

DRAFT NO. 1 – 02/20/2015

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING
FEBRUARY 10, 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:** 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 Alan Laymon, Peter Strohm, Robert McIntyre, Chris Nelson
Absent: Councilman Steve Gillingham
Also Present: Acting Borough Clerk Beverley Konopada, Borough Attorney Edwin J. O'Malley, Jr.,
4. **PLEDGE OF ALLEGIANCE:** Council President Nelson lead the assembly in the Pledge of Allegiance.

PASSING OF RUSTY HUSTED

Moment of silence

5. **PRIVILEGE OF THE FLOOR:** Council President Nelson opened the meeting for public comment and questions about the agenda.

No comments
6. **RESOLUTION NO. 02/10/2015 - 01: MINUTES OF PREVIOUS MEETINGS**
Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed.

Organization Meeting January 6, 2015
Regular Council Meeting January 6, 2015

Councilman McIntyre moved to approve Council meeting minutes as distributed. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

7. **COMMITTEE REPORTS AND RECOMMENDATIONS:**

8. **PUBLIC WORKS COMMITTEE**, Councilwoman Ann Elizabeth Nelson presented reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moved the following four resolutions. The motion was seconded by Councilman Laymon. Councilman Chris Nelson recused himself from voting on Resolution A. - No. 2/10/2015-02.

A. **RESOLUTION NO. 02/10/2015 - 02: APPOINTMENT OF COMMITTEE MEMBER**

RESOLVED, Mantoloking Borough Council approved the following appointments with the terms and conditions indicated:

<u>Name</u>	<u>Position</u>	<u>Term Expires</u>
Betsy Nelson	Class IV Member- Planning Board	Effective Immediately- Expires 2016

B. **RESOLUTION NO. 02/10/2015 - 03: 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:

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>
Road Maintenance & Supplies	Ocean County Road Department	\$6,000.00

C. RESOLUTION NO. 02/1-/2015 - 04: AUTHORIZING THE SALE OF MUNICIPAL PROPERTYCATERPILLAR D7G SERIAL #3ZD00502

WHEREAS, the Acting Borough Clerk will advertise for sealed bids for the sale of One (1) used Caterpillar D7G Tractor Serial: 3ZD00502 with 1,355 hours on it; Equipment is sold without warranties, express or implied, “where is, as is”. and

WHEREAS, all bids must exceed the reserved price

WHEREAS, bids will be publicly opened and read aloud at a date and time to be determined in the office of the Clerk.

WHEREAS, all bid submissions will be reviewed by the Borough Attorney, now therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the sale of One (1) 1988 Caterpillar Tractor D7G.

The successful bidder shall, within three (3) days of bid acceptance by the Borough, pay the entire purchase price (cash or certified check) payable to the order of the Borough of Mantoloking. The successful bidder shall, within five (5) days of acceptance, remove the D7G from the municipality. Failure of removal shall be deemed abandonment.

The Borough reserves the right to reject any or all bids, in the public interest.

D. RESOLUTION NO. 02/10/2015 - 05: APPROVING AWARD OF CONTRACT FOR PROJECT MANAGEMENT SERVICES TO SIBILIA CONSTRUCTION SERVICES, LLC

WHEREAS, on November 25, 2014, the governing body agreed to engage Sibilias Construction Services, LLC to serve as Construction Project Manager for the Borough Hall Replacement Project; and

WHEREAS, the engagement was subject to approval of a to be negotiated Contract; and

WHEREAS, the Public Works Committee has recommended execution of the proposed Contract, which has been approved by counsel and by Sibilias Construction Services, LLC; and

WHEREAS, the services provided, and to be provided, require expertise, extensive training and proven reputation in the field (Construction Project Management), all of which are now found to be applicable and presented in qualifications of Sibilias Construction Services, LLC. Accordingly, the recommendation of the Public Works Committee is endorsed.

IT IS NOW, THEREFORE, this 10th day of February, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The hourly rate of compensation to be paid to Sibilias Construction Services, LLC, is \$115.00. (Services provided prior to the adoption of this Resolution shall be compensated at the above rate);

2. The proposed extraordinary unspecified services Contract for professional Construction Management Services shall be executed on behalf of the Borough by the Mayor, subject to receipt, review and approval of the required post-award documentation.

