

xp DRAFT NO. 2–12/17/2018 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

COUNCIL REGULAR BUSINESS MEETING

December 18, 2018
5:30 p.m.
Mantoloking Fire House
202 Downer 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:** **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- November 13, 2018
Executive Session- November 13, 2018
Council Regular Business Meeting- November 20, 2018

6. **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 OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING LOGAN LA RUE AS A FULL TIME POLICE OFFICER**

WHEREAS, the Borough of Mantoloking desires to hire a full-time Police Officer to serve within the Mantoloking Police Department; and

WHEREAS, the Chief of Police, Stacy Ferris, has recommended the appointment of Logan La Rue to the position of full-time Police Officer;

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

1. At the recommendation of the Chief of Police ,Stacy Ferris, Logan LaRue is hereby appointed as a full-time Police Officer effective immediately at an annual salary of \$45,605.53.

ROLL CALL VOTE:

BOROUGH CLERK WILL ADMINISTER THE OATH OF OFFICE

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

B. **RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING COURT ASSISTANTS FOR THE MUNICIPAL COURT**

WHEREAS, the Borough of Mantoloking’s Municipal Court Administrator has recommended the employment of the following individuals to serve as Court Assistants for the Municipal Court. One assistant will be needed per court session.

Donna Morra	\$100.00 per session
Mireya Rivera	\$100.00 per session

IT IS NOW, THEREFORE, this 18th day of December, 2018, **RESOLVED**, by the Mayor and Council of the Borough of Mantoloking, County of Ocean, State of New Jersey, that the appointments of Donna Morra and Mireya Rivera is hereby confirmed.

8. **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, APPOINTING _____ TO THE SEAT ON THE BOROUGH COUNCIL LEFT VACANT BY THE RESIGNATION OF COUNCILWOMAN LYNN O’MEALIA

WHEREAS, Lynn O’Mealia was elected as Councilwoman for the Borough of Mantoloking in the General Election held on November 8, 2016; and

WHEREAS Lynn O’Mealia resigned from the position of Councilwoman for the Borough of Mantoloking, effective December 3, 2018, leaving a vacant seat on Borough Council; and

WHEREAS, N.J.S.A. 40A:16-5 establishes that when a vacancy occurs on the governing body of a municipality, the governing body may, by a majority vote of the remaining members of the governing body, fill the vacancy temporarily by appointment until the next general election; and

WHEREAS, pursuant to N.J.S.A. 40A:16-11, the appropriate partisan organization has submitted three names for consideration by the governing body for appointment to the vacant seat on the Borough Council; and

WHEREAS, after review of the three nominees submitted, the Borough Council believes that it is in the best interests of the Borough of Mantoloking to select _____ as the individual to fill the vacant governing body seat for the unexpired term in accordance with N.J.S.A. 40A:16-5(a).

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 _____ is hereby appointed to the vacant seat on Borough Council pursuant to N.J.S.A. 40A:16-1 et seq.
2. That _____ shall hold office for the unexpired term of Lynn O’Mealia expiring December 31, 2019 pursuant to the provisions of N.J.S.A. 40A:16-5(a).

ROLL CALL VOTE:

B. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF MUNICIPALLY OWNED PROPERTY DESIGNATED ON THE TAX MAP OF THE BOROUGH OF MANTOLOKING AS BLOCK 24, LOT 5.01

WHEREAS, the Borough of Mantoloking owns certain property designated on the tax map of the Borough of Mantoloking as Block 24, Lot 5.01, also known as 1030 Ocean Avenue; and

WHEREAS the governing body has determined that this property is not needed for public use; and

WHEREAS, the Borough of Mantoloking desires to make available for sale by auction said lands to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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 property designated on the tax map of the Borough of Mantoloking as Block 24, Lot 5.01 shall be sold at auction at a time and place as fixed by the Borough Clerk.
2. That the minimum bid for said property shall be \$39,200.00.
3. That the purchaser shall be required to pay all of the Borough's fees associated with the sale, including, but not limited to, closing costs, legal advertising costs and attorneys' fees.
4. That, pursuant to N.J.S.A. 40A:12-13, the governing body reserves the right to reject any and all bids on said properties.
5. That a notice of said sale shall be published in the official newspaper of the municipality on two (2) occasions, at least once a week during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to such public sale.
6. All sales are subject to final approval by adoption of a resolution approving same by the Borough Council.
7. Successful bidders are required to deposit cash or check in an amount not less than 10% of the bid price at the time of sale.
8. Payment in full shall be made upon closing, in cash or by certified check.
9. No person who is delinquent in the payment of taxes or other municipal charges on any other property located in the Borough of Mantoloking shall be permitted to bid for any property to be sold by the Borough of Mantoloking.
10. All bids must be made in increments of \$100.00.
11. No real estate or legal commission shall be paid by the Borough of Mantoloking.

