Unit.

B. RESOLUTION NO. 02/16/2016-13: PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH CORONATO, JR., AS MUNICIPAL PROSECUTOR

WHEREAS, due to resignation, there exists a vacancy in the office of the Municipal Prosecutor; and **WHEREAS**, the Mayor has nominated Joseph C. Coronato, Jr. to serve as Prosecutor of the Mantoloking Municipal Court; and

WHEREAS, it is the desire of Council to confirm the nomination.

IT IS NOW, THEREFORE, this 16th day of February, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The appointment of Joseph Coronato, Jr. to the Office of Prosecutor of the Mantoloking Municipal Court is confirmed with immediate effect.
2. The term of office shall expire on December 31, 2016;
3. The hourly rate for services provided is the sum of \$150.00 for services in court and \$100.00 per hour for preparation.
4. A Certificate of Funds Availability is on file.
5. The Mayor or Council President is authorized to execute a professional Services Agreement between Joseph Coronato, Jr. and the Borough in such form as shall be endorsed by the Borough Attorney.

C. RESOLUTION NO. 02/16/2016-14: AUTHORIZE OTHER PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2016

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.

<u>SERVICE</u>	<u>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
Labor Relations Consultant	Raymond A. Cassetta	\$150 per hour, thirty-five cents (\$.35) per mile mileage charge

11. DUNE & BEACH RENOURISHMENT COMMITTEE: Councilwoman Nelson presented the Reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program moved the following resolution. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. RESOLUTION NO. 02/16/2016-15: AUTHORIZE THE AWARD OF CONTRACTS FOR 2016 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 5, 2016 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>
Dune Consultant	Dr. Stewart Farrell	\$12,627.98 annually Contingency charges may apply

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.

12. MUNICIPAL SERVICES COMMITTEE , Councilman White presented the report of the municipal Services Committee and moved the following resolution. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. RESOLUTION NO. 02/16/2016-16: RECYCLING ENHANCEMENT ACT TAX IDENTIFICATION STATEMENT 2015

WHEREAS, The Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of Mantoloking that the Borough of Mantoloking certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2015 in the amount of \$450.63. Documentation supporting this submission is available at 340 Drum Point Road, Brick, New Jersey and shall be maintained for no less than five years from this date.

B. RESOLUTION: SUBMISSION OF ANNUAL RECYCLING REPORT, ANNUAL TONNAGE REPORT AND APPLICATION FOR 2015 TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2015 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the Borough of Mantoloking and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jude Walker, Certified Recycling Professional to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

14. MAYOR AND COUNCIL COMMENTS

Building Design Committee Presentation
Revised Borough Hall Committee Status Report

15. PUBLIC COMMENTS PERIOD

Questions and comments on the revised new Borough Hall
Police Officer being assigned to Prosecutor's Office

16. NEXT MEETING:

Regular Council Meeting, Tuesday, March 15, 2016 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 Gillingham to adjourn. The motion was seconded by Councilman Laymon and approved by unanimous voice vote at 6:35 p.m.

Respectfully submitted,

Beverley A. Konopada, RMC
Municipal Clerk