

DRAFT NO. 1 – 7/19/2017

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

AGENDA – REGULAR COUNCIL BUSINESS MEETING

July 18, 2017
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The Regular Council Business 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 Laymon	X			
Councilman Nelson			X 5:34	
Councilwoman O'Mealia	X			
Councilman Rzemieniewski	X			
Mayor George C. Nebel	X			
<u>ALSO PRESENT</u>				
Beverley A. Konopada, Borough Clerk	X			
Edwin J. O'Malley, Jr. Borough Attorney	X			
Lynne Hazelet, Deputy Clerk	X			
April Yezzi, CFO, CTC, QPA	X			
Stacy Ferris, Chief of Police		X		
Larry Plevier, Borough Engineer	X			
Robert S. Oliwa & Steven Colvell, Auditor	X			
Dr. James Turro, Brd. of Health Chairman	X			

4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.

5. **RESOLUTION NO. 07/18/2017-01: MINUTES OF PREVIOUS MEETINGS**

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

Agenda Setting Pre-Council Meeting, June 13, 2017
Regular Business Meeting, June 20, 2017

Councilman Gillingham moved to approve the minutes as distributed. The motion was seconded by Councilman White and approved by unanimous voice vote.

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

No comments were made

7. **MUNICIPAL SERVICES COMMITTEE**, Council President White presented the monthly reports from the Public Works Superintendent, Construction Official, Land Use Officer and Building Committee and moved the following resolution. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

Councilman White advised that the concrete work is complete and the steel will be the next step for Borough Hall. He also advised that he misspoke with regards to the use of an unsafe structure ordinance. The International Residence Code New Jersey Edition was one resource used for the unsafe structure at Lyman Street. He also advised that the borough was in the process of developing an ordinance for property maintenance which will deal with issues such as dumpsters, overgrown landscaping, etc.

A. **RESOLUTION NO. 07/18/2017-02: APPROVAL OF CHANGE ORDER # 1 BAY AVENUE CARPENTER LANE PROJECT (CONTRACT 2017-01)**

WHEREAS, contractor has requested approval of change order # 1 , attached, for adjustment to include cure-in-place pipe (CIPP) liner work, which will result in an increase in the contract price of \$17,838.00 for a revised contract price of \$ 309,176.25; and

WHEREAS, the Municipal Engineer, Lawrence Plevier, P.E., has recommended approval of the requested changes; and

IT IS NOW, THEREFORE, this 18th day of July, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Change Order No. 1 of SeaCoast Construction Inc, attached, shall be and is hereby approved.

8. **FINANCE COMMITTEE**, Councilman Gillingham presented the monthly finance report and moved the following resolutions 8A-8D. The motion was seconded by Councilman Nelson and approved by unanimous voice vote.

A. **RESOLUTION NO. 07/18/2017-03: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2017 temporary Municipal budget as of May 31, 2017; and

WHEREAS, that report indicates the following status as of that date:

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2017 TEMPORARY BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2017 Temporary Budget		2,531,174.00	1,691,667.19	96,093.25	743,413.56
2016 Appropriation Reserve	5,789,080.20	501,386.73	163,135.22	45,869.06	292,382.45
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	297,639.01	72,856.29	33,386.47	191,396.25
Subtotal Sandy Emergency		297,639.01	72,856.29	33,386.47	191,396.25
Capital		7,195,713.10	969,286.60	0.00	6,226,426.50

B. RESOLUTION NO. 07/185/2017-04: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$289,213.33 with the recommendation they be paid, and
- A list of bills in the amount of \$85,959.51 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 NO. 07/18/2017-05: INTRODUCTION TO ORDINANCE NO. 671

Sponsored by: Councilman Gillingham

Date Introduced: July 18, 2017

Public Hearing & Adoption: August 15, 2017

Synopsis: To adjust salary ranges that have been stagnant for the past four years.

ORDINANCE NO. 671

**AN ORDINANCE FIXING SALARY AND COMPENSATION
OF CERTAIN OFFICERS, POSITIONS AND EMPLOYEES
IN THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, TO BE KNOWN AS THE
“MANTOLOKING BOROUGH SALARY ORDINANCE”
AND RESCINDING ORDINANCE 620**

“SEE ATTACHED”

D. RESOLUTION NO. 07/18/2017-06 : MEMORIALIZING THE EXTENSION OF THE GRACE PERIOD TO SEPTEMBER 11, 2017, FOR THE AUGUST 1ST, 2017 TAX QUARTER DUE TO DELAY IN MAILING THE TAX BILLS

WHEREAS, State Statute provides that the Grace Period must be extended to allow for 25 days from the date of the mailing of the tax bills for payments of the August 1, 2017 tax quarter to be made without interest, and;

WHEREAS, The Tax Collector has set the last day to pay the August 1st, 2017 tax quarter at September 11, 2017, being the next business day after the 25 calendar days from the date the tax bills were mailed, and;

WHEREAS, The extension only applies to the August 1, 2017 tax quarter. The normal Borough grace period will apply to all other tax quarters on the bill.

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

1. The Governing Body of Mantoloking Borough memorializes the extension of the grace period to September 11, 2017 for the August 1, 2017 tax quarter and recognizes that the normal Borough grace period will apply to all other quarters on the tax bill.

PUBLIC HEARING: Mayor George C. Nebel opened the meeting to the public on Ordinance # 670. No comments were made.

E. RESOLUTION NO. 07/18/2017-07: ADOPTION OF ORDINANCE NO. 670 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit an increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Mantoloking in the County of Ocean finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determined that a 3.5% increase in the budget for said year, amounting to \$138,532.42 of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mantoloking in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Borough of Mantoloking shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%

amounting to \$138,532.42 and the CY 2017 municipal budget for the Borough of Mantoloking be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said director within 5 days after such adoption.

ROLL CALL VOTE:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
ouncil President White			X				
ouncilman Gillingham	X		X				
ouncilman Laymon			X				
ouncilman Nelson		X	X				
ouncilwoman O'Mealia			X				
ouncilman Rzemieniewski			X				
		VOTE:	6				
Mayor Nebel- TIE ONLY							

PUBLIC HEARING: Mayor George C. Nebel opened the meeting to the public on the 2017 Municipal Budget. No comments were made.

F. RESOLUTION NO. 07/18/2017-08: ADOPTION OF MUNICIPAL BUDGET 2017

BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, County of Ocean that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$3,470,566.00 for municipal purposes.

SUMMARY OF REVENUES

1. General Revenues

Surplus Anticipated \$650,000.00

Miscellaneous Revenues Anticipated 2,636,783.69

Receipts from Delinquent Taxes 60,274.00

2. Amount to be Raised by Taxation for Municipal Purposes 3,470,566.00

TOTAL REVENUES \$6,817,623.69

SUMMARY OF APPROPRIATIONS

5. General Appropriations:

Within "CAPS"

Operations Including Contingent	\$3,699,028.00
Deferred Charges and Statutory Expenditures - Municipal	407,000.00
Excluded from "CAPS"	

Operations - Total Operations Excluded from "CAPS"	134,463.69
Capital Improvements	100.00

Municipal Debt Service	1,375,366.00
------------------------	--------------

Deferred Charges - Municipal	926,666.00
Reserve for Uncollected Taxes	275,000.00

TOTAL GENERAL APPROPRIATIONS	\$6,817,623.69
------------------------------	----------------

IT IS HEREBY CERTIFIED that the within budget is a true copy of the budget finally adopted by resolution of the governing body on the 18th day of July, 2017. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2017 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Municipal Clerk

Certified by me this 18th day of July, 2017

ROLL CALL VOTE:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
ouncil President White		X	X				
ouncilman Gillingham	X		X				
ouncilman Laymon			X				
ouncilman Nelson			X				
ouncilwoman O'Mealia			X				
ouncilman Rzemieniewski				X			
		VOTE:	5	1			
ayor Nebel- TIE ONLY							

9. **PUBLIC SAFETY COMMITTEE**, Councilman Laymon presented the monthly reports of the Police Department, Municipal Court, Fire Company, and Emergency Management and moved the following resolution. The motion was seconded by Councilman Nelson and approved by unanimous voice vote.

A. **RESOLUTION NO. 07/18/2017-09: APPOINTMENT OF PERSONNEL – SEASONAL PART TIME HELP**

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	Salary
Alexander Dalton	Crossing Guard	6/20/2017-9/15/2017	\$11.00 hr.

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

Councilman Nelson discussed that the Dune and Beach Ordinance draft will be available for review on the website and that feedback is encouraged. Introduction in August, final reading, public hearing and adoption consideration in September.

Meeting with the Mantoloking Beach Association and South Beach Association was positive.

Next year beach committees meet earlier

Beach Replenishment Project update- Start Date- Fall 2017 on State website

Contractor has until May 28, 2018 to fill the base bid of contract

Councilman Laymon inquired if the borough is in jeopardy of losing the easements obtained with the delay in the Beach Replenishment Project, Borough attorney advised that the grantor of the easement may not rescind.

11. **ENVIRONMENTAL COMMITTEE** Councilwoman O’Mealia presented the report of the Environmental Committee.

Councilwoman O’Mealia discussed her meeting with Republic Services regarding inconsistencies on contractor and residents part. In an effort to identify issues feedback is encouraged from residents.

12. **MUNICIPAL RELATIONS COMMITTEE** Councilman Rzemieniewski stated no report of the Mantoloking Relations Committee.

13. **MAYOR AND COUNCIL COMMENTS**

Councilman White

Parking issue on Lyman

Councilman Rzemieniewski

Surprised that no one had any questions regarding the 2017 Municipal Budget
A \$5,000.00 budgeted line item never used continues to show up in the budget
Consolidation of services would create savings- Borough not in favor
Two additional Police vehicles in Mantoloking compared to Bay Head
\$15,000.00 difference in salary Bay Head –Mantoloking Police Chief’s
50 percent of Borough Hall Project Manager allotted budget has been spent

Councilman Nelson

In response to Councilman Rzemieniewski comment regarding the Police Chief's salary-Mantoloking does not receive overtime
Everyone has done a great job on the budget

Councilwoman O'Mealia

It is the Boroughs responsibility to represent the members of the community by contacting the DOT regarding Lyman, Downer and Princeton.

14. PUBLIC COMMENTS PERIOD

4 hour parking has creating more day trippers resulting in littering, smoking, and challenging the badge checkers enforcement.

A Smoking ban on the beach should be considered

Confusion as to where to park on Arnold Avenue, painting should be done.

Homeowner concerned about neighbor bringing in fill (8 feet) creating a difference in grade from one property to another.

Bay Head's position regarding beach replenishment should Rossakis lose

Request for No Turn On Red sign on Downer Avenue coming from the beach

Request for a barricade be put up (right and left) by bridge

Concern about the gas pipe under Arnold Avenue going under the bay

15. EXECUTIVE SESSION

Councilman White motioned to go into closed session at 6:38 p.m. The motion was seconded by Councilman Laymon and approved by unanimous voice vote.

RESOLUTION: ADJOURN TO CLOSED SESSION IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

WHEREAS, the Open Public Meetings Act, N.J.S.A.10: 4-11, permits municipal governing bodies to meet in closed session to discuss certain matters, now, therefore be it

RESOLVED, the Mayor and Council adjourns to closed session to discuss: (select one or more)

- ☐ specific prospective or current employees unless all who could be adversely affected request an open session.

FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.

16. OPEN SESSION

Councilman Gillingham motioned to adjourn closed session and return to open session at 7:42 p.m. the motion was seconded by Councilman White and approved by unanimous voice vote.

17. NEXT MEETING:

Agenda Setting Pre-Council Meeting, August 8, 2017 at 5:30 p.m. at the Mantoloking Yacht Club,
1224 Bay Avenue, Mantoloking, NJ

18. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Gillingham to adjourn. The motion was seconded by Councilman White and approved by unanimous voice vote at 7:42 p.m.

Respectfully submitted,

Beverley A. Konopada, Borough Clerk