

DRAFT NO. 1 – 1/18/2017

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING

January 17, 2017
Mantoloking Yacht Club
1224 Bay Avenue
Mantoloking, New Jersey

The regular monthly 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			
Councilwoman O'Mealia	X			
Councilman Rzemieniewski	X			
Mayor George C. Nebel	X			
<u>ALSO PRESENT</u>				
Beverly 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			

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

5. **RESOLUTION NO. 01/17/2017-01: MINUTES OF PREVIOUS MEETINGS**

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

Regular Business Meeting December 20, 2016
Organization Council Meeting January 4, 2017

Councilman Laymon 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:**

Question regarding Phoenix Advisors being listed twice on the agenda.

Question regarding third party testing services for vibration monitoring of Borough Hall.

- Citizens concerned their homes will be damaged from pile driving activity
- Vibrations consultant Vibra-Tech to install sensors and monitor activity. Should vibration levels exceed the threshold, they will notify all parties and work will cease until corrected.

7. **MUNICIPAL SERVICES COMMITTEE:** Councilman White presented reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moved the following two resolutions. The motion was seconded by Councilman Nelson and approved by unanimous voice vote.

A. **RESOLUTION NO. 01/17/2017-02: PROVIDING FOR APPROVAL OF 2017 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 17 day of January, 2017, **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, 2017 through December 31, 2017, 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

B. RESOLUTION NO. 01/17/2017-03: APPOINTMENT OF SUSAN LAYMON TO PLANNING BOARD CLASS IV, BETH NELSON TO ALTERNATE #1 AND CHRISTINE BECK TO ALTERNATE # 2

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

Name	Position	Effective Date
Susan Laymon	Class IV Member-Planning Board to fill unexpired term	January 17, 2017 – December 31, 2018
Beth Nelson	Alternate # 1	January 17, 2017-December 31, 2017
Christine Beck	Alternate # 2	January 17, 2017 – December 31, 2018

C. RESOLUTION NO. 01/17/2017-04: PROVIDING FOR THIRD PARTY TESTING SERVICES (VIBRATION) TO VIBRA-TECH

WHEREAS, it is recognized that pile driving on the new Borough Hall construction site will generate vibration which, under certain circumstances and conditions, may have the potential of negative impact upon nearby structures; and

WHEREAS, the Borough has received notice of these concerns by abutting owners; and

WHEREAS, the pile driving specifications have been modified to incorporate the utilization of methodology which will address these concerns; and

WHEREAS, it is deemed to be in the public interest to ascertain pre-construction conditions of adjacent improved property and to monitor vibration during construction; and

WHEREAS, the engagement of Vibra-Tech as an independent testing agency has been recommended; and

WHEREAS, Vibra-Tech has submitted a proposal for such services, dated December 2, 2016; and

WHEREAS, the December 2, 2016 proposal is detailed and itemized as to cost and duration, for a total of \$13,980.00; and

WHEREAS, Robert Sibilia, the Borough’s Project Manager, has recommended that the budget for this service be increased to \$17,000.00 to cover the uncertainties of conditions and weather and has recommended acceptance of the Vibra-Tech proposal; and

WHEREAS, the expenditure is authorized pursuant to the provisions of Ordinance No.: 656, Section 6(d) and N.J.S.A. 40A:2-20; and

WHEREAS, A Certificate of Funds Availability is on file.

IT IS NOW, THEREFORE, this 17th day of January, 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey that the vibration monitoring services contract be awarded to Vibra-Tech by way of purchase order.

ROLL CALL VOTE:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White	X		X				
Councilman Gillingham			X				
Councilman Laymon				X			
Councilman Nelson		X	X				
Councilwoman O'Mealia			X				
Councilman Rzemieniewski			X				
		VOTE:	5	1			
Mayor Nebel- TIE ONLY							

8. **FINANCE COMMITTEE:** Councilman Gillingham presented the monthly finance report and moved the resolutions A, B, C and E. The motion was seconded by Councilman Nelson and approved by unanimous voice vote.

A. **RESOLUTION NO. 01/17/2017-05: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER**

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2016 temporary Municipal budget as of November 30, 2016; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2016 ADOPTED BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2016 Adopted Budget		5,794,080.20	5,101,151.01	58,047.74	634,881.45
2015 Appropriation Reserve	5,683,083.23	402,537.39	54,244.56	44,713.72	303,579.11
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00	834,812.90	183,560.26	875.00	650,377.64
Subtotal Sandy Emergency		834,812.90	183,560.26	875.00	650,377.64
Capital		8,212,309.40	1,183,497.28	0.00	7,028,812.12

B. RESOLUTION NO. 01/17/2017-06: PAYMENT OF BILLS

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$1,471,095.46 with the recommendation they be paid, and
- A list of bills in the amount of \$224,088.95 that have been paid with the approval of the municipal clerk and the mayor, now, therefore, be it

RESOLVED, the council approved 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. 01/17/2017-07: TO ADOPT APPROPRIATION RESERVE TRANSFER #1

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 2016 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 2016 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Finance	OE	1,000.00	
Fire Hydrants	OE	2,000.00	
Engineering	OE	15,000.00	
Group Insurance	OE		15,000.00
Social Security	OE		3,000.00
Total		\$18,000.00	\$18,000.00

Councilman Rzemieniewski moved to approve an amendment to Resolution 8 D requesting the removal of Labor Counsel Matthew Jessup, Esq. of McManimon, Scotland & Baumann. The motion was seconded by Councilman Gillingham and approved by roll call vote.

D. RESOLUTION NO. 01/17/2017-08: PROVIDING FOR APPROVAL OF PROFESSIONAL SERVICES CONTRACTS

WHEREAS, the Borough of Mantoloking has a need to acquire Professional Services as traditional contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 (as appropriate); and,
WHEREAS, Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and,
WHEREAS, the anticipated term of the contracts is one (1) year; and
WHEREAS, the following have submitted proposals by January 4, 2017 indicating they will provide their listed services:

POSITION	OFFICIAL	CONTRACT AMOUNT	BUSINESS NAME
Borough Attorney	Edwin J. O'Malley, Jr., Esq.	\$145-\$225/hr. + Misc. Expenses	O'Malley, Surman & Michelini
Borough Auditor	Robert S. Oliwa, R.M.A.	\$26,500+\$30-\$125/hr.+ Misc. Expenses	Oliwa & Company, CPA
Borough Engineer Stormwater Program Coordinator Ocean County Block Grant Program Representative	Lawrence Plevier P.E	\$150- \$210/hr. + Misc. Expenses	Mott, MacDonald
Assistant Engineer Municipal Planner Dune Inspector Flood Plain Manager Community Rating System Coordinator	Robert Mainberger, P.E Douglas Gaffney, P.E.	\$150 -\$210/hr. + Misc. Expenses	Mott MacDonald
Bond Counsel	Matthew Jessup, Esq.	\$180.00-\$325.00 /hr. + Misc. Expenses	McManimon, Scotland & Baumann
Special Council – Public Education	Vito A. Gagliardi, Jr.	\$335/ hr. Principal/Counsel \$145-\$/245/hr. Associate/Paralegal	Porzio Bromberg & Newmann
Planning Board Attorney	Ben Montenegro, Esq.	\$175.00/hr. + Misc. Expenses	Montenegro, Thompson, Montenegro & Genz

Recycling Coordinator	Joy Bragen-Edly	\$1750 per/yr. (4 quarterly payments)	Joy Bragen-Edly
Financial Consultant	Phoenix Advisors	Fee for bonds: \$1.00 per \$1,000 issued minimum-\$12.500 Fee for Notes: \$0.25 per \$1,000 issued Minimum of \$2,500	Phoenix Advisors
Police Physician	George Jarahian, Jr., M.D.	\$330.25 Per Examination	George Jarahian, Jr., M.D. General and Internal Medicine
Municipal Prosecutor	Bonnie R. Peterson, Esq.	\$6,000 per/year \$500.00 per month	Bonnie R. Peterson, Esq. Attorney-at-Law
Conflict Prosecutor/Alternate	Michael Burns, Esq.	\$500.00 per court session	Rothstein, Mandell, Strohm, Halm & Kurs
Special Counsel – Police disciplinary matters	Michael J. McKenna	\$175.00 /hr. + misc. expenses	Hiering, Gannon and McKenna
Municipal Public Defender	Margarie M. Herlihy	\$250.00 per case \$100.00 hour for extraordinary services	Herlihy & Young Attorneys

And,

WHEREAS, as may be applicable pursuant to N.J.S.A. 19:44-A-20.4, et seq. obligates the professional contractors to certify that they have not 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 them from making any reportable contributions through the term of the contract, and

WHEREAS, the Business Entity Disclosure Certification shall be executed prior to execution of the professional services contract, and

WHEREAS, a Certificates of Availability of Funds issued by the Chief Financial Officer has been submitted pursuant to N.J.A.C. 5:30-5.4.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mantoloking authorize the Mayor to enter into the contracts with the professional contractors as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. And,

BE IT FURTHER RESOLVED that notice of this action is published as a contract award without competitive bidding as professional services pursuant to N.J.S.A. 40:55D-24.

ROLL CALL VOTE:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Council President White			X				
Councilman Gillingham		X	X				
Councilman Laymon				X			
Councilman Nelson				X			
Councilwoman O'Mealia			X				
Councilman Rzemieniewski	X		X				
		VOTE:	4	2			
Mayor Nebel- TIE ONLY							

E. RESOLUTION NO. 01/07/2017-09: PROVIDING FOR APPROVAL OF MAINTENANCE CONTRACTS

WHEREAS, the award of contracts for services, supplies and maintenance of Borough facilities, equipment and personnel obligations enumerated in this resolution is necessary and in the public interest to provide for the efficient operation of the Borough; and

WHEREAS, A Certificate of Funds Availability has been filed with the Borough Clerk; now, therefore, be it

RESOLVED by the Mayor and Council of the Borough of Mantoloking as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute service and maintenance agreements in accordance with the following list, which identifies the services and providers thereof. Said contracts are to be executed following approval, as to form, by the Borough Attorney and Purchasing Agent. Copies of the contracts are available for inspection at the Clerk's office during regular business hours.

<u>SERVICE</u>	<u>PROVIDER</u>	<u>CONTRACT AMOUNT</u>
Construction Office Computer Software and Maintenance	Mitchell Humphrey & Co.	\$ 2,340.00 Annual
Computer Software Maintenance	Edmunds & Associates	\$7,829.00 Annual
Website Maintenance	Osprey Technology, LLC	\$140/per month + \$75/hr. Misc. Serv.
Animal Control	Muskrat Jack	\$300.00 per month

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 two resolutions. The motion was seconded by Councilman Nelson and approved by unanimous voice vote.

A. **RESOLUTION NO. 01/017/2017-10: OFFICIAL PERSONNEL DESIGNATION**

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

<u>Name</u>	<u>Position</u>	<u>Salary</u>	<u>Effective Date</u>
Jack Neary	SLEO II	\$16.00 hour	January 1, 2017
Daniel Leonard	SLEO II	\$ 16.00 hour	January 1, 2017

B. **RESOLUTION NO. 01/07/2017-11: APPLICATION FOR MEMBERSHIP-MANTOLOKING FIRE COMPANY NO.1**

WHEREAS, Kevin Esposito 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 17th day of January 2017, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that the application of Kevin Esposito is hereby approved, subject to receipt of satisfactory physical examination report.

10. **DUNE & BEACH COMMITTEE:** Councilman Nelson updated the public on DEP project, contract awarded to Weeks Marine, Notice to Proceed, Eminent Domain proceedings and court case.

See attached Beach Update/Contract & Timeline handout for details.

11. **ENVIRONMENTAL COMMITTEE:** Councilwoman O’Mealia stated that Councilman Nelson will speak about 2017 Plan and Committee Structure.

Environmental Commission is currently gathering volunteers and will report during 2nd quarter.

12. **MUNICIPAL RELATIONS COMMITTEE:** Councilman Rzemieniewski stated for the record that he contacted the Borough Clerk to advise her of his absence from the January 10, 2017 Agenda Setting Pre-Council Meeting due to a previous scheduled vacation. The Borough Clerk notified Mayor Nebel of his absence.

13. MAYOR AND COUNCIL COMMENTS

Councilman Nelson – 2017 Plan and Committee Structure- See attached handout for details.
Council President White stated no report on Borough Hall

14. PUBLIC COMMENTS PERIOD

No comments were made.

15. NEXT MEETING:

Agenda setting Pre-Council meeting February 14, 2017 at 5:30 p.m. at the Mantoloking Yacht Club,
1224 Bay Avenue, Mantoloking, NJ

Regular Council Business Meeting February 21, 2017 at 5:30 p.m. at the Mantoloking Yacht Club
1224 Bay Avenue, Mantoloking, NJ

16. ADJOURNMENT

There being no further business for this meeting, it was motioned by Council President White to adjourn. The motion was seconded by Councilman Nelson and approved by unanimous voice vote at 6:50 p.m.

Respectfully Submitted,

Beverley A. Konopada
Borough Clerk