

DRAFT NO. 1 –01/10/2018

**THE BOROUGH OF MANTOLOKING**  
**MAYOR AND COUNCIL**

**COUNCIL AGENDA SETTING MEETING**

**January 9, 2018**  
**Mantoloking Yacht Club**  
**1224 Bay Avenue**  
**Mantoloking, New Jersey**

The Council Agenda Setting Meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey.

1. **CALL TO ORDER:** Mayor George C. Nebel called the meeting to order at 5:30 p.m.
2. **OPEN PUBLIC MEETING STATEMENT:** Mayor George C. Nebel 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:**

<b><u>COUNCIL</u></b>	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	<b><u>LATE</u></b>	<b><u>DIAL -IN</u></b>
Council President White	X			
Councilman Gillingham	X			
Councilman Amarante	X			
Councilman Nelson		X		
Councilwoman O'Mealia	X			
Councilman Rzemieniewski				X
Mayor George C. Nebel	X			
<b><u>ALSO PRESENT</u></b>				
Beverly A. Konopada, Borough Clerk	X			
Jean Cipriani, Borough Attorney	X			
Lynne Hazelet, Deputy Clerk	X			
April Yezzi, CFO, CTC, QPA	X			
Chief Stacy Ferris	X			

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led 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- December 12, 2017

Regular Council Business Meeting- December 19, 2017

Organization Meeting- January 3, 2018

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 resolution:

A. **RESOLUTION: PROVIDING FOR APPROVAL OF 2018 OCEAN COUNTY SCHEDULE C AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF OCEAN**

**WHEREAS**, the County of Ocean has offered to enter into a Contract with the Borough whereby the County will provide certain road maintenance and repair of municipal streets, together with materials and supplies; and

**WHEREAS**, the utilization of County services during the term of the proposed Agreement is optional and at the sole discretion of the Borough; and

**WHEREAS**, in accordance with the terms of the proposed Agreement, the Borough is obliged, pursuant to Article 2, to certify that sufficient funds are available in its current budget to cover the anticipated cost; and

**WHEREAS**, the form of Contract has been reviewed by counsel and is deemed appropriate upon the condition that the County will accept the Borough's insurance coverage in lieu of the indemnification clause, Article 7 (see copy of proposed Agreement annexed); and

**WHEREAS**, a Certificate of Funds Availability has been provided.

**IT IS NOW, THEREFORE**, this 16 day of January, 2018, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the Borough of Mantoloking shall enter into the proposed Schedule C Agreement for the period January 1, 2018 through December 31, 2018, subject to the acceptance by the County of the Borough's liability insurance in lieu of indemnification;
2. Further, that it is hereby certified that funds are available in the current budget to cover the anticipated cost, \$6,000.00. [Road Maintenance Supplies (Salt)],
3. The Mayor and Borough Clerk are hereby authorized to execute and deliver the Agreement in accordance with this Resolution.
4. A true copy of the Agreement shall be available for public inspection in the Clerk's Office.

B. **RESOLUTION: APPOINTMENT OF PERSONNEL**

**RESOLVED**, Mantoloking Borough Council approves the following appointment with the terms and conditions indicated:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Salary</u>
Ronald J. Pizar	Fire Official	January 1, 2018	\$3,800.00 Annually

**C. RESOLUTION: APPOINTMENT OF PERSONNEL**

**RESOLVED**, Mantoloking Borough Council approves the following appointment with the terms and conditions indicated:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Salary</u>
Richard J. Orlando	Deputy Fire Official and Deputy Fire Sub- Code Official	January 16, 2018	\$35.00 Per Hour

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**

B. **RESOLUTION: PAYMENT OF BILLS**

C. **RESOLUTION: TO ADOPT APPROPRIATION RESERVE TRANSFER # 1**

**D. RESOLUTION: PROVIDING FOR APPROVAL OF PROFESSIONAL SERVICES CONTRACTS**

**WHEREAS**, the Borough of Mantoloking has a need to acquire Professional Services as traditional contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 (as appropriate); and,

**WHEREAS**, Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and,

**WHEREAS**, the anticipated term of the contracts is one (1) year; and

**WHEREAS**, the following have submitted proposals by January 3, 2018 indicating they will provide their listed services:

POSITION	OFFICIAL	CONTRACT AMOUNT	BUSINESS NAME
Borough Attorney	Jean Cipriani	\$150.00 /hr. + Misc.Expenses	Gilmore & Monahan
Borough Auditor	Robert S. Oliwa, R.M.A.	\$27,800.00+\$30-\$125/hr.+ Misc. Expenses	Oliwa & Company, CPA
Borough Engineer Stormwater Program Coordinator Ocean County Block Grant Program Representative	Lawrence Plevier P.E	\$150- \$254/hr. + Misc. Expenses	Mott, MacDonald
Assistant Engineer Municipal Planner Dune Inspector Flood Plain Manager Community Rating System Coordinator	Robert Mainberger, P.E  Douglas Gaffney, P.E. – Alternate Assistant	\$150 -\$254/hr. + Misc. Expenses	Mott MacDonald
Bond Counsel	Matthew Jessup, Esq.	\$180.00-\$325.00 /hr. + Misc. Expenses	McManimon, Scotland & Baumann
Special Council – Public Education	Vito A. Gagliardi, Jr. Kerri A. Wright	\$345/ hr. Principal/Counsel \$145-\$/255/hr. Associate/Paralegal	Porzio Bromberg & Newmann
Planning Board Attorney	Ben Montenegro, Esq.	\$175.00/hr. + Misc. Expenses	Montenegro, Thompson, Montenegro & Genz
Recycling Coordinator	Joy Bragen-Edly	\$1750 per/yr. (4 quarterly payments)	Joy Bragen-Edly

Financial Consultant	Phoenix Advisors	Fee for bonds: \$1.00 per \$1,000 issued minimum- \$12.500 Fee for Notes: \$0.25 per \$1,000 issued Minimum of \$2,500	Phoenix Advisors
Police Physician	Dr. Hitesh B. Patel	\$330.25 Per Examination	Premier Healthcare Associates, PC.
Municipal Prosecutor	Bonnie R. Peterson, Esq.	\$6,000 per/year \$500.00 per month	Bonnie R. Peterson, Esq. Attorney-at-Law
Conflict Prosecutor/Alternate	Michael Burns, Esq.	\$500.00 per court session	Rothstein, Mandell, Strohm, Halm & Kurs
Special Counsel – Police disciplinary matters	Michael J. McKenna	\$175.00 /hr. + misc. expenses	Hiering, Gannon and McKenna
Municipal Public Defender	Margarie M. Herlihy	\$300.00 per case \$150.00 hour for extraordinary services	Herlihy & Young Attorneys
Police Physician- Psychological	Dr. Mark White	\$550.00, plus scoring fee \$70.00 \$200.00 per hour for Supervisor- Imposed Fitness for Duty Referral	Mark White, Ph.D., A.B.P.P. Licensed Psychologist
Borough Special Counsel-State Tax Appeal	Harry Haushalter, Esq.	\$160.00/hr. + misc. expenses	Harry Haushalter Attorney at Law

And,

**WHEREAS**, as may be applicable pursuant to N.J.S.A. 19:44-A-20.4, et seq. obligates the professional contractors to certify that they have not made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Business Entity Disclosure Certification shall be executed prior to execution of the professional services contract, and

**WHEREAS**, a Certificates of Availability of Funds issued by the Chief Financial Officer has been submitted pursuant to N.J.A.C. 5:30-5.4.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Mantoloking authorize the Mayor to enter into the contracts with the professional contractors as described herein in a form acceptable to the Borough Attorney; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that notice of this action is published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

**E. RESOLUTION: PROVIDING FOR APPROVAL OF MAINTENANCE CONTRACTS**

**WHEREAS**, the award of contracts for services, supplies 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.

<u>SERVICE</u>	<u>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
Construction Office Computer Software and Maintenance	Mitchell Humphrey & Co.	\$ 2,340.00 Annual
Computer Software Maintenance	Edmunds & Associates	\$7,829.00 Annual- Support of third party products not included in contract min. hourly rate \$150.00
Website Maintenance	Osprey Technology, LLC	\$140/per month + \$75/hr. Misc. Serv.
Animal Control	Muskrat Jack	\$300.00 per month
Network and Managed Service Provider	ECS- Executive Computer Systems, Inc.	\$575.00 per month

**F. RESOLUTION: AUTHORIZING A ONE MONTH EXTENSION OF TWO PROFESSIONAL CONTRACTS**

**WHEREAS**, the Borough of Mantoloking has previously engaged B.L.D.G Architecture, LLC and Sibia Construction Services, LLC to provide architectural and construction project manager services, respectively, in connection with the design and construction of the new Borough Hall; and

**WHEREAS**, due to multiple factors, the construction of the new Borough Hall has extended beyond the anticipated time frame and the Borough therefore has a continuing need for the provision of architectural and construction project manager services and has requested proposals by the current professionals supplying those services; and

**WHEREAS**, B.L.D.G Architecture, LLC and Sibilia Construction Services, LLC have provided the requested proposals for review by the Chief Financial Officer, the Borough Attorney and the Finance and Building Committees and agreements will be provided to the governing body for review and approval at the February 2018 meeting; and

**WHEREAS**, it is the desire of the governing body to authorize extension of the existing contractual arrangements with B.L.D.G Architecture, LLC and Sibilia Construction Services, LLC under the existing contracts through February 20, 2018 so that there will be no **suspension of these critical** professional services prior to authorization of new contract based upon the provided proposals.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Mantoloking as follows,

1. The previously-authorized contracts between the Borough of Mantoloking and B.L.D.G Architecture, LLC and Sibilia Construction Services, LLC are hereby extended through February 20, 2018 in amounts not to exceed the current monthly amount for \$5,000.00 and \$10,000.00 respectively.
2. That certificates of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for these contracts:  

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3. A copy of this resolution shall be provided to B.L.D.G Architecture, LLC and Sibilia Construction Services, LLC and the Chief Financial Officer.

#### **CERTIFICATION**

I, **Beverley A. Konopada, RMC, CMR**, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Mantoloking at a meeting held on the **16th** day of **January, 2018**.

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**BEVERLEY A. KONOPADA, RMC, CMR**  
Borough Clerk, Borough of Mantoloking

#### **CERTIFICATE OF AVAILABILITY OF FUNDS**

I, **APRIL J. YEZZI**, Chief Financial Officer for the Borough of Mantoloking, do hereby certify that adequate funds are available for a contract with Sibilia Construction Services, LLC for

construction project manager services in connection with the new municipal building, in the amount of \$10,000.00.

The funds which are available for this contract are found in the following line item appropriations or ordinances: \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
**APRIL J. YEZZI**, Chief Financial Officer  
Borough of Mantoloking

I, **APRIL J. YEZZI**, Chief Financial Officer for the Borough of Mantoloking, do hereby certify that adequate funds are available for a contract with B.L.D.G Architecture, LLC for architectural services in connection with the new municipal building, in the amount of \$5,000.00.

The funds which are available for this contract are found in the following line item appropriations or ordinances: \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
**APRIL J. YEZZI**, Chief Financial Officer  
Borough of Mantoloking

9. **PUBLIC SAFETY COMMITTEE**, Councilman Rzemieniewski will present the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management.

A. **RESOLUTION: IN SUPPORT OF THE MULTIPLE SCLEROSIS SOCIETY'S NEW JERSEY METRO CHAPTER AND THE "COAST TO COAST" BIKE MS RIDE**

**WHEREAS**, the Multiple Sclerosis Society, have requested permission to pass through the Borough utilizing County Road 528 ( Herbert Street) , Barnegat Lane, Bay Avenue, Downer and State Highway Route 35 in conjunction with the "Coast to Coast" Bike MS Ride, on Saturday, May 19, 2018; and

**WHEREAS**, the Mayor and Council wish to endorse and support the Multiple Sclerosis Society New Jersey Metro Chapter and the "Coast to Coast" Bike MS Ride.

**IT IS NOW, THEREFORE**, this 16<sup>th</sup> day of January, 2018,

**RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Have requested permission to pass through the Borough utilizing County Road 528

( Herbert Street), Barnegat Lane, Bay Avenue, Downer and State Highway Route 35 in conjunction with the “Coast to Coast” Bike MS Ride, on Saturday, May19, 2018; and is hereby granted subject only to endorsement by the Chief of Police.

2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to Multiple Sclerosis Society, Attention: Amy Ferrone
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

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

**A. RESOLUTION: AUTHORIZING THE EXECUTION OF A STATE AID AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WHEREAS**, the New Jersey Department of Environmental Protection (“NJDEP”) and the United States Army Corps of Engineers (“ACOE”) entered into a Project Partnership Agreement (“PPA”) for the initial construction of the Storm Reduction Project (the “Project”) in the Borough of Mantoloking and surrounding municipalities as well as for periodic renourishment, operation and maintenance of the Project; and

**WHEREAS**, under the terms of the PPA the cost of the construction of the project is borne by the ACOE and the NJDEP which includes the sand placement on the beach and dune, mobilization and demobilization, dune crossovers, dune planting and fencing and administrative costs; and

**WHEREAS**, the NJDEP requires the execution of a State Aid Agreement, attached hereto as Schedule A, with the Borough memorializing the rights and responsibilities of the State of New Jersey and the Borough of Mantoloking concerning the construction and maintenance of the Project; and

**WHEREAS**, the Borough will be responsible for twenty-five percent of the non-federal share of future renourishment over the fifty-year life of the project under a future State Aid Agreement; and

**WHEREAS**, the Borough is required to provide perpetual easements for all properties listed in Appendix C to the PPA for public access and use of the entire beachfront and tidal lands in the Project construction area; comply with the NJDEP’s Coastal Zone Management Rules and shall provide and maintain all public access and parking areas as set forth in the PPA; and

**WHEREAS**, the Borough is required to enter into an agreement with U.S. Fish and Wildlife Service to develop and implement a beach species management plan; and

**WHEREAS**, the Borough is required to comply with the eligibility requirements for the Disaster Relief Community Development Block Grants (CDBG-DR) for funding for recovery efforts involving housing, economic development, infrastructure and prevention of further damage to affected areas; and

**WHEREAS**, the Borough Council wishes to authorize the execution of the State Aid Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Mayor is hereby authorized to execute, and the Borough Clerk to attest to the State Aid Agreement Between the Department of Environmental Protection and the Borough of Mantoloking for Construction of Manasquan Inlet to Barnegat Inlet, New Jersey Hurricane and Storm Reduction Project, Project Number 6075-M-I.

11. **ENVIRONMENTAL COMMITTEE** Councilwoman O’Mealia will present the report of the Environmental Committee.
12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Amarante will present the report of the Mantoloking Relations Committee.

13. **MAYOR AND COUNCIL COMMENTS**

Mayor Nebel advised that a copy of the State Aid Agreement would be posted on the website on Monday night.

Councilman White discussed the gas project.

Week of the 15<sup>th</sup> cleanup, week of the 22<sup>nd</sup> bring pipe in, week of the 25<sup>th</sup> final cleanup.

Councilman White reported on beach replenishment. No sand is pumping due to the weather.

There is an anticipated 1400 feet to the Brick border.

The contractor will move north 2400 feet up to base bid at 1074 Ocean Avenue.

Option 11 goes up to Stephens Place

Option 9 goes up to the Bay Head Border.

Councilwoman O’Mealia inquired if Robert Mainberger would be present at Tuesday’s meeting. Beach Committee will report in January

14. **PUBLIC COMMENTS PERIOD**

No Comments were made.

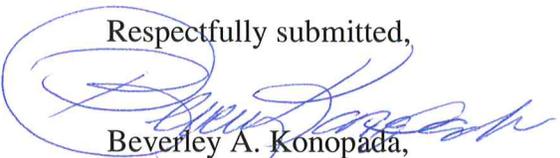
15. **NEXT MEETING:**

Council Regular Business Meeting, Tuesday, January 16, 2018 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

16. **ADJOURNMENT**

There being no further business for this meeting, it was motioned by Councilman White to adjourn. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

Respectfully submitted,



Beverley A. Konopada,  
Borough Clerk