

MINUTES
SPECIAL SESSION BOARD OF COMMISSIONERS MAY 13, 2019

Flag Salute

Meeting came to order: 10:06 a.m.
Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi PRESENT
Also in attendance: Lynda J. Wells, Municipal Clerk
Kyle Ominski, Administrator
Danielle La Valle, Deputy Municipal Clerk

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES on May 2, 2019; and filed with the Municipal Clerk.

AGENDA

PURCHASES, CONTRACTS & AWARDS

1. Resolution 19-0513.01(a&b): Authorize the extension of contracts:
 - (a) Authorize the Extension of a Contract, Extraordinary Unspecifiable Service contract: Stockton University Coastal Research Center for evaluation/re-design of timber-pile-rock groin in Holgate
 - (b) Authorize the Extension of a Contract Extraordinary Unspecifiable Service Contract: Stockton University Coastal Research Center for Nuisance Flooding Project and Watershed Management

RESOLUTION 19-0513.01(a)

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR AN EXTRAORDINARY UNSPECIFIABLE PROFESSIONAL SERVICES CONTRACT WITH THE STOCKTON UNIVERSITY COASTAL RESEARCH CENTER FOR THE STUDY OF SHORELINE TRENDS AND ENVIRONMENTAL FORCING MECHANISMS PERTAINING TO TOWNSHIP'S TERMINAL GROIN LOCATED IN THE HOLGATE SECTION OF LONG BEACH TOWNSHIP

WHEREAS, N.J.S.A. 40A:11-5, *et seq.*, permits a municipality to award a contract without public advertising for bids and bidding thereof under certain circumstances for contracts for goods and services that exceed the bid threshold of \$40,000.00; and

WHEREAS, pursuant to Resolution 18-0409.12 passed on April 9, 2018 and 16-1109.08 passed on November 9, 2016 the Long Beach Township Board of Commissioners awarded an EUS contract effective for one 12-month period to:

Dr. Stewart Farrell &
The Stockton University Coastal Research Center
30 Wilson Avenue
Port Republic, New Jersey 08241

WHEREAS, there exists the continued need to retain the services of said qualified expert to evaluate, compile data and prepare reports relating to coastal flooding along the length of Long Beach Island to complete beach profile surveys in order to determine changes of the shoreline and nearshore following Phase 1 reconstruction of the Holgate Groin/Jetty; and

WHEREAS, Township has received a proposal dated January 3, 2019 from Dr. Stewart Farrell and The Stockton University Coastal Research Center to perform the aforesaid continued expert services; and

WHEREAS, Township shall extend this extraordinary unspecifiable services contract for one (1) addition 12-month period retroactive to January 1, 2019, based upon the foregoing, the terms set forth herein, and the nature, abilities, and qualifications of Dr. Stewart Farrell and The Stockton University Coastal Research Center; and

WHEREAS, the Board of Commissioners is of the opinion that the specific circumstances for the EUS contractual arrangement set forth herein complies with the applicable statutory and regulatory requirements and has continued its certification of this contract extension as an EUS; and

WHEREAS, Township Chief Financial Officer has certified the availability of sufficient funds in the Appropriation: Reserve for Beach Replenishment #C-04-55-320-001 in the amount of \$74,456.58.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Township on this 13th day of May 2019, for the reasons aforesaid, that one (1) 12-month contract extension retroactive to January 1, 2019, be and is hereby approved in

an amount not to exceed Seventy Four thousand, Four Hundred Fifty Six Dollar and Fifty Eight Cents (\$74,456.58).

RESOLUTION 19-0513.01(b)

A RESOLUTION AUTHORIZING THE EXTENSION OF AN EXTRAORDINARY UNSPECIFIABLE PROFESSIONAL SERVICES CONTRACT TO RETAIN AN EXPERT IN SHORELINE TRENDS AND ENVIRONMENTAL FORCING MECHANISMS PERTAINING TO NUISANCE FLOODING AND WATERSHED MANAGEMENT IN LONG BEACH TOWNSHIP

WHEREAS, N.J.S.A. 40A:11-5, *et seq.*, permits a municipality to award a contract without public advertising for bids and bidding thereof under certain circumstances for contracts for goods and services that exceed the bid threshold of \$40,000.00; and

WHEREAS, pursuant to Resolution 18-0205.12 passed on February 5, 2018, the Long Beach Township Board of Commissioners awarded an EUS contract effective for one 12-month period to:

Dr. Stewart Farrell &
The Stockton University Coastal Research Center
30 Wilson Avenue
Port Republic, New Jersey 08241

WHEREAS, there exists the continued need to retain the services of a qualified expert to evaluate, compile data and prepare reports relating to coastal flooding along the length of Long Beach Island as well as research grant opportunities to assist in the funding and to help achieve a CRS Class Rating of 4, by generating a Watershed Management Plan under FEMA Activity 452a and 452b, which shall be completed in three tasks; and

WHEREAS, the hiring of an expert to evaluate and provide recommendations for the Townships flooding issues and assistance in generating a Watershed Plan under FEMA in order to assist in the flooding and achieve a CRS Class Rating of 4 which has been acknowledged by the State of New Jersey and fits within the extraordinary unspecifiable services exception to the bidding requirements pursuant to N.J.S.A. 40A:11-5(1)(a)(ii); and

WHEREAS, Township has received a certain proposal from Dr. Stewart Farrell and The Stockton University Coastal Research Center to perform the aforesaid expert services; and

WHEREAS, Township is extending this extraordinary unspecifiable services contract based upon the foregoing, the terms set forth herein, and the nature, abilities, and qualifications of Dr. Stewart Farrell and The Stockton University Coastal Research Center; and

WHEREAS, the duration of the contract shall be 12 months retroactive to January 1, 2019; and

WHEREAS, the Board of Commissioners is of the opinion that the specific circumstances for the EUS contractual arrangement set forth herein complies with the applicable statutory and regulatory requirements and has continues its certification of this contract extension as an EUS.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Township on this 13th day of May 2019, for the reasons aforesaid, that one (1) 12-month contract extension retroactive to January 1, 2019 be and is hereby approved.

