

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS DECEMBER 2, 2019
Flag Salute

Meeting came to order: 4:01 p.m.
Clerk calls 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 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: Lattanzi Ayes: Lattanzi, Bayard, Mancini
Second: Bayard Nays:

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second 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**

Passed on first reading at a regular meeting held on November 4, 2019 and advertised in the BEACH HAVEN TIMES issue of November 7, 2019.

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 82 AND CHAPTER 197 PERTAINING TO WATER PAYMENT REGULATIONS
THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DOES ORDAIN:**

STATEMENT OF PURPOSE

This Ordinance amends Chapters 82 and 197 to revise the regulations governing penalties for unpaid water bills.

SECTION I

- §82-26 F. is repealed and replaced as follows.
- F. The rents, fees and charges prescribed above for water and sewer service shall be effective May 10, 2013. Quarterly payments shall be due March 1, June 1, September 1, and December 1. Accounts shall become delinquent if unpaid 10 days after the due date(s). Interest at the rate of 1 1/2% per month, (18% per annum) shall be added to accounts until fully paid. Delinquent balances shall constitute a lien against the property and are enforceable as such. The Township reserves the right to shut off water service to any property for any water bill which remains unpaid beyond ninety (90) days.

SECTION II

- §197-17 B. is repealed and replaced as follows.
- B. Payment for the use of water shall be made quarterly on March 1, June 1, September 1, and December 1, and shall become delinquent after 10 days. Interest at the rate of 1.5% per month (18% per annum) will be added to delinquent fees and costs until fully paid. Delinquent balances constitute a lien against the property and are enforceable as such. The Township reserves the right to shut off water service to any property for any water bill which remains unpaid beyond ninety (90) days.

SECTION III

All ordinances, or parts of ordinances, inconsistent with this ordinance 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 after final adoption and publication as required by law.

OPEN PUBLIC HEARING

No comments.
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 19-27C on Second Reading:

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

2. Second 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**

This ordinance was reviewed and approved by the Land Use Board at their November 13th 2019 meeting.

Passed on first reading at a regular meeting held on November 4, 2019 and advertised in the BEACH HAVEN TIMES issue of November 7, 2019.

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

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend §205-2 to revise the application requirements for collocation and non-substantial changes to small wireless facilities.

SECTION I

§205-38L(p) is hereby repealed and replaced with the following.

- (p) An inventory of its existing wireless communications facilities or sites approved for wireless communications support structures or antennae within the jurisdiction of the Township.

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 PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 19-28C on Second Reading:

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

3. Second 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**

Passed on first reading at a regular meeting held on November 4, 2019 and advertised in the BEACH HAVEN TIMES issue of November 7, 2019.

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

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

STATEMENT OF PURPOSE

This Ordinance amends Chapter 94 to be consistent with the definition of Primary Floor Level and Primary Living Level in Chapter 94-3.

SECTION I

§94-3 amend the definition for **PRIMARY LIVING LEVEL** as follows:
Repeal "26 feet" and replace in lieu thereof with "28 feet"

SECTION II

§94-9 A. (1) is repealed and replaced as follows.

- (1) In all A Zones, new construction and substantial improvement of any residential structures shall have the top of the lowest finished floor, and all attendant utilities, mechanical equipment and sanitary facilities supported by and anchored to a piling and girder system and elevated at or above the base flood elevation plus one foot or more; provided, however, that if the base flood elevation is less than eight feet, the elevation shall be at elevation eight feet plus one foot or more, or as required by ASCE/SEI 24-14, Table 2-1.

SECTION III

§94-10 B. (1) is repealed and replaced as follows.

- (1) In the beach area, VE-14 Zone, no building or structure located on lots regulated by the oceanfront building line shall be erected or enlarged which have the lowest primary floor level elevated less than 21 feet nor more than 28 feet above the mean sea level as determined by the 1988 North American Vertical Datum. Any building or structure in the beach dune area shall have a maximum building height as required by § 205-10 of the Code of Long Beach Township. The primary living level shall be supported by pilings and a horizontal structural member parallel to the flow of water. All space below the primary living level shall have exterior breakaway wall construction as required by § 94-11A.

SECTION IV

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

SECTION V

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 PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 19-29C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 4. First Reading Ordinance 19-30C: **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 PERTAINING TO BUKHEADS AND CHAPTER 205 PERTAINING TO FIRE HYDRANT LOCATIONS**

Motion to adopt Ordinance 19-30C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS & APPROVALS

- 5. Resolution 19-1202.01: Approve the 2020 Public Meeting schedule

6. RESOLUTION 19-1202.01

7. NOTICE

- 8. Pursuant to Chapter 231, P.L. 1975, PUBLIC NOTICE IS HEREBY GIVEN that the Board of Commissioners of the Township of Long Beach may hold daily work sessions Monday, Tuesday, Wednesday, Thursday and Friday of each week between the hours of 10:00 a.m. and 3:30 p.m. Regular Meetings will be held in the Public Safety Building, 6805 Long Beach Boulevard, Brant Beach, NJ on the following dates and times:

9.

DATE	CAUCUS MEETING	REGULAR PUBLIC MEETING	DAY OF WEEK
January 6, 2020	3:30 PM	4:00 PM	Monday
February 3, 2020	3:30 PM	4:00 PM	Monday
March 2, 2020	3:30 PM	4:00 PM	Monday
April 6, 2020	3:30 PM	4:00 PM	Monday
May 4, 2020	3:30 PM	4:00 PM	Monday
June 1, 2020	3:30 PM	4:00 PM	Monday
July 6, 2020	3:30 PM	4:00 PM	Monday

August 3, 2020	3:30 PM	4:00 PM	Monday
August 31, 2020	3:30 PM	4:00 PM	Monday
September 14, 2020	3:30 PM	4:00 PM	Monday
October 5, 2020	3:30 PM	4:00 PM	Monday
November 2, 2020	3:30 PM	4:00 PM	Monday
December 7, 2020	3:30 PM	4:00 PM	Monday
December 21, 2020	3:30 PM	4:00 PM	Monday

10. The agenda, to the extent known, for the Regular Meetings shall be:

- 11.1. Call the meeting to order;
- 12.2. Approval of the minutes;
- 13.3. Disposition of old business;
- 14.4. Disposition of new business;
- 15.5. Adjournment.