ROLL CALL VOTE:

C. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EXTENSION OF TWO PROFESSIONAL CONTRACTS

WHEREAS, the Borough of Mantoloking has previously engaged B.L.D.G Architecture, LLC and Sibilina 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; and

WHEREAS, B.L.D.G Architecture, LLC and Sibilina Construction Services, LLC have provided the requested proposals for review by the Chief Financial Officer, the Borough Attorney and the Finance and Building Committees and agreements will be provided the the governing body for review and approval at the December 2018 meeting; and

WHEREAS, it is the desire of the governing body to authorize extension of the existing contractual arrangements with B.L.D.G Architecture, LLC and Sibilina Construction Services, LLC under the existing contracts through May 31, 2019 so that there will be no suspension of these critical professional services.

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

1. The previously-authorized contracts between the Borough of Mantoloking and B.L.D.G Architecture, LLC and Sibilia Construction Services, LLC are hereby extended through May 31, 2019.
2. A copy of this resolution shall be provided to existing contractual arrangements and the Chief Financial Officer.

9. **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 OCTOBER 31, 2018					
Status of the Budget on October 31, 2018					
FUND	APPROPRIATIONS	BALANCE LAST MONTH	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2018 ADOPTED BUDGET - CURRENT	\$6,324,802	\$1,856,523	\$303,008	\$182,247	\$1,371,268
2018 CAPITAL FUND	\$4,563,899	\$1,480,150	\$1,370	\$0	\$1,478,780
2017 Appropriation Reserves	\$525,079	\$321,393	\$2,560	\$24,764	\$294,069
SANDY EMERGENCY FUNDS	\$198,091	\$198,091	\$51,523	\$0	\$146,568
(Subcategory of Capital Fund)					
Construction-Municipal Building	\$5,072,712	\$124,287	\$0	(\$16,743)	\$141,030
TOTAL	\$16,684,582	\$3,980,444	\$358,461	\$190,268	\$3,431,715
Receipts, Disbursements and Changes in Cash Balance During the Month of October 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	\$2,705,257	\$822,594	(\$1,720,103)	\$1,807,749
CAPITAL FUND	\$4,862,225	\$3,926,264	\$3,764	(\$296,794)	\$3,633,234
ANIMAL CONTROL FUND	\$139	\$179	\$0	\$0	\$179
OTHER TRUST FUNDS	\$501,673	\$512,521	\$180	(\$1,243)	\$511,459
PAYROLL ACCOUNT	\$14,240	\$51,865	\$172,116	(\$182,189)	\$41,792
UNEMPLOYMENT ACCOUNT	\$29,756	\$24,694	\$828	\$0	\$25,522
LAW ENFORCEMENT TRUST	\$2,837	\$2,839	\$0	\$0	\$2,840
TOTAL	\$11,468,666	\$7,223,621	\$999,482	(\$2,200,328)	\$6,022,775
(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.					
Please note the balance available increased from \$124,287 to \$141,030 due to adjustments within expenses and encumbrances.					

B. RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$247,151.31 with the recommendation they be paid, and
- A list of bills in the amount of \$191,965.39 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. RESOLUTION: TRANSFERRING CURRENT YEAR APPROPRIATIONS #2-2018

WHEREAS, N.J.S.A. 40A: 4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mantoloking that the need for certain transfers within the 2018 Appropriation exists; and

WHEREAS, it is recommended that these budget transfers be made in the 2018 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED, that the following budget transfers be made in the 2018 Municipal Budget:

