

DRAFT NO.2–7/20/2020

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – CAUCUS AND REGULAR BUSINESS MEETING

July 21, 2020

5:30 P.M.

MANTOLOKING VIRTUAL MEETING

CALL: 605-313-5156

ACCESS CODE: 231051

CAUCUS MEETING

CALL TO ORDER:

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.

ROLL CALL:

A. REVIEW OF REGULAR MEETING AGENDA

B. BOROUGH COUNCIL DISCUSSION ITEMS FOR NEXT MONTHS AGENDA.

- Mayor and Council Stipends- some residents looking to compensate the governing body for their time.
- Parking/Traffic Ordinance- 4 hour parking restriction

| | |
|---------------------------------------|-----------------------|
| <u>Finance Committee:</u> | Councilman Amarante |
| <u>Public Safety Committee:</u> | Councilman Gillingham |
| <u>Dune and Beach Committee:</u> | Councilman Batcha |
| <u>Municipal Services Committee:</u> | Mayor White |
| <u>Municipal Relations Committee:</u> | Councilwoman O’Mealia |
| <u>Strategic Planning Committee:</u> | Councilwoman O’Mealia |
| <u>Environmental Committee:</u> | Councilwoman Green |
| <u>Long Range Planning Committee</u> | Councilwoman O’Mealia |
| <u>Flood Strategy Committee</u> | Councilwoman O’Mealia |

C. PUBLIC COMMENT PERIOD- State your name and address for the record. Once you have finished speaking, please place your phone on mute.

ADJOURN CAUCUS MEETING:

MOTION: _____
SECOND: _____
ALL IN FAVOR: _____

REGULAR BUSINESS MEETING

1. **CALL TO ORDER:**

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. **ROLL CALL:**

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

5. **RESOLUTION NO. 2020-102**

RESOLUTION: MINUTES OF PREVIOUS MEETINGS

Regular Business Meeting Minutes- June 16, 2020

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

ROLL CALL VOTE RESOLUTION 2020-102

6. **PRIVILEGE OF THE FLOOR:** Mayor White will open the meeting for public comment and questions about the agenda. State your name and address for the record. Once you have finished speaking, please place your phone on mute.

7. **FINANCE COMMITTEE:** Councilman Amarante will present the monthly finance report.

RESOLUTION NO. 2020-103

RESOLUTION THE REPORT OF THE MUNICIPAL FINANCE OFFICER

| BOROUGH OF MANTOLOKING | | | | | | |
|---|----------------------|------------------------|------------------------------|------------------------------|---------------------------|------------------------------|
| Financial Report for the Month of May 31, 2020 | | | | | | |
| Status of the Budget on May 31, 2020 | | | | | | |
| FUND | APPROPRIATION | CURRENT BALANCE | EXPENDED DURING MONTH | EXPENDED YEAR TO DATE | ENCUMBERED BALANCE | APPROPRIATION BALANCE |
| 2020 TEMPORARY BUDGET | \$692,200 | \$2,954,624 | \$307,206 | \$1,535,201 | \$672,530 | \$746,893 |
| 2019 RESERVE BUDGET- CURRENT | \$5,283,897 | \$656,271 | \$0 | \$293,030 | \$3,839 | \$359,403 |
| 2020 CAPITAL FUND | \$1,543,000 | \$1,543,000 | \$1,525 | \$255,727 | \$160,897 | \$1,126,376 |
| SANDY EMERGENCY FUNDS | \$146,568 | \$139,968 | \$0 | \$0 | \$0 | \$139,968 |
| | | | | | | |
| TOTAL | \$7,665,665 | \$5,293,863 | \$308,731 | \$2,083,957 | \$837,266 | \$2,372,640 |

| | APPROPRIATION | CURRENT BALANCE | EXPENDED DURING MONTH | EXPENDED YEAR TO DATE | ENCUMBERED BALANCE | APPROPRIATION BALANCE |
|--------------------------------------|----------------------|------------------------|------------------------------|------------------------------|---------------------------|------------------------------|
| (Subcategory of Capital Fund) | | | | | | |
| Construction-Municipal Building | \$890,832 | \$890,832 | \$0 | \$135,500 | \$149,946 | \$605,386 |

Receipts, Disbursements and Changes in Cash Balance During the Month of May 31, 2020

| FUND | CASH BALANCE JANUARY 1, 2020 | CASH BALANCE BEGINNING OF MONTH | CASH RECEIVED | CASH DISBURSED | CASH BALANCE END OF MONTH |
|-----------------------|-------------------------------------|--|----------------------|-----------------------|----------------------------------|
| 2019 CURRENT FUND | \$3,326,063 | \$1,842,499 | \$1,534,337 | (\$318,491) | \$3,058,344 |
| CAPITAL FUND | \$2,567,262 | \$2,313,060 | \$0 | (\$10,760) | \$2,302,300 |
| ANIMAL CONTROL FUND | \$223 | \$235 | \$0 | \$0 | \$235 |
| OTHER TRUST FUNDS | \$524,694 | \$561,328 | \$261 | (\$1,103) | \$560,487 |
| PAYROLL ACCOUNT | \$56,176 | \$53,135 | \$186,263 | (\$175,260) | \$64,137 |
| UNEMPLOYMENT ACCOUNT | \$34,091 | \$34,111 | \$1 | \$0 | \$34,113 |
| LAW ENFORCEMENT TRUST | \$2,848 | \$2,850 | \$0 | \$0 | \$2,850 |
| | | | | | |
| TOTAL | \$6,511,358 | \$4,807,219 | \$1,720,862 | (\$505,614) | \$6,022,466 |

RESOLUTION NO. 2020-104

RESOLUTION: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$1,931,675.02 with the recommendation they be paid, and
- A list of bills in the amount of \$103,483.36 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. 2020-105

RESOLUTION REQUESTING A SEWER REFUND OF OVERPAYMENT OF 2020 SEWER BILLINGS DUE TO OVER BILLING OF SEWER ACCOUNT FOR PROPERTY KNOWN AS BLOCK 34, LOT 10.01 AKA 201 DOWNER AVENUE, MANTOLOKING BOROUGH, OCEAN COUNTY, NEW JERSEY

WHEREAS, there was an overpayment on the sewer account for the 2020 annual sewer billing on property owned by Henry E. and Debra A. Rzemieniewski known as 201 Downer Avenue, Mantoloking, Borough, Ocean County, New Jersey; and,

WHEREAS, such payment has resulted in an overpayment of 2020 sewer billing in the amount of \$162.36 and said property owner is requesting a refund of this overpayment in a total refund amount of \$162.36,

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 \$162.36 for said overpayment for the property known as Block 34, Lot 10.01 aka 201 Downer Avenue, Mantoloking, New Jersey to Henry E. and Debra A. Rzemieniewski, 201 Downer 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. 2020-106

RESOLUTION APPROVING OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4- 87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Mantoloking in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$1,096.80, which is now available from the Sustainable Jersey Small Grants Program;

BE IT FURTHER RESOLVED, that the like sum of \$1,096.80 is hereby appropriated under the caption of, 2020 Sustainable Jersey Small Grants Fund, and shall be applied in compliance with the terms and conditions as set forth in the grant.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to execute the grant agreement.

RESOLUTION NO. 2020-107:

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE FINAL PAYMENT TO WALLACE BROTHERS FOR PROPOSED MANTOLOKING MUNICIPAL BUILDING

WHEREAS, the Borough and Wallace Brothers previously entered into a contract for the construction of the Proposed Mantoloking Municipal Building dated September 7, 2016; and

WHEREAS, a contractual dispute exists between the parties concerning certain aspects of the work done by contractor and/or done by others; and

WHEREAS, On August 20, 2019, Wallace Brothers Inc., entered into a Settlement Agreement and Release with the Borough of Mantoloking, to resolve disputes existing between the two parties concerning certain aspects of the work done by the contractor and/or done by others in the total amount of \$163,105.92; and

WHEREAS, pursuant to the abovementioned settlement, the parties had the following obligations:

- (A) Upon completion of agreed-upon punch list to the satisfaction of the Director of Public Works, Wallace Brothers will be paid \$75,000.00.
- (B) Upon presentation to the Borough of close out documentation including warranties, and as built to the satisfaction of the Borough Attorney, Chief Financial Officer and Director of Public Works, Wallace Brothers shall be paid the sum of \$53,000.00, which funds shall appear on the bills list at the next borough council action meeting following presentation and approval, but in no case in less than 60 days from the date of this agreement. A request by Wallace for partial payment of this item may be presented to the governing body for approval if such request for partial payment of this item is deemed reasonable by the Mayor.
- (C) Upon Wallace Brothers installation of two Stair A interior satisfying the specifications in all regarding including a window and frame system which is 60-minute rated and complies with ASTM E199 for resistance to heat transfer to the satisfaction of the Project Architect, Wallace Brothers shall be paid the final \$35,105.92.
- (D) The performance bond shall be released when all bonded improvements are completed and a maintenance bond in compliance with contract and legal requirements has been provided; and