16. Formal action shall be taken on matters placed before the Board of Commissioners at Regular Meetings.

17. Resolution 19-1202.02: Appoint members to the Green Team

RESOLUTION 19-1202.02

WHEREAS, the Township of Long Beach strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Township of Long Beach wishes to build a model of government which benefits our residents now and into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on green issues, the Township, pursuant to Resolution 11-1021.02, established a Green Team Advisory Committee; and updated the goals and members in Resolution 18-0205.06; and

WHEREAS, the Township continues to focus on green issues with the implementation of the (resilience & public access planning and transportation initiatives as well as energy assessments of municipal operations and facilities; and

WHEREAS, the Township prioritizes green initiatives in-house with energy efficient upgrades; in our community with mobility and transportation efforts; public access enhancements and increasing reduce, reuse and recycling efforts and education.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby establish the 2020 Green Team Advisory Committee consisting of members, who shall be residents or employees of the Township of Long Beach, appointed for the term effective January 1, 2020 through December 31, 2020; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Township of Long Beach that the mission, goals and objectives of the Green Team Advisory Committee through this date are established as follows:

MISSION: The Township of Long Beach Green Team Advisory Committee will advise the Board of Commissioners on ways to improve municipal operations with green initiatives which are economically and environmentally sound, through research, education and evaluation.

Goals for 2020 for Long Beach Township Green Team:

- Continue energy efficient planning and implementation and upgrades;
- Plan for and implement electric vehicle infrastructure and fleet enhancements
- Enhance and expand public education of recycling and plastics reduction initiatives
- Promote and maintain roadways for all users from pedestrians, bikes, and public transportation and plan for expansion of public transportation such as
- Further the integrated public and open space management through the Municipal Public Access Planning and open space tax;
- Restore and upgrade trails, parks and bayfront public access locations including for increased public education opportunities.
- Continue dune re-vegetation and stewardship initiatives as part of continued stewardship projects with our taxpayer associations and partner organizations;

- Continue to expand organic waste diversion and reef development through Oyster Recycling program.

OBJECTIVES:

- Collaborate with Township employees and other governmental agencies, businesses and service providers to share resource information and ideas consistent with the mission of the green team.
- Encourage participation of all employees to solicit ideas on green initiatives.
- Research and analyze green initiatives which make practical environmental and economic sense.
- Develop strategies for sustainable green initiatives as defined above in municipal operations.

BE IT FINALLY RESOLVED, by the Board of Commissioners of the Township of Long Beach that the following persons are hereby appointed to the Green Team Advisory Committee through December 31, 2020:

Name	Title	Member status
Angela Andersen	Sustainability Coordinator LBT	Team Leader
Andy Baran	Deputy Dept. Head DPW	Township Member
Ralph Bayard	Commissioner	Township Member
Danielle La Valle	Deputy Municipal Clerk	Township Member
Lydia D'amore	CFO	Township Member
Jenn Diodata	Construction Department	Township Member
Allison Iannicone	Owen/Little Associates	Regular Member
Zach Kerzner	Business Owner	Citizen Member
Amy Williams	Professor Stevens Inst.	Academic Member
Christine Thompson/ Kim McKenna	Stockton University	Academic Member
Kyle Gronozastji	Director ALO	Non-Profit Member
Teresa Hagan	LBI Garden Club	Community Member

18. Resolution 19-1202.04: Approve various personnel matters

RESOLUTION 19-1202.04

Beach Patrol

Approve a one-time stipend to the following employee in the amount of \$3,000.00 for significant job duties to be paid from Beach Patrol Salary & Wage effective December 2, 2019.

Jack Bushko

Construction

Change the following employee's annual base salary to \$ 56,255.00 to be paid from Construction Salary & Wage effective December 2, 2019.

Jennifer Diodata

Hire the following employee as a Permanent Full-Time Clerk 1 at the annual base salary of \$32,000.00 to be paid from Construction Salary & Wage effective retroactive to November 25, 2019.

Kerry Giacobbe

Finance

Hire the following employee as a Permanent Full-Time Clerk 1 at the rate of \$32,000.00 to be paid from Finance Salary & Wage effective December 9, 2019.

Lisa Kenny

Human Resources

Change the following employee's annual base salary to \$66,300.00 to be paid from Municipal Clerk's Salary & Wage effective December 2, 2019.

Gabrielle Albert

Police

Hire the following employees as Permanent Part-Time Class II Officers at the rate of \$15.50 per hour to be paid from Police Salary & Wage effective December 2, 2019.

Luke Stambaugh

Jonathan Rainier

Motion to approve Items 5-7:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

PURCHASES, CONTRACTS & AWARDS

19. Resolution 19-1202.03(a-g): Approve the extension of various contracts, by option

- AccuScan: Records retention services effective through December 31, 2021.

- b. Alan's Electric: Electrical services effective through December 31, 2021.
- c. Atlantic Plumbing Supply Corp: W/S fittings and supplies effective through December 31, 2021.
- d. Atlantic Switch & Generator, LLC: Inspection, maintenance & repairs to Township generators effective through December 31, 2021.
- e. Core & Main LP: W/S fittings and supplies effective through December 31, 2021.
- f. Cutter Drill & Machine, Inc.: W/S fittings and supplies effective through December 31, 2020.
- g. West Jersey Air Conditioning & Heating Co.: Air Conditioning, Heating, Refrigeration Service, Maintenance & Repairs effective through December 31, 2021.

h. RESOLUTION 19-1202.03(a)
A RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR DOCUMENT MANAGEMENT SERVICES FOR RECORDS RETENTION AND DISPOSAL OBTAINED THROUGH THE EDUCATION SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM

i. **WHEREAS**, pursuant to Resolution 18-0205.10 passed on February 5, 2018 the Township entered into an agreement with Alpine Consulting, dba AccuScan for the Township of Long Beach; and

j. **WHEREAS**, the said contract was procured through the Education Services Commission of New Jersey Cooperative Pricing System (#ESCNJ 16/17-48) to contract for document management services, and records retention and disposal, and provided for one (1) 2-year option to extend the contract; and

k. **WHEREAS**, both parties have agreed to the contract extension provisions established by the Local Public Contracts Law N.J.S.A 40A:11-15(45);and

l. **WHEREAS**, this Resolution shall be deemed to be the extension; effective through December 31, 2021.

m. **NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 2nd day of December 2019, for the reasons aforesaid, that a contract shall be and is hereby extended for a period of two years pursuant to the terms and conditions stated herein to:

n. Alpine Consulting Inc.; dba:
 o. Accuscan
 299 Farnum Street
 p. Edgewater, NJ 08010
 for document management services, records retention and disposal in an amount not to exceed \$10,000.00 for 2020.

RESOLUTION 19-1202.03(b)
RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR ELECTRICAL SERVICES, MAINTENANCE AND REPAIRS FOR THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, pursuant to Resolution 18-0829.05(a) dated August 29, 2018, the Township entered into an agreement, procured by competitive bid, with the following vendor:

Alan's Electric, LLC.
66 Parker Street
Manahawkin, NJ 08050

WHEREAS, the said contract referred to specifications and fees and provided for one (1) two-year option to extend the contract; and

WHEREAS, both parties have agreed to extend the contract for two (2) years effective January 1, 2020 through December 31, 2021 for Electrical Services, Maintenance and Repairs in the Township of Long Beach at various hourly rates pursuant to the bid received August 22, 2018.

WHEREAS, this Resolution shall be deemed and shall serve as the written contract extension effective through December 31, 2021.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at their regularly scheduled meeting held Monday, December 2, 2019 that the aforesaid contract shall be and is hereby extended for a period of two (2) years, effective January 1, 2020 through December 31, 2021, pursuant to the terms and conditions stated herein.

RESOLUTION 19-1202.03(c)

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR WATER/SEWER FITTINGS AND SUPPLIES FOR THE WATER/SEWER DEPARTMENT OF THE TOWNSHIP OF LONG BEACH

WHEREAS, pursuant to Resolution 18-0305.10(d) dated March 5, 2018, the Township entered into an agreement with the following vendor:

Atlantic Plumbing Supply Corp.
702 Joline Avenue
Long Branch, NJ 07740

WHEREAS, the said contract referred to specifications and fees and provided for two (1) 2-year option to extend the contract; and

WHEREAS, said contract referred to specifications and costs for various Water/Sewer Department Fittings & Supplies for the Public Works Department of Long Beach Township; and

WHEREAS, both parties have agreed to extend the contract for one (1) 2-year period effective January 1, 2020 through December 31, 2021; and

WHEREAS, this Resolution shall be deemed to be the extension and any changes in the original contract shall be incorporated hereby and this Resolution shall serve as the written contract extension.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at their regularly scheduled meeting held Monday, December 2, 2019 that the aforesaid contract shall be and is hereby extended for a period of two (2) years pursuant to the terms and conditions stated herein.

RESOLUTION 19-1202.03(d)

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR THE INSPECTION, MAINTENANCE AND REPAIR OF VARIOUS GENERATORS FOR THE PUBLIC WORKS DEPARTMENT OF THE TOWNSHIP OF LONG BEACH

WHEREAS, pursuant to Resolution 18-0205.11(b) dated February 5, 2018, the Township entered into an agreement with the following vendor:

Atlantic Switch and Generator, LLC
4108 Sylon Blvd.
Hainesport, NJ 08036

WHEREAS, said contract referred to specifications and fees for the inspection, maintenance and repair of various generators for the Township and provided for one (1) 2-year option to extend the contract; and

WHEREAS, both parties have agreed to extend the contract for two (2) years effective January 1, 2020 through December 31, 2021; and

WHEREAS, this Resolution shall be deemed and shall serve as the written contract extension.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at their regularly scheduled meeting held Monday, December 2, 2019 that the aforesaid contract shall be and is hereby extended for a period of two (2) years pursuant to the terms and conditions stated herein.

RESOLUTION 19-1202.03(e)

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR WATER/SEWER FITTINGS AND SUPPLIES FOR THE WATER/SEWER DEPARTMENT OF THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, pursuant to Resolution 18-0305.10(d) dated March 5, 2018, the Township entered into an agreement with the following vendor:

Core & Main LP

61 Gross Avenue
Edison, NJ 08837

WHEREAS, said contract referred to specifications and costs for various Water/Sewer Department Fittings & Supplies for the Public Works Department of Long Beach Township and provided for one (1) 2-year option to extend the contract; and

WHEREAS, both parties have agreed to extend the contract for one (1) 2-year period effective January 1, 2020 through December 31, 2021; and

WHEREAS, this Resolution shall be deemed to be the extension and any changes in the original contract shall be incorporated hereby and this Resolution shall serve as the written contract extension.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at their regularly scheduled meeting held Monday, December 2, 2019 that the aforesaid contract shall be and is hereby extended for a period of two (2) years pursuant to the terms and conditions stated herein.

RESOLUTION 19-1202.03(f)

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR WATER/SEWER FITTINGS AND SUPPLIES FOR THE WATER/SEWER DEPARTMENT OF THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, pursuant to Resolution 18-0305.10(d) dated March 5, 2018, the Township entered into an agreement with the following vendor:

Cutter Drill & Machine, Inc.
P.O. Box 140
Lakewood, NJ 08701

WHEREAS, said contract referred to specifications and costs for various Water/Sewer Department Fittings & Supplies for the Public Works Department of Long Beach Township and provided for one (1) 2-year option to extend the contract; and

WHEREAS, both parties have agreed to extend the contract for one (1) 1-year period effective January 1, 2020 through December 31, 2020 with additional review and consideration for a second 1-year extension for the year 2021; and

WHEREAS, this Resolution shall be deemed to be the extension and any changes in the original contract shall be incorporated hereby and this Resolution shall serve as the written contract extension.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at their regularly scheduled meeting held Monday, December 2, 2019 that the aforesaid contract shall be and is hereby extended for a period of one (1) year pursuant to the terms and conditions stated herein.

RESOLUTION 19-1202.03(g)

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR AIR CONDITIONING, HEATING & REFRIGERATION SERVICE, MAINTENANCE AND REPAIR FOR THE PUBLIC WORKS DEPARTMENT OF THE TOWNSHIP OF LONG BEACH

WHEREAS, pursuant to Resolution 17-1218.14(c) dated December 18, 2017, the Township entered into an agreement with the following vendor:

Keith & Jacqueline Conroy, Inc.
d/b/a West Jersey Air Conditioning & Heating Co.
5800 Westfield Avenue
Pennsauken, NJ 08110

WHEREAS, said contract referred to specifications and fees for air conditioning, heating & refrigeration service, maintenance and repair for the Public Works Department and provided for one (1) 2-year option to extend the contract; and

WHEREAS, both parties have agreed to extend the contract for two (2) years effective January 1, 2020 through December 31, 2021; and

WHEREAS, this Resolution shall be deemed and shall serve as the written contract extension.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at their regularly scheduled meeting held Monday, December 2, 2019 that the aforesaid contract shall be and is hereby extended for a period of two (2) years pursuant to the terms and conditions stated herein.

