

DRAFT NO. 1-10/10/2018 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

MINUTES - COUNCIL AGENDA SETTING MEETING
October 9, 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>				
Beverly A. Konopada, Borough Clerk	X			
Robin LaBue, 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- September 11, 2018
Executive Session- September 11, 2018
Council Regular Business Meeting- September 18, 2018

6. PRESENTATION:

Ocean County Board of Chosen Freeholders to present a WW1 Service Flag to commemorate the 12 citizens from Mantoloking who served our nation in the Great War.

Mayor Nebel announced to the public that the Ocean County Board of Chosen Freeholders will be at the next meeting to present the WW1 flag.

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

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.

Status of Borough Hall

Councilman White stated that there will be a report on the new borough hall and handouts that will be made available on the website beforehand. Due to technical difficulties, there will be no power point presentation done.

A. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER THREE TO THE CONTRACT WITH WALLACE BROTHERS FOR THE PROPOSED MANTOLOKING MUNICIPAL BUILDING (DECREASE \$18,546.92)

WHEREAS, a contract was previously awarded to Wallace Brothers for the Proposed Mantoloking Municipal Building for the Borough of Mantoloking; and

WHEREAS, the original contract for said project was in the amount of \$4,193,980.00; and

WHEREAS, the governing body previously approved Change Order Number 1 for a net contract increase of \$7,314.48, due to a request by New Jersey Natural Gas for a dedicated gas service and meter for the new generator; and

WHEREAS, the governing body previously approved Change Order Number 2 or a net contract increase of

\$51,971.91, due to a request by the utility company to mount the CT Cabinet on the exterior of the building; and

WHEREAS, Change Orders 1 and 2 combined increased the contract amount to \$4,253,26639; and

WHEREAS, Change Order Number 3 has been submitted by Wallace Brothers to the Borough Architect and Construction Manager for a net contract decrease of \$18,546.92, due to the removal of the installation of three flagpoles (\$8,000.00), a change in area for the gravel drive and ground cover (\$1,040.00) and a credit for unused project steel allowance (\$9,506.92); and

WHEREAS, this change order has been recommended by the Borough Architect and Construction Project Manager and agreed to by the contractor; and

WHEREAS, it is the desire of the governing body to authorize the execution of this change order which will result in an adjusted contract price of \$4,234,719.47.

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

1. That the governing body does hereby authorize the execution of the Change Order Number 3 submitted by Wallace Brothers to the Borough Architect and Construction Project Manager.
2. That the Mayor and Municipal Clerk are hereby authorized to execute these documents.
3. That the governing body specifically approves the bid specifications, designs and plans prepared in connection with the Proposed Municipal Building.
4. A copy of this resolution shall be provided to Wallace Brothers, B.L.D.G Architecture, LLC and Sibilia Construction Services, LLC, and the Chief Financial Officer.

B. RESOLUTION : PROVIDING FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION MA-2019-BARNEGAT LANE(NORTH SECTION) IMPROVEMENT PROJECT- 00664

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mantoloking formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Barnegat Lane (North Section) Improv-00664 to the New Jersey Department of Transportation on behalf of the Borough of Mantoloking.

BE IT FURTHER RESOLVED that Mayor and Council and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mantoloking and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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 August 31, 2018					
Status of the Budget on August 31, 2018					
FUND	APPROPRIATION	BALANCE LAST MONTH	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2018 ADOPTED BUDGET- CURRENT	\$6,324,802	\$2,564,098	\$282,234	\$132,199	\$2,149,665
2018 CAPITAL FUND	\$4,563,899	\$1,656,462	\$176,312	\$0	\$1,480,150
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	\$187,339	\$0	\$63,052	\$124,287
TOTAL	\$16,684,582	\$4,927,383	\$512,630	\$220,015	\$4,194,738
Receipts, Disbursements and Changes in Cash Balance During the Month of August 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	\$870,823	\$1,344,767	(\$448,617)	\$1,766,973
CAPITAL FUND	\$4,862,225	\$4,382,057	\$100	(\$216,049)	\$4,166,108
ANIMAL CONTROL FUND	\$139	\$181	\$0	\$0	\$181
OTHER TRUST FUNDS	\$501,673	\$506,741	\$10,046	(\$3,659)	\$513,128
PAYROLL ACCOUNT	\$14,240	\$38,929	\$229,237	(\$205,294)	\$62,871
UNEMPLOYMENT ACCOUNT	\$29,756	\$24,687	\$4	\$0	\$24,691
LAW ENFORCEMENT TRUST	\$2,837	\$2,839	\$0	\$0	\$2,839
TOTAL	\$11,468,666	\$5,826,257	\$1,584,153	(\$873,620)	\$6,536,791
(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

C. RESOLUTION SALARY INCREASE FOR 2018 AND 2019 NON UNION EMPLOYEES

To be determined

D. RESOLUTION: ACCEPTANCE OF 2017 MUNICIPAL AUDIT REPORT, ACKNOWLEDGEMENT OF “FINDINGS,” AND APPROVAL OF CORRECTIVE ACTION PLAN

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and,
 WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and,
 WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and,
 WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all

members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:
 General Comments
 Recommendations
 And,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
 Recommendations

As evidenced by the group affidavit form of the governing body (original attached), and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and,

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director

of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

WHEREAS, the audit of the Borough’s financial records for the period ending December 31, 2017, included two (2) “findings” for which the Borough is obliged to adopt a Corrective Action Plan, now, therefore be it

RESOLVED the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, adopt the following Corrective Action Plan:

RECOMMENDATION	CORRECTIVE ACTION
Auditor commented that there were interfund balances at year-end.	Resolved that chief financial officer liquidate interfund balances prior to year-end.
Auditor commented that although a general fixed assets subsidiary ledger was maintained and recorded balances of the Borough’s investment in general fixed assets, current year fixed asset dispositions were not recorded within the subsidiary ledger.	Resolved that the chief financial officer maintain the general fixed assets subsidiary ledger in a manner that records current year fixed asset dispositions.

and be it

FURTHER RESOLVED, the Mayor and Council direct the municipal clerk to submit a certified copy of this resolution, the required affidavit of municipal governing body review, and any other documents required to comply with law and regulation.

E. RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, REAPPOINTING APRIL YEZZI AS CHIEF FINANCIAL OFFICER FOR THE BOROUGH OF MANTOLOKING

WHEREAS, it is the desire of the governing body to reappoint April Yezzi as Chief Financial Officer for the Borough of Mantoloking; and

WHEREAS, N.J.S.A. 40A:9-140.8 provides that, “any person who has served as the chief financial officer of a municipality for four consecutive years and who is reappointed as that municipality's chief financial officer shall be granted tenure of office,” and

WHEREAS, April Yezzi was formally appointed the Chief Financial Officer effective October 1, 2014; and

WHEREAS, it is the desire of the governing body of the Borough of Mantoloking, County of Ocean, State of New Jersey, to reappoint April Yezzi as Chief Financial Officer for the Borough of Mantoloking effective as of October 1, 2018, therefore granting her tenure in such position upon notification of the Department of Community Affairs as to such reappointment.

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

1. That the governing body does hereby reappoint April Yezzi as Chief Financial Officer for the Borough of Mantoloking as of October 1, 2018 for a term of four years in accordance with the provisions of N.J.S.A. 40A:9-140.8, said term ending on September 30, 2022.
2. Based on the provisions of N.J.S.A. 40A:9-140.8 including Ms. Yezzi’s initial appointment and her subsequent re-appointment, she is hereby granted tenure in the position of Chief Financial Officer.
3. That a certified copy of this resolution shall be forwarded to April Yezzi and the Department of Community Affairs.

PUBLIC HEARING: Mayor George C. Nebel will open the meeting to the public on Ordinance No. 681

F. ADOPTION OF BOND ORDINANCE # 681

WHEREAS, on the 16th day of October, 2018 a public hearing on Ordinance 681 was held, now therefore, be it

RESOLVED, The Mayor and Council of the Borough of Mantoloking, County of Ocean , State of New Jersey hereby adopts the following ordinance

**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.

ROLL CALL VOTE:

10. **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: POLICE ACADEMY RECRUITS SPECIAL LAW ENFORCEMENT OFFICER II (SLEO II)

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

Name	Position	Effective Date
Kerry Butler	Police Academy Recruit SLEO II	10/16/18
Jake Lloyd	Police Academy Recruit SLEO II	10/16/18

11. **DUNE & BEACH COMMITTEE**: Councilman Nelson will present the reports of the Dune & Beach Committee and Ocean County Block Grant Program.
12. **ENVIRONMENTAL COMMITTEE** Councilwoman O’Mealia will present the report of the Environmental Committee.
13. **MUNICIPAL RELATIONS COMMITTEE** Councilman Amarante will present the report of the Mantoloking Relations Committee.
14. **MAYOR AND COUNCIL COMMENTS**

Councilman White let the public know that the Dune and Beach Committee would be placing a beach replenishment update on the website.

Councilwoman O’Mealia asked Councilman Rzemieniewski to clarify what he mean when he state appointed not hired.

Councilman Rzemieniewski responded that the Police the recruits are not being paid by the town. Chief Ferris indicated that the recruits are just being sponsored by the Borough.

Councilman Rzemieniewski asked to have a resolution added to the Agenda regarding the 2% cap for arbitration.

Clerk Konopada advised that she would add it to the Agenda.

15. PUBLIC COMMENTS PERIOD

No comments were made.

Councilman Rzemieniewski motioned to go into closed session. Councilwoman O’Mealia seconded the motion and was approved by unanimous voice vote at 5:37 pm.

16. 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 and salary increase for non-contractual employees.

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)
2. Personnel: N.J.S.A. 10:4-12(b)(8) -Salary Increase for non-contractual employees

17. NEXT MEETING:

Council Regular Business Meeting, Tuesday, October 16, 2018 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

18. ADJOURNMENT

Councilman Rzemieniewski motioned adjourn closed session and to return to open session. The motion was seconded by Councilman White and approved by unanimous voice vote at 6:10 p.m.

Councilman Rzemieniewski motioned to adjourn open session. The motion was seconded by Councilman White and approved by unanimous voice vote at 6:10 p.m.

Respectfully submitted,

Beverley A. Konopada,
Borough Clerk