

DRAFT NO. 1 – 03/18/2015

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES– REGULAR BUSINESS MEETING

MARCH 17, 2015

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:** Council President Ann Elizabeth Nelson called the meeting to order at 5:30 p.m.

2. **OPEN PUBLIC MEETING STATEMENT:** Council President Nelson 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: Council President Ann Elizabeth Nelson, Councilmen Alan Laymon, Peter Strohm, Steve Gillingham, Robert McIntyre

Absent: Councilman Chris Nelson

Also Present: Beverley Konopada, Acting Borough Clerk, Edwin J. O'Malley, Jr. Borough Attorney, Robert Mainberger, P.E. Dune Inspector/Flood Plain Manager

Councilman Strohm requested to be excused from the April 21, 2015 Council Meeting.

4. **PLEDGE OF ALLEGIANCE:** Council President Nelson led the assembly in the Pledge of Allegiance.

RESOLUTION NO. 03/17/2015 - 01: MEMORIALIZATION OF CONTRIBUTIONS AND PUBLIC SERVICE OF ELBERT E. HUSTED, III

WHEREAS, Elbert E. Husted, III “Rusty” served as a Member of the Borough Council for eighteen years; and

WHEREAS, his service included long-term leadership of the Public Safety and Beach Committees; and

WHEREAS, he early recognized the need to maintain and improve dunes and beaches against the real threat of devastating storms; and

WHEREAS, he was vigilant and very proactive in pursuit of programs, projects and recognition of the need to enlist aid of all levels of government; and

WHEREAS, he initiated and advanced the campaign to promote and accelerate a U. S. Army Corps of Engineers dune replenishment project for northern Ocean County; and

WHEREAS, his initiative was a major catalyst for inclusion of the area into project plans for the now imminent beach restoration construction; and

WHEREAS, his effective leadership and commitment to dune and beach replenishment in Mantoloking have been recognized by the New Jersey DEP; and

WHEREAS, his foresight and dedicated public service was exemplary, the results of which will inure to the benefit of the Borough and the public at large.

IT IS NOW, THEREFORE, this 17th day of March, 2015, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The Mayor and Council, for themselves and for all residents of the Borough, do hereby acknowledge with gratitude and sincere appreciation the effective public service of Elbert E. Husted, III “Rusty”.
2. A true copy of this Resolution shall be presented to his family.

Councilman Gillingham moved the resolution. The motion was seconded by Councilman Laymon and was approved by unanimous voice vote.

5. **PRIVILEGE OF THE FLOOR:** Council President Nelson opened the meeting for public comment and questions about the agenda.
Comments were made regarding the new Borough Hall building

6. **RESOLUTION NO. 03/17/2015 – 02: MINUTES OF PREVIOUS MEETINGS:**
Resolved, the Mantoloking Borough Council approved the following minutes as printed and distributed:

Regular Council Meeting February 10, 2015

Councilman Strohm moved to approve Council meeting minutes as distributed. The motion was seconded by Councilman McIntyre and was approved by unanimous voice vote.

COMMITTEE REPORTS AND RECOMMENDATIONS:

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

A. RESOLUTION NO. 03/17/2-15 - 03: PAYMENT NO. 22– EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-01)

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-01) to provide Emergency Bypass Pumping System; and

WHEREAS, the Contractor has submitted Payment Application No.22, in the sum of \$ \$30,447.62 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended Payment Application No.22 be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment of the claim.

B. RESOLUTION NO. 03/17/2015 - 04: PAYMENT NO. 1 – HERBERT STREET PUMP STATION RECONSTRUCTION (CONTRACT 2014-04)

WHEREAS, the Borough has entered into a Contract with JEV Construction, LLC. For Municipal Maintenance Co.(Contract 2014-04) to provide Herbert Street Pump Station Reconstruction; and

WHEREAS, the Contractor has submitted Payment Application No.1 in the sum of \$42,630.00 and

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

RESOLVED, the Mantoloking Borough Council hereby approves payment of the claim.

C. RESOLUTION NO. 03/17/2015 - 05: CHANGE ORDER # 6 RELOCATION OF EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-01)

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-01) to provide for the emergency bypass pumping system; and

WHEREAS, due to the need for the relocation of the emergency bypass prior to the start of the reconstruction project (contract 2014-04), the contractor has submitted change order # 6, in the sum of \$10,419.00 and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has recommended change order #6 payment be paid, now, therefore, be it

RESOLVED, the Mantoloking Borough Council hereby approves payment of the claim.

