

DRAFT NO. 1–1/9/2019 **THE BOROUGH OF MANTOLOKING**
MAYOR AND COUNCIL

AGENDA OF THE REGULAR BUSINESS MEETING
January 15, 2019
5:30 p.m.
Mantoloking Firehouse
202 Downer Avenue
Mantoloking, New Jersey

The Regular Business Meeting of the Mayor and Council will be held this day in the Mantoloking Firehouse.

1. **CALL TO ORDER:** **TIME:**

2. **OPEN PUBLIC MEETING STATEMENT:** Mayor White 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. **OATH OF OFFICE:**

Borough Attorney, Jean Cipriani, will administer the oath of office to:

Donald Ness Councilman 1 year term to expire 12/31/2019

4. **ROLL CALL:**

5. **PLEDGE OF ALLEGIANCE:** Mayor White will lead the assembly in the Pledge of Allegiance.

6. **RESOLUTION: MINUTES OF PREVIOUS MEETINGS**

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

Council Agenda Setting Meeting- December 11, 2018
Executive Session- December 11, 2018
Council Regular Business Meeting- December 18, 2018
Reorganization Meeting- January 3, 2019

ROLL CALL:

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

8. **FINANCE COMMITTEE**, Councilman Amarante will present the monthly finance report and moves the following resolutions.

RESOLUTION NO. 2019 –27

RESOLUTION THE REPORT OF THE MUNICIPAL FINANCE OFFICER

BOROUGH OF MANTOLOKING					
Financial Report for the Month of November 30, 2018					
Status of the Budget on November 30, 2018					
FUND	APPROPRIATION	CURRENT BALANCE	EXPENDED DURING MONTH	ENCUMBERED DURING MONTH	APPROPRIATION BALANCE
2019 TEMPORARY BUDGET	\$1,217,137	\$1,217,137	\$15,313	\$0	\$1,201,824
2018 ADOPTED BUDGET- CURRENT	\$6,324,802	\$1,371,268	\$208,496	\$108,580	\$1,054,192
2018 CAPITAL FUND	\$4,563,899	\$1,478,780	(\$16,135)	\$0	\$1,494,915
2017 Appropriation Reserves	\$525,079	\$294,069	\$0	\$5,000	\$289,069
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	\$3,466,495	\$243,884	\$96,837	\$3,125,774
Receipts, Disbursements and Changes in Cash Balance During the Month of November 30, 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	\$1,807,749	\$1,406,076	(\$425,998)	\$2,787,827
CAPITAL FUND	\$4,862,225	\$3,633,234	\$0	(\$164,303)	\$3,468,931
ANIMAL CONTROL FUND	\$139	\$179	\$5	\$0	\$185
OTHER TRUST FUNDS	\$501,673	\$511,459	\$10	(\$368)	\$511,101
PAYROLL ACCOUNT	\$14,240	\$41,792	\$157,726	(\$165,942)	\$33,576
UNEMPLOYMENT ACCOUNT	\$29,756	\$25,522	\$5	\$0	\$25,528
LAW ENFORCEMENT TRUST	\$2,837	\$2,840	\$1	\$0	\$2,840
TOTAL	\$11,468,666	\$6,022,775	\$1,563,824	(\$756,611)	\$6,829,987
(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.					

RESOLUTION NO. 2019 –28

RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$127,905.05 with the recommendation they be paid, and
- A list of bills in the amount of \$183,995.41 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.

RESOLUTION NO. 2019 –29

RESOLUTION: TO ADOPT APPROPRIATION RESERVE TRANSFER #3

WHEREAS, N.J.S.A. 40A: 4-59 provides that in the first 3 months of the fiscal year, the amount of any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there shall be an excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose, the governing body may, by resolution adopted by not less than a 2/3 vote of the full membership thereof, transfer the amount of such excess to an appropriation reserve or an appropriation in the prior budget deemed to be insufficient to fulfill its purpose or for which no reserve was provided.

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 Reserves exists; and

WHEREAS, it is recommended that these appropriation reserve transfers be made;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Mantoloking that the following budget transfers be made for the 2018 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Municipal Clerk	OE	\$ 5,000.00	
Finance	OE	4,000.00	
Legal	OE	10,000.00	
Construction	OE	3,000.00	
Group Health Insurance	OE	10,000.00	
Road Repairs	OE		\$15,000.00
Sewer	OE		10,000.00
Beach Guard	SW		10,000.00
Electricity	OE	1,500.00	
Natural Gas	OE	1,500.00	
Total		\$ 35,000.00	\$35,000.00

RESOLUTION NO. 2019 –30

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY REAPPOINTING APRIL J. YEZZI AS TAX COLLECTOR FOR THE BOROUGH OF MANTOLOKING

WHEREAS, there exists a need to appoint a Borough Tax Collector for the Borough of Mantoloking due to the expiration of the current term on December 31, 2018; and

WHEREAS, Ms. April J. Yezzi is duly qualified to be reappointed to the position of Tax Collector; and

WHEREAS, N.J.S.A. 40A:9-142 provides that the Tax Collector shall be appointed for a term of four years; and

WHEREAS, it is the desire of the governing body to reappoint Ms. April J. Yezzi to serve as Tax Collector for the Borough of Mantoloking, effective January 1, 2019, for a term of four years in accordance with the provisions of N.J.S.A. 40A:9-142.

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 Mayor and Borough Council hereby appoint Ms. April J. Yezzi as the Tax Collector to serve for a term of four years in accordance with the provisions of N.J.S.A. 40A:9-142, said term ending on December 31, 2022.
2. Based on the provisions of N.J.S.A 40A:9-145.8 including Ms. Yezzi’s initial appointment and her subsequent re-appointment, she is hereby granted tenure in the position of Tax Collector.
3. That a certified copy of this resolution shall be forwarded to Ms. April J. Yezzi.

RESOLUTION NO. 2019 –31

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING A BID FROM THE PUBLIC AUCTION OF MUNICIPALLY-OWNED PROPERTY DESIGNATED ON THE TAX MAP OF THE BOROUGH OF MANTOLOKING AS BLOCK 24, 5.01 (ALSO KNOWN AS 1030 OCEAN AVENUE)

WHEREAS, the Borough of Mantoloking owns certain property designated on the tax map of the Borough of Mantoloking as Block 24, 5.01, also known as 1030 Ocean Avenue Avenue which is an undersized lot not needed for a public purpose; and

WHEREAS, Pursuant to N.J.S.A. 40A:12-13.2, when a municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, the owner or owners of any real property contiguous to such real property must be given the right to prior refusal to purchase such land; and

WHEREAS, the Borough therefore offered the contiguous property owners the right of prior refusal at the assessed value of the property (\$39200.00) and received letters of intent to purchase said non-conforming property at the assessed value from two contiguous property owners.; and

WHEREAS, pursuant to N.J.S.A 40A:12-13. (5), “when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners,” and the Borough Council adopted a resolution authorizing the sale of the property by auction to the highest bidder from among the contiguous owners expressing the intent to purchase; and

WHEREAS, the public auction was duly advertised on December 28, 2018 and January 4, 2019; and

WHEREAS, the public auction was held on January 11 2019 at 10:00 a.m. and there were two bidders in attendance; and

WHEREAS, the bidder, Estate of Diane H. DeHosson/Whitney DeHosson-Marriot Administrator bid a total of \$50,000.00 and remitted 10% of this amount, or \$ 5,000.00 prior to close of business on the date of the auction; and

WHEREAS, the Borough Council hereby wishes to formally accept the bid submitted by the Estate of Diane H. DeHosson/Whitney DeHosson-Marriot Administrator for Block 24, 5.01 in the amount of \$ 50,000.00.

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 Borough Council accepts the bid of \$ 50,000.00 submitted by Estate of Diane H. DeHosson/Whitney DeHosson-Marriot Administrator.
2. That terms and conditions of the sale shall be memorialized by ordinance authorizing the sale in accordance with the Local Land and Buildings Law.

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. A copy of this resolution shall be provided to the Borough Attorney, the Chief Financial Officer and _____.

RESOLUTION NO. 2019 –32
RESOLUTION AUTHORIZING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO
DUPLICATE PAYMENTS

WHEREAS, a duplicate tax payment was made on the 4th quarter 2017 property taxes on property owned by Falcone, Lucille, for the fiscal year 2017; and,
WHEREAS, such duplicate payments have resulted in an overpayment of 2017 property taxes in the amount of \$2,399.68 and said property owner is requesting a refund of this overpayment in a total refund amount of \$2,399.68,
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 \$2,399.68 for said overpayment for the property known as Block 7, Lot 1 aka 964 East Avenue, Mantoloking, New Jersey to Lucille Falcone, 964 East Avenue, 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.

RESOLUTION NO. 2019 –33
RESOLUTION AUTHORIZING A REFUND OF DUPLICATE ZONING FEES PAID

WHEREAS, the Finance Office of the Borough of Mantoloking has researched the balance of the following 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 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 balance from zoning fees:

<u>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

RESOLUTION NO. 2019- 34

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING MEGHAN BENNETT CLARK, OF THE FIRM GLUCKWALRATH, LLP. AS BOND COUNSEL FOR THE BOROUGH OF MANTOLOKING

WHEREAS, there exists a need for Bond Counsel for the Borough of Mantoloking as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, it has been determined and certified in writing that the anticipated value of the contract will exceed \$17,500; and

WHEREAS, the Mayor and governing body have reviewed the proposals submitted and recommended that Meghan Bennett Clark, be appointed as Bond Counsel; and

WHEREAS, the performance of the services requires knowledge of an advanced type in a field of learning pursuant to N.J.S.A. 40A:11-2 and the Borough has determined that Meghan Bennett Clark , has the ability and expertise to perform the Bond Counsel Services required by the Borough; and

WHEREAS, Meghan Bennett Clark , of firm Gluckwalrath, LLP., has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor the firm have made any reportable contributions to a political or candidate committee in the Borough of Mantoloking in the previous one year, and that the contract will prohibit , Meghan Bennett Clark, and the firm of Gluckwalrath, LLP, from making any reportable contributions to a political or candidate committee in the Borough of Mantoloking through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed hereto; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” and requires that the resolution and contract be made available for public inspection.

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

1. That Meghan Bennett Clark , of the firm Gluckwalrath, LLP, is hereby appointed as Bond Counsel for the Borough of Mantoloking for a term of one (1) year, commencing January 1, 2019, and ending December 31, 2019. Meghan Bennett Clark , shall be compensated services rendered to the Borough for the calendar year 2019. Meghan Bennett Clark , and the firm Gluckwalrath, LLP, may perform additional legal services pursuant to the agreement attached hereto and incorporated herein as Schedule A.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the agreement with Meghan Bennett Clark attached hereto and incorporated herein as Schedule A. in accordance with the provisions of this resolution.
3. That this contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law because it is for services to be performed by a person or persons authorized by law to practice a recognized profession.
4. That the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
5. That a notice of this action shall be printed once in the official newspaper of the Borough of Mantoloking.

6. That a copy of the written determination of value by the Borough shall be placed on file with this resolution.
7. That this resolution shall become effective immediately.
8. 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: _____

9. That a certified copy of this resolution, together with a copy of the Agreement, shall be forwarded to the Chief Financial Officer and Meghan Bennett Clark .

RESOLUTION NO. 2019- 35
RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MANTOLOKING AMENDING SALARIES OF VARIOUS EMPLOYEES FOR 2018 AND
2019

WHEREAS, pursuant to Resolution No. 10/16/2018-05, the Borough Council, upon recommendation by the Mayor, adopted an annual salary schedule for various employees for the calendar years of 2018 and 2019; and

WHEREAS, it was brought to the governing body’s attention that there was an error in the adopted salaries for two employees, the Fire Subcode Official and the Code Enforcement Official; and

WHEREAS, it is the desire of the governing body to amend Resolution No. 10/16/2018-05 to revise the salaries for the Fire Subcode Official and the Code Enforcement Officer.

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

1. That Resolution No. 10/16/2018-05 setting the salary for the Fire Subcode Official is hereby amended to provide that Ronald Pizar, Fire Subcode Official shall be paid \$5,076.83 for 2018, and \$5,203.75 for 2019.
2. That Resolution No. 10/16/2018-05 setting the salary for the Code Enforcement Official is hereby amended to provide that Scott Loftus, Code Enforcement Official shall be paid \$25.00 an hour for the calendar year of 2018 and shall be paid \$35.00 an hour for the calendar year 2019.
3. That this resolution shall take effect immediately.
4. That a certified copy of this resolution shall be provided by the Borough Clerk to the Chief Financial Officer, Mr. Ronald Pizar and Mr. Scott Loftus.