WHEREAS, the Borough has previously issued payments to Wallace Brothers in the amount of \$75,000.00 and \$53,000.00 in accordance subsection A and B of the settlement agreement; and

WHEREAS, it is the desire of the governing body to authorize the final payment to Wallace Brothers, Inc. in the amount of \$35,105.92 in accordance with subsection c of the agreement.

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

1. That the governing body does hereby approve and authorize the final payment to Wallace Brothers, Inc in the amount of \$35,105.92 in accordance with subsection c of the Settlement Agreement.
2. A copy of this resolution shall be provided to Wallace Brothers, Inc. and the Chief Financial Officer.

RESOLUTION NO. 2020-112

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE OCCARES GRANT PROGRAM AGREEMENT WITH THE COUNTY OF OCEAN

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus outbreak, COVID-19, as a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey declared the concurrent invocation of both a State of Emergency pursuant to N.J.S.A. App.A.:9-33 et seq. and a Public Health Emergency as contemplated by N.J.S.A. 26:13-1 et seq., which invoked the authority and powers contemplated by N.J.S.A. 26:13-3, the Emergency Health Powers Act, and remains in effect; and

WHEREAS, on March 13, 2020, the President of the United States declared COVID-19 a national emergency; and

WHEREAS, on March 27, 2020, the Coronavirus Aid Relief and Economic Security Act (“CARES Act”) became law and was enacted, amongst other purposes, to combat the economic damages caused to the States and the political subdivisions under them; and

WHEREAS, the County of Ocean (the “County”) has received CARES Act funds from the United States Treasury to be used to reimburse the County, its agencies and municipalities within its boundaries, for economic damage attributed to the COVID-19 pandemic and the State of Emergency/Public Health Emergency; and

WHEREAS, for this municipality to receive funding from the County as reimbursement for COVID-19 related costs and expense, it must execute an Agreement with the County as a condition of the OCCARES Grant program;

WHEREAS, it is the desire of the governing body to execute the OCCARES Grant Agreement with the County so that it may seek reimbursement for COVID-19 related costs and expenses.

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 governing body does hereby authorize the execution of the OCCARES Grant Agreement with the County of Ocean, in a form acceptable to the Borough Attorney.
2. That the governing body further authorizes the Chief Financial Officer to take whatever action is necessary to effectuate the terms of the OCCARES Grant Agreement.
3. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the OCCARES Grant Agreement with the County of Ocean.
4. That a certified copy of this resolution shall be forwarded to the Chief Financial Officer, the Borough Administrator, the County Administrator and the County Comptroller/CFO, Julie N. Tarrant.

ROLL CALL VOTE RESOLUTIONS 2020- 103 - 2020- 107 and 2020-112

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

RESOLUTION NO. 2020-108

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING JAMES J. GLUCK AS MUNICIPAL COURT JUDGE

WHEREAS, due to the retirement of the Honorable James A. Liguori, there exists a need to appoint a Municipal Court Judge for the unexpired term ending on December 31, 2022; and

WHEREAS, James J. Gluck, Esq. has submitted his credentials and is duly qualified for the position of Judge of the Municipal Court of the Borough of Mantoloking; and

WHEREAS, the Governing Body desires to appoint James J. Gluck, Esq. as Judge of the Municipal Court of the Borough of Mantoloking in accordance with the provisions of N.J.S.A. 2B:12-4 for the unexpired term.

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 governing body does hereby appoint James J. Gluck, Esq. as Judge of the Municipal Court of the Borough of Mantoloking for the unexpired term commencing August 1, 2020 ending on December 31, 2022 or until a qualified successor is appointed.
2. That the appointment of James J. Gluck, Esq. as Judge of the Municipal Court of the Borough of Mantoloking is made in accordance with the provisions of N.J.S.A. 2B:12-4 and that James J. Gluck, Esq. shall be compensated \$1,600.00 per court session which is subject to the same annual percentage increase provided to all borough administrative staff.
3. That a certified copy of this resolution shall be forwarded to Appointee, Municipal Court Administrator and Borough Chief Financial Officer.

RESOLUTION NO. 2020-109

RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING SEASONAL PERSONNEL

WHEREAS, there exists a need for various seasonal personnel to be appointed within the Borough; and

WHEREAS, the Chief of Police has recommended the appointment of individuals listed in Schedule A attached hereto and make a part hereof to serve as various seasonal personnel; and

WHEREAS, it is the desire of the governing body to appoint the individuals listed in Schedule A to serve as various seasonal personnel.

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 the governing body does hereby appoint the individuals listed in Schedule A attached hereto and made a part hereof as various seasonal personnel effective from date shown with the term ending September 15, 2020.
2. The appointees shall be paid the corresponding amount per hour as listed on Schedule A in accordance with the current salary ordinance.
3. That a certified copy of this resolution shall be forwarded to the Borough Chief of Police, Borough Chief Financial Officer and the individuals listed in Schedule A.

SCHEDULE A

| Name | Position | Effective Date | Hourly Wage |
|-------------------|-----------------|-----------------------|--------------------|
| Kenneth Blake | Badge Checker | 6/29/2020-9/15/2020 | \$11.00 |
| Ricky Braen | SLEO II | 6/30/20-9/15/20 | \$20.00 |
| Robert W. Heschle | SLEO II | 6/30/20-9/15/20 | \$20.00 |
| Nicolas Malvasio | SLEO II | 6/29/20-9/15/20 | \$15.50 |

RESOLUTION NO. 2020-110

RESOLUTION: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO.1

WHEREAS, Caroline Blanchard has applied for membership in the Mantoloking Fire Company No. 1; and
WHEREAS, the fire company has approved the application; and
WHEREAS, pursuant to the provisions of the By-Laws of the Mantoloking Fire Company No. 1, all applications are also subject to approval of Council.

IT IS NOW, THEREFORE, this 21st day of July, 2020, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Caroline Blanchard is hereby approved, subject to receipt of satisfactory physical examination report.

ROLL CALL VOTE RESOLUTIONS 2020-108 - 2020-110

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

10. **MUNICIPAL SERVICES COMMITTEE**: Mayor White will present the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee.

RESOLUTION NO. 2020-111

RESOLUTION: RESOLUTION OF THE BOROUGH OF MANTOLOKING, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO CIVIC PLUS, LLC FOR WEBSITE REDESIGN SERVICES

WHEREAS, there exists a need for website redesign services for the Borough of Mantoloking; and

WHEREAS, the Borough solicited quotes for website redesign services for the Borough of Mantoloking; and

WHEREAS, Civic Plus has submitted an advantageous quotation in accordance with the Borough request; and

WHEREAS, the Borough Council desires to award a contract to Civic Plus, LLC, for \$12,000.00 for the two-year term of the contract; and

WHEREAS, it is the desire of the governing body award a contract for website redesign services for the Borough to Civic Plus, LLC.

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 governing body does hereby award a contract for website redesign services to Civic Plus, in accordance with the attached Schedule A, an advantageous quotation.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, a contract with Civic Plus in a form acceptable to the Borough Attorney.
3. This contract shall be an open-ended contract with funds being encumbered contingent upon the availability of funds in the budget year. No purchase(s) shall be made under this contract until the Chief Financial Officer has certified the availability of funds for such purchases.
4. A certified copy of this Resolution shall be provided to the Chief Finance Officer and Civic Plus.

ROLL CALL VOTE RESOLUTION 2020-111

11. **MUNICIPAL RELATIONS COMMITTEE**: Councilwoman O’Mealia will present the report of the Mantoloking Relations Committee.
12. **STRATEGIC PLANNING COMMITTEE**: Councilwoman O’Mealia will present the report of the Strategic Planning Committee.
13. **ENVIRONMENTAL COMMITTEE**: Councilwoman Green will present the report of the Environmental Committee.
14. **LONG RANGE PLANNING COMMITTEE**: Councilwoman O’Mealia will present the report of the Long Range Planning Committee
15. **FLOOD STRATEGY COMMITTEE**: Councilwoman O’Mealia will present to report of the Flood Strategy Committee

16. **MAYOR AND COUNCIL COMMENTS:**

17. **PUBLIC COMMENTS PERIOD:** . State your name and address for the record. Once you have finished speaking, please place your phone on mute

18. **NEXT MEETING:** Caucus and Regular Business Meeting, August 18, 2020 conference call.

19. **ADJOURNMENT :**