20. Resolution 19-1202.05(a-c): Approve the renewal of various Memoranda of Understanding:

- a. Borough of Ship Bottom for the placement of telephone equipment on their water tower.
- b. Jewish Community Center: Closed circuit television feed during emergencies.
- c. Borough of Ship Bottom: Closed circuit television feed during emergencies.

RESOLUTION 19-1202.05(a)

d. A RESOLUTION APPROVING THE RENEWAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP OF LONG BEACH AND THE BOROUGH OF SHIP BOTTOM

e. **WHEREAS**, pursuant to Resolutions 15-0928.03 and 2015-162 the Township of Long Beach Township and the Borough of Ship Bottom agreed to permit Long Beach Township's contractor(s) to install equipment on its water tower for the purpose of providing a new telephone system for Township municipal facilities, and to allow 24-hour, 365 day per year access for Township personnel/contractor(s) to said equipment to facilitate Public Health, Safety and Welfare; and

f. **WHEREAS**, the **placement of said equipment on the Ship Bottom Borough water tower remains necessary for effective electronic communications between the Long Beach Island Board of Health, the Township of Long Beach and other municipalities.**

g. **NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, at a regular meeting held this 2nd day of December 2019 that the Mayor and Municipal Clerk are hereby authorized to renew the Memorandum of Understanding for an additional three (3) years effective 1/1/20 through 12/31/22 for the placement of, and access to, communication equipment placed on the Borough of Ship Bottom water tower.

RESOLUTION 19-1202.05(b)

h. **RESOLUTION AUTHORIZING THE RENEWAL OF A MEMORANDUM OF UNDERSTANDING WITH THE JEWISH COMMUNITY CENTER**

i. **NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby authorize the renewal of the Memorandum of Understanding between the Township of Long Beach and the Jewish Community Center, pursuant to Attorney General's Law Enforcement Directive No. 2007-1, effective January 1, 2020 through December 31, 2022, to provide additional support services for critical incidents at the Jewish Community Center location; specifically, appropriate authority of the Jewish Community Center shall allow access to view their facilities via closed circuit television feeds from the Communication Center in the Long Beach Township Police Department.

RESOLUTION 19-1202.05(c)

RESOLUTION AUTHORIZING THE RENEWAL OF A MEMORANDUM OF UNDERSTANDING WITH THE BOROUGH OF SHIP BOTTOM

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorize the renewal of the Memorandum of Understanding between the Township of Long Beach and the Borough of Ship Bottom,

pursuant to Attorney General's Law Enforcement Directive No. 2007-1, effective January 1, 2020 through December 31, 2022, to provide additional support services for critical incidents at the Borough of Ship Bottom location; specifically, appropriate authority of the Borough of Ship Bottom shall allow access to view their facilities via closed circuit television feeds from the Communication Center in the Long Beach Township Police Department.

21. Resolution 19-1202.06: Award a contract pursuant to New Jersey Department of Community Affairs Local Finance Notice #LFN 2008: GovDeals: Internet Auctioneering Services Two (2) years with one (1) 2-yr option to extend

RESOLUTION 19-1202.06

22. **WHEREAS**, pursuant to New Jersey Department of Community Affairs Local Finance Notice #LFN 2008-9 dated April 28, 2008 approval has been granted for the sale of surplus personal property no longer needed for public use through online auctions by approved vendors; and
23. **WHEREAS**, Resolution 08-0222.12(c) approved participation by Township of Long Beach in the E-Procurement Pilot Program, waiver requests and online auctions for disposal of Township surplus property pursuant to the above-noted LFN, and the requirements of N.J.S.A. 40A:11-36; and
24. **WHEREAS**, GovDeals, Inc., 100 Capitol Commerce Blvd., Suite 110, Montgomery, AL 36117 is one of the four vendors approved in LFN#2008-09; and
25. **WHEREAS**, the Commissioner of Public Works, Parks and Property recommends the utilization of this contract for various items from time to time on the grounds that it represents the most cost-effective method for the needs of the Township; and
26. **WHEREAS**, the Township of Long Beach elects to financially settle services through GovDeals pursuant to Option #B4 whereby the Township shall be responsible for 0% of fee(s), with winning Bidder pays a 12.5% Buyers Premium directly to GovDeals. GovDeals shall collect payment from the prevailing bidder and remit proceeds to Long Beach Township on a weekly basis to the attention of the Chief Financial Officer.
27. **NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that GovDeals, Inc., 100 Capitol Commerce Blvd., Suite 110, Montgomery, AL 36117 be awarded one (1) 2-year contract with one (1) 2-year option to extend for Auctioneering Services for the Online Sale of Surplus Property in accordance with Option #B4 noted above. Authorization is also hereby granted for the execution of related documents between Gov Deals and Long Beach Township pursuant to LFN# 2008-09 and NJSA 40A:11-36.
28. Resolution 19-1202.07: Award a proprietary contract:
Enforsys Police Systems, Inc. for Maintenance of the
Police Computer Aided Dispatch program
\$44,400.00 for 3-years

RESOLUTION 19-1202.07

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROPRIETARY CONTRACT FOR MAINTENANCE OF THE COMPUTER AIDED DISPATCH SYSTEM IN THE POLICE DEPARTMENT OF LONG BEACH TOWNSHIP

WHEREAS, the provision or performance of goods or services for the maintenance of the CAD System in the Long Beach Township Police Department is specifically exempted from bidding requirements under the Local Public Contracts Law pursuant to N.J.S.A. 40A: 11 -5(1)(dd); and

WHEREAS, pursuant to Resolution 17-0206.09, the Township entered into a 3-year contract for maintenance of the CAD system by Enforsys Police Systems, Inc.; and

WHEREAS, the maintenance agreement term has expired and the Township is in need of subsequent ongoing maintenance for the current CAD System; and

WHEREAS, Enforsys Police Systems, Inc., 200 Lanidex Plaza, Suite 2103, Parsippany, NJ 07054 shall provide proprietary maintenance of the CAD System for a 3-year period effective 1/1/20 through 12/31/22 at a cost of Fourteen Thousand Five Hundred Dollars (\$14,500.00) for 2020; Fourteen Thousand Eight Hundred Dollars (\$14,800.00) for 2021; and Fifteen Thousand One Hundred Dollars (\$15,100.00) for 2022. Annual payment shall be made as follows:

(2020) Long Beach Township (55%) - \$7,975.00; Harvey Cedars, Ship Bottom and Beach Haven Boroughs (15% each) - \$2,175.00 each;

(2021) Long Beach Township (55%) - \$8,140.00; Harvey Cedars, Ship Bottom and Beach

Haven Boroughs (15% each) - \$2,220.00 each;
(2022) Long Beach Township (55%) - \$8,305.00; Harvey Cedars, Ship Bottom and Beach Haven Boroughs (15% each) - \$2,265.00 each pursuant to the Shared Service Agreement approved by Resolution 19-1202.08(b) passed on December 2nd 2019; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Police: Maintenance of Equipment, Account #0-01-25-240-026 in the amount of \$14,500.00 for 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach authorizes the execution of a 3-year proprietary agreement with Enforsys Police Systems, Inc., 200 Lanidex Plaza, Suite 2103, Parsippany, NJ 07054 for annual maintenance of the CAD System in the Long Beach Township Police Department in the total amount not to exceed Forty Four Thousand Four Hundred Dollars (\$44,400.00), effective January 1, 2020 through December 31, 2022.

29. Resolution 19-1202.08(a-d): Approve various Shared Service Agreements:

- a. Ocean County Department of Solid Waste Management Recycling Center Use and Revenue Sharing Program.
- b. Annual maintenance of the Police Computer Aided Dispatch program: Long Beach Township, Boroughs of Harvey Cedars, Ship Bottom and Beach Haven (\$44,400.00 for three (3) years)
- c. Zoning Officer for Beach Haven
- d. Zoning Officer for Ship Bottom

RESOLUTION 19-1202.08(a)

BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that Mayor Joseph H. Mancini and the Municipal Clerk be and they hereby are authorized and directed to execute an Agreement with the Ocean County Department of Solid Waste Management for the Ocean County Recycling Center Use and Revenue Sharing Program for a term of five (5) years, commencing January 1, 2020 through December 31, 2025.

RESOLUTION 19-1202.08(b)

A RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING SHARED SERVICE AGREEMENTS WITH THE BOROUGHES OF HARVEY CEDARS, SHIP BOTTOM, AND BEACH HAVEN IN ACCORDANCE WITH N.J.S.A. 40:8A-1, ET SEQ., FOR THE ANNUAL MAINTENANCE OF THE POLICE COMPUTER AIDED DISPATCH (CAD) SYSTEM

WHEREAS, the Shared Services Act, N.J.S.A. 40:8A-1, et seq., authorizes two or more municipalities to enter into a mutual service agreement for the provision of certain governmental services; and

WHEREAS, Section 4 of P.L.1973, c.208(C. 40:8A-4) has been amended and approved as Chapter 356 on January 5, 1996 to authorize that such agreements can be adopted by Resolution; and

WHEREAS, pursuant to Resolution 16-1219.12 the Boroughs of Harvey Cedars, Ship Bottom and Beach Haven (collectively "Boroughs"), and the Township agreed to share the cost for the annual maintenance agreement of the Police Computer Aided Dispatch (CAD) System (procured under State Contract #89851) pursuant to Resolution 15-0911.06(a)).

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 Mayor and the Municipal Clerk are hereby authorized to execute Shared Service Agreements with the Boroughs for the annual maintenance agreement for the Police Computer Aided Dispatch (CAD) System; and

BE IT FURTHER RESOLVED, the Maintenance Agreement shall have a 3-year duration effective 1/1/20 through 12/31/22 with payments due as follows:

(2020) Long Beach Township (55%) - \$7,975.00; Harvey Cedars, Ship Bottom and Beach Haven Boroughs (15% each) - \$2,175.00 each;

(2021) Long Beach Township (55%) - \$8,140.00; Harvey Cedars, Ship Bottom and Beach Haven Boroughs (15% each) - \$2,220.00 each;

(2022) Long Beach Township (55%) - \$8,305.00; Harvey Cedars, Ship Bottom and Beach Haven Boroughs (15% each) - \$2,265.00 each

In a total amount not to exceed Forty-Four Thousand Four Hundred Dollars (\$44,400.00), effective January 1, 2020 through December 31, 2022.

A SHARED SERVICE AGREEMENT FOR MAINTENANCE OF THE COMPUTER AIDED DISPATCH (CAD) SYSTEM IN THE LONG BEACH TOWNSHIP POLICE DEPARTMENT

THIS AGREEMENT dated the _____ day of December 2019 by and between **The Township of Long Beach**, a municipal corporation of the State of New Jersey with its principal offices located at 6805 Long Beach Blvd., Brant Beach, New Jersey 08008 ("Township") and the Boroughs of **Harvey Cedars**, 7606 Long Beach Blvd., Harvey Cedars, New Jersey 08008; **Ship Bottom**, 1621 Long Beach Blvd., Ship Bottom, New Jersey 08008 and **Beach Haven**, 300 Engleside Ave., **Beach Haven**, New Jersey 08008 (collectively "Boroughs").

RECITALS

WHEREAS, pursuant to and in accordance with the legal requirements of N.J.S.A. 40:8A-1, et seq., the parties hereto wish to enter into a shared service agreement for the annual maintenance of the current CAD System for the Police Department of Long Beach Township; and

WHEREAS, the Township of Long Beach currently provides Police Dispatching Services to the Boroughs and shall be the Lead Agency in this Shared Service Agreement for CAD Maintenance for a 3-year period, total cost of maintenance shall be Forty-Four Thousand Four Hundred Dollars (\$44,400.00).

NOW THEREFORE, pursuant to the authority provided by law, in consideration of the mutual covenants and promises hereinafter set forth, and the foregoing Recitals, which are expressly incorporated herein, the parties hereto, intending to be legally bound hereby, agree as follows:

1. In accordance with the terms of Resolution 19-1202.08(b) the Township and Boroughs shall share costs relating to CAD Maintenance.
2. (2020) Long Beach Township (55%) - \$7,975.00; Harvey Cedars, Ship Bottom and Beach Haven Boroughs (15% each) - \$2,175.00 each;
3. (2021) Long Beach Township (55%) - \$8,140.00; Harvey Cedars, Ship Bottom and Beach Haven Boroughs (15% each) - \$2,220.00 each;
4. (2022) Long Beach Township (55%) - \$8,305.00; Harvey Cedars, Ship Bottom and Beach Haven Boroughs (15% each) - \$2,265.00 each

total amount not to exceed Forty-Four Thousand Four Hundred Dollars (\$44,400.00), effective January 1, 2020 through December 31, 2022.

In witness whereof the parties hereto have caused this Agreement to be executed by their proper officers and their corporate seals to be hereto affixed as of the day and year first above written.

ATTEST: _____ Lynda J. Wells, RMC Municipal Clerk	TOWNSHIP OF LONG BEACH BY: _____ Joseph H. Mancini Mayor
ATTEST: _____	BOROUGH OF HARVEY CEDARS BY: _____
ATTEST: _____	BOROUGH OF SHIP BOTTOM BY: _____
ATTEST: _____	BOROUGH OF BEACH HAVEN BY: _____

RESOLUTION 19-1202.08(c)

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF BEACH HAVEN FOR ZONING OFFICER SERVICES

WHEREAS, pursuant to Resolution 18-1217.09(a) the Township of Long Beach and the Borough of Beach Haven approved a Shared Service Agreement for Zoning Officer Services pursuant to N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, both parties have agreed to renew this Agreement for an additional twelve (12) month period effective January 1, 2020 through December 31, 2020 in accordance with the Agreement terms.

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

1. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.
2. That a certified copy of this resolution shall be forwarded to:
 - The Division of Local Government Services
 - The Borough of Beach Haven
 - Chief Financial Officer of Long Beach Township

**TOWNSHIP OF LONG BEACH AND BOROUGH OF BEACH HAVEN
SHARED SERVICES AGREEMENT FOR
ZONING OFFICER SERVICES**

THIS SHARED SERVICES AGREEMENT ("Agreement"), is made on this ___ day of December 2019 by and between the Township of Long Beach ("Township") and the Borough of Beach Haven ("Borough") and effective upon the adoption of the required resolutions by the Township and Borough.

RECITALS

WHEREAS, both the Township and the Borough are required to enforce the Municipal Land Use Law and their respective local zoning and land use regulations, and, to that end, employ administrative officers to administer the enforcement of same; and

WHEREAS, in order to fulfill the aforesaid requirement, the Borough has a desire to retain the part-time services of the Township's Zoning Officer through a Shared Services Agreement; and

WHEREAS, the Township is interested in sharing the services of the Zoning Officer employed by the Township as a full-time employee with the Borough pursuant to a Shared Services Agreement; and

WHEREAS, the Township and Borough are authorized pursuant to N.J.S.A. 40A:65-1, *et seq.*, to share certain services, including the sharing of the services provided by municipal employees and officers; and

WHEREAS, the Township and Borough are of the opinion that the administration of the enforcement of the Municipal Land Use Law and their respective zoning and land use regulations can be more efficiently and economically provided to each municipality through the joint agreement for the Borough's subcontracting of the services of the Zoning Officer employed by the Township; and

WHEREAS, the Township and Borough agree to enter into this Agreement pursuant to N.J.S.A. 40A:65-1, *et seq.*

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing Recitals, which are incorporated herein and made material terms of this Agreement by reference, and in consideration of the mutual promises and representations set forth herein, the Township and Borough hereby and expressly agree as follows.

1. Shared Service. The Township and Borough shall share the services of the Township's full-time Zoning Officer, who shall act as the Borough's Zoning Officer pursuant to and in accordance with the terms of this Agreement.

2. Details and Schedule of Service. On each non-holiday Monday and Wednesday, the Township's Zoning Officer shall provide services to and be the Borough's Zoning Officer between the hours of 9:00 a.m. and 1:00 p.m. While employed by the Borough during the aforesaid time periods, the Zoning Officer shall fulfill and perform all necessary duties relating to and arising out of enforcement of the Borough's Code and the Municipal Land Use Law, as required and directed by the Borough and pursuant to the requirements of the Borough's Code.

3. Term. This Agreement shall commence on January 1, 2020, and shall continue through December 31, 2020, and shall renew for successive, one-year terms, unless and until either party provides written notice of non-renewal to the other party not later than November 1st.

4. Consideration. In consideration for the terms of this Agreement, the Borough shall pay the Township twenty-thousand dollars (\$20,000.00) *per annum*, which shall be due on or before January 31st of each one-year term. The Zoning Officer shall receive a percentage of the aforesaid compensation as salary, as negotiated and agreed upon by and between the Zoning Officer and the Township.

5. Employment Status and Supervision. The Zoning Officer shall continue to be an employee of the Township and shall not be an employee of the Borough. The Zoning Officer, therefore, shall continue to receive all salary, compensation, and benefits of employment from the Township, and, upon termination of this Agreement by either party, the Borough shall not be obligated to the Zoning Officer in any way and shall not be obligated to the Township, except for any payment as required by Paragraph 4. The Township, however, does not have and shall not be responsible for day-to-day review, oversight, and supervision of the Zoning Officer while same is providing services for the Borough pursuant to this Agreement and has no control over the Zoning Officer's actions or work while performing those duties.

6. Performance Review and Notices. The Business Administrators for each Township shall periodically conference to review and discuss operational and performance matters relating to this Agreement, including, any issues of concern relating to the delivery of the services by the Zoning Officer for the Borough. Any disputes which arise under this Agreement relating to the foregoing shall be attempted to be resolved by the Business Administrators. Any failure by the Zoning Officer to properly perform services to the Borough pursuant to this Agreement shall be reviewed by the Township

and any and all actions relating to the Zoning Officer's employment may be taken by the Township alone, at the Township's sole discretion.

7. Insurance. Insurance coverage is provided to each party through the Joint Insurance Fund. Each municipality shall provide insurance coverage for the services that are specifically performed by the Zoning Officer for the respective municipality.

8. Indemnification. The parties expressly, knowingly, and, to the fullest extent permitted by law, agree to and shall release, indemnify, defend, and hold each other and their respective elected and appointed officials, officers, employees, agents, volunteers, and others working on their behalf from and against any loss, damages, claims, causes of action, liabilities, obligations, penalties, demands, and any and all other costs and expenses, including attorneys' fees and costs, threatened against, suffered, and/or incurred by each other and their elected and appointed officials, officers, employees, agents, volunteers, and others working on each party's behalf arising out of and/or in any manner relating to the Zoning Officer's performance of services as required by this Agreement for the other party.

9. Dispute Resolution. In the event that any dispute arises between the parties that the parties cannot themselves resolve, the dispute shall be submitted to binding arbitration to be conducted by JAMS and shall be governed by the JAMS Comprehensive Arbitration Rules & Procedures and the laws of the State of New Jersey. Each party shall pay for one-half of the JAMS costs.

10. Assignment. This Agreement and all rights, duties, and obligations contained herein shall not be assigned.

11. Amendment by Operation of Law. Any provision of this Agreement that are affected by any changes in federal or state law or administrative regulations will necessarily and accordingly be modified automatically and such changes shall be deemed incorporated herein by reference as if set forth fully herein, without any action by the parties required, so as to render this Agreement consistent with such changes in federal or state law or administrative regulations.

12. Termination. In addition to termination by non-renewal pursuant to Paragraph 3, this Agreement may be terminated for cause by the Borough on thirty-days written notice prior to the termination date ("Termination Date") in the event that the Zoning Officer has failed to perform the services as required by Paragraph 2. In the event that it is agreed by the parties or upheld this Agreement is properly terminated for cause, the consideration set forth in Paragraph 4 shall be pro-rated to the Termination Date and the remaining pro-rated portion of the calendar year refunded to the Borough within sixty days from the Termination Date. This Agreement may be terminated at the discretion of the Township on thirty-days written notice in the event that the Township concludes, in its discretion, that the Zoning Officer is being directed or requested to perform duties outside the scope of Paragraph 2 or that the Zoning Officer has been subject to a hostile, discriminatory, or otherwise unlawful or inappropriate working environment. In the event of such termination by the Township, the consideration set forth in Paragraph 4 shall be pro-rated to the Termination Date and the remaining pro-rated portion of the calendar year refunded to the Borough within sixty days from the Termination Date.

13. Severability. If any term of this Agreement or the application thereof to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

14. Governing Law. The parties acknowledge that this Lease was prepared under the laws of the State of New Jersey, and, therefore, that this Agreement shall be interpreted under the laws of the State of New Jersey.

15. Counterparts. This Agreement may be executed in counterparts and multiple copies of this Agreement may be executed, each of which, however, shall be one and the same document. Facsimile and electronic signatures shall be binding to the same effect as originals and the parties agree to be bound thereby and to waive any argument that such facsimile or electronic signatures are invalid.

16. Amendments. This Agreement may not be amended, altered, or modified in any manner except in writing signed by the parties, except that this Agreement may be terminated pursuant to the terms of hereof.

17. Construction. The parties acknowledge that each participated in the negotiation and drafting of this Agreement with the assistance of counsel or after being advised to retain and having waived the assistance of counsel, and, therefore, waive the defense of *contra proferentem*, i.e., that this Agreement or any part thereof may be ambiguous and therefore construed against any party as the drafter thereof.

18. Entire Agreement. This Agreement comprises the entire agreement and understanding between the parties and it is acknowledged that there is and

supersedes all previous understandings and agreements between the parties, whether oral or written. The parties hereby acknowledge and agree that they have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement. The parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance.

19. Waivers. Any failure or delay in the enforcement of any of the provisions of this Agreement by either of the parties shall not be construed as a waiver of those provisions.

20. Authorization. The parties represent and warrant that he/she/it has the authority to enter into and be bound by the terms of this Agreement.

21. Notices. Any notice, request, instruction, approval, consent, or other communication to be provided hereunder by parties shall be deemed validly given, made, or served if in writing and delivered personally (as of such delivery) or sent by certified mail (as of three days after deposit in a United States Post Office), postage prepaid, or by facsimile or email followed by telephone confirmation, or overnight courier service charges prepaid (as of the date of confirmation of receipt), and shall be given to either party at its respective addresses set forth below, or to such individual or address as a party hereto may designate for itself by notice given as herein provided.

Township	Borough
Municipal Clerk	Municipal Clerk
Township of Long Beach	Borough of Beach Haven
6805 Long Beach Boulevard	300 Engleside Avenue
Brant Beach, New Jersey 08008	Beach Haven, New Jersey 08008
Facsimile: (609) 494-4999	Facsimile: (609) 492-6262
Email: wells@longbeachtownship.com	Email: smason@beachhaven-nj.gov

22. Headings. The headings preceding the text of sections of this Agreement are for convenience only and shall not be deemed part of this Agreement.

23. Public Inspection. Each party shall maintain a copy of this Agreement on file at its offices, which shall be open to the public for inspection.

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands and seals the day and date first written above.

TOWNSHIP

Lynda J. Wells
Municipal Clerk

Joseph H. Mancini
Mayor, Township of Long Beach
BOROUGH

Sherry Mason
Municipal Clerk

Nancy Davis
Mayor, Borough of Beach Haven

RESOLUTION 19-1202.08(d)

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF SHIP BOTTOM FOR ZONING OFFICER SERVICES

WHEREAS, both the Township and the Borough are required to enforce the Municipal Land Use Law and their respective local zoning and land use regulations, and, to that end, employ administrative officers to administer the enforcement of same; and

WHEREAS, in order to fulfill the aforesaid requirement, the Borough has a desire to retain the part-time services of the Township's Zoning Officer through a Shared Services Agreement; and

WHEREAS, the Township is interested in sharing the services of the Zoning Officer employed by the Township as a full-time employee with the Borough pursuant to a Shared Services Agreement; and

WHEREAS, the Township and Borough are authorized pursuant to N.J.S.A. 40A:65-1, *et seq.*, to share certain services, including the sharing of the services provided by municipal employees and officers; and

WHEREAS, the Township and Borough are of the opinion that the administration of the enforcement of the Municipal Land Use Law and their respective zoning and land use regulations can be more efficiently and economically provided to each municipality through the joint agreement for the Borough's subcontracting of the services of the Zoning Officer employed by the Township; and

WHEREAS, the Township and Borough agree to enter into an Agreement pursuant to N.J.S.A. 40A:65-1, *et seq.*

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

1. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement with the Borough of Ship Bottom for Zoning Officer Services in accordance with the provisions of law. A copy of said agreement is attached hereto and made a part hereof as Schedule 'A'.
2. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.
3. That a certified copy of this resolution shall be forwarded to:
 - The Division of Local Government Services
 - The Borough of Ship Bottom
 - Chief Financial Officer of Long Beach Township

Motion to approve Items 8-12:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

30. Resolution 19-1202.09: Amend Resolution 19-1104.10 Approve the final release of a Performance Bond: LUB 40-14: Block 4.11, Lot 1 \$3,850.00 plus interest

31.

**RESOLUTION
19-120
2.09**

32. **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
33. **WHEREAS**, on November 4, 2019, Resolution 19-1104.10 was passed which contained a clerical error failing to reference a previously approved partial bond release; and
34. **WHEREAS**, pursuant to Resolution 17-1218.16(a), after an inspection by the Municipal Engineer on December 4, 2017, it was determined some of the work was complete and the release of a portion of the performance bond was approved in the amount of \$6,490.00; and
35. **WHEREAS**, as a result of the current inspection by the Municipal Engineer on October 21, 2019, it was concluded that all work was complete and recommended the performance bond be released and no maintenance bond was required.

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

36. Resolution 19-1202.10: Approve various changes to Water/Sewer accounts

RESOLUTION 19-1202.10

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>
15.03	22	4991-0 Water	2019	Standby Credit	\$99.50
15.21	2.02	5119-0 Water/Sewer	2019	Returned Meter	\$248.00
15.65	4	5598-0 Water/Sewer	2019	Returned Meter	\$190.00
15.116	7	5992-0 Water	2019	Returned Meter	\$34.00

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.

37. Resolution 19-1202.11: Approve a refund for a plumbing repair, \$324.14

RESOLUTION 19-1202.11

WHEREAS, the following Homeowner requires a refund due to paying for a plumbing repair caused by a Township project; and

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

Account #	Homeowner Name:	Amount:
552-0	Batistick, James & Joy	\$324.14

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 issue this refund.

38. Resolution 19-1202.12: Approve various Appropriation Transfers

RESOLUTION 19-1202.12

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
Police	S&W	9-01-25-240-010	\$65,000.00
Feasibility Study	O&E	9-01-20-157-010	\$15,000.00
Group Ins-Employees	O&E	9-01-23-220-000	\$56,000.00
TOTAL			\$136,000.00
TO:	DEPT:	ACCT#	AMOUNT
Police	O&E	9-01-25-240-020	\$65,000.00
Construction	O&E	9-01-22-195-020	\$25,000.00
Electricity	O&E	9-01-31-430-000	\$20,000.00
Legal	O&E	9-01-20-155-020	\$20,000.00
Contribution to Vol Fire	O&E	9-01-25-255-000	\$6,000.00
TOTAL			\$136,000.00

39. Resolution 19-1202.13: Authorize the use of funds in the "Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" to acquire the real property known as Block 1.64, Lot 1, Block 1.66, Lot 1, Block 1.68, Lot 1, Block 1.71, Lot 5, Block 1.71, Lot 6, and Block 1.63, Lot 1

RESOLUTION 19-1202.13

A RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE USE OF FUNDS IN THE "MUNICIPAL OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND" TO ACQUIRE THE REAL PROPERTY KNOWN AS BLOCK 1.64, LOT 1, BLOCK 1.66, LOT 1, BLOCK 1.68, LOT 1, BLOCK 1.71, LOT 5, BLOCK 1.71, LOT 6, AND BLOCK 1.63, LOT 1, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF LONG BEACH BY PURCHASE OR CONDEMNATION PURSUANT TO N.J.S.A. 40A:12-5(a)

WHEREAS, pursuant to N.J.S.A. 40:12-15.7, the Township of Long Beach ("Township") submitted to the voters in a general election a proposition authorizing imposition of an annual levy at a rate deemed appropriate, as determined by the governing body, for the acquisition of lands for recreation, conservation, and preservation purposes; and

WHEREAS, the referendum was duly approved by the voters of the Township; and

WHEREAS, the Township concluded that it is necessary, desirable, and appropriate for the Township to acquire fee simple title to all rights and interests in real property known as Block 1.64, Lot 1, Block 1.66, Lot 1, Block 1.68, Lot 1, Block 1.71, Lot 5, Block 1.71, Lot 6, and Block 1.63, Lot 1, on the Official Tax Map of the Township ("Open Space Property") for public use; and

WHEREAS, the intended public use of the Open Space Property includes, but is not limited to, promotion, protection, and preservation of the public health, safety, and welfare of the Township and its inhabitants by the acquisition of said real property for public use as public recreation and potential ancillary facilities and for the protection, preservation, maintenance, and conservation of open space and precious natural resources; and

WHEREAS, the Township adopted Ordinance 19-17, which authorized the acquisition of the Open Space Property by purchase or condemnation pursuant to N.J.S.A. 40A:12-5(a) and the Eminent Domain Act, N.J.S.A. 20:23-1, et seq.; and

WHEREAS, an appraisal of the Open Space Property commissioned by the Township in support of the Township's pursuit of the Open Space Property pursuant to the aforesaid, as required by law, has set forth that the market value is Two-Million and One-Hundred-Thousand Dollars (\$2,100,000.00); and

WHEREAS, by way of this resolution, the Township is authorizing the use of existing funds in the "Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" ("Trust Fund") to support the acquisition of the Open Space Property.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, hereby authorize and direct the use and expenditure of One-Million and Five-Hundred-Thousand Dollars (\$1,500,000.00) in the Trust Fund in order to fund the acquisition of the Open Space Property.

40. Resolution 19-1202.14: Approve Bills & Payroll
Bills in the amount of: \$4,678,306.05
Payroll in the amount of: \$954,660.06

RESOLUTION 19-1202.14

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 \$954,660.06.

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 \$4,678,306.05 be and the same are hereby authorized to be paid on Monday, December 2, 2019

2. The said approved payroll amounting to the sum of \$954,660.06 be and the same are hereby authorized to be paid on Monday, December 2, 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 13-18:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Administrator's Report: No report.

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Thanked the Joint Tax Payers Association for keeping the upcoming school election in the public eye. Frank Little is an honorable and professional man and he does a good job.

Commissioner Bayard: Water meters remain on sale and must be installed by 7/1/2020. P&A would be working along Long Beach Blvd.

Mayor Mancini: The next meeting of the Land Use Board will be held on Wednesday, December 11th at 7:00 pm in the upstairs multi-purpose room.

The next public meeting of the Board of Commissioners will be held on Monday, December 16, 2019 at 4:00 pm. Frank Little does a great job and is professional and honorable.

OPEN PUBLIC SESSION

Fiore, Brant Beach: Joint Tax Payers Association worked hard to accumulate the information regarding the school referendum. Urged everyone to vote on 12/10/19.

Thanked everyone for the holiday lights on the Boulevard.

Bill Hutson, Holgate: The Joint Tax Payers Association really did work hard on gathering information for the school referendum, Frank Little provided honest information regarding the schools. Inquired about trolley usage.

Commissioner Lattanzi: Quoted statistics from the shuttles this season.
Bill Hutson: Informed everyone the Beach Haven Land Use meeting for the new hotel was postponed until January 2020. Thanks Commissioners for the sand in Holgate.

CLOSE PUBLIC SESSION

Mayor Mancini asks for a

Motion for adjournment at 4:18 pm

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