RESOLUTION NO. 36
RESOLUTION AUTHORIZING A TAX REFUND OF OVERPAYMENT OF TAXES DUE TO
DUPLICATE PAYMENTS

WHEREAS, a duplicate tax payment was made on the 2nd quarter 2014 property taxes on property owned by Barletta, Henry and Alice, for the fiscal year 2014; and,

WHEREAS, such duplicate payments have resulted in an overpayment of 2014 property taxes in the amount of \$2,761.00 and said property owner is requesting a refund of this overpayment in a total refund amount of \$2,761.00,

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 \$2,761.00 for said overpayment for the property known as Block 14, Lot 8 aka 914 Ocean Avenue, Mantoloking, New Jersey to Henry and Alice Barletta, 914 Ocean Avenue, 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.

ROLL CALL VOTE:

9. **PUBLIC SAFETY COMMITTEE**, Councilman Gillingham 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. **MUNICIPAL SERVICES COMMITTEE**, Mayor White will present the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and Councilman President Gillingham will move the following resolutions.

RESOLUTION NO. 2019 –37

RESOLUTION PROVIDING FOR APPROVAL OF 2019 OCEAN COUNTY SCHEDULE C AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF OCEAN

WHEREAS, the County of Ocean has offered to enter into a Contract with the Borough whereby the County will provide certain road maintenance and repair of municipal streets, together with materials and supplies; and

WHEREAS, the utilization of County services during the term of the proposed Agreement is optional and at the sole discretion of the Borough; and

WHEREAS, in accordance with the terms of the proposed Agreement, the Borough is obliged, pursuant to Article 2, to certify that sufficient funds are available in its current budget to cover the anticipated cost; and

WHEREAS, the form of Contract has been reviewed by counsel and is deemed appropriate upon the condition that the County will accept the Borough's insurance coverage in lieu of the indemnification clause, Article 7 (see copy of proposed Agreement annexed); and

WHEREAS, a Certificate of Funds Availability has been provided.

IT IS NOW, THEREFORE, this 15 day of January, 2019, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. That the Borough of Mantoloking shall enter into the proposed Schedule C Agreement for the period January 1, 2019 through December 31, 2019, subject to the acceptance by the County of the Borough's liability insurance in lieu of indemnification;
2. Further, that it is hereby certified that funds are available in the current budget to cover the anticipated cost, \$6,000.00. [Road Maintenance Supplies (Salt)],
3. The Mayor and Borough Clerk are hereby authorized to execute and deliver the Agreement in accordance with this Resolution.
4. A true copy of the Agreement shall be available for public inspection in the Clerk's Office.

ROLL CALL VOTE:

12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski will present the report of the Mantoloking Relations Committee.

13. **STRATEGIC PLANNING COMMITTEE** Councilman Nelson will present the report of the Strategic Planning Committee and moves the following resolution.

RESOLUTION NO. 2019 –38
RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MANTOLOKING
AUTHORIZING COTTER STRATEGIES, LLC TO PROVIDE GOAL SETTING AND
STRATEGIC PLANNING SERVICES FOR 2019

WHEREAS, there exists a need for the goal setting and strategic planning for the Borough for 2019; and
WHEREAS, Cotter Strategies, LLC is duly qualified to provide goal setting and strategic planning services to the Borough;
WHEREAS, Cotter Strategies has provided a proposal to the Borough dated December 4, 2018 to provide said services;
WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. authorizes the award of contracts for “Professional Services” without competitive bids; and
WHEREAS, it is the desire of the governing body to appoint Cotter Strategies, LLC to complete 2019 Goal Setting and Strategic Planning for the Borough at a cost not to exceed \$1,250.00;
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Mantoloking, County of Ocean, State of New Jersey as follows:

1. That Cotter Strategies, LLC is hereby appointed to provide 2019 Goal Setting and Strategic Planning to the Borough in an amount not to exceed \$1,250.00 in accordance with the proposal which is on file in the Office of the Borough Clerk and can be viewed during normal business hours.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the attached agreement with Cotter Strategies, LLC in accordance with the provisions of this resolution.
3. That this resolution shall take effect immediately.
4. That a certified copy of this resolution shall be provided by the Borough Clerk to the Chief Financial Officer and Cotter Strategies, LLC.
5. 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: _____.

ROLL CALL VOTE:

14. **ENVIRONMENTAL COMMITTEE** Councilman Batcha will present the report of the Environmental Committee

15. **MAYOR AND COUNCIL COMMENTS**

16. **PUBLIC COMMENTS PERIOD**

17. **NEXT MEETING:**

Agenda Setting Meeting , Tuesday February 12, 2019 at 5:30 p.m. at the Mantoloking Borough Hall, 202
Downer Avenue, Mantoloking, NJ, 08738

18. **ADJOURNMENT**