

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 THE SALE OF SURPLUS PERSONAL PROPERTY

WHEREAS, the Borough of Mantoloking has determined that the Municipal personal property listed below is surplus:

- (a) 1988 Caterpillar Bulldozer, Model D7G, Serial Number: 3ZD00944R (1468 hours);
1988 Caterpillar Bulldozer, Model D7G, Serial Number: 3ZD01266 (1620 hours); and
1988 Caterpillar Bulldozer, Model D7G, Serial Number: ZD01229DD (3983 hours)
- (b) One (1) 1997 Elgin Sweeper;
- (c) One (1) 2010 Ford Crown Victoria Police Interceptor, VIN: 2FABP7BV3AX130594;
- (d) One (1) 2009 Ford Expedition, VIN: 1FMFU16579LA09387; and
- (e) One (1) 2012 Kawasaki TRX4 with Canvas Cab System, 569.2 hours; 4,307 miles.

WHEREAS, N.J.S.A. 40A:11-36 provides that all such personal property may be sold at public sale to the highest bidder.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

- 1. The above described personal property is hereby declared to be surplus, no longer required for public purposes; and
- 2. The Borough Clerk is hereby authorized and directed to advertise a public sale of said property via online auction in accordance with applicable law.
- 3. The Borough reserves the right to reject any or all bids if it determines that to do so will be in the public interest.

B. RESOLUTION: PROVIDING FOR THE APPOINTMENT OF DEPUTY LAND USE OFFICER

WHEREAS, there exists a need for a Deputy Land Use Officer to provide continuity of service upon the occasions of the absence of the Land Use Officer; and

WHEREAS, the Land Use Ordinance provides for such appointment by the Mayor with the consent of Council; and

WHEREAS, the public interest will be advanced by the availability of a Deputy Land Use Officer from time-to-time; and

WHEREAS, the Deputy Land Use Officer shall be compensated at an hourly rate of \$35.00 an hour; and

WHEREAS, Scott Loftus has been appointed by the Mayor to serve as Deputy

Land Use Officer.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The appointment of Scott Loftus as Deputy Land Use Officer is hereby ratified and approved.
2. Scott Loftus shall be compensated on an hourly basis for services as Deputy Land Use Officer, as shall be set forth in the Salary Ordinance.
3. The Deputy Land Use Officer shall serve at the pleasure of the Mayor.

C. RESOLUTION: PROVIDING FOR THIRD PARTY TESTING CONSULTANT FOR THE BOROUGH HALL PROJECT

WHEREAS, the Borough Hall Contract specifications oblige the Borough to engage a third party testing consultant; and

WHEREAS, Robert Sibilias, the project manager, has obtained proposals for this required specialized service; and

WHEREAS, the proposal of NV5-Northeast, Inc. has been recommended by Sibilias; and

WHEREAS, the fee proposal of NV5-Northeast, Inc. is set forth in the attached document and is the lowest cost proposal for this necessary service; and

WHEREAS, it is recognized that the total cost to be incurred for this service is not susceptible to finite advance funds calculation; and

WHEREAS, the services agreement (Contract) has been reviewed by counsel and approved as to form; and

WHEREAS, the project budget includes the estimated sum of \$12,000.00 for third party testing service; and

WHEREAS, the Construction Committee has recommended the acceptance of the NV5-Northeast, Inc. proposal; and

WHEREAS, a Certificate of Funds Availability is on file.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the proposal of NV5-Northeast, Inc. dated October 12, 2016 (Revised), shall be and hereby is accepted.
2. The Mayor is authorized to execute the Services Agreement between the Borough and NV5-Northeast, Inc.

D. RESOLUTION: ADDITIONAL RESOLUTIONS CONCERNING BOROUGH HALL PROJECT

TO BE DETERMINED

E. RESOLUTION: ADOPTING A POLICY GOVERNING THE USE OF ELECTRONIC COMMUNICATIONS (VOICE AND VIDEO) FOR PARTICIPATION IN PUBLIC MEETINGS

WHEREAS, The Open Public Meetings Act (OPMA) defines a meeting as “any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of the public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body.” N.J.S.A. 10:4-8(B) and;

WHEREAS, “communication equipment” may include electronic equipment through telephone, email, text message, social media, or any other similar device, and;

WHEREAS, it is appropriate for the Borough of Mantoloking to adopt a policy regarding of the use of electronic communications, such as participation via telephone or video (skype) from a remote location when discussing or deliberating or voting upon municipal issues; and

WHEREAS, the Council recognizes there may be occasion(s) where an elected official may be unable to attend a meeting in person due to illness, family emergency, vacation, work related travel, etc. and that the business of the Borough must nevertheless be transacted.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, County of Ocean, New Jersey, that the following policy is hereby adopted and shall constitute the policy of the governing body of the Borough of Mantoloking governing the participation in a public meeting remotely via electronic technology:

1. Every elected official shall make a reasonable effort to attend and participate in all public meetings in person.
2. In the event an elected official cannot attend a public meeting due to illness, family emergency, vacation, work related travel, etc., he or she shall notify the Clerk with as much advance written notice as possible that he or she will be unable to attend a public meeting.
3. In the written notice an elected official shall advise if he or she desires and intends to participate in the public meeting remotely and shall provide contact information.
4. Upon receipt of such notice, the Clerk shall arrange for the required (telephone and video) equipment necessary for the remote participation of a requesting elected official during the upcoming public meeting.
5. The minutes of all public meetings shall reflect the names of the elected officials, if any, who participated in the public meeting remotely.

F. RESOLUTION: PROVIDING FOR CORRECTION OF 2016 HOLIDAY SCHEDULE

WHEREAS, the published 2016 schedule for paid holiday leave for Borough employees in 2016 incorrectly omitted one (1) day, resulting in 13 paid holidays; and

WHEREAS, 14 paid days’ leave are routinely provided.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED**

by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that December 23, 2016 shall be included as a paid leave day, thereby increasing the 2016 paid holiday leave days to a total of 14.

8. **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: SHARED SERVICE AGREEMENT WITH OCEAN COUNTY PROSECUTOR’S OFFICE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

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

WHEREAS, the purpose of this program is to identify and remove intoxicated drivers from the roadway; 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, this agreement shall be retroactive from October 1, 2016 and shall continue in full force and effect until September 30, 2017.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **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.

B. RESOLUTION: SHARED SERVICE AGREEMENT WITH OCEAN COUNTY PROSECUTOR’S OFFICE DRUG RECOGNITION EXPERT CALLOUT PROGRAM

WHEREAS, it is deemed to be in the public interest to participate in the Ocean County “Drug Recognition Expert Callout Program”; and

WHEREAS, the purpose of this program is to identify and remove drug impaired drivers from the roadway; 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, this agreement shall be retroactive from October 1, 2016 and shall continue in full force and effect until September 30, 2017.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **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.

9. **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 September 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		5,794,080.20	4,619,913.68	38,866.88	1,135,299.64
2015 Appropriation Reserve	5,683,083.23	402,537.39	84,092.51	44,713.72	273,731.16
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	176,606.26	6,843.00	651,363.64
Subtotal Sandy Emergency		834,812.90	176,606.26	6,843.00	651,363.64
Capital		7,522,809.40	0.00	1,032,357.68	6,490,451.72

B. RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$204,237.32 with the recommendation they be paid, and
- A list of bills in the amount of \$168,190.84 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: ACCEPTING BEST PRACTICES 2016-2017 CHECK LIST

WHEREAS, the Borough of Mantoloking is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services, and

WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency, and.

WHEREAS the inventory results for 2016 are as follows: 19 yes, 6 no, 5 N/A, and 0 prospective for a total percentage of 80% with no State Aid to be withheld,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mantoloking accept the Best Practices Check List as required by the State of New Jersey Department of Community Affairs for the 2016 Budget Year.

D. RESOLUTION : TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2016

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 2016 Appropriation exists; and

WHEREAS, it is recommended that these budget transfers be made in the 2016 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2016 Municipal Budget:

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Municipal Clerk	SW	\$ 5,000.00	
Finance	OE	\$ 5,500.00	
Liability Insurance	OE	\$25,000.00	
Road Repair	SW	\$ 8,000.00	
Planning Board	OE		\$25,000.00
Road Repair	OE		\$ 8,000.00
Buildings & Grounds	OE		\$ 5,000.00
Beach Guard	SW		\$ 5,500.00
Total		\$ 43,500.00	\$ 43,500.00

E. RESOLUTION: PROVIDING FOR REAL PROPERTY TAX REFUND

WHEREAS, as a result of a real property tax appeal, it has been determined that the taxes for 2016/2017 on Block 35, Lot 4, have been overpaid by the sum of \$2,215.94; and

WHEREAS, the overpayment shall be refunded, forthwith.

IT IS NOW, THEREFORE, this 22nd day of November, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey as follows:

1. That the Chief Financial Officer is hereby authorized and requested to refund \$2,215.94, to the offices of McKirdy and Riskin, P. A., Trustee for Eshelman.
2. A true copy of this Resolution shall be forwarded to the Tax collector, Chief Financial Officer and the property owner.

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:

- To consider confidential advice of counsel concerning contractual matters.

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, December 20, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

18. **ADJOURNMENT**

