

DRAFT NO. 3 – 11/20/2017

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

REGULAR BUSINESS COUNCIL MEETING

November 21, 2017

5:30 p.m.

Mantoloking Yacht Club

1224 Bay Avenue

Mantoloking, New Jersey

The Regular Business Council 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. **RESOLUTION: MINUTES OF PREVIOUS MEETINGS**

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

Agenda Setting Pre-Council Meeting- October 10, 2017

Regular Council Business Meeting- October 17, 2017

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

7. **MUNICIPAL SERVICES COMMITTEE**, Council President White will present the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and moves the following resolutions:

A. **RESOLUTION: PROVIDING FOR SETTLEMENT OF PROPERTY DAMAGE CLAIMS - BAY AVENUE PROJECT**

WHEREAS, during the course of construction of the project, private property sustained damage which was resolved at the initiative and expense of the property owners who now seek to be reimbursed for the actual cost which they incurred; and **WHEREAS**, it is deemed reasonable and appropriate that these claims be settled at this time.

IT IS NOW, THEREFORE, this 21st day of November, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The sum of \$438.70 shall be paid to Thomas Hood in full settlement;
2. The sum of \$828.28 shall be paid to Sumner White in full settlement.
3. These expenditures shall be charged to Ordinance 658 – Groundwater Remediation/Bay Avenue Flood Mitigation.

B. **RESOLUTION: PROVIDING FOR THE APPROVAL OF: ACCEPTANCE OF PROPOSAL OF HOGAN SECURITY (ELECTRONIC DOOR LOCKS FOR BOROUGH HALL)**

WHEREAS, the Project Building Committee has recognized the need to provide additional and coordinated building security facilities; and

WHEREAS, it appears that the installation of electrified door lock sets will be a significant enhanced security component; and

WHEREAS, Hogan Security, A New Jersey approved vendor, has submitted a proposal to provide and install door locks; and

WHEREAS, the Project Building Committee has endorsed the request for enhancement and the substance of the Hogan proposal; and

WHEREAS, a Certificate of Funds Availability is on file.

IT IS NOW this 21st day of November, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The proposal of Hogan Security Group dated September 29, 2017, is accepted;
2. The cost of this purchase, \$51,498.00, shall be charged against the Project Reserve Fund.

C. RESOLUTION: PROVIDING FOR APPROVAL OF CONTINGENCY NO. 2 – ALLOWANCE ADJUSTMENT UNDER AGREEMENT WITH WALLACE BROTHERS CONTRACTING, INC.

WHEREAS, negotiation of issues concerning site conditions (groundwater elevation) has resulted in a compromise wherein the cost responsibility for the work effort which is necessary to equitably resolve the contested issues has been allocated between the parties; and

WHEREAS, the details of the compromise are set forth in the attached two-page memorandum agreement; and

WHEREAS, the compromise has been endorsed by the Project Architect, the Project Manager and the Project Building Committee; and

WHEREAS, it is recognized that the cost share portion of this compromise which is attributable to the Borough shall be charged against the contingency fund balance, now \$87,662.76.

IT IS NOW this 21st day of November, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The negotiated Contingency Allowance Adjustment #2 is approved;
2. The Mayor or the Council President may execute such documentation as may be required to facilitate implementation of the compromise.

D. RESOLUTION: INTRODUCTION TO ORDINANCE 674 CHAPTER XIII, ARTICLE 13-2, BUILDING FEES

Sponsored by: Council President White

Date Introduced: November 21, 2017

Public Hearing and Adoption

Consideration: December 19, 2017

Synopsis: Fees are being raised to support operational costs and to maintain a comparable fee schedule with surrounding municipalities.

ORDINANCE NO. 674

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XIII, ARTICLE 13-2, BUILDING SUBCODE FEES OF THE REVISED GENERAL ORDINANCES OF THE

BOROUGH OF MANTOLOKING – 2007

BE IT ORDAINED, by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows;

1. The fees and provisions of Article 13-2, as set forth in the fee schedule in Ordinance 646, are amended as follows:
 - (a) Building Subcode, New Construction, per cu. foot:
Delete 0.027; insert 0.035;
 - (b) Minimum Fee – Any Building Technical Renovation/Alteration, per \$1,000.00 of cost:
\$1.00 to \$50,000.00, delete existing; insert \$30.00
\$50,000.00 to \$100,000.00 delete existing; insert \$30.00
Over \$100,000.00; delete existing; insert \$30.00.
 2. All fees and provisions of Article 13-2, which are not specifically amended by this Ordinance shall remain in full force and effect.
 3. This Ordinance shall be effective upon final adoption.
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 2017 adopted municipal budget as of September 30, 2017; and
WHEREAS, that report indicates the following status as of that date:

