

**RESOLUTION: MEMORIALIZATION OF PUBLIC SERVICE – COUNCILMAN
PETER R. STROHM**

**MEMORIAL
COUNCILMAN PETER R. STROHM**

WHEREAS, Peter R. Strohm, died on July 27, 2016; and

WHEREAS, as a Member of the Council for ten years, his service included effective leadership of various Municipal Council Committees; and

WHEREAS, as an attorney, he served with distinction in several professional associations and appointments; and

WHEREAS, he devoted significant resources, time and commitment to advance the Borough's beach replenishment project; and

WHEREAS, he routinely and effectively utilized his extensive political relationships to advance the interest of the Borough.

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

1. The Mayor and Council, for themselves and for all residents of the Borough, do hereby express their most sincere appreciation for the effective volunteer public service of Peter R. Strohm.
2. A true copy of this Resolution shall be presented to his family.

RESOLUTION: MEMORIALIZATION OF PUBLIC SERVICE – DR. MICHAEL DOYLE

**MEMORIAL
DR. MICHAEL JOSEPH DOYLE**

WHEREAS, Dr. Doyle, an esteemed and accomplished physician and surgeon, a long-time resident of the Borough, died on July 22, 2016; and

WHEREAS, Dr. Doyle served as an active and effective volunteer for numerous professional organizations, local and nationally; and

WHEREAS, he volunteered as Mantoloking Fire Company physician, Chairman of the Board of Health and a Member of the Emergency Planning Committee; and

WHEREAS, his service to his patients, profession and the Mantoloking community, was exemplary in all respects.

IT IS NOW, THEREFORE, this 16th day of August, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, for themselves and for the residents of the Borough, that they do hereby extend to his family sincere appreciation for his service and condolence upon his passing.

A true copy of this Resolution shall be presented to his family.

RESOLUTION: PROVIDING FOR CONFIRMATION OF APPOINTMENT OF CHAIRPERSON OF BOARD OF HEALTH

WHEREAS, due to vacancy, the Mayor has nominated Patricia McCormack, M. D. to serve as Chairperson of the Board of Health.

IT IS NOW, THEREFORE, this 16th day of August, 2016, **RESOLVED** by the Council of the Borough of Mantoloking, Ocean County, New Jersey, that the appointment of Patricia McCormack, M.D. as Chairperson of the Board of Health be and is hereby confirmed.

5. **RESOLUTION: MINUTES OF PREVIOUS MEETINGS**

RESOLVED, the Mantoloking Borough Council approves the following minutes as printed and distributed.

Regular Council Meeting July 19, 2016

6. **PRIVILEGE OF THE FLOOR:** Mayor George C. Nebel will open the meeting for public comment and questions about the agenda.

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

A. **RESOLUTION: PROVIDING FOR AWARD OF CONTRACT FOR CONSTRUCTION OF NEW BOROUGH HALL TO WALLACE BROS., INC.**

WHEREAS, construction of a new Borough Hall is a major component of the post Sandy recovery restoration efforts in the Borough of Mantoloking; and

WHEREAS, the project design has been revised and bids have been solicited and received in accordance with provisions of the Local Pubic Contracts Law; and

WHEREAS, five (5) bids were received and the bid of Wallace Bros., Inc., \$4,176,980.00, is the lowest; and

WHEREAS, the requisite Consent of Surety to provide a Performance and Payment Bond has been issued by Liberty Mutual Insurance Company on behalf of Wallace Bros, Inc.; and

WHEREAS, counsel has reviewed the bid documentation provided by Wallace Bros., Inc. and has observed and advised that any discrepancies, by Wallace, from strict compliance with bid requirements are minor, insubstantial and waiveable; and

WHEREAS, the Borough has reserved the right to waive any insubstantial non-compliances in bid tender; and

WHEREAS, the availability of federal funds to assist in payment of project expense is subject to time constraints; and

WHEREAS, a Certificate of Funds Availability is on file.

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

1. All of the above prefatory recitals are incorporated as substantive components of this Resolution.
2. The bid of Wallace Bros., Inc. in the sum of \$4,176,980.00 is hereby determined to be the lowest responsive, responsible bid.
3. The recommendations, findings and conclusions of counsel, as set forth in the confidential opinion letter, dated August 15, 2016, are hereby endorsed, accepted, adopted and incorporated by reference as components of this Resolution.
4. In the interest of the Borough, the project construction contract is awarded to Wallace Bros, Inc. as the lowest responsive, responsible bidder.
5. Upon compliance with post award bid specification requirements by Wallace Bros., Inc., the Mayor and Borough Clerk are authorized and requested to execute the Contract.
6. The bid security of other bidders shall be returned upon execution of the Contract by Wallace Bros., Inc. according to law.

B. RESOLUTION: PROVIDING FOR AWARD OF EMERGENCY STORM RESPONSE CONTRACT 2016-1 TO GEORGE HARMS CONSTRUCTION CO., INC. TWO (2) YEARS - \$139,292.00

WHEREAS, in response to duly advertised request for bids, four (4) bids were submitted which have been reviewed by the Borough Engineer and Attorney for technical and legal compliance; and **WHEREAS**, the Engineer has recommended award of the Contract to George Harms Construction Co., Inc. in the amount of \$139,292.00 for a two (2) year Contract; and **WHEREAS**, the submittals have been reviewed by counsel and found to be in compliance with bid requirements; and **WHEREAS**, the proposed (bid) non-refundable annual retainer is the sum of \$3,000.00; and **WHEREAS**, a Certificate of Funds Availability has been provided. **IT IS NOW, THEREFORE**, this 16th day of August, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Contract 2016-1 for emergency storm response is awarded to George Harms Construction Co., Inc. as the lowest responsive responsible bidder at a total bid price of \$139,292.00 (a two-year Contract);
2. This award is subject to the contractor's timely compliance with post-award requirements;
3. The Mayor and Clerk are authorized to execute the contract upon satisfaction of post award requirements.

C. RESOLUTION: APPROVING PARTICIPATION IN OCEAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, FY 2017-2019

WHEREAS, the Borough desires to continue to participate in the CDBG Program; and
WHEREAS, it is a condition of eligibility for participation that the Borough enter into a Contract (Cooperative Agreement); and
WHEREAS, the Borough Attorney has reviewed and approved the proposed form of Contract (Cooperative Agreement).
IT IS NOW, THEREFORE, this 16th day of August, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. participation in the Community Development Block Grant Program, FY 2017-2019 will be in the public interest; and
2. the Mayor and Clerk are authorized and requested to execute the approved form of Cooperative Agreement.
3. certified true copies of this Resolution and three (3) signed copies of the Contract shall be forwarded to the Ocean County Department of Planning.

8. FINANCE COMMITTEE, Councilman Gillingham will present the monthly finance report and moves the following 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 2016 temporary Municipal budget as of June 30, 2016; and
WHEREAS, that report indicates the following status as of that date:

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2016 ADOPTED BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2016 Adopted Budget		5,789,080.20	2,076,790.77	42,056.77	3,670,232.66
2015 Appropriation Reserve	5,683,083.23	384,922.49	83,146.57	50,317.71	251,458.21
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	834,812.90	63,045.83	16,789.39	754,977.68
Subtotal Sandy Emergency		834,812.90	63,045.83	16,789.39	754,977.68
Capital		7,522,809.40	0.00	1,011,703.56	6,511,105.84

B. RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$190,361.65 with the recommendation they be paid, and
- A list of bills in the amount of \$231,457.20 that have been paid with the approval of the municipal clerk and the mayor, now, therefore, be it

RESOLVED, the council approves the payment of all the bills and directs that a copy of these lists be attached to and made part of the minutes of this meeting.

**C. RESOLUTION: APPROVING OF ITEMS OF REVENUE AND APPROPRIATION
N.J.S.A. 40A:4-87- 2016 DRIVE SOBER OR GET PULLED OVER LABOR DAY
CRACKDOWN GRANT AUGUST 19-SEPTEMBER 5**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the

County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,000.00, which is now available from the New Jersey Highway Traffic Safety Administration, 2016 Drive Sober or Get Pulled Over Labor Day Crackdown Grant.

BE IT FURTHER RESOLVED, that the like sum of \$5,000 is hereby appropriated under the caption of 2016 Drive Sober or Get Pulled Over Labor Day Crackdown Grant and shall be applied in compliance with the terms and conditions as set forth in the grant.

D. 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
Lauren Grogan	Administrative Assistant to Finance and Tax Office	August 23, 2016	\$42,000.00

E. RESOLUTION: INTRODUCTION TO ORDINANCE NO. 659 APPROPRIATING \$200,000.00 FROM THE RESERVE FOR BEACH REPLENISHMENT FOR BEACH PROTECTION IMPROVEMENTS

Sponsored by: Councilman Steve Gillingham

Date Introduced: August 16, 2016

Public Hearing/Adoption: September 20, 2016

Synopsis: Appropriating \$200,000.00 from the reserve for beach replenishment for beach protection

**ORDINANCE NO. 659
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.**

is hereby introduced, by title only, First Reading. The Ordinance will be considered for final adoption following publication and a public hearing, on Tuesday, September 20, 2016, at 5:30 p.m.

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.

**F. RESOLUTION: INTRODUCTION, BY TITLE ONLY, OF PROPOSED ORDINANCE 658-
BOND ORDINANCE FOR CAPITAL IMPROVEMENTS**

Sponsored by: Councilman Steve Gillingham
Date Introduced: August 16, 2016
Public Hearing: September 20, 2016
& Adoption: Providing for various capital improvements
Synopsis:

**Proposed Ordinance No. 658, entitled
“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE BOROUGH OF
MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY,
APPROPRIATING \$489,500 THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$275,000 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST THEREOF”**

is hereby introduced, by title only. The Ordinance will be considered for final adoption following publication and a public hearing, on Tuesday, September 20, 2016, at 5:30 p.m.

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$489,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$275,000 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 \$489,500, including a \$200,000 budget appropriation for the purpose in Section 3(a) (the "Budget Appropriation") and further including the aggregate sum of \$14,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made from the Capital Improvement Fund.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the Budget Appropriation, negotiable bonds are hereby authorized to be issued in the principal amount of \$275,000 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) Bay Avenue Flood Mitigation improvements, including all work and materials necessary therefor and incidental thereto.	\$281,000 (includes the \$200,000 Budget Appropriation)	\$77,000	15 years
b) The acquisition of sport utility vehicles for the Police Department, including all related costs and expenditures incidental thereto.	\$45,000	\$42,750	5 years
c) Radio equipment upgrades for the Police Department, including all related costs and expenditures incidental therefor and further including all work and materials necessary therefor and incidental thereto.	\$35,000	\$33,250	10 years
d) The acquisition of a dump truck for the Department of Public Works, including all related costs and expenditures incidental thereto.	\$80,000	\$76,000	5 years
e) Groundwater contamination remediation at the Department of Public Works Yard, including all work and materials necessary therefor and incidental thereto.	\$48,500	\$46,000	15 years
TOTAL:	\$489,500	\$275,000	

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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 10.07 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 \$275,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$73,425 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.

9. **PUBLIC SAFETY COMMITTEE**, Councilwoman Nelson will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moves the following resolutions:

A. **RESOLUTION: PROVIDING FOR THE APPOINTMENT OF ALTERNATE/CONFLICTS MUNICIPAL PROSECUTOR**

WHEREAS, Joseph D. Grisanti, Esq. has resigned his office as Alternate/Conflicts Municipal Prosecutor effective as of August 31, 2016; and

WHEREAS, Michael Burns, Esq., has been nominated by the Mayor to serve as Alternate/Conflicts Municipal Prosecutor until December 31, 2016; and

WHEREAS, it has been demonstrated that Michael Burns, Esq. is qualified to provide such service (see attached Resume); and

WHEREAS, the Alternate/Conflicts Municipal Prosecutor will be paid \$500.00 for each Court session.

IT IS NOW, THEREFORE, this 16th day of August, 2016, **RESOLVED** by the Council of the Borough of Mantoloking, Ocean County, New Jersey, that the appointment of Michael Burns, Esq. be and he is hereby confirmed as Alternate/Conflicts Municipal Prosecutor, effective September 1, 2016, subject to execution of contract approved by counsel as to form.

B. **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
Joanne Smith	Badge Checker	8/1/2016	\$10.00

10. **DUNE & BEACH RENOURISHMENT COMMITTEE**: Councilman Nelson will present the reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.

11. **MUNICIPAL SERVICES COMMITTEE**, Councilman White will present the report of the Municipal Services Committee.

12. **MANTOLOKING COMMITTEE** Councilman Laymon will present the report of the Mantoloking Committee.

13. **MAYOR AND COUNCIL COMMENTS**

14. **PUBLIC COMMENTS PERIOD**

15. **EXECUTIVE SESSION**

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:

- a collective bargaining agreement and/or negotiations related to it
- receive confidential advisement from counsel concerning contract award

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

16. **OPEN SESSION**

17. **NEXT MEETING:**

Regular Council Meeting, Tuesday, September 20, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

18. **ADJOURNMENT**