

DRAFT NO. 1 – 06/23/2016

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES – REGULAR BUSINESS MEETING

JUNE 22, 2016

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:**
Present: Mayor George C. Nebel, Council President Ann Elizabeth Nelson, Councilmen Steve Gillingham, Peter Strohm, Alan Laymon, Lance White, Councilman Chris Nelson arrived at 5:40 p.m.
Absent: None
Also Present: Beverley Konopada, Borough Clerk, Edwin J. O'Malley, Jr., W. DeCamp
4. **PLEDGE OF ALLEGIANCE:** Mayor George C. Nebel led the assembly in the Pledge of Allegiance.
5. **RESOLUTION NO. 06/22/2016-01: MINUTES OF PREVIOUS MEETINGS**
RESOLVED, the Mantoloking Borough Council approved the following minutes as printed and distributed.

Regular Council Meeting May 17, 2016

Councilman Laymon moved to approve the minutes as distributed. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

6. **TRADER'S COVE PRESENTATION:** W. DeCamp

Restaurant/ Bar is being considered in this location.

Issues: Plan would use up all of the Open Space

A liquor License would be issued next to a playground

No parking

Quality of life issues for Mantoloking residents with music being played Thursday-Sunday.

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

2% cap on salaries

Interview of attorney

Police disciplinary Counsel

8. **PUBLIC WORKS COMMITTEE,** Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official, and Land Use Officer and moved the following resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote.

A. **RESOLUTION NO. 06/22/206-02: CHANGE ORDER # 2 RESTORATION OF VARIOUS ROADWAYS (CONTRACT 2015-2)**

WHEREAS, the Borough has entered into a Contract with Earle Asphalt Company, Inc. (Contract 2015-2); and

WHEREAS, the work proposed under contract Change Order # 2 is to extend the limits of work on Barnegat Lane near 916 Barnegat Lane north of the Bergen Avenue intersection to the municipal boundary line at the Borough of Bay Head as part of the Superstorm Sandy recovery efforts.

WHEREAS, during the contract drawing preparation stage, the northern section of Barnegat Lane was not included within the limits of work. Due to recent house recovery construction activity, the road condition has deteriorated as a result of multiple road openings and heavy construction vehicles /equipment loading.

WHEREAS, the Contractor has submitted a Change Order #2 in the sum of \$6,553.75; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Mott MacDonald) has recommended change order #2 be approved, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves the overall raise in contract price.

B. **RESOLUTION NO. 06/22/2016-03: PAYMENT NO. 1 – RESTORATION OF VARIOUS ROADWAYS (CONTRACT 2015-02)**

WHEREAS, the Borough has entered into a Contract with Earle Asphalt Co. (Contract 2015-02) Restoration of Various Roadways; and

WHEREAS, the Contractor has submitted Payment Application No. 1 in the sum of \$540,610.77 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Mott MacDonald) has recommended Payment Application No. 1 be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment.

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

A. **RESOLUTION NO. 06/22/2016-04: 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 April 30, 2016; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2016 TEMPORARY BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2016 Temporary Budget		2,447,547.00	1,404,464.65	11,175.63	1,031,906.72
2015 Appropriation Reserve	5,683,083.23	384,922.49	73,059.80	44,127.50	267,735.19
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	24,535.88	7,045.00	803,232.02
Subtotal Sandy Emergency		834,812.90	24,535.88	7,045.00	803,232.02
Capital		2,022,809.40	0.00	907,848.96	1,114,960.44

B. **RESOLUTION NO. 06/22/2016-05: PAYMENT OF BILLS**

WHEREAS, the municipal finance officer has presented

- A list of bills in the amount of \$228,741.80 with the recommendation they be paid, and
- A list of bills in the amount of \$281,095.81 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. 06/22/2016-06: PROVIDING FOR ACCEPTANCE AND DEDICATION BY RIDER OF FUNDS RECEIVED (DONATIONS) IN SUPPORT OF THE MARINE PATROL PROGRAM OF THE BOROUGH OF MANTOLOKING AND CREATION OF A TRUST FUND FOR SUCH PURPOSE PURSUANT TO AND UNDER THE AUTHORITY OF N.J.S.A. 40A:5-29 AND 40A:4-39