Motion to approve Item 1:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

Resolution 19-0513.02: Resolution of the Mayor and Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey Confirming the Details of the Sale of the Township's General Obligation Bonds, Series 2019B and General Obligation Bonds, Series 2019C to the New Jersey Infrastructure Bank and the State of New Jersey, Acting by and Through the New Jersey Department of Environmental Protection Pursuant to the 2019 New Jersey Infrastructure Bank Financing Program

**TOWNSHIP OF LONG BEACH, NEW JERSEY
RESOLUTION NO. 19-0513.02**

RESOLUTION OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY CONFIRMING THE DETAILS OF THE SALE OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2019B AND GENERAL OBLIGATION BONDS, SERIES 2019C TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE 2019 NEW JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM

BACKGROUND

WHEREAS, the Township of Long Beach, County of Ocean, New Jersey ("Township") has determined there exists a need for the rehabilitation and/or replacement of Brant Beach Water Plant –Phase I (collectively, the "2019 Project") as described in that certain Loan Agreement ("I-Bank Loan Agreement") to be entered into between the Township and the New Jersey Infrastructure Bank ("I-Bank") and that certain Loan Agreement ("Fund Loan Agreement"; together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into between the Township and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2019 New Jersey Infrastructure Bank Financing Program; and

WHEREAS, the Township has determined to finance the acquisition, construction, renovation and installation of the 2019 Project with the proceeds of a loan to be made by each of the I-Bank ("I-Bank Loan") and the State ("Fund Loan"; together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively; and

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Township to authorize, execute and deliver its General Obligation Bonds, Series 2019B ("2019B Bonds"), and its General Obligation Bonds, Series 2019C ("2019C Bonds", together with the 2019B Bonds, the "2019 Bonds"), pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements; and

WHEREAS, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of the State of New Jersey, the Mayor and Board of Commissioners of the Township have, pursuant to Bond Ordinances 17-08 and 18-15, each duly and finally adopted and published in accordance with the requirements of the Local Bond Law (collectively, the "Bond Ordinances"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of the 2019 Project; and

WHEREAS, pursuant to a resolution adopted by the Mayor and Board of Commissioners on March 4, 2019 ("Authorizing Resolution"), the Township authorized and approved the issuance and sale of up to \$2,300,000 of the 2019 Bonds of the Township, consisting of the Township's 2019B Bonds and 2019C Bonds, to finance the costs of the 2019 Project; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2), allows for the sale of the 2019B Bonds and the 2019C Bonds to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the 2019C Bonds to the I-Bank, without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, the I-Bank has sold its bonds to fund the I-Bank Loan, thereby enabling the Township to confirm the exact aggregate principal amount of and debt service schedule for each series of the 2019 Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:

Section 1. The sale of the 2019B Bonds to the I-Bank and the 2019C Bonds to the State is hereby authorized, approved, ratified and confirmed. The 2019B Bonds shall be released from escrow in accordance with the terms of the escrow agreement between the I-Bank, the State, the escrow agent and the Township ("Escrow Agreement") and thereby issued in accordance with the principal amount, interest rates and maturity schedule set forth on Schedule "A" attached hereto and made a part hereof. The 2019C Bonds shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the

principal amount and maturity schedule set forth on Schedule "B" attached hereto and made a part hereof.

Section 2. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the 2019 Bonds or the 2019 Project are hereby ratified, confirmed, approved and adopted.

Section 3. The Mayor, Chief Financial Officer or Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2019 Bonds or the 2019 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 4. All resolutions, or parts thereof, inconsistent herewith or with the Authorizing Resolution, are hereby rescinded and repealed to the extent of any such inconsistency.

Section 5. This resolution shall take effect immediately upon adoption this 13th day of May, 2019.

2. Resolution 19-0513.03: Amend a refund to a property owner; Plumbing repairs, \$910.00

RESOLUTION 19-0513.03

WHEREAS, pursuant to 19-0506.14(a) a refund was authorized to the following Homeowner in the amount of Nine Hundred Ten Dollars and Fifty-Nine Cents (\$910.59) after paying for a plumbing repair caused by a Township project; and

WHEREAS, there was a typographical error in the amount on the original resolution; and

WHEREAS, it is requested by the Director of Revenue and Finance that this refund be corrected and made as follows:

| <u>Account #</u> | <u>Homeowner Name:</u> | <u>Amount:</u> |
|-------------------------|-------------------------------|-----------------------|
| 4558-0 | WURTZ, WILLIAM & JOAN | \$910.00 |

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Chief Financial Officer be and she is hereby authorized to issue this refund.

Motion to approve Items 2-3:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Administrator's Report: No report.

COMMISSIONERS' REPORTS

Commissioner Lattanzi: No report.

Commissioner Bayard: No report.

Mayor Mancini: The next meeting of the Land Use Board will be held on Wednesday, June 12, 2019 at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinances 19-13C, 14C and 15C will take place at the public meeting held on June 3, 2019 at 4:00 pm.

OPEN PUBLIC SESSION

No public comment.

CLOSE PUBLIC SESSION

Motion for adjournment at: 10:16 a.m.

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner