

DRAFT NO. 1–08/15/2018 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

MINUTES - COUNCIL AGENDA SETTING MEETING
August 14, 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:**

<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			

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- July 10, 2018

Council Regular Business Meeting- July 17, 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 resolutions.

A. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AWARDING A CONTRACT FOR EMERGENCY STORM RESPONSE SERVICES

WHEREAS, the Borough of Mantoloking duly advertised for the receipt of bids for the Emergency Storm Response Services.

WHEREAS, in response to the invitation to bidders, one (1) bid was received on August 10, 2018 (Yannuzzi and Sons, Inc. - \$244,770.00, being comprised of \$112,590.00 for the base bid and \$132,180.00 for Supplemental Bid Item 1); and

WHEREAS, the bids have been reviewed by the Borough Engineer and it has been determined that Yannuzzi and Sons, Inc. has submitted the lowest responsible and responsive bid in accordance with the bid specifications, in an amount not to exceed \$244,770.00, being comprised of \$112,590.00 for the base bid and \$132,180.00 for Supplemental Bid Item 1; and

WHEREAS, it is the desire of the governing body to award a contract for the base bid and Supplemental Bid Item 1 for Emergency Storm Response Services to Yannuzzi and Sons, Inc.

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 governing body does hereby award a contract for Emergency Storm Response Services to Yannuzzi and Sons, Inc., in an amount not to exceed \$244,770.00 being comprised of \$112,590.00 for the base bid and \$132,180.00 for Supplemental Bid Item 1.

2. That the Mayor and Municipal Clerk are hereby authorized to execute a contract with Yannuzzi And Sons, Inc., in accordance with the bid submitted by Yannuzzi and Sons, Inc., and the bid specifications.

3. That the governing body specifically approves the bid specifications, designs and plans prepared in connection with Emergency Storm Response Services.

4. That the contract shall be open-ended contracts with funds being encumbered contingent upon the availability of funds in the budget year. 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: _____.

5. That a certified copy of this resolution, together with a copy of the contract between the parties, shall be provided by the Municipal Clerk to the Chief Financial Officer and Yannuzzi And Sons, Inc.

B. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENT WITH WALLACE BROTHERS FOR VARIOUS CONTRACT DISPUTES CONCERNING PROPOSED MANTOLOKING MUNICIPAL BUILDING

WHEREAS, the Borough and Wallace Brothers previously entered into a contract for the construction of the Proposed Mantoloking Municipal Building dated September 7, 2016; and

WHEREAS, a contractual dispute existed between the parties concerning certain Construction Change Directives and specific delays in the completion of the project; and

WHEREAS, to avoid the costs and delays of litigation, the parties have agreed to resolve the above disputes without the necessity of further litigation; and

WHEREAS, it is the desire of the governing body to authorize the execution of this change order.

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

1. That the governing body does hereby approve and authorize the settlement of the Construction Change Directives No. 2 and No. 3 and delay claims up to and including July 26, 2018, as embodied in the Settlement Agreement, attached hereto and made apart hereof.
2. That the Mayor and Municipal Clerk are hereby authorized to execute Settlement Agreement in order to effectuate the Settlement of litigation in accordance with the terms and conditions.
3. 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:

- _____
- _____.
4. A copy of this resolution shall be provided to Wallace Brothers, B.L.D.G Architecture, LLC and Sibia Construction Services, LLC, and the Chief Financial Officer.

C. RESOLUTION: IN SUPPORT OF POINT PLEASANT BEACH PROJECT GRADUATION AND PTO SENIOR SCHOLARSHIPS 2018 TOWN-WIDE GARAGE SALE, SATURDAY, OCTOBER 13, 2018- RAIN DATE SUNDAY, OCTOBER 14, 2018

WHEREAS, Mary Ellen Savage has requested the Mayor and Council support a Town-Wide Garage Sale for Point Pleasant Beach Project Graduation 2018 and PTO Senior Scholarships to be held on Saturday, October 13, 2018 with a rain date Sunday, October 14, 2018; and

WHEREAS, the Project Graduation Committee has requested that the Borough waive the required fee and permit for Mantoloking participants; and

WHEREAS, a \$25.00 donation will be made by participating Mantoloking households to support Project Graduation 2018 and PTO Scholarships.

IT IS NOW, THEREFORE, this 21st day of August, 2018, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, hereby support Project Graduation 2018 and PTO Scholarships.

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

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 resolution.

A. RESOLUTION: IN SUPPORT OF MA DEUCE DEUCE 22- KILOMETER WALK ON SEPTEMBER 22, 2018

WHEREAS, Ma Deuce Deuce, a nonprofit local veteran’s organization, has requested permission to utilize roadways in the Borough in conjunction with a 22-Kilometer walk fundraiser called Operation: Ruck It, on Saturday, September 22, 2018; and

WHEREAS, the Mayor and Council wish to endorse and support the Operation: Ruck It

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

1. The request to utilize Bergen, Barnegat Lane, Bay Avenue, Downer and Princeton 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 Ma Deuce Deuce, Attention: Dennis Addesso, President.
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.

Councilman Nelson stated he will not be in attendance at next week’s meeting. He reported that sand was being pumped again on the beach.

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

Councilman White advised that there has been significant steps made with the new building:

Electrical inspection – passed
Meter was installed yesterday on the side of the building
JCPL will run the lines
Happy to report that we finally have electricity

Councilman Rzemieniewski wanted to know who is going to pay the utility bills. Councilman White advised that the borough is responsible for those bills.

Councilwoman O’Mealia thanked Councilman White for all his hard work regarding the new building. This project required hours of meetings, phone calls and relationship building. It was not an easy puzzle to put together.

14. PUBLIC COMMENTS PERIOD

No comments were made

Councilwoman O’Mealia motioned to go into executive session. The motion was seconded by Councilman White and approved by unanimous voice vote at 5:38 p.m.

15. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act authorizes the Borough Council to enter into executive session to discuss certain matters pursuant to N.J.S.A. 10:4-12; and

WHEREAS, the Borough Council desires to go into executive session to discuss matters related to contract negotiation.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Council shall go into executive session to discuss the following items:

1. Contract Negotiations: N.J.S.A. 10:4-12(b)(4) – Borough Hall Construction.

16. NEXT MEETING:

Council Regular Business Meeting, Tuesday, August 21, 2018 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

17. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Rzemieniewski to return to open session and adjourn. The motion was seconded by Councilman White and approved by unanimous voice vote at 6:15 p.m.

Respectfully submitted,

Beverley A. Konopada
Borough Clerk