WHEREAS, the Borough has received donations from the citizens in support of the Borough Marine Patrol Program; and

WHEREAS, it is the desire of the governing body to dedicate such revenues, as received in 2001, and thereafter, to the Borough of Mantoloking Marine Patrol Trust Fund, to be expended, from time to time, at the direction of the governing body, to acquire boats, equipment and replacements thereof and to defray the expense of the marine patrol program; and

WHEREAS, the amount of revenue (donations) is not reasonably susceptible to accurate advance estimate; and

WHEREAS, it is the desire of the governing body that the receipt and deposit of such revenue into the Trust Fund shall be considered a “Dedication by Rider” to the budget of the Borough for the sole purposes set forth above, pursuant to N.J.S.A. 40A:4-39.

IT IS NOW, THEREFORE, this 22nd day of June, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All marine patrol donations received in 2001 and in succeeding years shall be accepted and placed in the Trust Fund and such Trust Fund shall be considered a Dedication by Rider to the municipal budget for the purposes set forth in this Resolution.
2. The Borough’s Chief Financial Officer shall take all such action necessary to implement the purposes of this Resolution.

D. RESOLUTION NO. 06/22/2016-07: PROVIDING FOR ACCEPTANCE AND DEDICATION BY RIDER OF FUNDS RECEIVED (DONATIONS) FOR THE “HURRICANE SANDY RECOVERY” PROGRAM OF THE BOROUGH OF MANTOLOKING AND CREATION OF A TRUST FUND FOR SUCH PURPOSE PURSUANT TO AND UNDER THE AUTHORITY OF N.J.S.A. 40A:5-29 AND N.J.S.A. 40A:4-39

WHEREAS, the Borough has received donations from the citizens in support of the Hurricane Sandy Recovery Program; and

WHEREAS, it is the desire of the governing body to dedicate such revenues, as received in 2012, and thereafter, to the Borough of Mantoloking Hurricane Sandy Recovery Trust Fund, to be expended, from time to time, at the direction of the governing body, to provide support and assistance to the residents of the Borough of Mantoloking and provide resources to support emergency management services as well as health and safety program within the Borough; and

WHEREAS, the amount of revenue (donations) is not reasonably susceptible to accurate advance estimate; and

WHEREAS, it is the desire of the governing body that the receipt and deposit of such revenue into the Trust Fund shall be considered acceptance of the funds and a “Dedication by Rider” to the budget of the Borough for the sole purposes set forth above, pursuant to N.J.S.A. 40A:5-29 and N.J.S.A. 40A:4-39.

IT IS NOW THEREFORE, this 22nd day of June, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. All Hurricane Sandy donations received in 2012 and in succeeding years shall be accepted and placed in the Trust Fund and such Trust Fund shall be considered a Dedication by Rider to the municipal budget for the purposes set forth in this Resolution.
2. The Borough’s Chief Financial Officer shall take all such action necessary to implement the purposes of this Resolution.

PUBLIC HEARING: Mayor George C. Nebel opened the meeting to the public on Ordinance No. 657.

E. RESOLUTION NO. 06/22/2016-08: ADOPTION OF ORDINANCE 657 TO EXCEED THE 2016 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, on the 22nd day of June, 2016 a public hearing on Ordinance No. 657 was held, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

Sponsored by: April Yezzi

Date introduced: May 17, 2016

Public Hearing: June 22, 2016

Synopsis: The purpose of this ordinance is to authorize exceeding the 2016 Municipal Budget Appropriation limits and to establish a cap bank.

ORDINANCE NO. 657

ORDINANCE TO EXCEED THE 2016 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 2016 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 \$130,910.50 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 2016 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 \$130,910.50 and the CY 2016 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:

Ayes: Council President Ann Elizabeth Nelson
Councilman Steve Gillingham
Councilman Peter Strohm
Councilman Chris Nelson
Councilman Alan Laymon
Councilman E. Laurence White

Nays: None

Absent: None

PUBLIC HEARING: Mayor George C. Nebel opened the meeting to the public for the 2016 Municipal Budget.

F. RESOLUTION NO. 06/22/2016-09: ADOPTION OF MUNICIPAL BUDGET 2016

BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, County of Ocean that the 2016 budget, introduced on May 17, 2016, 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 \$3,256,373.00 for municipal purposes.

Recorded Vote

AYES: Council President Ann Elizabeth Nelson
Councilman Steve Gillingham
Councilman Peter Strohm
Councilman Chris Nelson
Councilman Alan Laymon
Councilman E. Laurence White

Nays: None

Absent: None

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$700,000.00
Miscellaneous Revenues Anticipated	1,766,707.20
Receipts from Delinquent Taxes	66,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	3,256,373.00
TOTAL REVENUES	\$5,789,080.20

SUMMARY OF APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$3,553,894.00
Deferred Charges and Statutory Expenditures - Municipal	404,175.00
Excluded from "CAPS"	
Operations - Total Operations Excluded from "CAPS"	222,892.20
Capital Improvements	200,100.00
Municipal Debt Service	33,550.00
Deferred Charges - Municipal	1,126,667.00
Reserve for Uncollected Taxes	247,802.00
TOTAL GENERAL APPROPRIATIONS	\$5,789,080.20

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

A. **RESOLUTION NO. 06/22/2016-10: 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
Sarah McCuiston	Badge Checker	6/1/16	\$10.00

B. **RESOLUTION NO. 06/22/2016-11: IN SUPPORT OF THE 2016 BAY HEAD SHARK RUN 5K**

WHEREAS, the Bay Head Home & School Association, have requested permission to utilize roadways in the Borough in conjunction with the 2016 Bay Head Shark Run 5K, on Saturday, October 1, 2016; and

WHEREAS, the Mayor and Council wish to endorse and support the Bay Head Home & School Association and 2016 Bay Head Shark Run 5K

IT IS NOW, THEREFORE, this 22nd day of June, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize East Avenue to Lyman Street and Barnegat Lane, is hereby granted subject only to endorsement by the Chief of Police.
2. Upon endorsement by the Chief, a copy of this Resolution shall be forwarded to The Bay Head Home & School Association, Attention: Allison Feehan Event Director
3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.

C. **RESOLUTION NO. 06/22/2016-12: PROVIDING FOR APPOINTMENT OF ANDREW HARCHETTS AS A MEMBER OF THE MANTOLOKING POLICE DEPARTMENT**

WHEREAS, Chief Stacy S. Ferris has recommended that Class II Special Officer, Andrew Harchetts, be appointed as a Member of the Department with the rank of Patrolman; and

WHEREAS, the Public Safety Committee has endorsed the recommendation of Chief Ferris; and

WHEREAS, the appointment will enhance the efficiency of the Department; and

WHEREAS, his initial annual salary shall be \$46,000.00, subject to adjustment upon the execution of a new Agreement with the Mantoloking PBA Local 347; and

WHEREAS, the appointment is made subject to and conditioned upon the terms of an interim Employment Agreement between Harchetts and the Borough.

IT IS NOW, THEREFORE, this 22nd day of June, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. Class II Special Officer, Andrew Harchetts, is appointed as a Member of the Mantoloking Police Department with the rank of Patrolman.
2. His initial annual salary shall be \$46,000.00, subject to adjustment upon completion of the ongoing Collective Bargaining process.
3. The interim Employment Agreement is memorialized in a separate Employment Agreement.
4. The Mayor is authorized to execute the interim Employment Agreement upon approval by the Public Safety Committee and with advice of counsel.

D. RESOLUTION NO. 06/22/2016-13: PROVIDING FOR APPOINTMENT OF LABOR COUNSEL, MC MANIMON, SCOTLAND AND BAUMANN, LLC

WHEREAS, the Mayor and Council deem it to be in the public interest to engage labor counsel to assist in the completion of the ongoing Collective Bargaining process between the Borough and Members of the Police Department; and

WHEREAS, it appears that Matthew D. Jessup, Esq., a member of the firm known to the Mayor and Council, has offered to assist in the effort. It also appears that other Members of the firm have more relevant experience and have specialized in the area of labor/management relations; and

WHEREAS, it is the desire of the Mayor and Council to utilize the services of counsel with relevant experience in labor/management relations issues; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the McManimon law firm is deemed qualified to provide the required professional services; and

WHEREAS, Mathew D. Jessup, Esq. will be the attorney primarily responsible for this matter, other members of the firm will also provide services.

