

DRAFT #2 05/18/2015

MAYOR AND COUNCIL
BOROUGH OF MANTOLOKING
OCEAN COUNTY, NEW JERSEY

AGENDA – REGULAR BUSINESS MEETING

May 19, 2015

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 comment and questions about the agenda.
6. **MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approves the following minutes as printed and distributed:

Regular Council Meeting April 21, 2015

COMMITTEE REPORTS AND RECOMMENDATIONS

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

A. RESOLUTION: PAYMENT NO. 3 – HERBERT STREET PUMP STATION RECONSTRUCTION (CONTRACT 2014-04)

WHEREAS, the Borough has entered into a Contract with JEV Construction, LLC. (Contract 2014-04) to provide Herbert Street Pump Station Reconstruction; and

WHEREAS, the Contractor has submitted Payment Application No.3 in the sum of \$145,931.80 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has

recommended Payment Application No.3 be paid, now, therefore, be it

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

8. FINANCE COMMITTEE: Councilman Gillingham will present the monthly finance report and moves the following six resolutions:

A. RESOLUTION: 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 March 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>
2015 Temporary Budget		2,677,349.00	1,359,977.37	212,140.28	1,105,231.35
2014 Appropriation Reserve	7,555,401.96	638,758.25	219,784.16	36,763.71	382,210.38
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	74,022.91	3,699.33	952,673.85
Capital		2,756,672.37	336,099.98	149,286.83	2,271,285.56

B. RESOLUTION: PAYMENT OF BILLS FOR THE MONTH OF MAY 2015

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$709,117.66 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: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #4

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 \$ 1,429,199.00.

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>
LEGAL	\$	\$ 20,000.00
UNIFORM FIRE SAFETY	1,000.00	
CONSTRUCTION CODE OFFICIAL	40,000.00	2,000.00
ADMIN OF BEACH ACCESS	30,000.00	
TOTAL	\$ 71,000.00	\$ 22,000.00
GRAND TOTAL	\$ 93,000.00	

D. RESOLUTION: INTRODUCTION OF ORDINANCE NO. 645

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinance:

Sponsored by: April Yezzi
Date Introduced: May 19, 2015
Public Hearing: June 16, 2015
Synopsis: The purpose of this ordinance is to authorize exceeding the 2015 Municipal Budget Appropriation limits and to establish a cap bank.

ORDINANCE NO. 645

**ORDINANCE TO EXCEED THE 2015 MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**

and be it

FURTHER RESOLVED, the attached Comprehensive Resolution of Introduction is hereby adopted, and be it **FURTHER RESOLVED**, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough's Website, www.mantoloking.org, and provided to anyone free of charge during regular business hours, M-F 8:30am – 4:30pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council's direction to the contrary upon introduction

VOTE:

AYE:

NAY:

ABSTAIN:

ABSENT:

E. RESOLUTION: INTRODUCTION OF 2015 MUNICIPAL BUDGET

WHEREAS, the Finance Committee has proposed a municipal budget for 2015, a complete copy of which is attached to the minutes of this meeting and is summarized as follows:

Revenue and Appropriation Summaries

<u>Summary of Revenues</u>	Anticipated Revenues	
	<u>2015</u>	<u>2014</u>
1. Surplus	\$855,200.00	\$820,000.00
2. Total Miscellaneous Revenues	1,719,083.23	3,739,354.38
3. Receipts from Delinquent Taxes	35,000.00	35,000.00
4. Local Tax for Municipal Purposes	3,073,800.00	2,961,047.58
Total General Revenues	<u>\$5,683,083.23</u>	<u>7,555,401.96</u>

<u>Summary of Appropriations</u>	Appropriations	
	<u>2015</u>	<u>2014</u>
1. Operating Expenses: Salaries and Wages	\$1,959,601.00	\$1,876,876.00
Other Expenses	1,863,894.23	2,240,910.23
2. Deferred Charges and Statutory Expenditures	1,558,678.00	2,776,224.15
3. Capital Improvements	0.00	323,000.00

4. Debt Service	18,200.00	55,680.00
5. Reserve for Uncollected Taxes	282,710.00	282,711.58
Total General Appropriations	<u>\$5,683,083.23</u>	<u>\$7,555,401.96</u>
<u>Total Number of Employees (full and part-time)</u>	<u>62</u>	<u>33</u>

Balance of Outstanding General Debt Obligations

Interest	\$0.00
Principal	0.00
Outstanding Balance at December 31, 2014	0.00

Notice is hereby given that the budget and tax resolution was approved by the governing body of the Borough of Mantoloking, County of Ocean on May 19, 2015.

A hearing on the budget and tax resolution will be held at the Mantoloking Yacht Club located at 1224 Bay Avenue Mantoloking, New Jersey on June 16, 2015 at 5:30 PM at which time and place objections to the budget and tax resolution for the year 2015 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of Beverley A. Konopada, Acting Municipal Clerk, at the temporary Borough Hall, 340 Drum Point Road (Yogi Plaza) 2nd Floor Brick, New

Jersey 08723, 732-475-6983, during the hours of 8:30 AM to 4:30 PM.

VOTE:

AYE:

NAY:

ABSTAIN:

ABSENT:

F. RESOLUTION: PROVIDING FOR AMENDMENT TO THE EMPLOYEE HANDBOOK DATED MAY 17, 2004

WHEREAS, it is deemed appropriate to amend the provisions of Article VI (k), Sick Leave, to facilitate accommodation of employee privacy interests.

