

DRAFT # 2 12/15/14

**MAYOR AND COUNCIL**  
**BOROUGH OF MANTOLOKING**  
**OCEAN COUNTY, NEW JERSEY**

**AGENDA – REGULAR BUSINESS MEETING**

**December 16, 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. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel will open the meeting for public comments and questions about the agenda.
  
6. **MINUTES OF PREVIOUS MEETINGS:**  
**Resolved,** the Mantoloking Borough Council approves the following minutes as printed and distributed:

Regular Meeting November 25, 2014

**COMMITTEE REPORTS AND RECOMMENDATIONS**

7. **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. **RESOLUTION: CONFIRMING EXTENTION OF TIME 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 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 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>
<b>2014 Temporary Budget</b>		7,555,401.96	6,293,493.22	207,937.49	1,053,971.25
<b>2013 Appropriation Reserve</b>	5,671,304.96	405,798.24	152,503.23	219.33	253,075.68
<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				
<b>Subtotal Sandy Emergency</b>		1,371,644.74	288,141.31	40,916.84	1,042,586.59
<b>Capital</b>		2,014,353.92	323,535.06	0.00	1,690,818.86

B. **RESOLUTION: 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: 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>
Walter Bray 1216 Ocean Avenue Mantoloking, NJ 08738 RE: 1216 Ocean Avenue	\$973.00

**D. RESOLUTION: TRANSFERRING 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>
TBD		

**E. RESOLUTION: AUTHORIZING A \$100.00 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 will present reports from Public Work Superintendent, Construction Official, and Land Use Officer and moves the following:**

**A. RESOLUTION: APPROVE 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 16<sup>th</sup> 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: 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.20 be paid, now, therefore, be it

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

**C. RESOLUTION: 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 16<sup>th</sup> 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: PROVIDING FOR AWARD OF 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	<b>JEV CONSTRUCTION LLC</b> 1040 Potter Avenue, P.O. Box 4025 Union, NJ 07083	\$722,860.00
2	<b>MONTANA CONSTRUCTION INC.</b> 80 Contant Avenue Lodi, NJ 07644	\$860,000.00
3	<b>MBE MARK III ELECTRIC INC.</b> 213 Main Street Madison, NJ 07940	\$899,983.00
4	<b>ALLIED CONSTRUCTION GROUP, INC.</b> 499 Washington Road Parlin, NJ 08859	\$936,800.00
5	<b>COPPOLA SERVICES, INC.</b> 28 Executive Parkway Ringwood, NJ 07456	\$1,024,000.00
6	<b>WORTH &amp; COMPANY, INC.</b> 6263 Kellers Church Road Pipersville, PA 18947	\$1,234,000.00
7	<b>DMR CONSTRUCTION SERVICES, INC.</b> 160 Hopper Avenue Waldwick, NJ 07463	\$1,560,000.00

**E. RESOLUTION: 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 <b>Effective Date:</b> 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 will present the Reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program. No action item.
- 11. **MUNICIPAL SERVICES COMMITTEE**, Councilman Brown will present the report of the Municipal Services Committee. No action item.
- 12. **MANTOLOKING COMMITTEE**, Councilman Chris Nelson will present the report of the Mantoloking Committee.

**A. RESOLUTION: 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**

**13. MAYOR AND COUNCIL COMMENTS**

**14. PUBLIC COMMENT PERIOD**

**15. EXECUTIVE SESSION (if required):**

**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.

**16. OPEN SESSION (if required):**

**17. 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

**18. ADJOURNMENT**