BOROUGH OF MANTOLOKING					
Financial Report for the Month of September 2017					
<u>Status of the Budget on September 30, 2017</u>					
FUND	ORIGINAL APPROPRIATION	BALANCE LAST MONTH	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2017 CURRENT FUND	\$6,817,624	\$4,164,192	\$303,504		\$3,860,688
2016 Appropriation Reserves	\$501,387	\$292,382	\$949		\$291,433
SANDY EMERGENCY FUNDS	\$297,639	\$189,016		(\$1,842)	\$190,858
CAPITAL FUND	\$7,195,713	\$5,734,259	\$86,622		\$5,647,637
TOTAL	\$14,812,363	\$10,379,848	\$391,074	(\$1,842)	\$9,990,616
<u>Receipts, Disbursements and Changes in Cash Balance During the Month of September, 2017</u>					
FUND	CASH BALANCE JANUARY 1, 2017	CASH BALANCE BEGINNING OF MONTH	CASH RECEIVED	CASH DISBURSED	CASH BALANCE END OF MONTH
2017 CURRENT FUND	\$3,854,014	\$3,010,892	\$943,023	\$293,936	\$3,659,979
CAPITAL FUND	\$1,916,441	\$6,249,140		\$376,263	\$5,872,877
ANIMAL CONTROL FUND	\$111	\$142			\$142
OTHER TRUST FUNDS	\$519,840	\$468,674	\$2,512	\$834	\$470,352
PAYROLL ACCOUNT		\$66,284	\$202,483	\$185,690	\$83,076
UNEMPLOYMENT ACCOUNT		\$11,843	\$587	\$4,435	\$7,994
TOTAL	\$6,290,406	\$9,806,974	\$1,148,604	\$861,158	\$10,094,419
(a) Balance encumbered were cancelled thereby increasing the available balance.					

B. RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$441,336.93 with the recommendation they be paid, and
- A list of bills in the amount of \$1,592,725.47 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: APPROVAL FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM AUTHORIZING THE BOROUGH OF MANTOLOKING TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on November 21, 2017 the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Mantoloking.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

D. RESOLUTION: TRANSFERRING CURRENT YEAR APPROPRIATIONS #1-2017

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 2017 Appropriation exists; and

WHEREAS, it is recommended that these budget transfers be made in the 2017 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2017 Municipal Budget:

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Municipal Clerk	SW	\$ 2,000.00	
Finance	SW	\$ 3,100.00	
Finance	OE	\$ 3,500.00	
Construction	SW		\$ 3,600.00
Liability Insurance	OE	\$12,500.00	
Road Repair	OE		\$20,000.00
Buildings & Grounds	OE		\$ 7,500.00
Sewer	OE	\$10,000.00	
Total		\$ 31,100.00	\$ 31,100.00

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

A. **RESOLUTION: ENDORSING NO PARKING REGULATION – NEW JERSEY ROUTE 35 (OCEAN AVENUE) – NEW JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, it is proposed that “No Parking Certain Hours” regulation be imposed by the New Jersey Department of Transportation along Route New Jersey 35 (Ocean Avenue), more particularly:

“NO PARKING CERTAIN HOURS

In the Borough of Mantoloking

Along Route NJ 35 (Ocean Avenue):

- (1) No stopping or standing between 8:30 PM and 5:30 AM **from May 1 to September 30 annually** along the northbound (easterly) side:
 - (A) Between Herbert Street (County Route 528) and Lyman Street (approximate mileposts 9.94 to 10.70)
- (2) No stopping or standing between 8:00 PM and 6:30 AM **from October 1 to April 30 annually** along the northbound (easterly) side:
 - (A) Between Herbert Street (County Route 528) and Lyman Street (approximate mileposts 9.94 to 10.70)”; and

WHEREAS, the Borough of Mantoloking endorses the proposed no parking regulations set forth above.

IT IS NOW, THEREFORE, this 21st day of November, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey that:

1. The New Jersey Department of Transportation is hereby petitioned to approve the regulations;
2. Further, the Borough concurs that any existing approved regulations, which are in conflict with or inconsistent with the provisions of this Resolution shall be rescinded upon approval of the Traffic Regulation Order.

B. **RESOLUTION: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO.1**

WHEREAS, Scott Bland has applied for membership in the Mantoloking Fire Company No. 1; and

WHEREAS, the fire company has approved the application; and

WHEREAS, pursuant to the provisions of the By-Laws of the Mantoloking Fire Company No. 1, all applications are also subject to approval of Council.

IT IS NOW, THEREFORE, this 21st day of November 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Scott Bland is hereby approved, subject to receipt of satisfactory physical examination report.

C. 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
Jack Neary	Regular Police Officer	November 21, 2017	\$42,630.00 as per contract

10. **ENVIRONMENTAL COMMITTEE** Councilwoman O’Mealia will present the report of the Environmental Committee.

11. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski will present the report of the Mantoloking Relations Committee.

12. **DUNE & BEACH COMMITTEE**: Councilman Nelson will present the reports of the Dune & Beach Committee and Ocean County Block Grant Program and moves the following resolution:

A. RESOLUTION: PROVIDING FOR TERMINATION OF THE LEGISLATIVE PROCESS FOR PROPOSED ORDINANCE NO. 663 – BEACH AND DUNE

WHEREAS, it is deemed to be in the public interest to reconsider some aspects of the form and substance of the proposed Ordinance; and

WHEREAS, it is the intention of the governing body to develop and consider the adoption of a suitable Ordinance as a matter of priority in 2018.

IT IS NOW, THEREFORE, this 21st day of November, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that pending Ordinance No. 663, as introduced on first reading, be removed from further consideration; accordingly, the hearing scheduled for November 21, 2017, is cancelled.

13. **MAYOR AND COUNCIL COMMENTS**

14. **PUBLIC COMMENTS PERIOD**

15. **NEXT MEETING**:

Agenda Setting Meeting, Tuesday, December 12, 2017 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

16. **ADJOURNMENT**