

DRAFT NO. 1 –05/09/2018 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

MINUTES - COUNCIL AGENDA SETTING MEETING

May 8, 2018
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The Council Agenda Setting Meeting of the Mayor and Council will be 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:**

<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			
Robin La Bue, Borough Attorney Rep.	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.

Council Agenda Setting Meeting- April 17, 2018
 Council Regular Business Meeting- April 24, 2018

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

7. 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 March 31, 2018					
Status of the Budget on March 31, 2018					
FUND	APPROPRIATION	BALANCE LAST MONTH	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2018 TEMPORARY BUDGET- CURRENT	\$2,879,130	\$2,879,130	\$1,135,401	\$43,700	\$1,700,029
2018 CAPITAL FUND	\$4,563,899	\$1,976,632	\$170,436	\$0	\$1,806,196
2017 Appropriation Reserves	\$525,079	\$350,838	\$3,564	\$0	\$347,274
SANDY EMERGENCY FUNDS	\$198,091	\$198,091	\$51,523	\$0	\$146,568
(Subcategory of Capital Fund)					
Construction-Municipal Building	\$5,072,712	\$2,283,000	\$191,595	\$1,646,850	\$444,555
TOTAL	\$13,238,910	\$7,687,691	\$1,552,518	\$1,690,550	\$4,444,622

Receipts, Disbursements and Changes in Cash Balance During the Month of March 31, 2018					
FUND	CASH BALANCE JANUARY 1, 2018	CASH BALANCE BEGINNING OF MONTH	CASH RECEIVED	CASH DISBURSED	CASH BALANCE END OF MONTH
2017 CURRENT FUND	\$6,057,796	\$4,158,967	\$831,454	(\$661,953)	\$4,328,468
CAPITAL FUND	\$4,862,225	\$5,532,015	\$0	(\$191,595)	\$5,340,421
ANIMAL CONTROL FUND	\$139	\$179	\$5	(\$11)	\$173
OTHER TRUST FUNDS	\$501,673	\$504,677	\$0	(\$1,298)	\$503,379
PAYROLL ACCOUNT	\$14,240	\$32,392	\$183,092	(\$159,684)	\$55,801
UNEMPLOYMENT ACCOUNT	\$29,756	\$30,016	\$2	(\$4,942)	\$25,076
LAW ENFORCEMENT TRUST	\$2,837	\$2,837	\$0	\$0	\$2,837
TOTAL	\$11,468,666	\$10,261,084	\$1,014,554	(\$1,019,483)	\$10,256,155

(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 \$392,569.37 with the recommendation they be paid, and
- A list of bills in the amount of \$81,995.34 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 TEMPORARY EMERGENCY APPROPRIATION #4

8. **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 resolution.

A. RESOLUTION: APPOINTMENT OF PERSONNEL SEASONAL PART-TIME

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	Salary
Theresa Hulse	Beach Patrol	6/15/18-9/15/18	\$12.50
Rachel Stadnik	Badge Checker	6/15/18-9/15/18	\$10.00
Jeanmarie Villata	Badge Checker	6/15/18-9/15/18	\$10.00
Bella Toto	Badge Checker	6/15/18-9/15/18	\$10.00

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

Councilwoman O’Mealia advised the public with the date, time and place of the Barnegat Bay cleanup.

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

11. **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: APPOINTMENT OF PERSONNEL PART-TIME

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	Salary
William Heckman	Public Works Laborer Part-Time	4/25/2018	\$30.00/hour * No more than 24 Hours per week in accordance with NJ State Division of Pensions and Benefits*

B. RESOLUTION: APPOINTMENT PERSONNEL PART-TIME

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	Salary
Todd Morgano	Plumbing Inspector	5/2/2018	\$35.00/hour

C. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE PROPOSAL OF AND AUTHORIZING THE EXECUTION AN AGREEMENT WITH SCOUT OCEAN LIFEGUARDS, LLC

WHEREAS, the Borough of Mantoloking has determined it is in the best interests of the Borough to provide lifeguarding services at three locations along the beaches of the Borough of Mantoloking for the summer of 2018; and