D. RESOLUTION NO. 03/17/2015 - 06: PROVIDING FOR ADOPTION OF “THE FLOOD MITIGATION PLAN FOR THE BOROUGH OF MANTOLOKING”

WHEREAS, the Borough of Mantoloking has experienced severe damage from hurricanes, and flooding, on many occasions in the past century, resulting in property loss, loss of life, economic hardship, and threats to public health and safety; and

WHEREAS, a Flood Mitigation Plan, revised as of January, 2015, (the Plan) has been approved by the Federal Emergency Management Agency (FEMA) as is evidenced by the confirmatory letter dated November 7, 2008, wherein the State of New Jersey,

Division of State Police, Emergency Management Section, advised of the fact of FEMA approval; and

WHEREAS, the Plan recommends many hazard mitigation actions that will protect the people and property affected by the natural hazards that face Mantoloking; and

WHEREAS, a public meeting was held to review the Plan as required by law.

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

1. The Flood Mitigation Plan, revised as of January, 2015, is hereby adopted as an official Plan of the Borough of Mantoloking.
2. The respective Borough officials identified in the strategy of the Plan are hereby directed to implement the recommended actions assigned to them. These officials will meet and report quarterly on their activities, accomplishments, and progress to the Flood Mitigation Planning Committee.
3. The Flood Mitigation Planning Committee will provide annual progress reports on the status of implementation of the Plan to the Mayor and Borough Council. This report shall be submitted to the Borough Council by September 1st of each year.

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

A. **RESOLUTION NO. 03/17/2015 - 07: TO ADOPT APPROPRIATION RESERVE TRANSFER #3**

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 2014 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 2014 Appropriation Reserve balances

<u>DEPARTMENT</u>		<u>TO</u>	<u>FROM</u>
Road Repair	OE	\$ 3,600.00	
Emergency Management	SW		\$ 3,600.00
Total		\$ 3,600.00	\$ 3,600.00

B. RESOLUTION NO. 03/17/2015-08: ACCEPT THE REPORT OF THE MUNICIPAL FINANCE OFFICER

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2015 municipal budget as of January 31, 2015; and

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

<u>ACCOUNT</u>	<u>ORIGINAL BUDGET</u>	<u>2015 BUDGET</u>	<u>EXPENDED</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2015 Temporary Budget		1,341,150.00	174,398.93	153,373.92	1,013,377.15
2014 Appropriation Reserve	7,555,401.96	638,758.25	88,886.70	121,494.78	428,376.77
2012 Emergency Appropriations					
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Subtotal Sandy Emergency		1,030,396.09	0.00	6,738.85	1,023,657.24
Capital		2,756,672.37	113,914.49	0.00	2,642,757.88

C. RESOLUTION NO. 03/17/2015 - 09: PAYMENT OF BILLS FOR MARCH 2015

WHEREAS, the Municipal Finance Officer presented a list of bills in the total Amount of \$436,724.88 and recommended that they be paid, now, therefore,
Be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve payment of the above referenced bills and directs that a copy be attached to and made part of the minutes of this meeting.

D. RESOLUTION NO. 03/17/2015 - 10: TO ADOPT TEMPORARY EMERGENCY APPROPRIATIONS #2

WHEREAS, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

WHEREAS, the total emergency temporary resolutions adopted in the year 2015 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$486,200.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Mantoloking, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2015 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&W</u>	<u>OE</u>
MUNICIPAL CLERK	\$15,000.00	5,000.00
FINANCE	\$10,000.00	5,000.00
AUDIT		10,000.00
LEGAL		15,000.00
ENGINEERING		7,000.00
PLANNING BOARD	25,000.00	
POLICE	75,000.00	
ROAD REPAIR	25,000.00	10,000.00
BEACH MAINTENANCE		40,000.00
FIRE HYDRANT		10,000.00
 TOTAL	 \$ 150,000.00	 \$102,000.00
 GRAND TOTAL	 \$ 252,000.00	

E. RESOLUTION NO. 03/17/2015 - 11: OFFICIAL PERSONNEL DESIGNATION

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	Notes
Beverley Konopada	Acting Borough Clerk Assessment Search Officer Public Agency Compliance Officer-PACO Insurance Commissioner Records Project Manager-DARM Contract Administrator for Solid Waste Local Registrar of Vital Statistics Effective: April 1, 2015	\$60,000.00	

F. RESOLUTION NO. 03/17/2015 - 12: APPOINTMENT OF ROBERT MCINTYRE AND MICHAEL DUGGAN TO FINANCE COMMITTEE

<u>Name</u>	<u>Committee</u>	<u>Effective Date</u>
Robert McIntyre	Finance	Effective Immediately

Michael Duggan	Finance	Effective Immediately
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G. RESOLUTION NO. 03/17/2015 - 13: AUTHORIZED MISCELLANEOUS SUPPLY, SERVICE AND MAINTENANCE CONTRACTS FOR 2015

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:

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>
Financial Consultant	Phoenix Advisors	For bonds issued: \$1.00 per \$1,000 issued (min. \$12,500)
		For notes issued: \$0.25 per \$1,000 issued (min \$2,500)
		Out of pocket expenses - NONE

9. **PUBLIC SAFETY COMMITTEE**, Councilman Robert McIntyre 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 Strohm and approved by unanimous voice vote.

A. RESOLUTION NO. 03/17/2015 - 14: ADJOURNMENT TO CLOSED SESSION

Discuss employment contract matters. Upon completion of the closed session, Council will return to public session during which action may be taken concerning such matters. Minutes of the closed session will be made public when the need for confidentiality no longer exists.

No action was taken.

Councilman McIntyre moved to return to open session as required. The motion was

seconded by Councilman Strohm and approved by unanimous voice vote.

B. RESOLUTION NO. 03/17/2015-15: 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
Jack Neary	SLEO II	3/2/15	\$14.00
Stephen Bailey	SLEO I	4/1/15	\$11.00
Connor McGrath	SLEO I	4/1/15	\$11.00
Robert Del Prete	SLEO I	4/1/15	\$11.00
Michael Monteiro	SLEO I	4/1/15	\$11.00
Logan LaRue	SLEO I	4/1/15	\$10.50
Sean Hoffman	SLEO I	4/1/15	\$10.50
Jake Lampiasi	SLEO I	4/1/15	\$11.00
John Miceli	SLEO I	Effective Immediately	\$11.00

C. RESOLUTION NO. 03/17/2015 – 16: IN SUPPORT OF THE NJ SPECIAL OLYMPICS, THE NJ ELKS SPECIAL CHILDREN’S COMMITTEE AND THE JERSEY SHORE RUNNING CLUB “JERSEY SHORE RELAY”

WHEREAS, the NJ Special Olympics, The NJ Elks Special Children’s Committee and The Jersey Shore running Club, have requested permission to utilize roadways in the Borough in conjunction with the “Jersey Shore Relay”, on Saturday, April 18, 2015; and **WHEREAS**, the Mayor and Council wish to endorse and support the NJ Special Olympics, The NJ Elks Special Children’s Committee and The Jersey Shore Running Club.

IT IS NOW, THEREFORE, this 17th day of March, 2015,

RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, as follows:

1. The request to utilize East Avenue and Mathis Place within the Borough, as part of the “Jersey Shore Relay”, 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 NJ Special Olympics, The NJ Elks Special Children’s Committee and the Jersey Shore Running Club, Attention: Bob Both, Jersey Shore Relay Event Director
 3. This approval and endorsement is subject to such conditions, if any, as shall be established by the Chief.
- 10. DUNE & BEACH RENOURISHMENT COMMITTEE**, Councilman Strohm stated there were no reports of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program.

11. **MUNICIPAL SERVICES COMMITTEE**, Councilman Laymon informed the public that Mantoloking has gone out to bid for collection and disposal of solid waste and recyclables and that back door service has been included in the bid specifications. Councilman Laymon moved the following two resolutions. The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

A. **RESOLUTION NO. 03/17/2015 -17: RECYCLING ENHANCEMENT ACT TAX IDENTIFICATION STATEMENT 2014**

WHEREAS, The Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of Mantoloking that the Borough of Mantoloking certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2014 in the amount of \$4,282.92. Documentation supporting this submission is available at 340 Drum Point Road, Brick, New Jersey and shall be maintained for no less than five years from this date.

B. **RESOLUTION NO. 03/17/2015 – 18: SUBMISSION OF ANNUAL RECYCLING REPORT, ANNUAL TONNAGE REPORT AND APPLICATION FOR 2014 TONNAGE GRANT**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2014

Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the Borough of Mantoloking and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mantoloking endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jude Walker, Certified Recycling Professional to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

12. **MANTOLOKING COMMITTEE**, Council President Nelson stated there were no reports of the Mantoloking Committee.

13. **MAYOR AND COUNCIL COMMENTS:**

Environmental Commission announcements

*April 25, 2015 Litter pick-up 10 a.m. to 1 p.m.

*May 12, 2015 6:30 p.m. Yacht Club-Proper Planting Technique for Dunes

Presentation and discussion regarding new Borough Hall

Robert Mainberger update- Army Corp project

14. **PUBLIC COMMENTS PERIOD:**

New Borough Hall

cost, materials, size, elevation, code requirements and creative engineering

Parking on Route 35

Macadam on the beach

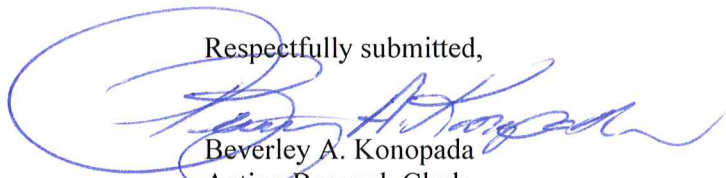
15. **NEXT MEETING:**

Regular Council Meeting, Tuesday, April 21, 2015 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 Councilman Strohm to adjourn. The motion was seconded by Councilman McIntyre and approved by unanimous voice vote at 8:16 p.m.

Respectfully submitted,



Beverley A. Konopada
Acting Borough Clerk