9. **FINANCE COMMITTEE**, Council President Ann Elizabeth Nelson presented the monthly finance report and moved the following five resolutions. The motion was seconded by Councilman

Strohm and approved by unanimous voice vote.

A. RESOLUTION NO. 02/10/2015 - 06: 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 2014 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 2014 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Engineering	OE	15,000.00	
Group Insurance	OE		15,000.00
 Total		 \$15,000.00	 \$15,000.00

B. RESOLUTION NO. 02/10/20150 - 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 December 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>
2014 Temporary Budget		7,555,401.096	7,005,600.04	124,530.75	425,271.17
2013 Appropriation Reserve	5,671,304.96	405,798.24	152,503.23	38.45	253,256.56
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	301,272.15	39,976.50	1,030,396.09

Capital		2,014,353.92	383,754.83	0.00	1,630,599.09
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C. RESOLUTION NO. 02/15/2015 - 08: PAYMENT OF BILLS FOR FEBRUARY 2015

WHEREAS, the Municipal Finance Officer presented a list of bills in the total Amount of \$ 1,640,678.64 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. 02/10/2015 - 09: TO 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 2015 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$1,575,350.00.

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 2015 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		
Finance		\$ 10,000.00
Audit		
Tax Collector		
Tax Assessor	2,000.00	
Legal		
Engineering		
Planning	4,000.00	
Construction		2,000.00
Sub-Code Plumbing		
Sub-Code Fire		

<u>DEPARTMENT</u>	<u>S&W</u>	<u>OE</u>
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	200.00	
Road Repair	10,000.00	5,000.00
Garbage		25,000.00
Buildings & Grounds		5,000.00
Sewer		5,000.00
Dog Account		
Beach Guard		
Beach Maintenance		
Electric		3,000.00
Telephone		4,000.00
Water		
Fire Hydrant		
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	\$126,200.00	\$ 108,000.00
GRAND TOTAL	\$ 234,200.00	

E. RESOLUTION NO. 02/10/2015 - 10: APPROVAL OF EMPLOYEE DENTAL PLAN POLICY ENDORSEMENT

WHEREAS, on March 17, 2003 the Mayor and Council approved the Borough’s participation in a dental health insurance plan with Monumental Life Insurance Company, formally known as Peoples Benefit Life Insurance Company, effective April 1, 2003, and

WHEREAS, the Borough employees have benefited from their participation in the plan partially, at their own cost, and

WHEREAS, the Monumental Life Insurance Company has notified the Borough of Mantoloking that the monthly premium rates are stable. Therefore the rate in all categories as outlined, policy

endorsement effective April 1, 2014:

\$66.56 for One Party
\$133.14 for Two Party
\$177.49 for Three Party

and therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the afore mentioned schedule of the Monumental Life Insurance Company Master Policy No. GD3138 is hereby approved and, be it

FURTHER RESOLVED, that the Policy Endorsement be executed by the Mayor and made a part of the Master Policy.

10. **DUNE & BEACH RENOURISHMENTCOMMITTEE**, Councilman Strohm stated no reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.
11. **MUNICIPAL SERVICES COMMITTEE**, Councilman Laymon stated no report of the Municipal Services Committee and moved the following resolution. The motion was seconded by Councilman McIntyre and approved by unanimous voice vote.
 - A. **RESOLUTION NO. 02/10/2015 - 11: 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.

<u>SERVICE</u>	<u>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
Website Consultant	Osprey Technology Consulting LLC	\$140/Mo.+\$75/Hr. Misc Serv

12. **MANTOLOKING COMMITTEE**, Councilman Chris Nelson stated no report of the Mantoloking Committee.

13. **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 six resolutions. The motion as seconded by Councilman Strohm and approved by unanimous voice vote.

A. **RESOLUTION NO. 02/10/2015 - 12: AUTHORIZE THE 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 February 10, 2015 indicating they will provide their listed services:

<u>POSITION</u>	<u>OFFICIAL</u>	<u>CONTRACT AMOUNT</u>	<u>BUSINESS</u>
Conflict Prosecutor	Bonnie R. Peterson, Esq.	\$175/Hr.+ Misc Exp	Bonnie R. Peterson, Attorney At Law
Public Defender	Margarie Herlihy, Esq.	\$250 per case \$100 Hr. for extraordinary services	Herlihy & Young Attorneys at Law
Special Counsel	Harry Haushalter, Esq	\$160/Hour	Harry Haushalter, Attorney at Law
Planning Board Attorney	John J. DeVincens	\$225/Board Meeting \$170/Hr. additional work	DeVincens & Associates, LLC

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. 02/10/2015 - 13: PROVIDING FOR APPROVAL OF CONTRACT WITH RAYMOND J. HAYDUCKA (EXTRAORDINARY UNSPECIFIED SERVICES)

WHEREAS, Council has endorsed the recommendation of the Public Safety Committee that Raymond J. Hayducka (“Hayducka”) be engaged as a mentor/consultant for newly appointed Chief Stacy S. Ferris; and

WHEREAS, Hayducka has provided such services to the Borough; and

WHEREAS, it is the intention of the governing body to ratify such services and to enter into a Contract with Hayducka; and

WHEREAS, the Mayor and Council agree that the need for expertise, extensive training and proven reputation in the field (Chief’s Consultant/mentor) are critical and essential to the success of the leadership transition of the Police Department; and

WHEREAS, Raymond J. Hayducka has the required qualifications.

IT IS NOW, THEREFORE, this 10th day of February, 2015, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Hayducka shall be compensated at the rate of \$150.00 per hour for services rendered, including payment for services provided prior to the adoption of this Resolution. The Contract may be terminated by the Borough upon fourteen (14) days’ prior notice;
2. Upon receipt of certification in compliance with N.J.S.A. 19:44-A-20.4, and N.J.A.C. 5:30-30-5.4, and production of appropriate Registration Certificate, the Mayor is authorized to execute the consulting/mentoring services contract.

C. RESOLUTION NO. 02/10/2015 - 14: APPROVAL TO RELEASE COMP TIME FOR BOROUGH POLICE SARGEANT

WHEREAS, Eugene Saccone, Borough Police Sargeant, has accrued comp time, and has requested payment for 45 hours of said comp hours, and;

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

WHEREAS, funds are available for this purpose, the Mayor and Council authorizes the Chief Financial Officer to pay these 45 hours of accrued comp time at the hourly rate of \$54.49 for a total payment of \$2,452.05;

IT IS NOW, THEREFORE, this 10th day of February, 2015, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That Sargeant Eugene Saccone shall, forthwith, be compensated for his accrued comp time, 45.0 hours at the gross rate of \$54.49 per hour for a total payment of \$2,452.05.
2. As of the date of the adoption of this resolution and following payment recited above, the remaining comp time available to Sargeant Eugene Saccone is 123.00 hours.

D. RESOLUTION NO. 02/10/2015 - 15: CRANFORD PURCHASING COOPERATIVE AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and **WHEREAS**, the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on February 10, 2015 the governing body of the Borough of Mantoloking, County of Ocean , State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows: This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Mantoloking

CONTRACTING UNIT, The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

This resolution shall take effect immediately upon passage.

E. RESOLUTION NO. 02/10/2015 - 16: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Councilman McIntyre motioned to go into closed session at 5:37 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:

- X Specific or current employee (hire of Regular Police Officer).
- X Litigation – Confidential Attorney Client Communication.

Council may take action upon return to open session.

BE IT FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists. and

Councilman Laymon motioned to go back into open session as required. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

F. RESOLUTION NO. 02/10/2015 - 17: 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
Brian Brunas	Regular Police Officer	Immediately	per contract

Councilman Laymon moved the resolution. The motion was seconded by Councilman Strohm and approved by roll call vote.

AYE:

Council President
Councilmen

A. Nelson
A. Laymon
P. Strohm
R. McIntyre
C. Nelson

NAY:

None

ABSTAIN:

None

14. MAYOR AND COUNCIL COMMENTS:

None

15. PUBLIC COMMENTS PERIOD:

Robert Mainberger – update on Army Corp Project

Comments from the audience:

:

No street lights on the Northern end of Barnegat Lane
Straighten telephone poles
Beach replenishment and parking
Resolution on abandoned homes
Environmental Commission suggests helping neighbors to clean up yards
Town permits

16. NEXT MEETING:

Regular Council Meeting, Tuesday, March 17, 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 moved by Council President Nelson to adjourn. The motion was seconded by Councilman Strohm and approved by unanimous voice vote at 6:22 p.m.

Respectfully Submitted,

Beverley A. Konopada,
Acting Borough Clerk

