

DRAFT NO. 1 –02/272018

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES - COUNCIL AGENDA SETTING MEETING

February 13, 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:** Council President White called the meeting to order at 5:30 p.m.

2. **OPEN PUBLIC MEETING STATEMENT:** Council President White 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:**

<u>COUNCIL</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>LATE</u>	<u>DIAL -IN</u>
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
<u>ALSO PRESENT</u>				
Beverley 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			
Robert Mainberger, P.E., Mott MacDonald	X			

4. **PLEDGE OF ALLEGIANCE:** Council President White 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.

Council Agenda Setting Meeting- January 9, 2018
Council Regular Business Meeting- January 16, 2018

6. **PRIVILEGE OF THE FLOOR:** Council President White 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 OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A CONTRACT WITH B.L.D.G. ARCHITECTURE FOR ARCHITECTURAL SERVICES

WHEREAS, the Borough of Mantoloking has previously engaged B.L.D.G Architecture, LLC and Sibilia 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 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, it has been determined and certified in writing that the anticipated value of the contract may exceed \$17,500 and the anticipated term of the contract will be eight months; and

WHEREAS, the amount of the contract to be awarded under this resolution is determined to be \$17,010.00, which sum is reasonably estimated based upon such Architecture Services as may be required over the contract term to be awarded under this resolution, including, but not limited to, the amount spent for such services for the previous calendar year, the costs of compensation under the contract to be awarded, and any projected increase or decrease in services anticipated versus the prior year, and which sum the Borough of Mantoloking is under no obligation to spend and which may be exceeded; and

WHEREAS, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed hereto; and

WHEREAS, B.L.D.G Architecture, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the company has not made any reportable contributions to a political candidate in the Borough of Mantoloking in the previous one year, and that the contract will prohibit B.L.D.G Architecture, LLC from making any reportable contributions to a political or candidate committee in the Borough of Mantoloking through the term of the contract; and

WHEREAS, it is the desire of the governing body to award a contract to the B.L.D.G Architecture, LLC to provide Architecture Services at Borough of Mantoloking; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” and requires that the resolution and contract be made available for public inspection.

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

1. That the governing body does hereby award a contract to provide architecture services at the Borough of Mantoloking to B.L.D.G Architecture, LLC, in accordance with the proposal attached hereto as Schedule A.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, an agreement with B.L.D.G Architecture, LLC, in accordance with the provisions of this resolution.
3. That a certificate 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 this contract: _____

4. That the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution.
5. That this resolution shall take effect immediately.
That a certified copy of this resolution shall be provided by the Borough Clerk to the Chief Financial Officer and B.L.D.G Architecture, LLC.

B. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A CONTRACT WITH SIBILIA CONSTRUCTION SERVICES, LLC FOR CONSTRUCTION MANAGEMENT SERVICES

WHEREAS, the Borough of Mantoloking has previously engaged B.L.D.G Architecture, LLC and Sibilias 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, including Sibilias Construction Services, LLC, supplying those services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, it has been determined and certified in writing that the anticipated value of the contract will exceed \$17,500 and the anticipated term of the contract will be eight months; and

WHEREAS, the amount of the contract to be awarded under this resolution is determined to be \$110,400.00, which sum is reasonably estimated based upon such Construction Management Services as may be required over the contract term to be awarded under this resolution, including, but not limited to, the amount spent for such services for the previous calendar year, the costs of compensation under the contract to be awarded, and any projected increase or decrease in services anticipated versus the prior

year, and which sum the Borough of Mantoloking is under no obligation to spend and which may be exceeded; and

WHEREAS, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed hereto; and

WHEREAS, Sibia Construction Services, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the company has not made any reportable contributions to a political candidate in the Borough of Mantoloking in the previous one year, and that the contract will prohibit Sibia Construction Services, LLC from making any reportable contributions to a political or candidate committee in the Borough of Mantoloking through the term of the contract; and

WHEREAS, it is the desire of the governing body to award a contract to the Sibia Construction Services, LLC to provide Construction Management Services at Borough of Mantoloking; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” and requires that the resolution and contract be made available for public inspection.

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

1. That the governing body does hereby award a contract to provide architecture services at the Borough of Mantoloking to Sibia Construction Services, LLC, in accordance with the proposal attached hereto as Schedule A.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, an agreement with Sibia Construction Services, LLC , in accordance with the provisions of this resolution.
3. That a certificate 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 this contract: _____

4. That the Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution.
5. That this resolution shall take effect immediately. That a certified copy of this resolution shall be provided by the Borough Clerk to the Chief Financial Officer and Sibia Construction Services, LLC.

C. RESOLUTION: APPOINTMENT OF BETH NELSON TO PLANNING BOARD CLASS IV, CHRISTINE BECK TO ALTERNATE #1 AND JOHN WESSON TO ALTERNATE 2

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

Name	Position	Effective Date
Beth Nelson	Class IV Member-Planning Board to fill unexpired term	February 20, 2018 – December 31, 2021
Christine Beck	Alternate # 1	February 20, 2018-December 31, 2019
John Wesson	Alternate # 2	February 20, 2018 – December 31, 2018

D. RESOLUTION: INTRODUCTION TO ORDINANCE NO. _____ AMENDING SALARY RANGE ORDINANCE # 671 TO CREATE THE POSITION OF CODE ENFORCEMENT OFFICER

Sponsored by: Councilman White
Date Introduced: February 20, 2018
Public Hearing and Adoption Consideration: March 20, 2018
Synopsis:

E. RESOLUTION: INTRODUCTION TO ORDINANCE NO. _____ AMENDING ORDINANCE 672 PROPERTY MAINTENANCE ORDINANCE

Sponsored by: Councilman White
Date Introduced: February 20, 2018
Public Hearing and Adoption Consideration: March 20, 2018
Synopsis:

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

BOROUGH OF MANTOLOKING					
Financial Report for the Month of December, 2017					
Status of the Budget on December 31, 2017					
FUND	ORIGINAL APPROPRIATION	BALANCE LAST MONTH	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2017 CURRENT FUND	\$6,817,624	\$808,528	\$283,449	\$85,754	\$439,325
2016 Appropriation Reserves	\$501,387	\$287,548	\$0	(\$1,257)	\$288,805
SANDY EMERGENCY FUNDS	\$297,639	\$190,858		(\$7,233)	\$198,091
CAPITAL FUND	\$7,195,713	\$2,818,259	\$657,165	\$169,732	\$1,991,362
(Subcategory of Capital Fund)					
Construction-Municipal Building	\$5,500,000	\$1,676,524	\$619,675	\$0	\$1,056,849
TOTAL	\$20,312,363	\$5,781,717	\$1,560,289	\$246,996	\$3,974,431
Receipts, Disbursements and Changes in Cash Balance During the Month of December 31, 2017					
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	\$4,277,892	\$2,303,053	(\$523,149)	\$6,057,796
CAPITAL FUND	\$1,916,441	\$5,352,294	\$91,260	(\$581,328)	\$4,862,225
ANIMAL CONTROL FUND	\$111	\$142	\$0	(\$2)	\$139
OTHER TRUST FUNDS	\$519,840	\$471,568	\$35,075	(\$4,970)	\$501,673
PAYROLL ACCOUNT		\$99,082	\$186,546	(\$272,069)	\$13,559
UNEMPLOYMENT ACCOUNT		\$8,584	\$25,001	(\$3,828)	\$29,756
LAW ENFORCEMENT TRUST		\$2,836	\$1	\$0	\$2,837
TOTAL	\$6,290,406	\$10,212,397	\$2,640,935	(\$1,385,347)	\$11,467,985
(a) Balances encumbered were cancelled thereby increasing the available balance.					
(b) This information is specific to Ordinance #656 Construction of Municipal Building.					
The encumbrance amount is not paid but reserved for future payment based on contractual obligations.					

B. RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$425,531.71 with the recommendation they be paid, and
- A list of bills in the amount of \$1,617,142.41 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: TO ADOPT APPROPRIATION RESERVE TRANSFER # 2

WHEREAS, N.J.S.A. 40A: 4-59 provides that in the first 3 months of the fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopted by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

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 Reserves exists; and

WHEREAS, it is recommended that these appropriation reserve transfers be made;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Mantoloking that the following budget transfers be made for the 2017 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Ocean County			
Utilities Authority	OE	\$ 28,600.00	
Engineering	OE	25,000.00	
Planning	SW		10,000.00
Group Insurance	OE		10,000.00
Road Repairs	SW	-	25,000.00
Social Security	OE		8,600.00
Total		\$53,600.00	\$53,600.00

D. RESOLUTION: ESTABLISHMENT OF 2018 POLICE SALARIES

WHEREAS, the Mayor and Council has approved 2018 annual salaries for Police per their 2016 contract, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following schedule of salaries for 2018:

2018 POLICE

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Ferris, Stacy	Police Chief	148,569.00
Barcus, John	Lieutenant	132,543.28
Meyer, Jon	Sergeant	
	January 1 through December 19, 2018	119,458.65
	December 20 through December 31, 2018	119,458.65
Saccone, Eugene	Sergeant	
	January 1 through May 31, 2018	122,839.56
	June 1 through December 31, 2018	123,966.53
Dryburgh, Scott	Patrolman	
	January 1 through July 31, 2018	109,626.96
	August 1 through December 31, 2018	111,735.17
Popaca, Greg	Patrolman	92,561.00

Brunas, Brian	Patrolman	78,015.00
Harchetts, Andrew	Patrolman	
	January 1 through June 17, 2018	55,262.11
	June 18 through December 31, 2018	60,575.49
Neary, Jack	Patrolman	
	January 1 through Graduation from Academy	45,599.34
	Graduation through December 31, 2018	49,941.77

E. RESOLUTION: TO ADOPT TEMPORARY EMERGENCY APPROPRIATION #1

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 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$1,946,600.00.

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 2017 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>
Municipal Clerk	\$44,000.00	\$ 20,000.00
Finance	\$30,000.00	\$ 10,000.00
Tax Assessor	\$10,000.00	
Legal		\$ 25,000.00
Planning	\$15,000.00	
Construction	\$ 5,000.00	
Insurance-Group Health		\$ 75,000.00
Police	\$90,000.00	\$ 25,000.00
Emergency Management		\$ 1,500.00
Road Repair	\$20,000.00	
Garbage		\$ 50,000.00
Buildings & Grounds		\$ 10,000.00
Dog		\$ 3,000.00

Beach Maintenance		\$ 25,000.00
Telephone		\$ 2,000.00
Fire Hydrant		\$ 7,500.00
Ocean County Utilities Authority		\$ 35,000.00
Social Security		\$ 20,000.00
Court	\$15,000.00	\$ 2,000.00
TOTAL	\$ 224,000.00	\$316,000.00
GRAND TOTAL	\$ 540,000.00	

F. RESOLUTION: INTRODUCTION TO ORDINANCE NO. _____ AUTHORIZING CAPITAL ITEMS

Sponsored by: Councilman Gillingham
Date Introduced: February 20, 2018
Public Hearing and Adoption
Consideration: March 20, 2018
Synopsis:

Councilman Gillingham asked CFO, April Yezzi, to explain Resolution F. She indicated that three items were up for consideration which included an all terrain vehicle, Sports Utility Vehicle and a Finger Print Machine for the Police Department. Councilman Gillingham was concerned that the borough would go further into debt and explained that the council should think hard about borrowing money for things that could be purchased out of the annual budget. Councilman Rzemieniewski agreed.

Councilman Rzemieniewski- questioned whether Matt Jessup was appointed as Bond Counsel for the current Bond for Borough Hall or Bond Counsel for new bonds in 2018. He would like to see a resolution limiting Mr. Jessups involvement. He asked Borough Attorney, Jean Cipriani if she could do a bond ordinance. Ms. Cipriani advised that she could draft a capital ordinance, not a bond ordinance.

Clerk Konopada indicated that although the borough appoints professional service contracts in January it doesn't necessarily mean their services will be engaged. The appropriate paper work is in place to authorize the borough to initiate the professionals should the need arise.

Councilwoman O'Mealia explained to the audience that capital expenses have a lifespan of five years. She recommended that the Public Safety Committee act as the liason to the finance committee and Council on all police related expenditures.