WHEREAS, the Borough of Mantoloking is in receipt of a proposal from Scout Ocean Lifeguards, LLC for the provision of Lifeguarding Services; and

WHEREAS, the Borough hereby accepts the proposal of Scout Ocean Lifeguards, LLC, attached hereto as Schedule A, and authorizes the execution of an Agreement with Scout Ocean Lifeguards, LLC for the provision of Lifeguarding Services for the Summer Season of 2018 on three beaches in the Borough of Mantoloking, subject to the approval of the Borough Attorney, in accordance therewith.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, as follows:

1. That the proposal of the Scout Ocean Lifeguards, LLC, attached hereto as Schedule A, is hereby accepted.
2. That the award of this contract is conditioned upon the receipt from Scout Ocean Lifeguards, LLC of the mandatory certificate of insurance in the amounts set forth in the Request for Proposals, naming the Borough of Mantoloking as an additional insured.
3. That, upon the receipt of the required documents, the Mayor is hereby authorized to execute, and the Borough Clerk to attest to an Agreement with the Scout Ocean Lifeguards, LLC for the provision of lifeguarding services in three locations, in accordance with its proposal.

Councilman White advised the public know that copies of the proposal (RFP) are available.

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 resolutions.

A. INTRODUCTION OF ORDINANCE 678 -AN ORDINANCE OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF MANTOLOKING, SO AS TO AMEND CHAPTER 10, ENTITLED "BEACH REGULATIONS"

"SEE ATTACHED"

ROLL CALL VOTE:

13. MAYOR AND COUNCIL COMMENTS

No comments were made

14. PUBLIC COMMENTS PERIOD

Bill Wolf, 1424 Ocean Avenue, had questions regarding 3 access points that will have Lifeguards. He was concerned that Albertson is not being covered as in the past and the closest Lifeguard would be stationed at Downer Avenue. He also had a question regarding the status of South Beach Association. Badge requirement in the wet sand below the high mean water line.

Badge checkers responsible for knowing who is required to have a badge.
Potential for confrontation

Councilman Amarante, currently Director at South Beach Association, stated that the Association decided not to disband because they still think acting as a town family oriented beach is vitally important to the town. 140 to 150 families are members. Break even operation with some donations from time to time from its members.

Councilman White explained that if you sit down in the sand you will be required to have a badge. He further explained that Albertson had lifeguards for many years and that they have determined that Downer, Lyman and Carrigan are the busiest access points at this time.

Councilwoman O'Mealia – Carrigan, Lyman (mid) Downer considered south. She discussed how services will evolve after this year. Councilman Gillingham prepared a budget, very detailed and well thought out approach for the town.

Borough Attorney Representative, Robin LaBue – anyone not resting on the beach is not required to have a badge.

Councilman Nelson stated for the record the following:

Mantoloking has 2.2 miles of beaches that are halfway through replenishment. The Army Corps and its contractor are scheduled to finish the Northern portion of the town in late July through Early September with all walkways and plantings completed by mid-Fall. This will obviously cause some disruption in the typical summer season, but will be helpful to mitigate Hurricane Season storm risk.

Historically Mantoloking has had unguarded beaches with the exception of two private beach associations (South Beach Association in the North and MBA in the South). South Beach Association is still active. MBA is not.

Residents and visitors in the Southern part of the Borough have grown accustomed to lifeguarded beaches (1-3) and have requested the Borough to provide such services. A Beach Committee was formed at the Mayor's request to explore all options for the entire Borough. The Committee consisted of two council people and three private citizens. The Committee (although not unanimous) recommended having life

guards in multiple locations and using the existing contractor to carry out the services (Scout Lifeguards LLC).

Representatives of the Borough posted an RFP in March and Scout was the only group that came back with a proposal. Brick Beach Lifeguards were consulted early in the discussions, but were discouraged by certain members of the Committee as well as certain Council people. This was a mistake— the Brick lifeguards are world class and we could have arguably been included in Brick's insurance program. They were interested, but the fact of the matter is that they are set for this season and their staffing is locked down. The Council President requested the Borough's Current insurer to do an insurance assessment. That assessment took a very long time and came back with a recommendation not have Borough funded lifeguards on any of its beaches. An Aquatic expert was brought in and another recommendation was proffered— recommending lifeguards in regular interval the length of the Borough.

The whole situation got very complicated very fast. The question is not whether the Borough needs lifeguards, it is a question of how and when?

I am of the opinion that the Borough does need lifeguards— but that is my opinion. The Mayor should not decide, the Council President should not decide, the voting residents should not decide. The FACTS need to be laid out in a fashion that has become trendy as of late— transparently— and the entire Community needs to decide.

This can be done very simply. A Committee is formed immediately— All options are considered. The options are laid out to the Council and the best two are put forward. A Town Hall is held mid-summer to explain the options and the thinking and a vote is set — one vote for each taxpaying lot in the Borough. Voting to be done in person at Borough Hall. A mid -summer vote will allow us to ascertain how the beaches are being used this summer— will give us a good idea as to the amount of beach badges sold and the associated Finances.

In the meantime, what do we do about this summer? I have an extremely difficult time voting for lifeguards in three very arbitrary locations— that may or may not make sense depending on replenishment activity and without having a crystal clear picture of how the guard stations will be staffed for the entire season. Above all, the solution needs to be fair and equitable for all residents in the Borough— as they will at best be bearing the brunt of high beach badge fee with services lacking in a large part of town or bearing the brunt in the form of a tax increase due to a potential budget shortfall. The current proposal of three lifeguard stations at Carrigan, Lyman and Downer is not fair and equitable.

If you follow the mandate of fair and equitable treatment, there are three options as I see it:

1. Have unguarded beaches for this summer with clear and explicit language stating such;
2. Work with Scout to staff the Downer beach location and having a regular "Patrol" that goes up and down the beaches and is able to respond to emergencies that may exist outside of the designated guarded beaches;

3. Keep the three locations as proposed, but with two different beach fees. \$80 for guarded and \$40 for unguarded.

I prefer option #2 and assuming that Scout meets the requisites (Municipal, State and otherwise) I am happy to support them guarding Downer and working with the Police to patrol the rest.

My options are a temporary fix and I truly believe that a comprehensive proposal with all of the facts should be considered for summer of 2019— with the COMMUNITY deciding what is best for our beaches.

Happy to hear others thoughts.

Patricia Peterson, 201 Bergen Avenue, sought information regarding Scout Lifeguards cost of the proposal and if other proposals were received.

Mayor Nebel advised Ms. Peterson that a copy of the proposal could be obtained at Borough Hall.

Councilwoman O’Mealia introduced Wade Bredin from Scout Lifeguards, LLC. Wade advised the public that this will be his 6th season as Head Lifeguard. He founded his own company and contracted with the MBA and that he guarded Downer and Albertson beaches. He also advised the public to reach out to Beverley and get the bid proposal which contains a large amount of information and he is sure all questions will be answered.

Joann Lygas, 970 Barnegat Lane, In order for residents to make an informed decision, numbers should be provided as to the cost of maintaining the beach as well as a reserve for sand for beach replenishment. The town is not obligated to pick up where the Mantoloking Beach Association left off. The Army Corp. does not require the borough to have lifeguards.

Councilman Rzemieniewski advised that last year he and Councilwoman O’Mealia had asked for increasing badge fees and was voted down. The entire project got off very late. Things should have been started a year ago.

Debbie Rzemieniewski, – former treasurer of MBA, 201 Downer Avenue, advised that the MBA had a meeting with the whole membership. They decided that the liability is too great and noted that they have not disbanded. The MBA was assured the Borough would take over lifeguard service.

Becky Schmierer, 1209 Bay Avenue, posed a question to the Council regarding the worth of a child’s life and that the town should not be concerned about the money after spending millions on Borough Hall.

Councilman Rzemieniewski stated there is no price on child life.

15. NEXT MEETING:

Council Regular Business Meeting, Tuesday, May 15, 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 White and approved by unanimous voice vote at 6:09 p.m.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk