

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS NOVEMBER 4, 2019

Flag Salute

Meeting came to order: 4:00 p.m.
Clerk calls the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi ABSENT
Also in attendance: Lynda J. Wells, Municipal Clerk PRESENT
Kyle Ominski, Administrator PRESENT

Municipal Clerk announces: 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 December 6, 2018 and ASBURY PARK PRESS on December 10, 2018; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting and to approve the same as recorded in the minute book:

Motion: Bayard Ayes: Bayard, Mancini
Second: Mancini Nays:

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 19-24C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTERS 51 AND 82 PERTAINING TO BEACHES**

Passed on first reading at a regular meeting held on October 7, 2019 and advertised in the BEACH HAVEN TIMES issue of October 10, 2019

ORDINANCE 19-24C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTERS 51 AND 82 PERTAINING TO BEACHES

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DOES ORDAIN:

STATEMENT OF PURPOSE

This Ordinance amends Chapters 51 and 82 to revise the fee for seasonal beach badges sold on or before June 15th to \$35, the fee for seasonal badges sold after June 15th to \$45, and the fee for daily beach badges to \$10.00.

SECTION I

- §51-25(C)(D) and (F) are hereby amended as follows:
- C. Repeal "Thirty dollars" and replace in lieu thereof with "Thirty-five dollars".
 - D. Repeal "Forty dollars" and replace in lieu thereof with "Forty-five dollars".
 - F. Repeal "Seven dollars" and replace in lieu thereof with "Ten dollars".

SECTION II

- §82-8C(1)(2) and (4) are hereby amended as follows:
- (1) Repeal "\$30" and replace in lieu thereof with "\$35".
 - (2) Repeal "\$40" and replace in lieu thereof with "\$45".
 - (4) Repeal "\$7" and replace in lieu thereof with "\$10".

SECTION III

All Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

If any word, phrase, clause, section or provision of this Ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

Effective date.

This Ordinance shall take effect upon publication thereof after final passage according to law.

OPEN

No comments.

CLOSED

Motion to adopt Ordinance 19-24C on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini
Second: Mancini Nays:

2. Second Reading Ordinance 19-25C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 64 WHICH PERTAINS TO CERTIFICATES OF OCCUPANCY**

Passed on first reading at a regular meeting held on October 7, 2019 and advertised in the BEACH HAVEN TIMES issue of October 10, 2019

ORDINANCE 19-25C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 64 WHICH PERTAINS TO CERTIFICATES OF OCCUPANCY

STATEMENT OF PURPOSE

This Ordinance amends Chapter 64 to amend regulations regarding the requirements for a certificate of occupancy.

SECTION I

§64-7B is hereby amended by the addition of new Subsection (7)[2] as follows.

[2] Until May 1, 2020, the applicant may satisfy this requirement if the purchaser executes an affidavit prepared by the Township that sets forth the purchaser is aware of and shall comply with the water meter and remote reading sensor installation requirements on or before July 1, 2020.

SECTION II

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

OPEN

No comments.

CLOSED

Motion to adopt Ordinance 19-25C on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

3. Second Reading Ordinance 19-26C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 94 WHICH PERTAINS TO FLOOD DAMAGE PREVENTION

Passed on first reading at a regular meeting held on October 7, 2019 and advertised in the BEACH HAVEN TIMES issue of October 10, 2019

ORDINANCE 19-26C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 94 WHICH PERTAINS TO FLOOD DAMAGE PREVENTION

STATEMENT OF PURPOSE

This Ordinance amends Chapter 94 to amend regulations regarding flood damage prevention to further clarify existing construction and use restrictions in flood zones.

SECTION I

§94-8 is hereby amended to add the following Subsection F.

F. Construction design floor elevation. New construction and substantial improvement areas below the design floor elevation for residential structures shall not be used for any other purpose other than parking of vehicles, building access, storage, and as otherwise permitted by 44 C.F.R. §60.3. In addition, all walls in such areas shall remain unfinished or constructed with treated and floodproof materials with proper flood venting. No such area shall be used for any type of living-related space, and no bathrooms, toilets, sinks, built-in cabinets, appliances, or any other type of similar construction or fixture shall be permitted.

SECTION VI

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

OPEN

No comments.

CLOSED

Motion to adopt Ordinance 19-26C on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

4. First Reading Ordinance 19-27C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 197 PERTAINING TO WATER PAYMENT REGULATIONS**

Motion to approve Ordinance 19-27C on First Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

5. First Reading Ordinance 19-28C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 WHICH PERTAINS TO THE ZONING AND REGULATION OF WIRELESS COMMUNICATIONS INSIDE AND OUTSIDE THE ROW IN THE TOWNSHIP**

Motion to approve Ordinance 19-28C on First Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

6. First Reading Ordinance 19-29C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 94 PERTAINING TO FLOOD DAMAGE PROTECTION**

Motion to approve Ordinance 19-29C on First Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

ADOPTIONS & APPROVALS

7. Resolution 19-1104.01: Support Assembly Bill 826 and Senate Bill 1614 which would increase the amount annually credited to the Shore Protection Fund to \$50 million

RESOLUTION 19-1104.01

WHEREAS, the dedicated \$25million annual allocation for the New Jersey Shore Protection Fund has supported a unique and successful cost-sharing partnership with the federal government in replenishing eroded beaches along the 137-mile Jersey Coast from Middlesex to Cape May County and provides needed matching funds for the NJ DEP's numerous other municipal coastal projects; and

WHEREAS, Ocean County is uniquely situated at the Jersey Shore with approximately 45 miles of coastline along the Atlantic Ocean; and

WHEREAS, Ocean County Board of Chosen Freeholders ("the Board") has consistently made shore protection a priority through its continuance of its annual beach grass and dune fencing distribution program; and

WHEREAS, Super Storm Sandy demonstrated the value of well-nourished wide beaches with dune systems in protecting life and property along the coast and preventing more extensive damage to critical infrastructure; and

WHEREAS, healthy beaches, coastal ocean front, and bayside shorelines contribute to our State's economy, bringing in over \$20.1 billion annually or one half of the State's total \$44.7 billion tourism revenue; and

WHEREAS, the State of New Jersey must work with the U.S. Army Corps of Engineers to develop comprehensive adaptation plans for coastline communities that include improving navigable waters, erosion control, and increasing flood protection; and

WHEREAS, the \$25 million allocated from the Shore Protection Fund will not be enough to meet current and anticipated future matching costs of Army Corps of Engineers and State replenishment projects and other needed coastal protection projects by the by the numerous coastal municipalities in New Jersey; and

WHEREAS, Assembly Bill 826 and Senate Bill 1614 currently being reviewed by the State Legislature would increase the amount annually credited to the Shore Protection Fund to \$50 million.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Long Beach, County of Ocean, State of New Jersey, as follows:

1. It encourages the New Jersey Legislature to pass legislation to increase funding for the dedicated New Jersey Shore Protection Fund to be used for

future coastal protection projects and provide a further incentive for federal matching funds.

2. The Clerk is hereby directed and authorized to forward copies of this Resolution to members of the New Jersey Legislature.

BE IT FUTHER RESOLVED that copies of this Resolution shall also be forwarded to Hon. Phil Murphy, Governor, New Jersey, Ocean County Municipal Mayors and the Jersey Shore Partnership.

8. Resolution 19-1104.02: Adopt the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County

RESOLUTION 19-1104.02

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING THE 2019 MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN FOR OCEAN COUNTY

WHEREAS, the Township of Long Beach Committee recognizes the threat that natural hazards posed to people and property within the Township of Long Beach; and

WHEREAS, the Township of Long Beach has prepared a multi-hazard mitigation plan, hereby known as the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County identifies mitigation goal and actions to reduce or eliminate long-term risk to people and property in the Township of Long Beach from the impacts of future hazards and disasters; and

WHEREAS, adoption by the Township of Long Beach demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey adopts the 2019 Multi-Jurisdictional All Hazard Mitigation Plan for Ocean County.

BE IT FURTHER RESOLVED, that copies of this resolution shall be made available to the Ocean County Sheriff's Office.

9. Resolution 19-1104.03: Authorize an online auction:
November 20 -27 on www.govdeals.com

RESOLUTION 19-1104.03

WHEREAS, the Township of Long Beach is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Board of Commissioners of the Township of Long Beach is desirous of selling said surplus property in an "as is" condition without express or implied warranties; and

WHEREAS, pursuant to N.J.S.A. 40A:11-36, Long Beach Township authorizes the online auction of property no longer needed for public use; and

WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, pursuant to Resolution 18-0205.02(a) the Township of Long Beach entered an agreement with GovDeals, Inc., for online auctioneering services; and

WHEREAS, the sale will be online and the address of the auction site is www.govdeals.com for the following items:

- 2008 6430 John Deere Tractor, VIN: LO6430H57305
- 2008 T40 Towmaster Trailer, VIN: 4KNTT242X8L162845
- 2006 Barber Surf Rake 600HD, VIN:6971
- 2004 F350 Pickup 4x4, VIN:1FTSF31SO4EC37055
- 2008 F350 4x4 Stake Body, VIN: 1FTWF31Y68EE04983
- Miscellaneous Computer Equipment
- Miscellaneous Electronic Equipment

NOW, THEREFORE, BE IT RESOLVED by Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that the Township of Long Beach approves the online auctioneering for the above property no longer of use to the Township in November of 2019.

10. Resolution 19-1104.04: Approve various personnel matters

RESOLUTION 19-1104.04

Accept and Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number *****34534.

Accept and Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number *****74683.

Finance

Change the following employee's annual base salary to \$48,500.00 to be paid from Finance Salary & Wage effective retroactive to November 2, 2019.

Erica Nicholes

Municipal Clerk

Change the following employee's annual base salary to \$72,395.00 to be paid from Municipal Clerk Salary & Wage effective retroactive to October 24, 2019.

Danielle LaValle

Police

Appoint the following employees to attend the Class II Ocean County Police Academy at the hourly rate of \$11.00 per hour to be paid from Police Salary & Wage effective December 2, 2019.

Dominic Vandebrook Kevin Lyons Jr. Anthony Hause
Michael Kadlubowski

Public Works

Hire the following employee as a Seasonal Full-Time Laborer 1 at the rate of \$12.00 per hour to be paid from Public Works Salary & Wage effective retroactive to October 15, 2019.

Joseph Bara Macgregger Adams

Water/Sewer

Change the following employee's annual base salary to \$40,834.00 to be paid from Water/Sewer Salary & Wage effective retroactive to November 2, 2019.

Courtney Palughi

Miscellaneous

Approve the donation of 14 hours of sick time from Tracey Schmidt to Kelley Sheldon per Handbook's Donated Leave Sick Policy.

Approve the donation of 40 hours of sick time from Brian Golla to Kelley Sheldon per Handbook's Donated Leave Sick Policy.

Approve the donation of 21 hours of sick time from Andy Baran to Kelley Sheldon per Handbook's Donated Leave Sick Policy.

Approve the donation of 40 hours of vacation time from Dustin Martin to Kelley Sheldon per Handbook's Donated Leave Sick Policy.

Motion to approve Items 7-10:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

PURCHASES, CONTRACTS & AWARDS

11. Resolution 19-1104.05: Approve the continuation of a shared service agreement: Harvey Cedars Trash & Recycling Collection on William St.

RESOLUTION 19-1104.05

AUTHORIZE AND REAFFIRM THE CONTINUATION OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LONG BEACH AND THE BOROUGH OF HARVEY CEDARS FOR THE SHARING OF TRASH AND RECYCLING SERVICES ON WILLIAM STREET IN THE BOROUGH OF HARVEY CEDARS

WHEREAS William Street in the Borough of Harvey Cedars borders the North Beach section of Long Beach Township and houses residents from both Harvey Cedars (north side) and Long Beach Township (south side); and

WHEREAS on December 7, 2007, Long Beach Township authorized a Shared Services Agreement with the Borough of Harvey Cedars to split trash and recycling services for William Street to alleviate the heavy traffic caused by trash trucks; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach as follows:

1. The Township of Long Beach hereby authorizes the continuation of trash collection by the Harvey Cedars' properties on William Street as set forth in the Township's trash schedule.
 2. The Borough of Harvey Cedars shall continue to be responsible to collect all recyclable materials from the Township of Long Beach 's properties on William Street as set forth in the Borough's recycling schedule.
 3. This agreement has been in effect since January 1, 2008 and shall remain effective until either Township of Long Beach or the Borough of Harvey Cedars terminates this agreement in writing.
 4. Each municipality shall inform its residents on William Street of this agreement.
 5. Copies of this resolution shall be forwarded to the Municipal Clerks of both municipalities to be forwarded to their trash/recycling collection agencies and to their Public Works departments.
12. Resolution 19-1104.06: Authorize the award of various contracts, per bid:

Purchase and delivery of Police Uniforms and
Equipment Action Uniform Company, LLC
Landsman Uniform, LLC

RESOLUTION 19-1104.06

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE AND
DELIVERY OF POLICE UNIFORMS AND EQUIPMENT**

WHEREAS, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach solicited and received bids for the purchase and delivery of police uniforms and equipment in the Township of Long Beach on October 23, 2019; and

WHEREAS, two responsible bids were received, reviewed by the municipal attorney and deemed responsive to the specifications; and

WHEREAS, it is in the opinion of the Board of Commissioners of the Township that the multiple bids be accepted and awarded for same; and

PURCHASE AND DELIVERY OF POLICE UNIFORMS AND EQUIPMENT - Various items per individual contracts on file in the Municipal Clerk's Office:

Action Uniform Co. LLC

3164 Fire Road

Egg Harbor Twp., NJ 08234

Landsman Uniforms Inc.

6206 Black Horse Pike

Egg Harbor Twp., NJ 08234

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 4th day of November 2019, that the above listed vendors shall be and hereby are awarded contracts effective through December 31, 2020 with either one (1) two-year extension or two (2) one -year extensions.

13. Resolution 19-1104.07: Authorize membership renewal in the Ocean County Municipal Joint Insurance Fund

RESOLUTION 19-1104.07

**RESOLUTION FOR RENEWAL OF
MEMBERSHIP IN THE**

OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, Long Beach Township is a member of the Ocean County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2019 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Township of Long Beach agrees to renew its membership in the Ocean County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Ocean County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

14. Resolution 19-1104.08(a-c): Approve various Memoranda of Understanding for
The Police Department:

- a. Ocean County Prosecutor's Office: access various camera feeds
- b. US Coast Guard Barnegat Light: access various camera feeds
- c. US Coast Guard Sector Delaware Bay: access various camera feeds

RESOLUTION 19-1104.08(a)

**RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING
WITH THE OCEAN COUNTY PROSECUTOR'S OFFICE**

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorizes the execution of a Memorandum of Understanding between the Township of Long Beach and the Ocean County Prosecutor's Office, effective through December 31, 2022, to provide additional support services for critical incidents; specifically, appropriate authority of the Ocean County Prosecutor's Office shall be given access at their facility to view, via a link provided by Long Beach Township Police, closed circuit television feeds from the Long Beach Township Police Department.

**Shared Video System Access
Memorandum of Understanding**

Between
Long Beach Township Police Department
And
Ocean County Prosecutor's Office

1. Parties

This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into by and between the Long Beach Township Police Department, whose address is 6805 Long Beach Boulevard, Brant Beach, NJ 08008, and Ocean County Prosecutor's Office whose address is 119 Hooper Avenue, Toms River NJ 08753.

2. Purpose

The purpose of this MOU is to establish the terms and conditions under which access to the video system will be granted.

3. Terms of MOU

This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and the governing bodies of the parties' respective agencies and shall remain in full force and effect for not longer than three (3) years. This MOU may be terminated, without cause by either party upon thirty (30) days written notice, which notice shall be delivered by hand or by certified mail to the address listed above.

4. Responsibilities of Ocean County Prosecutor's Office

System monitoring and/or recording of public areas will be conducted in a manner consistent with all Federal, State, County, Municipal regulations, policies and procedures. Except for police investigation involving person(s) whose description is/are known, this MOU prohibits monitoring and/or recording based solely on characteristics and classifications regarding race, gender, sexual orientation, national origin, disabilities, etc.

5. Responsibilities of Long Beach Twp. Police Department

Long Beach Twp. Police will make available cameras as designated by the Chief of Police through web URL.

6. General Provisions

- a. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions to this MOU which are mutually agreed upon by the between parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.
- b. **Applicable Law.** The construction, interpretation and enforcement of this MOU shall be governed by the law of the State of New Jersey. The courts of the State of New Jersey shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the County of Ocean, New Jersey.
- c. **Entirety of Agreement.** This MOU represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.
- d. **Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect and either party may renegotiate the terms affected by the severance.
- e. **Sovereign Immunity.** The Long Beach Twp. Police Department and the Ocean County Prosecutor's Office and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.
- f. **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of the third-party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

g. **Signatures.** In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood and agreed to the terms and conditions of this MOU as set forth herein.

Now, therefore, be it resolved that all parties, by duly authorized signature, are in agreement to the terms and conditions set forth in this agreement. In addition, the duration of said agreement shall be for three (3) years; effective through December 31, 2022.

Ocean County Prosecutor's Office

119 Hooper Avenue

Toms River, NJ 08753

Name: Bradley D. Billhimer

Title: Prosecutor

Signature:

Date:

Long Beach Township

6805 Long Beach Blvd.

Long Beach, NJ 08008

Name: Joseph Mancini

Title: Mayor

Signature:

Date:

Name: Anthony Deely

Title: Chief of Police

Signature:

Date:

RESOLUTION 19-1104.08(b)

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES COAST GUARD BARNEGAT LIGHT

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorizes the execution of a Memorandum of Understanding between the Township of Long Beach and the United States Coast Guard Barnegat Light, effective through December 31, 2022, to provide additional support services for critical incidents; specifically, appropriate authority of the United States Coast Guard Barnegat Light shall be given access at their facility to view, via a link provided by Long Beach Township Police, closed circuit television feeds from the Long Beach Township Police Department.

**Shared Video System Access
Memorandum of Understanding
Between
Long Beach Township Police Department
And
United States Coast Guard Barnegat Light**

1. Parties

This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into by and between the Long Beach Township Police Department, whose address is 6805 Long Beach Boulevard, Brant Beach, NJ 08008, and United States Coast Guard Barnegat Light whose address is 601 Bayview Ave., Barnegat Light, NJ 08006.

2. Purpose

The purpose of this MOU is to establish the terms and conditions under which access to the video system will be granted.

3. Terms of MOU

This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and the governing bodies of the parties' respective agencies and shall remain in full force and effect for not longer than three (3) years. This MOU may be terminated, without cause by either party upon thirty (30) days written notice, which notice shall be delivered by hand or by certified mail to the address listed above.

4. Responsibilities of United States Coast Guard Barnegat Light

System monitoring and/or recording of public areas will be conducted in a manner consistent with all Federal, State, County, Municipal regulations, policies and procedures. Except for police investigation involving person(s) whose description is/are known, this MOU prohibits monitoring and/or recording based solely on characteristics and classifications regarding race, gender, sexual orientation, national origin, disabilities, etc.

5. Responsibilities of Long Beach Twp. Police Department

Long Beach Twp. Police will make available cameras as designated by the Chief of Police through web URL.

6. General Provisions

- a. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions to this MOU which are mutually agreed upon by the between parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.
- b. **Applicable Law.** The construction, interpretation and enforcement of this MOU shall be governed by the law of the State of New Jersey. The courts of the State of New Jersey shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the County of Ocean, New Jersey.
- c. **Entirety of Agreement.** This MOU represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.
- d. **Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect and either party may renegotiate the terms affected by the severance.
- e. **Sovereign Immunity.** The Long Beach Twp. Police Department and the United States Coast Guard Sector Barnegat Light and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.
- f. **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of the third-party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.
- g. **Signatures.** In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood and agreed to the terms and conditions of this MOU as set forth herein.

Now, therefore, be it resolved that all parties, by duly authorized signature, are in agreement to the terms and conditions set forth in this agreement. In addition, the length of said agreement shall be for three (3) calendar years; effective through December 31, 2022.

**United States Coast Guard Barnegat Light
601 Bayview Ave
Barnegat Light, NJ 08006**

Name: Paul Ashley
Title: Chief Warrant Officer
Signature: _____

Date: _____

**Long Beach Township
6805 Long Beach Blvd.
Long Beach, NJ 08008**

Name: Joseph Mancini
Title: Mayor
Signature: _____

Date: _____

Name: Anthony Deely
Title: Chief of Police
Signature: _____

Date: _____

RESOLUTION 19-1104.08(c)

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES COAST GUARD SECTOR DELAWARE BAY

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorizes the execution of a Memorandum of Understanding between the Township of Long Beach and the United States Coast Guard Sector Delaware Bay, effective through December 31, 2022, to provide

additional support services for critical incidents; specifically, appropriate authority of the United States Coast Guard Sector Delaware Bay shall be given access at their facility to view, via a link provided by Long Beach Township Police, closed circuit television feeds from the Long Beach Township Police Department.

**Shared Video System Access
Memorandum of Understanding
Between
Long Beach Township Police Department
And
United States Coast Guard Sector Delaware Bay**

1. Parties

This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into by and between the Long Beach Township Police Department, whose address is 6805 Long Beach Boulevard, Brant Beach, NJ 08008, and United States Coast Guard Sector Delaware Bay whose address is 1 Washington Ave., Philadelphia PA 19147.

2. Purpose

The purpose of this MOU is to establish the terms and conditions under which access to the video system will be granted.

3. Terms of MOU

This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and the governing bodies of the parties' respective agencies and shall remain in full force and effect for not longer than three (3) years. This MOU may be terminated, without cause by either party upon thirty (30) days written notice, which notice shall be delivered by hand or by certified mail to the address listed above.

4. Responsibilities of United States Coast Guard Sector Delaware Bay

System monitoring and/or recording of public areas will be conducted in a manner consistent with all Federal, State, County, Municipal regulations, policies and procedures. Except for police investigation involving person(s) whose description is/are known, this MOU prohibits monitoring and/or recording based solely on characteristics and classifications regarding race, gender, sexual orientation, national origin, disabilities, etc.

5. Responsibilities of Long Beach Twp. Police Department

Long Beach Twp. Police will make available cameras as designated by the Chief of Police through web URL.

6. General Provisions

- a. **Amendments.** Either party may request changes to this MOU. Any changes, modifications, revisions to this MOU which are mutually agreed upon by the between parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.
- b. **Applicable Law.** The construction, interpretation and enforcement of this MOU shall be governed by the law of the State of New Jersey. The courts of the State of New Jersey shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the County of Ocean, New Jersey.
- c. **Entirety of Agreement.** This MOU represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.
- d. **Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect and either party may renegotiate the terms affected by the severance.
- e. **Sovereign Immunity.** The Long Beach Twp. Police Department and the United States Coast Guard Sector Delaware Bay and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.
- f. **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of the third-party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties

in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

- g. **Signatures.** In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood and agreed to the terms and conditions of this MOU as set forth herein.

Now, therefore, be it resolved that all parties, by duly authorized signature, are in agreement to the terms and conditions set forth in this agreement. In addition, the length of said agreement shall be for three (3) calendar years; effective through December 31, 2022.

**United States Coast Guard Sector Delaware Bay
1 Washington Ave.**

Philadelphia, PA 19147

Name: Scott E. Anderson

Title: Captain

Signature:

Date:

Long Beach Township

6805 Long Beach Blvd.

Long Beach, NJ 08008

Name: Joseph Mancini

Title: Mayor

Signature:

Date:

Name: Anthony Deely

Title: Chief of Police

Signature:

Date:

Motion to approve Items 11-14:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

FINANCIAL APPROVALS

- 15. Resolution 19-1104.09: Approve Corrective Action Plan for the 2018 Annual Audit

RESOLUTION 19-1104.09

A RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, NOTING THE TOWNSHIP'S OBJECTION TO THE AUDITOR'S FINDINGS AND APPROVING A CORRECTIVE ACTION PLAN FOR 2018

WHEREAS, the Township of Long Beach ("Township") received its 2018 audit dated September 24, 2019, and which was submitted to the Township for review on September 24, 2019; and

WHEREAS, based upon the Township's review of the 2018 audit and the opinion of the Chief Financial Officer and the Township Attorney, the Township notes its objection to and disagreement with the Auditor's lone finding and opinion that there were deferred charges to future taxation unfunded balances as of December 31 over five years old and that the five-year period is not permitted; and

WHEREAS, by way of background, the Township adopted bond ordinance (12-18) ("Bulkhead Ordinance") for the replacement and repair of various bulkheads with no borrowing at that time, as the required projects were not initiated at that time; and

WHEREAS, the Township did not borrow against the Bulkhead Ordinance until June 2017 to perform the required replacement and repair of bulkheads, as the required projects were ready to and did proceed at that time; and

WHEREAS, in March 2019, the Township had a bond sale and was not permitted to add the Bulkhead Ordinance to that sale; and

WHEREAS, there is no specific statutory or administrative code requirement that sets forth and mandates the foregoing five (5) year threshold claimed by the 2018 audit and the Auditor; and

WHEREAS, despite the foregoing, it is the Auditor's position that the five (5) year threshold is based upon best practices; and

WHEREAS, despite the Township's disagreement with the Auditor's opinion, the Township nevertheless must comply with the corrective action plan report and raise the funds required to pay for the repairs and replacement relating to and arising out of the necessary and required repairs and replacement of bulkheads set forth in the Bulkhead Ordinance; and

WHEREAS, the Township shall implement the 2018 Corrective Action plan set forth by the Chief Financial Officer for the auditor's findings therein as follows:

**CORRECTIVE ACTION PLAN – 2018 AUDIT
TOWNSHIP OF LONG BEACH
OCEAN COUNTY**

Audit Recommendation #18-01

Finding/Condition: There were deferred charges to future taxation unfunded balances as of December 31, over five years old.

Recommendation: That the deferred charges over five years old be funded either by borrowing or by raising the funds in the next succeeding budget cycle.

Explanation and Corrective Action: A Bond Ordinance (12-18) was adopted in 2012 for the replacement and repair of bulkheads with no borrowing at the time since expenditures on this ordinance were not done until June of 2017. In March of 2019 the township had a bond sale and was not able to add BO 12-18 to that sale. The township will be raising the full amount of the bond Ordinance in the 2020 Current Fund budget as a deferred charge.

Implementation Date: BO 12-18 in the amount of \$131,089.46 will be raised in full as a deferred charge in the 2020 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that the Township implement the Corrective Action Plan as set forth above by the Chief Financial Officer.

16. Resolution 19-1104.10: Approve the release of a portion of a Performance Bond: LUB 40-14: Block 4.11, Lot 1 \$3,850.00

RESOLUTION 19-1104.10

WHEREAS, pursuant to Resolution 16-0307.15(b), the Township of Long Beach accepted from Troost Holdings, LLC, Official Check No. 930400303, drawn on Bank of America/Merrill Lynch, dated February 29, 2016 in the amount of Ten Thousand Three Hundred Forty Dollars (\$10,340.00), representing the required Performance Bond for Minor-Subdivision #LUB-40-14, Block 4.11, Lot 1 (1400 Waverly Avenue); and

WHEREAS, on an inspection by the Municipal Engineer on October 21, 2019, it was determined that all work was complete and the release of a portion of the performance bond was approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approves the release of a portion of the Performance Bond in the amount of Three Thousand, Eight Hundred Fifty Dollars (\$3,850.00), as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

17. Resolution 19-1104.11: Approve various changes to Water/Sewer accounts

RESOLUTION 19-1104.11

WHEREAS, the following Water/Sewer accounts require changes in their billing and/or classification due to various reasons; and

WHEREAS, it is requested by the Director of Revenue and Finance that these changes be made as follows:

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
8.06	18	2632-0	Water/Sewer 2019	Returned Meter	\$301.00
14.02	18	4587-0	Water/Sewer 2019	Returned Meter	\$282.00

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Municipal Clerk be, and she is, hereby authorized to make these changes.

18. Resolution 19-1104.12: Approve a refund for a Water service

RESOLUTION 19-1104.12

WHEREAS, the following Contractor requires a refund due to paying for a 1 ½" Water Service and deciding to use a 1" Water Service instead; and

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

<u>Permit #</u>	<u>Plumber/Developer:</u>	<u>Amount:</u>
3865	Callan & Moeller Construction	\$471.00

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.

19. Resolution 19-1104.13: Approve various Appropriation Transfers

RESOLUTION 19-1104.13

WHEREAS, the New Jersey statutes provide for the making of appropriation transfers between the period of November 1, 2019 and December 31, 2019; and

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, desires to make the following appropriation transfers.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following transfers of appropriations be and they hereby are made:

CURRENT FUND			
FROM:	DEPT	ACCOUNT #	AMOUNT
Mun Clerk	O&E	9-01-20-120-100	\$1,000.00
Transportation	S&W	9-01-31-471-011	\$40,000.00
Tax Collector	S&W	9-01-20-145-011	\$18,000.00
Group Insurance-Emp	O&E	9-01-23-220-000	\$20,000.00
TOTAL			\$ 79,000.00
TO:	DEPT:	ACCT#	AMOUNT
Mun Clerk	S&W	9-01-20-120-011	\$ 18,000.00
Election	O&E	9-01-20-121-100	\$1,000.00
Legal	O&E	9-01-20-155-100	\$ 30,000.00
Electricity	O&E	9-01-31-430-000	\$ 30,000.00
TOTAL			\$79,000.00

20. Resolution 19-1104.14: Approve Bills & Payroll
 Bills in the amount of: \$14,688,465.41
 Payroll in the amount of: \$ 1,443,822.04

RESOLUTION 19-1104.14

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS

WHEREAS, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

WHEREAS, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$1,443,822.04.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach as follows:

1. The said approved vouchers amounting to the sum of \$14,688,465.41 be and the same are hereby authorized to be paid on Monday, November 4, 2019.

2. The said approved payroll amounting to the sum of \$1,443,822.04. be and the same are hereby authorized to be paid on Monday, November 4, 2019.

The Municipal Clerk be and she is hereby directed to list on the page in the Minute Book following the Minutes of this meeting all of the said vouchers hereby authorized to be paid.

Motion to approve Items 15-20:

Motion: Bayard Ayes: Bayard, Mancini
 Second: Mancini Nays:

Administrator's Report: Administrator Ominski invited all members of the public to the Memorial Day Service in Veteran's Park that would begin at noon on Monday, November 11th.

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Absent

Commissioner Bayard alerted residents and business owners that various Water/Sewer projects would be underway on Long Beach Boulevard.

Mayor Mancini provided:

Public Announcement

The Long Beach Township 2019 Best Practices Checklist

Governor Murphy issued the 2019 Best Practices Checklist to all New Jersey municipalities. It is a questionnaire that sets standards for local governments to assess municipal financial operations. The 2019 checklist included 84 questions pertaining to General and Financial Management, the Annual Budget, Health Insurance, Personnel, and Public Safety. Responses are due by October 30th.

Municipal governments must respond to each question, and need to meet an established percentage of the checklist items in order to receive their final State Aid payment. The Board of Commissioners has reviewed the 2019 Best Practices Checklist

submitted by the Chief Financial Officer. Based upon Long Beach Township's completed questionnaire, the Township shall receive its total final State Aid payment.

He noted the next meeting of the Land Use Board would be held on Wednesday, November 13, 2019 at 7:00 pm in the upstairs multi-purpose room. Second Reading and Public Hearing for Ordinances 19-27C, 28C and 29C would take place at the public meeting held on December 2, 2019 at 4:00 pm. Mayor Mancini urged all residents to vote in the General Election taking place on November 5th.

OPEN PUBLIC SESSION

Joni Bakum/Brant Beach also invited the public to the 3rd Annual Memorial Day Service in Veteran's Park.

Tony Bakum/Brant Beach thanked the Board of Commissioners for landscaping recently installed at the Brant Beach Water Treatment Plant.

Carolyn McCarthy/Peahala Park asked again for a traffic light to be installed on Long Beach Boulevard between 82nd and 92nd Streets.

Mayor Mancini again advised Ms. McCarthy that Ocean County Roads and Engineering would need to make that decision. He also asked that she cross the Boulevard at the 90th Street traffic light to ensure her safety.

Eileen Bowker/Holgate was having a gathering at her business in Holgate to support Bonnie Picaro's run for office as a member of the Board of Education. She invited all to attend.

Bill Hutson/Holgate was grateful for the improvement to Holgate beaches. He supported Bonnie Picaro's run for office.

John Fiore/Brant Beach was in favor of keeping elementary schools on Long Beach Island. He urged voters to visit the Polls on November 5th (General Election) and December 10th (Special School Referendum).

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:25pm

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner