

DRAFT NO. 1 –09/12/2018 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

MINUTES - COUNCIL REGULAR BUSINESS MEETING

September 18, 2018
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The Council Regular Business 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 NO 09/18/2018-01: MINUTES OF PREVIOUS MEETINGS**

RESOLVED, the Mantoloking Borough Council approved the following minutes as printed and distributed.

Council Agenda Setting Meeting- August 14, 2018
Executive Session- August 14, 2018
Council Regular Business Meeting- August 21, 2018

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

Joann Lygas, 970 Barnegat Lane, asked for an update on Borough Hall.
Mayor Nebel asked her to wait until the end of the Agenda.

7. **MUNICIPAL SERVICES COMMITTEE,** Council President White presented the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and moved the following resolutions. The motion was seconded by Councilman Rzemieniewski and approved by unanimous voice vote.

A. **RESOLUTION NO. 09/18/2018-02: OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, EXTENDING A CONTRACT WITH GEORGE HARMS CONSTRUCTION CO. INC. FOR EMERGENCY STORM RESPONSE EARTHWORK ACTIVITIES PENDING AWARD OF A NEW CONTRACT**

WHEREAS, the Borough of Mantoloking has a need for Emergency Storm Response Services; and

WHEREAS, bids for such services were received on August 10, 2018; and

WHEREAS, the governing body is expected to award to the apparent low bidder at its meeting of September 18, 2018; and

WHEREAS, the Borough's current contract with George Harms Construction Co, Inc. for Emergency Storm Response Earthwork Activities Services expired on August 31, 2018; and

WHEREAS, N.J.S.A. 40A:11-15 allows a contract to be extended by mutual agreement if the rebidding process has already begun; and

WHEREAS, George Harms Construction Co, Inc. has confirmed it will continue to provide Emergency Storm Response Services to the Borough at the prices established pursuant to the contract, Contract No. 2016-1, which expires on August 31, 2018; and

WHEREAS, the Borough desires to ratify the extension of its current contract for thirty (30) days to ensure there is no lapse in emergency services, if needed.

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

1. That the governing body does hereby ratify and approve the extension of Contract No. 2016-1, at the prices established for thirty (30) days to ensure there is no lapse in emergency services.
2. That this resolution shall be effective as of September 1, 2018.
3. A copy of this resolution shall be provided to George Harms Construction Co, Inc., the Chief of Police, Borough Engineer and the Chief Financial Officer.

B. RESOLUTION NO. 09/18/2018-03: OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROVAL OF CONTRACT FOR EMERGENCY STORM RESPONSE SERVICES

CONTRACT NO. 2018-1

WHEREAS, Sealed bids for the supply of equipment, material, and labor during an emergency event for various services and activities for prevention and/or recovery efforts, including various earthwork, debris removal, material screening, clearing roadways of obstructions, snow removal, and other activities as directed at the time by the Office of Emergency Management (OEM) were opened and read aloud on August 10, 2018, with the following results:

One bid received: Yannuzzi Group Inc., Kinnelon, NJ:

For August 2018 - July 2019:

- \$3,000 non-refundable retainer,
- Projected hourly costs to supply and operate various personnel and equipment if and when required and authorized by the mayor or other approved municipal personnel:
 - straight time and overtime for various superintendents, laborers, equipment operators, and truck drivers ranging from \$93 - \$183 per hour at an estimated 20 – 80 hours each,
 - hourly rates to supply and utilize dozers, trucks, loaders, excavators and other equipment if and when required by authorized borough personnel ranging from \$80 - \$200 per hour, for an estimated 30 – 120 hours each,
- Maximum cost estimated by bidder for work performed if and when requested by municipal authorities: \$112,590

For August 2019 -July 2020:

- \$3,000 non-refundable retainer,
- Projected hourly costs to supply and operate various personnel and equipment if and when required and authorized by the mayor or other approved municipal personnel:
 - straight time and overtime for various superintendents, laborers, equipment operators, and truck drivers ranging from \$109 - \$210 at an estimated 20 – 80 hours each,
 - hourly rates to supply and utilize dozers, trucks, loaders, excavators and other equipment if and when required by authorized borough personnel, ranging from \$92 - \$230 for an estimated 30 – 120 hours each,
- Maximum cost estimated by bidder for work performed if and when requested by municipal authorities: \$132,180, now, therefore, be it

RESOLVED, the Borough Council ... approves a contract with Yannuzzi Group Inc, Kenilworth, NJ to provide emergency storm response services for the period August 2018 – July 2020 at a cost of \$3,000 per year plus personnel and equipment if and when required by Borough officials as itemized on the ten (10) page document entitled “Emergency Storm Response Services” which is on file with the municipal clerk and made part of this resolution by reference.

C. RESOLUTION NO. 0918/2018-04: OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON MUNICIBID ONLINE GOVERNMENT AUCTION WEBSITE

WHEREAS, the Borough of Mantoloking has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Mantoloking intends to utilize the online auction services of Municibid Online Government Auctions at www.municibid.com; and

WHEREAS, The online bidding period will open on October 15, 2018 and termination will begin at 2:00 p.m. EST on October 26, 2018; and

WHEREAS, The Borough reserves the right to reject any bid or all bids if deemed to be in the best interest of the Borough.

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9,

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 Borough, is hereby authorized to sell the surplus personal property as indicated on Schedule A on the online auction website entitled www.municibid.com
2. The Borough reserves the right to reject any bid or all bids if deemed to be in the best interest of the Borough.

Schedule A:

Generator Set Diesel Engine 15 KW 50/60 HZ Serial # KZO3407- MFB- John R. Hollingsworth
Generator Set Diesel Engine 15 KW 50/60 HZ Serial # RZ21134-MFB- Libby
2004 Generator with transfer switch – Natural Gas Model # 50GS GB- MFB Detroit Diesel
2007 Ford F-550 Power Stroke Diesel 4X4 Mason Dump with stainless bed, plow and spreader
2012 Chevrolet Tahoe 1GNSK2E07CR304781
2001 Chevrolet Suburban 1GNFK16T11J305182
CAT loader Model 910

8. **FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved the resolutions A and B. The motion was seconded by Councilman White and approved by unanimous voice vote. Resolution C was voted on separately by roll call vote.

A. RESOLUTION NO. 09/18/2018-05: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

**BOROUGH OF MANTOLOKING
Financial Report for the Month of July 31, 2018**

Status of the Budget on July 31, 2018

FUND	APPROPRIATION	BALANCE LAST MONTH	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2018 ADOPTED BUDGET- CURRENT	\$6,324,802	\$6,324,802	\$3,612,484	\$148,220	\$2,564,098
2018 CAPITAL FUND	\$4,563,899	\$1,716,049	\$59,587	\$0	\$1,656,462
2017 Appropriation Reserves	\$525,079	\$321,843	\$450	\$0	\$321,393
SANDY EMERGENCY FUNDS	\$198,091	\$198,091	\$51,523	\$0	\$146,568 (a)
(Subcategory of Capital Fund)					
Construction-Municipal Building	\$5,072,712	\$436,394	\$74,055	\$175,000	\$187,339
TOTAL	\$16,684,582	\$8,997,179	\$3,798,100	\$323,220	\$4,875,860

Receipts, Disbursements and Changes in Cash Balance During the Month of July 31, 2018

FUND	CASH BALANCE JANUARY 1, 2018	CASH BALANCE BEGINNING OF MONTH	CASH RECEIVED	CASH DISBURSED	CASH BALANCE END OF MONTH
2018 CURRENT FUND	\$6,057,796	\$2,418,176	\$302,558	(\$1,849,908)	\$870,826
CAPITAL FUND	\$4,862,225	\$4,523,971	\$0	(\$141,914)	\$4,382,057
ANIMAL CONTROL FUND	\$139	\$178	\$5	(\$2)	\$181
OTHER TRUST FUNDS	\$501,673	\$505,231	\$2,695	(\$1,185)	\$506,741
PAYROLL ACCOUNT	\$14,240	\$51,779	\$221,775	(\$234,624)	\$38,929
UNEMPLOYMENT ACCOUNT	\$29,756	\$24,393	\$620	(\$325)	\$24,687
LAW ENFORCEMENT TRUST	\$2,837	\$2,838	\$0	\$0	\$2,838
TOTAL	\$11,468,666	\$7,526,566	\$527,653	(\$2,227,959)	\$5,826,259

(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 NO. 09/18/2018-06: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$350,537.63 with the recommendation they be paid, and
- A list of bills in the amount of \$332,752.21 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. INTRODUCTION OF BOND ORDINANCE # 681

**BOROUGH OF MANTOLOKING
COUNTY OF OCEAN
BOND ORDINANCE NO. 681**

BOND ORDINANCE REAPPROPRIATING \$253,892 IN EXCESS BOND PROCEEDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO FINANCE THE COST OF THE CONSTRUCTION, RELOCATION AND OUTFITTING OF A NEW MUNICIPAL BUILDING, AUTHORIZED IN AND BY THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, NEW JERSEY

WHEREAS, the Borough Council of the Borough of Mantoloking, in the County of Ocean, New Jersey (the "Borough") finally adopted Bond Ordinance No. 581 on April 19, 2010; Bond Ordinance No. 582 on April 19, 2010; Bond Ordinance No. 586 on April 19, 2010; Bond Ordinance No. 598 on April 18, 2011; Bond Ordinance No. 599 on April 18, 2011; Bond Ordinance No. 607 on March 26, 2012; and Bond Ordinance No. 610 on April 23, 2012 (collectively, the "Ordinances"); and

WHEREAS, following the effective dates of the Ordinances, the Borough issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the Borough has determined that the improvements to set forth in the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and

WHEREAS, there currently remains on deposit in the Borough capital accounts excess bond proceeds in the amount of \$253,892, which excess bond proceeds are allocable to such project improvements in the Ordinances (the "Excess Proceeds"), but are no longer necessary to complete such improvements or purposes authorized therein; and

WHEREAS, in accordance with its statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds to finance the cost of the construction, relocation and outfitting of a new municipal building, for which improvements bonds may be issued, thereby, decreasing the amount of additional Borough debt to finance such current capital needs; and

WHEREAS, the Borough Council now desires to reappropriate the Excess Proceeds to undertake the cost of the construction, relocation and outfitting of a new municipal building for the Borough.

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. It is hereby determined that the aggregate amount of \$253,892 of the balance of the total appropriation for capital purposes originally made available pursuant to the following Ordinances of the Borough is no longer necessary for the purposes for which the obligations previously were authorized:

Amount to be

Reappropriated Ordinance & Purpose

\$ 116,513	No. 581 adopted April 19, 2010, providing for road improvements to Bergen Avenue and Lagoon Lane.
\$ 21,298	No. 582 adopted April 19, 2010, providing for sanitary force main investigation and condition evaluation.
\$ 37,447	No. 586 adopted April 19, 2010, providing for road improvements to Bergen Avenue and Channel Lane.
\$ 5,454	No. 598 adopted April 18, 2011, providing for improvements to sanitary sewer system facilities.

\$ 10,000	No. 599 adopted April 18, 2011, providing for the Flap Valve Program.
\$ 48,280	No. 607 adopted March 26, 2012, providing additional funding for the Old Bridge Street And Bay Avenue Construction Project (Ordinance No. 595).
\$ 14,900	No. 610 adopted April 23, 2012, providing for Bay Avenue drainage improvements.
<u>\$ 253,892</u>	Total to be reappropriated to other capital purposes

Section 2. The appropriations for the purposes in the amounts set forth in Section 1 hereof are hereby canceled and reappropriated pursuant to N.J.S.A. 40A:2-39 to other capital purposes as set forth in Section 3 hereof.

Section 3. The aggregate amount of \$253,892, representing the amount referred to in Section 1 hereof, is hereby appropriated to provide for the following capital improvement purposes, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough, and the estimated cost the project is as follows:

<u>Amount to be Appropriated</u>	<u>Purpose</u>
<u>\$ 253,892</u>	The construction, relocation and outfitting of a new municipal building.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this bond ordinance are not current expenses and are property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance is twenty (20) years.
- (c) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bond proceeds reappropriated by this bond ordinance.

Section 7. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

Joann Lygas, 970 Barnegat Lane, requested a recent update on financial aspects of the new borough hall. She asked that before a vote is taken to have an updated report and financials available to council and taxpayers before the next agenda setting meeting.

Councilman White attended a meeting with the Mayor and Borough Attorney which resulted in some progress and some solutions.

Borough Attorney Jean Cipriani discussed the bond ordinance amount of \$253,000. If it is not needed, it can be cancelled. It can be used for change orders and relocation costs.

Councilwoman O’Mealia asked if April Yezzi, CFO could tell them roughly how much money is yet to be paid to the contractor.

Councilman Gillingham said there is a comprehensive report.
April Yezzi, CFO replied there is a comprehensive report and it was not brought to the meeting.

Jean Cipriani advised that this only a first reading and a vote should be taken. The second reading you will have the report and there will be a public hearing.

Councilwoman O’Mealia explained that report was submitted to Finance Committee. Moving costs, Landscape Costs, Security Systems, meeting room were not a part of the bid package.

ROLL CALL VOTE:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White		X	X				
Councilman Gillingham	X		X				
Councilman Amarante			X				
Councilman Nelson			X				
Councilwoman O'Mealia			X				
Councilman Rzemieniewski			X				
		VOTE:	6	0			
Mayor Nebel- TIE ONLY							

Mayor Nebel skipped the following committees as there were no action items on the agenda. Any items needing discussion is referenced in the Mayor and Council Comments section.

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

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.
12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Amarante will present the report of the Mantoloking Relations Committee.
13. **MAYOR AND COUNCIL COMMENTS**

Councilman White advised that they met with the contractor and are trying very hard to get into the building by November 19. It would be nice for residents to be able to walk through during the Thanksgiving weekend. Hopefully by the first part of next year we will be able to move in. He also mentioned that things are going well with elevators, the A/C and generator. Floor coverings will be installed in the next week or so. Chief Ferris said Army Corp.is helping us out with debris on Stevens and Lyman. DPW will help with the cleanup and hoping to open the beaches Friday afternoon.

14. **PUBLIC COMMENTS PERIOD**

Scott Hulse, Public Work’s Manager, advised the public that the Fire Company will be conducting a drill at 988 Barnegat Lane.

Chief Ferris stated that a Portuguese Man of War was found on the beach last week and they are very dangerous. They look like a Millar balloon. Please do not touch them.

15. **NEXT MEETING:**

Council Agenda Setting Meeting, Tuesday , October 9, 2018 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

16. **ADJOURNMENT**

The There being no further business for this meeting, Councilman Rzemieniewski motioned to adjourn. The motion was seconded by Councilman White and approved by unanimous voice vote at 5:47 p.m.

Respectfully submitted,

Beverley A. Konopada,
Borough Clerk