

DRAFT # 4 11/24/2014

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

AGENDA – REGULAR BUSINESS MEETING

November 25, 2014

5:30 p.m.

Mantoloking Yacht Club

1224 Bay Avenue

Mantoloking, New Jersey

The regular monthly meeting of the Mayor and Council will be held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** **TIME:**

2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. Nebel will 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:
Absent:
Also Present:

4. **PLEDGE OF ALLEGIANCE** Mayor George C. Nebel will lead the assembly in the Pledge of Allegiance.

5. **MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approves the following minutes as printed and distributed:

Regular Meeting, October 21, 2014

6. **CHIEF OF POLICE SELECTION PROCESS**

7. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel will open the meeting for public comments and questions about the agenda.
8. **RESOLUTION: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN**

PUBLIC MEETINGS ACT

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: (select one or more)

- a matter rendered confidential by federal or state law
- a matter in which release of information would impair the right to receive government funds
- material the disclosure of which constitutes an unwarranted invasion of individual privacy
- a collective bargaining agreement and/or negotiations related to it
- a matter involving the purchase, lease, or acquisition of real property with public funds
- protection of public safety and property and/or investigations of possible violations or violations of law
- pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege
- specific prospective or current employees unless all who could be adversely affected request an open session
- deliberation after a public hearing that could result in a civil penalty or other loss, and be it

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

9. RESOLUTION: TO GO BACK INTO OPEN SESSION

COMMITTEE REPORTS AND RECOMMENDATIONS

- 10. PUBLIC SAFETY COMMITTEE**, Councilman Robert McIntyre will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moves the following:

A. APPOINTMENT OF NEW CHIEF OF POLICE

B. RESOLUTION: PROVIDING FOR APPROVAL OF SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF MANTOLOKING AND THE COUNTY OF OCEAN CONCERNING DRIVING WHILE INTOXICATED CHECKPOINTS

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Driving While Intoxicated Enforcement Program”; and

WHEREAS, to the extent officers of the Borough’s Police Department provide services under this Agreement, the County will provide compensation at the rate of \$55.00 per hour; 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 the Officer In Charge.

IT IS NOW, THEREFORE, this 25th day of November, 2014, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, 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.

11. **FINANCE COMMITTEE**, Councilman Gillingham will present the monthly finance report and moves the following:

A. RESOLUTION: 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 September 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		7,555,401.96	5,986,554.46	175,990.65	1,392,856.85
2013 Appropriation Reserve	5,671,304.96	405,798.24	152,503.23	180.88	253,114.13
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	259,634.23	50,186.60	1,061,823.91
Capital		2,014,353.92	131,917.08	0.00	1,882,436.84

B. RESOLUTION: PAYMENT OF BILLS FOR THE MONTH OF NOVEMBER 2014

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$ 228,130.69 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: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2014

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	\$35,000.00	
Beach Maintenance	OE	7,500.00	
Planning Board	SW	15,000.00	
Planning Board	OE		\$ 5,000.00
Liability Insurance	OE		17,500.00
Group Health	OE		35,000.00
Total		\$57,500.00	\$57,500.00

D. RESOLUTION: REQUESTING REFUND OF CONSTRUCTION PERMIT FEES FOR BLOCK 8, LOT 1 AKA 934 EAST AVENUE

WHEREAS, a construction permit was issued for the above referenced property resulting in an administrative error,

WHEREAS, the Contractor, Neal Barkon of Beaumont Builders overpaid the amount of \$1,328.00 on October 7, 2014 for a construction permit that should have been correctly paid in the amount of \$130.00;

WHEREAS, said payment resulted in an overpayment of the construction permit fee in the amount of \$1,198.00,

WHEREAS, the Construction Office has been consulted and confer that the said overpayment of \$1,198.00 should be refunded to the Contractor, Neal Barkon of Beaumont Builders;

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 overpayment of construction permit fee:

<u>Applicant</u>	<u>Amount</u>
Neal Barkon Beaumont Builders, Inc. 3 Windbrook Drive Springfield, PA 19064	\$1,198.00

RE: 934 East Avenue

E. RESOLUTION AUTHORIZING THE CARRYOVER OF VACATION TIME FOR THE YEAR 2014 FOR NON- CONTRACTUAL EMPLOYEES

WHEREAS, The Employee Manual of the Borough of Mantoloking has a policy not allowing the carryover of vacation time from year to year and requiring the use of said vacation time within the year in which it accrues,

WHEREAS, it is the wish of the Mayor and Council to authorize the carryover of vacation time for the Year 2014 for non-contractual employees into 2015;

WHEREAS, said authorization is based on unusual circumstances set forth by Super Storm Sandy and the amount of additional work demanded to ensure the operation of the Borough of Mantoloking,

WHEREAS, it is stipulated that this carryover of 2014 vacation into 2015 be for one year only and must be used by the end of 2015;

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Council of the Borough of Mantoloking authorize the carryover of vacation time for the year 2014 into 2015 for non-contractual employees.

F. RESOLUTION REQUESTING TAX REFUND OVERPAYMENT OF TAXES DUE TO STATE TAX APPEAL

WHEREAS, a State Tax Court Judgment has been favorably awarded to Sardano, Peter J. Trust, Block 23, Lot 20, for the fiscal year 2014; and,

WHEREAS, such judgment has resulted in an overpayment of 2014 property taxes in the amount of \$4,182.09,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$4,182.09 for said overpayment to Jacobus & Associates, LLC Trustee for Sardano, Peter J. Trust for the property known as 1063 Ocean Avenue, Mantoloking, NJ 08738.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

- 12. PUBLIC WORKS COMMITTEE**, Councilwoman Nelson will present reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moves the following:

A. RESOLUTION: APPROVAL TO SUBMIT A GRANT APPLICATION

RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015 Mantoloking Borough-00382 to the New Jersey Department of Transportation on behalf of the Borough of Mantoloking for pedestrian safety and traffic calming project consisting of signs, crosswalks and speed bumps.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign a grant agreement on behalf of the Borough of Mantoloking and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

B. RESOLUTION: PROVIDING FOR THE ENGAGEMENT OF A PROJECT MANAGER FOR THE BOROUGH HALL REPLACEMENT PROJECT

WHEREAS, the construction project entails significant administration and oversight responsibilities on the part of the (owner) Borough, which are not within the usual scope of work, skill, knowledge or experience for the architect, Borough staff or volunteers; and

WHEREAS, it is deemed to be in the public interest for the Borough to engage a qualified construction project manager to represent the (owner) Borough during the course of the construction; and

WHEREAS, Sabilia Construction Services, LLC has been identified as qualified and is willing to provide such services; and

WHEREAS, Sabilia Construction Services LLC has submitted a comprehensive proposal for professional construction management consultant services dated October 17, 2014; and

WHEREAS, the Public Works Committee has recommended the engagement of Sabilia Construction Services, LLC to provide project management services.

IT IS NOW, THEREFORE, this 25th day of November, 2014, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The Borough shall engage Sabilia Construction Services, LLC to serve as project manager, subject to and in accordance with the services proposal and pursuant to Contract (to be negotiated), with compensation to be at the rate of \$115.00 per hour.
2. The Contract shall be subject to the approval of the Mayor and Council upon recommendation of the Public Works Committee and counsel.

C. RESOLUTION: PROVIDING FOR APPROVAL OF CONTRACT CHANGE ORDER B.L.D.G. ARCHITECTURE, LLC

WHEREAS, the Borough has contracted with B.L.D.G. Architecture, LLC for architectural services in conjunction with the Borough Hall Replacement Project; and

WHEREAS, at the initiative of the Borough, the contractual requirements for insurance have, as a result of negotiation, resulted in agreed modifications which are more specifically set forth below; and

WHEREAS, the interest of the Borough will be advanced by implementation of the Change Order modifications.

IT IS NOW, THEREFORE, this 25th day of November, 2014, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. The architectural services contract between B.L.D.G. Architecture, LLC and the Borough shall be deemed amended by and in accordance with the terms of the Change Order request dated October 15, 2014 (2 pages attached);
2. Noted and specifically approved is that the premium for the increased insurance coverage will be shared equally between the Borough and B.L.D.G. Architecture, LLC; each shall pay \$5,132.00. The Borough's share of funds to be provided upon approval of the referenced Change Order.

D. RESOLUTION: APPOINTMENT OF PERSONNEL

RESOLVED, Mantoloking Borough Council approves the following appointment with the terms and conditions indicated:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Salary</u>
<i>Ronald J Pizar</i>	<i>Acting Fire Official</i>	<i>November 25, 2014</i>	<i>\$35.00/ per hour</i>

13. **DUNE & BEACH RENOURISHMENT COMMITTEE**, Councilman Strohm will present the Reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program. No action item.

14. **MUNICIPAL SERVICES COMMITTEE**, Councilman Brown will present the report of the Municipal Services Committee. No action item.

15. **MANTOLOKING COMMITTEE**, Councilman Chris Nelson will present the report of the Mantoloking Committee.

A. RESOLUTION: PROVIDING FOR EXECUTION OF CONTRACT BETWEEN THE OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS AND THE BOROUGH RECYCLING CENTER USE AND REVENUE SHARING JANUARY 1, 2015 TO DECEMBER 31, 2019

WHEREAS, pursuant to applicable law, the Borough is obliged to provide for separation and recycling of designated solid waste components; and

WHEREAS, the County of Ocean has adopted a Recycling Plan, duly approved by the New Jersey Department of Environmental Protection; and

WHEREAS, utilization of the County recycling facility will enable the Borough to comply with requirements of the law and may generate income, based upon volume of recyclables delivered; and

WHEREAS, the proposed Agreement has been reviewed by counsel; and

WHEREAS, it is deemed to be necessary and appropriate for the Borough to participate in the County Recycling Program.

IT IS NOW, THEREFORE, this 25th day of November, 2014, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Borough shall continue to participate in the Ocean County Recycling Program.
2. The Mayor and Clerk are authorized to execute the proposed Contract.
3. The execution of the Contract shall not be construed to supercede or modify any provisions of any existing solid waste recyclable contract between the Borough and its designated hauler.

A. RESOLUTION: SOLID WASTE SERVICES

OEM PRESENTATION, Chris Niebling will provide a status update on all Federal, State and Municipal contracts currently going on in the Borough.

16. MAYOR AND COUNCIL COMMENTS

17. PUBLIC COMMENT PERIOD

:

18. NEXT MEETING –

Council Workshop Meeting Wednesday December 10, 2014 at 8:30 a.m. Temporary Borough Hall 340 Drum Point Road, Second Floor, Brick NJ

Regular Council Meeting, Tuesday December 16 , 2014 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

19. ADJOURNMENT