IT IS NOW, THEREFORE, this 22nd day of June, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. There exists a need for the engagement of special counsel for the purposes described above.
2. The law firm of McManimon, Scotland and Baumann, LLC is hereby appointed to serve as special labor relations counsel to the Borough of Mantoloking.
3. The Mayor and Clerk are authorized and directed to execute a Professional Services Contract with McManimon, Scotland and Baumann in such form as shall be endorsed by

counsel and shall include provision for compensation at the rate of \$215.00 per hour for attorneys and \$130.00 per hour for legal assistants.

4. This Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a);
5. Upon mutual execution, a copy of the Contract shall be available for public inspection at the office of the Borough Clerk.
6. A Notice of this action shall be published in the official newspaper of the Borough.

E. RESOLUTION NO. 06/22/2016-14: PROVIDING FOR APPOINTMENT OF MICHAEL J. MC KENNA, ESQ. AS SPECIAL COUNSEL (POLICE DISCIPLINARY MATTERS)

WHEREAS, it is the desire of the Mayor and Council to engage qualified special counsel to assist in resolution of issues concerning police disciplinary matters; and

WHEREAS, funds are available for this purpose; and

WHEREAS, Michael J. McKenna, Esq., a member of the firm of Hering, Gannon and McKenna, is deemed qualified to provide this service.

IT IS NOW, THEREFORE, this 22nd day of June, 2016, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. There exists a need for the engagement of special counsel for the purposes described above.
2. Michael J. McKenna, Esq. is hereby appointed to serve as special counsel to the Borough of Mantoloking.
3. The Mayor and Clerk are authorized and directed to execute a Professional Services Contract with Hering, Gannon and McKenna (Michael J. McKenna, Esq.) in such form as shall be endorsed by counsel and shall include provision for compensation at the rate of \$175.00 per hour (\$225.00 in Court).
4. This Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a);

5. Upon mutual execution, a copy of the Contract shall be available for public inspection at the office of the Borough Clerk.

6. A Notice of this action shall be published in the official newspaper of the Borough.

11. **DUNE & BEACH RENOURISHMENT COMMITTEE**: Councilman Nelson presented the report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.

Councilman Nelson discussed some DEP updates regarding easements and replenishment. Property owners are not cooperating with the DEP to allow access to their property. DEP has committed to go out to bid September 1, 2016. The project will extend from Brick to 1071 Ocean Avenue under the first bid process.

12. **MUNICIPAL SERVICES COMMITTEE**, Councilman White stated no report of the Municipal Services Committee.

13. **MANTOLOKING COMMITTEE** Councilman Laymon stated no report of the Mantoloking Committee.

Councilman Laymon discussed the Community Rating System Program. The borough has a current class rating of 5 which entitles the homeowner with a 25% discount on flood insurance.

14. **MAYOR AND COUNCIL COMMENTS**

Borough Hall Progressing
Bill Heckman, Public Works Superintendent retiring at the end of July
Best Practices

15. **PUBLIC COMMENTS PERIOD**

Point Pleasant Beach Rescue Squad in need of support. Fund Raiser scheduled for August 16, 2016
Bicycle riders
Bicycle lanes
Appointment of new police officer
Princeton Avenue beach access

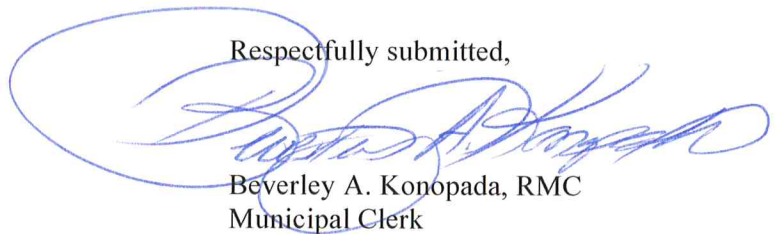
16. NEXT MEETING:

Regular Council Meeting, Tuesday, July 19, 2016 at 5:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, NJ

17. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

Respectfully submitted,



Beverley A. Konopada, RMC
Municipal Clerk