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Municipal Clerk	OE	\$ 4,000.00	\$ 3,250.00
Finance	SW	500.00	
Engineering	OE		\$10,000.00
Construction	SW	\$ 3,000.00	
Sub-Code Official Plumbing	SW	\$ 600.00	
Group Health Insurance	OE	\$ 8,500.00	
Emergency Management	OE		\$ 2,000.00
Buildings & Grounds	OE		\$ 2,100.00
Beach Guard	SW		\$34,000.00
Beach Lifeguards	SW		\$15,000.00
Police	OE	\$ 3,250.00	
Police	SW	\$40,000.00	
Electricity	OE	\$ 1,500.00	
Telephone	OE	\$ 2,500.00	
Fire Hydrant	OE	\$ 1,500.00	
Natural Gas	OE	\$ 1,000.00	
Total		\$ 66,350.00	\$ 66,350.00

D. RESOLUTION AUTHORIZING A REFUND OF ESCROW FEES

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following escrow account which had a duplicate deposit made into this account,

WHEREAS, the Borough Engineer and Zoning Officer have been consulted and confer that the following account has received a duplicate payment of \$150.00 and as far as they are concerned and

WHEREAS, the duplicate payment in the amount of \$150.00 made to the account is due back to the agent for the escrow applicant;

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Council of the Borough of Mantoloking authorize the Chief Financial Officer to refund the following escrow balance:

<u>Escrow Applicant</u>	<u>Amount</u>
Distinctive Pools, Inc. As agent for: Linsen, David J. & Cynthia A. 1522 Ocean Avenue Mantoloking, NJ 08738	\$150.00

RE: 1522 Ocean Avenue
Mantoloking, NJ
a/k/a Block 40, Lot 6

E. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE LEASE FOR THE TEMPORARY BOROUGH HALL

WHEREAS, construction of the Borough of Mantoloking Municipal Building is not yet complete and the Borough desires to extend its lease of the temporary Borough Hall through March 1, 2019; and
WHEREAS, the Borough and the Landlord, Rajpriya, LLC have negotiated an extension through March 1, 2019, at a monthly rent of \$3,800.00 per month; and
WHEREAS, all of other the terms and conditions of the November 15, 2012 lease and subsequent lease extensions shall remain in full force and effect; and
WHEREAS, the Borough of Mantoloking desires to authorize the execution of the Addendum to Lease, attached hereto and incorporated herein.
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 terms of the Addendum to Lease are hereby approved.
2. That the Mayor is authorized to sign and the Clerk to attest to the Addendum to Lease, attached hereto.

F. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENT BETWEEN THE BOROUGH AND JOHN BARCUS

WHEREAS, Plaintiff, John Barcus, filed suit against the Borough by way of Complaint in a matter listed in

the New Jersey Superior Court, Ocean County under Docket No. OCN-L-300-15 in which the Borough was represented by defense counsel appointed by the New Jersey Intergovernmental Insurance Fund (“NJIF”), the Borough’s insurer; and

WHEREAS, the Borough’s insurance carrier and Counsel assigned to the Borough by its insurance carrier, have determined that it is in the best interests of the Borough to settle the pending litigation, in exchange for a release of all claims against the Borough and its officers and employees by the plaintiff; and

WHEREAS, the governing body wishes to authorize the Settlement Agreement.

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

1. That the Settlement of the Barcus v. Borough of Mantoloking, et al, Superior Court, Law Division – Ocean County, Docket No. OCN-L-300-15 litigation, as embodied in the Settlement Agreement, attached hereto, is approved in substantially the form in which it appears as appended to this Resolution.
2. That the Mayor and Clerk are hereby authorized to execute and attest to any necessary documents in order to effectuate the settlement of litigation in accordance with the terms and conditions of the Settlement Agreement.
3. That Eric J. Nemeth, General Counsel, NJIF is authorized to execute a Stipulation of Dismissal on behalf of the Borough.
4. That a certified copy of this resolution, together with a copy of the agreement between the parties, shall be forwarded to the Township Attorney and assigned counsel, Eric J. Nemeth, General Counsel, NJIF for distribution to plaintiffs’ counsel.

ROLL CALL VOTE

G. RESOLUTION AMENDING THE SALARY OF JOHN BARCUS PURSUANT TO SETTLEMENT

10. **DUNE & BEACH COMMITTEE**: Councilman Nelson will present the reports of the Dune & Beach Committee and Ocean County Block Grant Program.
11. **MUNICIPAL RELATIONS COMMITTEE** Councilman Amarante will present the report of the Mantoloking Relations Committee.
12. **MAYOR AND COUNCIL COMMENTS**
13. **PUBLIC COMMENTS PERIOD**

14. NEXT MEETING:

Organization Meeting , Thursday January 3, 2019 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ, 08738

15. ADJOURNMENT