

DRAFT NO. 1 –07/11/2018 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

COUNCIL REGULAR BUSINESS MEETING

July 17, 2018
5:30 p.m.
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The Council Regular Business 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.

Council Agenda Setting Meeting- June 6, 2018
Council Regular Business Meeting- June 12, 2018
Closed Session- March 20, 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 OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A COMMERCIAL PARKING PERMIT PILOT PROGRAM

WHEREAS, many residential streets of the Borough of Mantoloking are governed by a four-hour parking limitation set forth in the Borough’s parking ordinance; and
WHEREAS, the operation of the parking limitation has had a deleterious effect on contractors duly performing home construction and rehabilitation in the Borough of Mantoloking but are unable to park on private property due to space limitations; and
WHEREAS, the Mayor and Borough Council believe it is in the best interests of the citizens of Mantoloking to institute a Commercial Parking Pilot Program to enable contractors to maintain their vehicle in one location during the workday without receiving a citation
NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, that a Commercial Pilot Program is hereby established subject to the following terms and conditions:

1. Home improvement contractors may register with the Borough Construction Department for a Commercial Parking Permit which shall enable the contractor or his/her employees to park in a four-hour parking area for a longer time frame between the hours of 8 AM to 6 PM on any day in which construction activities are permitted within the Borough.
2. A General Contractor applying for a Commercial Parking Permit is required to complete and certify a Commercial Parking Permit Application, provided by the Borough Construction Department, detailing the General Contractor’s business name and address, and the job site for which the parking permits are to be utilized.
3. Each General Contractor (GC) is limited to three parking placards per job site which shall be displayed conspicuously on the driver’s side dashboard.
4. Commercial parking placards are non-transferable and are job site specific. Parking placards issued to employees of Contractors shall be numbered and shall bear the name of the Commercial Entity along with the address of the job site it was approved for.
5. The fee for a Commercial Parking Permit shall be \$40.

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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 May 31, 2018					
Status of the Budget on May 31, 2018					
FUND	APPROPRIATION	BALANCE LAST	EXPENDED	ENCUMBERED	APPROPRIATION
		MONTH	DURING MONTH	DURING MONTH	BALANCE
2018 TEMPORARY BUDGET- CURRENT	\$2,879,130	\$4,165,015	\$1,748,956	\$120,665	\$2,295,394
2018 CAPITAL FUND	\$4,563,899	\$1,718,549	\$2,500	\$0	\$1,716,049
2017 Appropriation Reserves	\$525,079	\$322,403	\$560	\$0	\$321,843
SANDY EMERGENCY FUNDS	\$198,091	\$198,091	\$51,523	\$0	\$146,568
(a)					
(Subcategory of Capital Fund)					
Construction-Municipal Building	\$5,072,712	\$2,283,000	\$199,756	\$1,646,850	\$436,394
TOTAL	\$13,238,910	\$8,687,057	\$2,003,295	\$1,767,515	\$4,916,247
Receipts, Disbursements and Changes in Cash Balance During the Month of May 31, 2018					
FUND	CASH BALANCE	CASH BALANCE	CASH RECEIVED	CASH	CASH BALANCE
	JANUARY 1, 2018	BEGINNING OF		DISBURSED	END
		MONTH			OF MONTH
2018 CURRENT FUND	\$6,057,796	\$3,126,287	\$1,116,309	(\$295,279)	\$3,947,317
CAPITAL FUND	\$4,862,225	\$5,012,696	\$0	(\$540,464)	\$4,472,232
ANIMAL CONTROL FUND	\$139	\$173	\$0	\$0	\$173
OTHER TRUST FUNDS	\$501,673	\$503,379	\$2,502	(\$420)	\$505,461
PAYROLL ACCOUNT	\$14,240	\$505,461	\$1,201	(\$225)	\$506,437
UNEMPLOYMENT ACCOUNT	\$29,756	\$26,509	\$2	(\$2,121)	\$24,391
LAW ENFORCEMENT TRUST	\$2,837	\$2,838	\$0	\$0	\$2,838
TOTAL	\$11,468,666	\$9,177,344	\$1,120,014	(\$838,509)	\$9,458,848
(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 \$289,310.94 with the recommendation they be paid, and
- A list of bills in the amount of \$141,931.39 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. MEMORIALIZING THE EXTENSION OF THE GRACE PERIOD TO SEPTEMBER 25, 2018 FOR THE AUGUST 1ST, 2018 TAX QUARTER DUE TO DELAY IN MAILING THE TAX BILLS

WHEREAS, State Statute provides that the Grace Period must be extended to allow for 25 days from the date of the mailing of the tax bills for payments of the August 1, 2018 tax quarter to be made without interest, and;

WHEREAS, The Tax Collector has set the last day to pay the August 1st, 2018 tax quarter at September 25, 2018, being the next business day after the 25 calendar days from the date the tax bills were mailed, and;

WHEREAS, The extension only applies to the August 1, 2018 tax quarter. The normal Borough grace period will apply to all other tax quarters on the bill.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey as follows:

1. The Governing Body of Mantoloking Borough memorializes the extension of the grace period to September 25, 2018 for the August 1, 2018 tax quarter and recognizes that the normal Borough grace period will apply to all other quarters on the tax bill.

D. RESOLUTION APPROVING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO DUPLICATE PAYMENTS

WHEREAS, a duplicate tax payment was made on the 2nd and 3rd quarter 2018 property taxes on property owned by Caputo, John & Linda, for the fiscal year 2018; and,

WHEREAS, such duplicate payments have resulted in an overpayment of 2018 property taxes in the amount of \$4,135.60 and said property owner is requesting a refund of this overpayment in a total refund amount of \$4,135.60.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$4,135.60 for said overpayment for the property known as Block 7, Lot 6 aka 973 Ocean Avenue, Mantoloking, New Jersey to John and Linda Caputo, 973 Ocean Avenue, P. O, Box 228, Mantoloking, New Jersey as property owner.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

PUBLIC HEARING: Mayor Nebel will open the meeting to the public on Ordinance No. 680

E. ADOPTION OF ORDINANCE # 680 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit an increase in said budget to 2.50%, or the cost of living adjustment, whichever is less, unless authorized by ordinance to increase it to 3.50% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.50% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Mantoloking in the County of Ocean finds it advisable and necessary to increase its CY 2018 budget by up to 3.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determined that a 3.50% increase in the budget for said year, amounting to \$143,710.98 of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.50% amounting to \$143,710.98 and the CY 2018 municipal budget for the Borough of Mantoloking be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

ROLL CALL VOTE:

PUBLIC HEARING: Mayor Nebel will open the meeting to the public for the 2018 Municipal Budget.

F. RESOLUTION: AMENDMENT TO THE 2018 MUNICIPAL BUDGET

RESOLUTION TO AMEND BUDGET

Whereas, the local municipal budget for the year 2018 was approved on June 12, 2018, and

Whereas, the public hearing on said budget has been held as advertised, and

Whereas, it is desired to amend said approved budget,

Now, therefore be it resolved by the Borough of Mantoloking, County of Ocean that the following amendments to the approved budget of 2018 be made:

	<u>From</u>	<u>To</u>
General Revenues		
3. Miscellaneous Revenues - Section F: Special Items of General Revenue - Public and Private Revenues Offset With Appropriations		
Distracted Driving Crackdown	\$5,500.00	\$6,600.00
Total Section F: Special Items of General Revenue - Public and Private Revenues Offset With Appropriations	20,336.01	21,436.01

3. Total Miscellaneous Revenues	1,882,663.01	1,883,763.01
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	2,643,437.01	2,644,537.01
7. Total General Revenues	\$6,323,702.01	\$6,324,802.01
8. General Appropriations		
(A) Operations - Excluded from "CAPS"		
Public and Private Programs Offset by Revenues		
Distracted Driving Crackdown	\$5,500.00	\$6,600.00
Total Public and Private Programs Offset by Revenues	20,336.01	21,436.01
Total Operations - Excluded from "CAPS"	160,336.01	161,436.01
Detail:		
Other Expenses	160,336.01	161,436.01
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	1,847,852.01	1,848,952.01
(O) Total General Appropriations - Excluded from "CAPS"	1,847,852.01	1,848,952.01
(L) Subtotal General Appropriations - Items (H-1) and (O)	6,034,396.01	6,035,496.01
9. Total General Appropriations	\$6,323,702.01	\$6,324,802.01

Be it further resolved, that two certified copies of this resolution be filed forthwith to the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

Offered:

Seconded:

ROLL CALL VOTE:

G. RESOLUTION: AUTHORIZING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Mantoloking has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Mantoloking that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption

ROLL CALL VOTE:

H. RESOLUTION: ADOPTION OF MUNICIPAL BUDGET 2018

BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, County of Ocean that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$3,680,265.00 for municipal purposes.

Recorded Vote

AYES:

NAYS:

ABSTAINED:

ABSENT:

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$700,000.00
Miscellaneous Revenues Anticipated	1,883,763.01
Receipts from Delinquent Taxes	60,774.00
2. Amount to be Raised by Taxation for Municipal Purposes	3,680,265.00
TOTAL REVENUES	\$6,324,802.01

SUMMARY OF APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$3,804,744.00
Deferred Charges and Statutory Expenditures - Municipal	381,800.00
Excluded from "CAPS"	
Operations - Total Operations Excluded from "CAPS"	161,436.01
Capital Improvements	109,054.00
Municipal Debt Service	1,578,462.00
Reserve for Uncollected Taxes	289,306.00
TOTAL GENERAL APPROPRIATIONS	\$6,324,802.01

IT IS HEREBY CERTIFIED that the within budget is a true copy of the budget finally adopted by resolution of the governing body on the 17th day of July, 2018. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2018 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Municipal Clerk
Certified by me this 17th day of July, 2018

ROLL CALL VOTE:

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: APPOINTMENT OF PERSONNEL SEASONAL PART-TIME

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve³ the following appointments with the terms and conditions indicated:

Name	Position	Effective Date	Salary
Coral Cooper	Badge Checker	6/18/18-9/15/18	\$10.00
Flavia Cornejo	Badge Checker	6/18/18-9/15/18	\$10.50

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

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

A. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF BARBARA TURRO TO THE ENVIRONMENTAL COMMISSION

WHEREAS, due to the resignation of E. Laurence White, there exists a vacancy in the Environmental Commission; and
WHEREAS, the Mayor has nominated Barbara Turro to serve on the Environmental Commission to fulfil the unexpired term until December 31, 2018
NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the appointment of Barbara Turro as an Environmental Commission member is hereby confirmed.

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

Mantoloking Relations Committee.

13. **MAYOR AND COUNCIL COMMENTS**

14. **PUBLIC COMMENTS PERIOD**

15. **NEXT MEETING:**

Council Agenda Setting Meeting, Tuesday , August 14, 2018 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

16. **ADJOURNMENT**