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

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

WHEREAS, Carl Beck has applied for membership in the Mantoloking Fire Company No. 1 as Fire Police; 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 20th day of February, 2018, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Carl Beck is hereby approved, subject to receipt of satisfactory physical examination report.

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

WHEREAS, Daniel Gaestel has applied for membership in the Mantoloking Fire Company No. 1 as Fire Fighter; 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 20th day of February, 2018, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Daniel Gaestel is hereby approved, subject to receipt of satisfactory physical examination report.

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

A. **RESOLUTION: 2018 PROPOSAL TO MONITOR THE BEACHES OF MANTOLOKING, NJ, ANNUALLY AND TO RESPOND TO UNFORESEEN EVENTS OR FURTHER DEVELOP MANTOLOKING'S COASTAL MANAGEMENT PLAN**

B. RESOLUTION: INTRODUCTION TO ORDINANCE NO. AMENDING AND SUPPLEMENTING CHAPTER XI OF THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, ENTITLED “PROTECTION OF BEACHES AND DUNES”

Sponsored by: Councilman Nelson
Date Introduced: February 20, 2018
Public Hearing and Adoption
Consideration: March 20, 2018

Synopsis:

SEE ATTACHED RESOLUTION

Councilman Gillingham asked for clarification regarding Resolution A . Robert Mainberger advised that Dr. Farrell has been retained over the years to do survey work in addition to quarterly and semi annual reports on the beach. Mr. Mainberger requested that Dr. Farrell reduce his proposal and provide the borough with ad-hock needs during the beach fill project.

11. **ENVIRONMENTAL COMMITTEE** Councilwoman O’Mealia will present the report of the Environmental Committee and moves the following resolution:

A. RESOLUTION: OPPOSING OFF SHORE DRILLING

Environmental Commission Chairwoman, Claudia Larsen, advised the audience that Clean Ocean Action sent some materials for residents to review that illustrate what off shore drilling would look like three miles off shore.

12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Amarante will present the report of the Mantoloking Relations Committee.

13. **MAYOR AND COUNCIL COMMENTS**

Councilwoman O’Mealia apologized that the Beach Ordinance was not yet available on the website and Mantoloking Reporter. She advised that Robert Mainberger was in attendance to field any questions regarding the Dune and Beach Ordinance.

Councilman Rzemieniewski discussed an article in the newspaper regarding a woman who had been bitten by a dog on the beach. He further advised that maybe the town should consider prohibiting dogs on beach. In response to children running on the protective dunes, Councilman Rzemieniewski asked that the Municipal Prosecutor be contacted for recommendations regarding the dunes pursuant to appropriate state law.

14. PUBLIC COMMENTS PERIOD

Dune and Beach Ordinance should be mailed to ocean front homeowners. Ocean front tax payers should be given opportunity to review. Councilman White advised that the ordinance will be mailed as promised.

Borough Attorney, Jean Cipriani, advised that the ordinance has been around for a long time. It requires two readings and suggests that the borough go ahead with introduction and provide to the ocean front homeowner. At the 2nd reading there would be an opportunity to make changes. If those changes are not substantial the ordinance may be adopted. If substantial changes are necessary, it would become a 1st reading and an amendment to the ordinance would be required.

Riparian Rights- Robert Mainberger

Questions regarding surfers

Beach Badge requirements

Estimated cost for borough hall and amount for BLDG and Bob Sibilia.

Beach Committee resolution to be placed on the Regular Business Meeting agenda

Councilman Rzemieniewski- discussed insurance issues regarding life guards on the beach.

Councilman Gillingham – Municipality has had a 100 years history of providing no amenities or lifeguard service on the beach. That status is recorded and memorialized in the municipal code. Changes to this process would require an ordinance change.

Changes to the borough code regarding beach regulations should be done at one time.

15. NEXT MEETING:

Council Regular Business Meeting, Tuesday, February 20, 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 Rzemieniewski to adjourn. The motion was seconded by Councilman Amarante and approved by unanimous voice vote at 6:30 pm.

Respectfully submitted,

Beverley A. Konopada,
Borough Clerk