IT IS NOW, THEREFORE, this 19th day of May, 2015, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Article VI (k), Sick Leave, is deleted.
2. The deleted sub-article is replaced by the following:
Article VI (k), Sick Leave:

The Borough offers paid sick leave for three (3) days each year, when you are unable to report to work due to personal illness. Additional sick leave, not to exceed a total of twenty (20) days per year, may be granted at the discretion of the Mayor upon application and proof of justification. Paid leave greater than twenty (20) days per year is subject to approval by the Mayor and Council. Upon such approval and prior exhaustion of your annual vacation, Council may adopt such Resolution as may qualify you for New Jersey State Disability Compensation.

You are expected to exercise good judgment in the utilization of sick leave. You must notify the Borough Clerk at least one (1) hour before your usual starting time to report that you will be absent. Note that absences for medical or dental appointments will be charged against your sick leave allowance. If you are absent for three (3) or more consecutive days, you must submit a report from your doctor which supports your claim for sick leave.

9. **DUNE & BEACH RENOURISHMENT COMMITTEE:** Councilman Strohm will present the Reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.
10. **MUNICIPAL SERVICES COMMITTEE:** Councilman Laymon will present the report of the Municipal Services Committee and moves the following resolution.
 - A. **RESOLUTION: AWARD OF SOLID WASTE AND RECYCLING CONTRACT**
To be supplied
11. **MANTOLOKING COMMITTEE:** Councilman Chris Nelson will present the report of the Mantoloking Committee.
12. **PUBLIC SAFETY COMMITTEE:** Councilman McIntyre will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moves the following:

A. **PUBLIC HEARING:** Mayor George C. Nebel will open the meeting to the public on Bond Ordinance No. 644 Providing for Various Capital Improvements.

B. **RESOLUTION: ADOPTION OF BOND ORDINANCE 644 -PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$126,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$120,412 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

WHEREAS, on the 19th day of May, 2015 a public hearing on Ordinance 644 was held and _____ comments were made by the public, now therefore, be it

RESOLVED, The Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on following ordinance:

Sponsored by: Council President Nelson & Councilman McIntyre

Date Introduced: April 21, 2015

Public Hearing: May 19, 2015

Synopsis: This ordinance authorizes the acquisition of equipment for the Police Department, including but not limited to, computer equipment and related costs and expenditures incidental to this acquisition in the amount of \$26,250, preliminary project costs in connection with the reconstruction of the Municipal Building including, but not limited to, project manager costs and all related costs expenditures related to such project in the amount of \$67,500, and the acquisition of equipment for the Fire Department and including any and all costs related to this acquisition in the amount of \$33,000. The total amount of said bond ordinance is \$126,750.

This bond issue will bring the municipality's total bonded indebtedness to \$3,069,041.33.

ORDINANCE NO. 644

PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$126,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$120,412 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$126,750, and further including the aggregate sum of \$6,338 as the several down payments for the improvements or purposes required by the Local Bond Law.

The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$120,412 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Preliminary project costs in connection with the reconstruction of the Municipal Building, including, but not limited to, project manager costs, and including all related costs and expenditures incidental thereto.	\$67,500	\$64,125	20 years
b) The acquisition of equipment for the Police Department, including, but not limited to, computer equipment, and including all related costs and expenditures incidental thereto.	\$26,250	\$24,937	5 years
c) The acquisition of equipment for the Fire Department, including all related costs and expenditures incidental thereto.	\$33,000	\$31,350	5 years
TOTAL:	\$126,750	\$120,412	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year

from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. 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 bond 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.98 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$120,412, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$70,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the

undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

And be it

FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the Office of the Borough Clerk, published on the Borough’s Website, www.mantoloking.org, and provided to anyone free of charge during regular business hours, M-F 8:30 am- 4:30 pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance and the next regular business meeting of the Mayor and Council following introduction, absent Council’s direction to the contrary upon introduction

C. RESOLUTION: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP

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

Name	Position	Effective Date	Salary
Brian Smith	Badge Checker	6/1/2015	\$10.00
Davin VanDeZilver	Badge Checker	6/1/2015	\$10.00
Andrea Ricci	Badge Checker	6/1/2015	\$10.00
Taylor Gilman	Badge Checker	6/1/2015	\$10.00
Sarah McCuiston	Badge Checker	6/1/2015	\$10.00
Theresa Holon	Badge Sales	6/1/2015	\$11.00
Erin Hoffman	Badge Checker	6/1/2015	\$10.00
Flavia Cornejo	Badge Checker	6/1/2015	\$10.00
Casey Gotta	Badge Checker	6/1/2015	\$10.00
Jessica Beckett	Badge Sales	6/1/2015	\$11.00

D. RESOLUTION: APPROVING PROFESSIONAL SERVICE AND MAINTENANCE CONTRACTS FOR 2015

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.
2. Notice of this action is to be published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

<u>Service</u>	<u>Contractor</u>	<u>Contract Amount</u>
Police Physician	George Jarahian, Jr. M.D. General & Internal Medicine	\$327.50 per examination
Labor Relations Consultant	Raymond A. Cassetta	\$150.00 per hour
Municipal Judge-	TBD	TBD- effective July 1, 2015
Animal Service	Muskrat Jack	\$300.00 per month

13. MAYOR AND COUNCIL COMMENTS

14. PUBLIC COMMENT PERIOD

15. NEXT MEETING –

Regular Council Meeting, June 16, 2015 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

16. ADJOURNMENT