

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

**MINUTES - COUNCIL AGENDA SETTING MEETING**  
**December 11, 2018**  
**Mantoloking Fire House**  
**202 Downer 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:**

<b><u>COUNCIL</u></b>	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	<b><u>LATE</u></b>	<b><u>DIAL -IN</u></b>
Council President White	X			
Councilman Gillingham	X			
Councilman Amarante	X			
Councilman Nelson		X		
Councilman Rzemieniewski		X		
Mayor George C. Nebel	X			
<b><u>ALSO PRESENT</u></b>				
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			

Clerk Konopada advised the public that Councilwoman Lynn O’Mealia has resigned from her position on Council effective December 3, 2018.

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- November 13, 2018

Executive Session- November 13, 2018

Council Regular Business Meeting- November 20, 2018

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

Council President White read Councilwoman O’Mealía’s resignation letter to the public. He added that Councilwoman O’Mealía has done an extraordinary job these past two years while on council. She has been an integral part in the progress that has taken place. He further explained that he is honored to have served with Councilwoman O’Mealía for the past two years.

7. **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: AUTHORIZING THE HIRING OF POLICE OFFICER**

**OATH OF OFFICE**

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 18<sup>th</sup> 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).

**B. 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 Sibilia 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 Sibia 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 Sibia 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 Sibia 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.

**C. 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, check or money 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 be 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:**

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**

**B. RESOLUTION: PAYMENT OF BILLS**

**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:

**DEPARTMENT**

**TO**

**FROM**

**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.

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

Councilman White gave a brief report regarding the dunes. He consulted with Robert Mainberger from Mott McDonald and advised that the borough expects the beach to be totally replenished by Christmas. Dune Grass planting will begin the end of January beginning of February.

11. **MUNICIPAL RELATIONS COMMITTEE** Councilman Amarante will present the report of the Mantoloking Relations Committee.

12. **MAYOR AND COUNCIL COMMENTS**

Councilman Amarante had a question about the sale of municipal property.

He also spoke about adding a sub-committee to investigate hiring a consultant related to the manner in which we set salaries for non- union employees. He requested this item be added to the agenda for next week's meeting.

13. **PUBLIC COMMENTS PERIOD**

No comments were made.

Councilman White motioned to go into closed session. Councilman Amarante seconded the motion and was approved by unanimous voice vote at 5:38 p.m.

14. **EXECUTIVE SESSION**

**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 Litigation,,Contract Negotiations- PBA and Personnel

**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. Litigation N.J.S.A. 10:4-12(b)(7) Barcus v. The Borough of Mantoloking and Saccone v. The Borough of Mantoloking
2. Contract Negotiations: N.J.S.A. 10:4-12(b)(4)
3. Personnel: N.J.S.A. 10:4-12(b)(8)

**15. NEXT MEETING:**

Council Regular Business Meeting, Tuesday, December 18, 2018 at 5:30 p.m. at the Mantoloking Fire House, 202 Downer Avenue, Mantoloking, NJ, 08738

**16. ADJOURNMENT**

Councilman White motioned to adjourn closed session and to return to open session. The motion was seconded by Councilman Amarante and approved by unanimous voice vote. At 6:15 p.m.

Councilman White motioned to adjourn open session. The motion was seconded by Councilman Amarante and approved by unanimous voice vote at 6:15 p.m.

Respectfully submitted,

Beverley A. Konopada  
Borough Clerk