

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS JUNE 1, 2020**  
**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 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 and ASBURY PARK PRESS on December 5, 2019; 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 20-14: **AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF LONG BEACH ISLAND, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE MUNICIPALITY OF LONG BEACH, OCEAN COUNTY, NEW JERSEY**

**ORDINANCE NO. 20-14**

**AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF LONG BEACH ISLAND, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE MUNICIPALITY OF LONG BEACH, OCEAN COUNTY, NEW JERSEY**

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, OCEAN COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The Township hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Township, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Township of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Township" is the Township of Long Beach, County of Ocean, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Long Beach Island LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, *et seq.*
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Township currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the Township, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Township, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Township hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Township shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Township shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Township shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, and, except as where higher payment is otherwise required by the applicable law and regulations (including N.J.S.A. 48:5A-30), the Company shall, during each year of operation under the consent granted herein, pay to the Township two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Township or any higher amount permitted by the Act or otherwise allowable by law.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Township and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 8. CONSTRUCTION REQUIREMENTS.

a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

b. Relocation: If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Township, shall remove, re-lay or relocate its equipment, at the expense of the Company prior to approval of the board.

c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Township so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

d. Temporary removal of cables: The Company shall, upon request of the Township, at the company's expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.

e. Installation of equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1,

et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Township upon written request of the Township Administrator or Clerk.

a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association ("NCTA").

d. Nothing herein shall impair the right of any subscriber or the Township to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under law.

#### SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Township pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Township shall have the right to request copies of records and reports pertaining to complaints by Township customers from the OCTV.

#### SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

#### SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Township a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

#### SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

#### SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet to each qualified existing and future school in the Township, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.

b. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet to every Township building and each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Township, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Township.

c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Township a one-time PEG Access Capital Grant in the amount of \$35,000.00 to meet the PEG Access capital needs of the community.

d. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law, including the services set forth in subsections (a) and (b) above which may be recovered at the fair market value as a pass-through in addition to the 2.0% franchise

fee provided herein.

#### SECTION 15. GOVERNMENTAL ACCESS

a. The Company shall continue to make available one shared government access channel. The government access channel is maintained by the Township for the purpose of cablecasting non-commercial government access programming.

b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for Government use. A Government access user acquires no property or other interest by virtue of the use of a channel so designated and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

c. The Company shall not exercise editorial control over any governmental use of channel capacity, except Company may refuse to transmit any governmental access program or portion of a governmental access program that contains obscenity, indecency, or nudity.

d. Government Access. "Government Access" shall mean noncommercial use by the Township for the purpose of showing the local government at work.

e. Company Use of Fallow Time. Because blank or underutilized EG channels are not in the public interest, in the event the Municipalities or other EG access users elect not to fully program their EG access channel, Company may program unused time on those channels subject to reclamation by the Municipality upon no less than 60 days written notice.

f. Indemnification. The Township shall indemnify Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Municipalities' rules for or administration of EG access channel and its programming.

#### SECTION 16. EMERGENCY USES.

a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein.

#### SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000).

#### SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

#### SECTION 19. COMPETITIVE EQUITY.

Should the Township grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

#### SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

#### SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

#### SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Passed on first reading at a regular meeting held on May 4, 2020 and advertised in the BEACH HAVEN TIMES issue of May 7, 2020.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 20-14 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 20-15C: **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, SWIMMING POOLS AND CHAPTER 180, SWIMMING POOLS AND HOT TUBS**

**ORDINANCE 20-15C**

**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, SWIMMING POOLS AND CHAPTER 180, SWIMMING POOLS AND HOT TUBS**

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend Chapter 64 to eliminate duplication with Chapter 180, Swimming Pools and Hot Tubs, and amend Chapter 180 to correct the swimming pool fees.

**SECTION I**

§64-14 is hereby repealed entirely and reserved.

**SECTION II**

§180-2C is repealed and replaced with the following.

C. Application fee. See §82-10 for fees.

**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.

Passed on first reading at a regular meeting held on May 4, 2020 and advertised in the BEACH HAVEN TIMES issue of May 7, 2020.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 20-15C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. First Reading Ordinance 20-16C: **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 SECTION 168 DEALS WITH SOLID WASTE**

Motion to approve Ordinance 20-16C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. First Reading Ordinance 20-17C: **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 176 WHICH PERTAINS TO SUBDIVISIONS**

Motion to approve Ordinance 20-17C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**ADOPTIONS & APPROVALS**

5. Resolution 20-0601.01: Authorizing the application and acceptance of grant funding under the board of public utilities clean fleet electric vehicle incentive program for one electric vehicle and one dual charging station

**RESOLUTION 20-0601.01**

**A RESOLUTION OF THE TOWNSHIP OF LONG BEACH AUTHORIZING THE APPLICATION AND ACCEPTANCE OF GRANT FUNDING UNDER THE BOARD OF PUBLIC UTILITIES**

**CLEAN FLEET ELECTRIC VEHICLE INCENTIVE PROGRAM  
FOR ONE ELECTRIC VEHICLE AND ONE DUAL CHARGING STATION**

**WHEREAS**, the Township currently has no electric vehicles within its municipal fleet; and

**WHEREAS**, the New Jersey Board of Public Utilities (NJBP) is offering grant funding to support the purchase of up to two (2) eligible electric vehicles and one (1) Level 2 electric vehicle charging station for local government authorities in New Jersey; and

**WHEREAS**, the goal of the grant is to improve New Jersey's air quality and assist local government in their transition to electrically fueled fleets; and

**WHEREAS**, the incentive grant program will award up to \$4,000 towards the purchase of each electric vehicle and \$1,500 towards the purchase of a Level 2 electric vehicle charging station; and

**WHEREAS**, a request is hereby made to make application and accept funding from the New Jersey Board of Public Utilities to assist in the acquisition of one electric vehicle and one Level 2 charging station; and

**WHEREAS**, the Chief Financial Officer has reviewed the requirements of the grant and approves the corresponding conditions outlined within the application.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach this 1<sup>st</sup> day of June 2020, for the reasons aforesaid does hereby authorize application and acceptance of funding from the New Jersey Board of Public Utilities Clean Fleet Electric Vehicle Incentive Program.

6. Resolution 20-0601.02(a&b): Approve Annual Summer Traffic Regulations

- a) Designate the Official 2020 Summer Season and Seasonal Traffic Regulations: June 15<sup>th</sup> to Sept 2<sup>nd</sup>
- b) Street Games Prohibited

**RESOLUTION 20-0601.02(a)**

**WHEREAS**, the provisions of N.J.S.A. 39:4-197.2 provide that municipalities may pass ordinances, resolutions or regulations to regulate traffic and parking along and upon any county road or part thereof lying within its corporate limits, in the same manner and to the same extent that it is authorized by law to regulate same upon municipal roads and streets; and

**WHEREAS**, N.J.S.A. 39:4-197.3 provides that any municipality may, upon the adoption of a resolution declaring that an emergency temporary condition dictates the adoption of a special traffic regulation for a period of effectiveness not to exceed three (3) months; and

**WHEREAS**, the said temporary emergent conditions are a result of the tremendous influx of summer residents, tourists, related festivals and activities that unduly burden the streets of the Township of Long Beach; and

**WHEREAS**, the traffic on Township streets including all side streets, as well as Long Beach Boulevard, is tremendous during these months; and

**WHEREAS**, there is the need to regulate parking at the two Loveladies parking areas, as well as the North Beach parking area by the public tennis courts; and

**WHEREAS**, the public access in the North Beach section of Long Beach Township requires adequate parking for the lifeguards and public recreation; and

**WHEREAS**, because of the location of the Observation Deck adjacent to the municipal building during the summer season it is necessary to limit parking in the designated area on the east side of Ocean Blvd. to provide parking for all visitors; and

**WHEREAS**, the area of Beach Avenue between Pennsylvania Avenue and Indiana Avenue in the Beach Haven Terrace section is heavily traveled Sunday mornings between 6:00 A.M. and 12:00 noon and sufficient parking is necessary to facilitate the public buildings in that area; and

**WHEREAS**, during scheduled Municipal Court dates, a temporary condition exists causing the need to suspend parking regulations on 65<sup>th</sup> Street through 72<sup>nd</sup> Street in Brant Beach from 8:00 A.M. to 8:00 P.M.; and

**WHEREAS**, during the summer season, a temporary emergent condition exists on Maryland Avenue in the Beach Haven Terrace section of the Township; and

**WHEREAS**, during the summer season, a temporary emergent condition exists on West 22<sup>nd</sup> Street in Spray Beach between Long Beach Boulevard and Highland Avenue; and

**WHEREAS**, during the summer season, a temporary emergent condition exists on 69<sup>th</sup> Street by the Police gasoline pump in the Brant Beach section of the Township; and

**WHEREAS**, the Township of Long Beach is especially concerned for the safety of motorists traversing and contractors working on the streets of Long Beach Township during the busy and congested summer months; and

**WHEREAS**, during the summer season it is essential to maintain the public right-of-way in an unobstructed manner so as not to hinder the clear passage of pedestrians or vehicles; and

**WHEREAS**, Chapter 64 of the Code of Long Beach Township prohibits construction requiring the occupancy of a public street between June 15<sup>th</sup> and September 15<sup>th</sup> of each year, imposing an undue burden on constructors of modular structures/pre-manufactured structures who could be doing pre-setting work such as the installation of foundations, piling, girders, beams or other substructures upon which modular homes are to ultimately be set; and

**WHEREAS**, several narrow alleyways are located in Long Beach Township which for safety considerations, should not be used as traffic thruways; and

**WHEREAS**, Long Beach Township properties located in heavily populated residential zones; Blk. 1.26 Lots 1 & 2 (Holgate) and Blk. 7.13 Lot 1 (Beach Haven Terrace), require a curtailment of activities as evening falls to assure the tranquility of the neighborhoods; and

**WHEREAS**, due to various construction projects currently in progress in Bayview Park, it is necessary that unhindered access to the park's northern border be adequate for equipment and workers to safely enter or exit the area.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 1<sup>st</sup> day of June 2020, for the reasons aforesaid that the following shall be in effect for the 2020 Summer Season:

- Parking is allowed in the designated spaces at the two public parking areas in Loveladies by the tennis courts; and
- The North Beach public parking area at the tennis courts is designated as follows:
  1. Parallel parking along the northerly fence is permitted as far as the easterly most fencing of the tennis courts.
  2. Other parking will be allowed in designated spaces with two spaces reserved for Beach Patrol personnel and two spaces reserved for active tennis players; and
- Parking for the Observation Deck on the east side of Ocean Boulevard between 68<sup>th</sup> and 69<sup>th</sup> Streets shall be limited to 2 hours; and
- Parking restrictions in the area of Beach Avenue between Pennsylvania and Indiana Avenues in the Beach Haven Terrace section of the Township be suspended on Sunday mornings from 6:00 a.m. until 12:00 p.m.; and
- Parking regulations on 65<sup>th</sup> Street though 72<sup>nd</sup> Street in Brant Beach have been suspended during scheduled court days from 8:00 A.M. to 8:00 P.M.; and
- Maryland Avenue in Beach Haven Terrace be and is hereby designated a one-way street west bound with no turn on red, between Long Beach Blvd. and Beach Avenue; and
- Parking will not be allowed at any time on West 22<sup>nd</sup> Street in Spray Beach between Long Beach Boulevard and Highland Avenue; and
- Parking shall be prohibited from the intersection of Ocean Blvd. and 69<sup>th</sup> Street for 158 ft. west of Ocean Blvd.; and
- No hoses used by bulk-headers or pile-drivers may be run across any public street; no road openings for service connections may be made; and
- No structure may be temporarily relocated into the public right-of-way; and
- Constructors of modular structures/pre-manufactured structures may receive a permit from the Long Beach Township Building Department for pre-setting work during the restricted period provided that no Street Closure Permit is sought; and
- Alleyways less than twenty feet (20') wide shall not be used for thru traffic; and
- Township owned properties in Holgate and Beach Haven Terrace shall close at 9:00 p.m. and re-open daily at 8:00 a.m.; and
- No Parking shall be permitted on the South side of West 66<sup>th</sup> Street due to various construction projects in progress in Bayview Park; and

**BE IT FURTHER RESOLVED** that the aforementioned emergency regulations shall be effective commencing June 15, 2020 through September 2, 2020 except where otherwise specified; and

**BE IT FINALLY RESOLVED** that the Commissioner of Public Works & Property is hereby specifically directed to post the appropriate signs and designations in those areas when applicable and in those areas described.

**RESOLUTION 20-0601.02(b)**

**WHEREAS**, the provisions of N.J.S.A. 39:4-197.2 provide that municipalities may pass ordinances, resolutions or regulations to regulate traffic and parking along and upon any county road or part thereof lying within its corporate limits, in the same manner and to the same extent that it is authorized by law to regulate same upon municipal roads and streets; and

**WHEREAS**, N.J.S.A. 39:4-197.3 provides that any municipality may, upon the adoption of a resolution declaring that an emergency temporary condition dictates the adoption of a special traffic regulation for a period of effectiveness not to exceed three (3) months past such resolution; and

**WHEREAS**, during the summer season a temporary emergent condition exists while the Township of Long Beach is inundated in the months of June, July and August with visitors and residents enjoying not only the public beaches but other recreational activities as well; and

**WHEREAS**, the traffic on Township streets including all side streets as well as Long Beach Boulevard is tremendous during these months; and

**WHEREAS**, the health and public safety of all the citizens and visitors to the Township is of the utmost importance to the Board of Commissioners of the Township; and

**WHEREAS**, street hockey, baseball, basketball and other similar games during these months in the public streets is dangerous to the participants as well as vehicle operators; and

**WHEREAS**, to avoid catastrophic incidences, accidents and potential litigation regarding same, the use of public streets for games playing must be eliminated; and

**WHEREAS**, Long Beach Township Municipal Code Chapter 135 Section 2 prohibits the use of skate boards and roller skates on any of the public streets running northeast and southwest within the Township of Long Beach; and

**WHEREAS**, during the summer months, the Township is a resort community and is desirous of utilizing the northeast and southwest streets except for Long Beach Blvd. for recreational use by skate boarders, roller skaters, joggers, walkers, and more than two wheel bicycles along the shoulder area.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 3<sup>rd</sup> day of June 2019 that all street games, whether organized or unorganized, such as, but not limited to, hockey, basketball, softball, kick ball, baseball etc. are hereby prohibited on all public streets within the Township of Long Beach temporarily; and

**BE IT FURTHER RESOLVED** that skate boards, roller skating, skating of any type, jogging, more than two-wheel bicycles, and baby/child transport apparatus are prohibited on the cart-way of Long Beach Blvd., between the Borough of Ship Bottom and the Borough of Beach Haven. All other streets in Long Beach Township are exempted from this prohibition. The aforementioned activities shall abide by prevailing governmental rules and regulations; and

**BE IT FURTHER RESOLVED** that the aforementioned emergency regulations be effective commencing June 15, 2020 through September 2, 2020.

7. Resolution 20-0601.03: Approve various personnel matters

**Resolution 20-0601.03**

Accept & Approve the Expanded Family Medical Leave Act (FMLA) under the Families First Coronavirus Response Act (FFCRA Act) for employee with Civil Service number \*\*\*\*\*3767.

**Municipal Clerk**

Hire the following employee as a Seasonal Clerk 1 at the rate of \$15.00 per hour to be paid from the Municipal Clerk Salary & Wage effective retroactive May 18, 2020.

Jacquelyn Cartagena

**Public Works**

Change the following employee's rate of pay to \$13.50 per hour to be paid from Public Works Salary & Wage effective retroactive May 9, 2020.

Priscilla Johnson

Hire the following employee as a Seasonal Full-Time Clerk 1 at the rate of \$15.00 per hour to be paid from Public Works Salary & Wage effective June 1, 2020.

Samantha Tindall

Hire the following employee as a Seasonal Part-Time Laborer 1 at the rate of \$12.00 per hour to be paid from Public Works Salary & Wage effective June 1, 2020.

Walter Ferry

**Tax Collector**

Hire the following employee as a Permanent Full-Time Clerk 1 at the annual base salary of \$38,000.00 to be paid from the Tax Collector's Salary & Wage effective June 1, 2020.

Michele Torres

**Water/Sewer**

Approve an annual stipend of \$1,900.00, to be pro-rated, for the year of 2020 for the following non-contractual employee for clothing allowance as per Board of Commissioner's decision that it is considered job related.

James Forbes



Change the following employee's annual base salary to \$33,998.00 to be paid from Water/Sewer Salary & Wage retroactive effective May 2, 2020.

Ryan Brady

**Transportation**

Hire the following employees as Seasonal Clerk 1 at the rate of \$14.00 per hour to be paid from Transportation Salary & Wage effective May 9, 2020.

Ava Miller

**Finance**

Change the following employee's annual base salary to \$51,727.50 effective retroactive to May 16, 2020.

Erica Nicholes

**Beach Patrol**

Hire the following employees as Seasonal Part Time Laborers, at the rate of \$11.00 per hour to be paid from Lifeguard Salary & Wage retro-active to March 5, 2020.

Anne Marie Arcidiacono

James Arcidiacono

Sean Moran

Juliana Perello

Gregory Stagliano

Hire the following employee as a Seasonal Beach Badge Program Senior Supervisor, at the rate of \$16.25 per hour, to be paid from Beach Badge Salary & Wage effective May 5, 2020.

Melissa Vurlicer

Hire the following employee as a Seasonal Beach Badge Program Senior Supervisor, at the rate of \$15.35 per hour, to be paid from Beach Badge Salary & Wage effective May 5, 2020.

Brielle Cacoilo

Hire the following employees as a Seasonal Beach Badge Program Senior Supervisors, at the rate of \$15.00 per hour, to be paid from Beach Badge Salary & Wage effective May 5, 2020.

Brianna Carpenter

Isabelle Zoccolo

Motion to approve Items 5-7:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**PURCHASES, CONTRACTS & AWARDS**

8. Resolution 20-0601.04: Approve the Emergency Purchase and delivery of four center-post variable message signs for the police department

**RESOLUTION 20-0601.04**

**A RESOLUTION APPROVING THE EMERGENCY PURCHASE AND DELIVERY OF FOUR CENTER-POST VARIABLE MESSAGE SIGNS FOR THE POLICE DEPARTMENT OF THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, the State of New Jersey has experienced widespread Corona Virus infections throughout our population, including visitors, residents and workers, seriously affecting the public health, safety and welfare; and

**WHEREAS**, on March 9<sup>th</sup>, 2020, a State of Emergency in New Jersey was declared by Governor Philip Murphy via Executive Order 103 providing guidance related to the COVID-19 Corona Virus Pandemic, as well as associated restrictions and requirements which included business closures, individual quarantine and social distancing, among others; and

**WHEREAS**, the Township passed Resolution 20-0406.05 on April 6<sup>th</sup>, 2020 allowing emergency purchases as permitted by the Local Public Contacts Law N.J.S.A.40A:11-6.; and

**WHEREAS**, the Board of Commissioners have deemed it in the public best interest for the emergency purchase of four (4) Center-Post Variable Message Signs available at Certified Speedometer Service, 9 Jay Street, Old Tappan, NJ 07675 pursuant to the declared emergency and N.J.S.A.40A:11-6; and

**WHEREAS**, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the following appropriations created by: Account # 0-01-46-870-008.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach this 1<sup>st</sup> day of June 2020, for the reasons aforesaid, approve an emergency purchase and delivery, retroactive to May 11, 2020, of Four (4) Center-Post Variable Message Signs for the Police Department from Certified Speedometer

Service, 9 Jay Street, Old Tappan, NJ 07675 in an amount not to exceed Sixty One Thousand Dollars (\$61,000.00) pursuant to their quote dated May 5<sup>th</sup> 2020.

9. Resolution 20-0601.05: Authorize the award of a contract for 2020 Professional Services: Mercury Public Affairs, LLC for Lobbying Services

**RESOLUTION 20-0601.05**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR 2020 PROFESSIONAL SERVICES**

**WHEREAS**, the Township of Long Beach has a need to acquire various professional services as listed below as an alternative method contract pursuant to the provisions of N.J.S.A.19:44A-20.4 or 20.5; and

**WHEREAS**, P.L. 195, Chapter 353 of the laws of the State of New Jersey provide that certain professional services are exempt from public bidding; and

**WHEREAS**, the Township of Long Beach wishes to award contracts without competitive bidding for various professional services pursuant to NJSA 40A:11-5(a)(a)(i). Such contracts and resolutions are available for public inspection at the office of the Township Clerk; and

**WHEREAS**, the statute defines professional services as services rendered by a person authorized by law to practice a recognized profession, which practice is regulated by law; and

**WHEREAS**, the listed service is a recognized profession, which profession is regulated by law; and

**WHEREAS**, the vendor listed below completed and submitted Business Entity Disclosure and Political Contribution Disclosure Certifications which certify that they have not made any reportable contributions to a political or candidate committee in the Township of Long Beach in the previous one year, and that the contract will prohibit the listed contractor from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Board of Commissioners of Township of Long Beach has determined and certified in writing that the value of the services may meet or exceed \$17,500.00; and

**WHEREAS**, the Chief Financial Officer has provided certification of the availability of funds as per N.J.A.C. 5:30-5.4.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach authorizes the Mayor to enter into a contract from June 1<sup>st</sup> 2020 through December 31<sup>st</sup> 2020 as per specific contract terms with the Professionals listed below as described herein; and

<b><u>NAME</u></b>	<b><u>DESCRIPTION OF SERVICES</u></b>	<b><u>AMOUNT</u></b>
Mercury Public Affairs, LLC		Lobbying
Services	Hourly \$175.00	

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Political Contribution Disclosure Form as required be placed on file with the Municipal Clerk; and

**BE IT FINALLY RESOLVED** that the Municipal Clerk shall send a notice of the alternative method professional appointments and have same published at least once in the official newspaper of the Township of Long Beach and shall keep the resolution and contracts on file for public inspection.

Motion to approve Items 8-9:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**FINANCIAL APPROVALS**

10. Resolution 20-0601.06: Approve various water/sewer changes

**RESOLUTION 20-0601.06**

**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:

<b><u>BLOCK LOT/QUAL</u></b>	<b><u>ACCT #/ACCT</u></b>	<b><u>YEAR</u></b>	<b><u>CANCEL/CHANGE</u></b>	<b><u>AMOUNT</u></b>
4.42 8	1312-0 W/S	2020	Returned Meter	\$248.00
11.31 19.01	3851-0 Water	2020	Returned Meter	\$248.00

**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 make these changes.

11. Resolution 20-0601.07: Approve the cancelation of a tax levy,

Block: 14.11 Lot: 3.01, \$340.77

**RESOLUTION 20-0601.07**

**A RESOLUTION AUTHORIZING THE CANCELATION OF A TAX LEVY**

**WHEREAS**, the Township of Long Beach received and accepted ownership of property W Jeanette Ave.; and

**WHEREAS**, the tax-exempt status was established by the Long Beach Township Tax Assessor for the year of 2020 for Block 14.11, Lot 3.01 located at W Jeanette Ave.; and

**WHEREAS**, the Tax Collector is authorized to cancel the remainder of the 2020 taxes in the amount of Three Hundred Forty Dollars and Seventy-Seven Cents (\$340.77).

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, that the Tax Collector be, and she is hereby authorized to cancel taxes totaling \$340.77 and to make the appropriate adjustments to the records.

- 12. Resolution 20-0601.08: Approve Bills & Payroll
  - Bills in the amount of: \$8,504,882.36
  - Payroll in the amount of: \$1,066,613.83

**RESOLUTION 20-0601.08**

**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 \$1,066,613.83.

**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 \$8,504,882.36 be and the same are hereby authorized to be paid on Monday, June 1, 2020.
- 2. The said approved payroll amounting to the sum of \$1,066,613.83 be and the same are hereby authorized to be paid on Monday, June 1, 2020.

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 10-12:

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

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi:** spoke about the shuttles and how they have taken measures to thoroughly decontaminate and clean them, masks would need to be worn at all times while riding. Summer concert series would be canceled until 8/1 due to COVID.

**Commissioner Bayard:** Reminded residents to call the DPW garage for metal or brush pick-up.

**Mayor Mancini:** The next meeting of the Land Use Board will be held on Wednesday, June 10, 2020 at 7:00 pm in the upstairs multi-purpose room. Second Reading and Public Hearing for Ordinance 20-16C and 17C will take place at the public meeting held on June 29, 2020 at 4:00 pm. Congratulated Lynda Wells on her retirement effective 7/1 as this would be her last meeting. Lynda had done a wonderful job over the 25 years she has put into the system and everyone wished her well. There would be lifeguards stationed at 86<sup>th</sup>, 96<sup>th</sup> and 25<sup>th</sup> Streets and patrolling guards will be roaming all other streets, beach badges are now required starting 6/1, daily badges will be limited and can only be purchased at the shack on 68<sup>th</sup> St, masks are not required while on the beach, but while walking over the handicap ramps or any other entrance that is under 8 feet wide. The LBI Shuttle start date would be 6/5 as the earliest date, Gator program to begin on 6/20. Beginning 6/1, social distancing required, all parks including the dog park will open and public restrooms as well, the short-term rental ban would be lifted at this time as well. Starting 6/8, the Township Municipal Building will reopen to the public between the hours of 10am-12pm, Monday through Friday.

**OPEN PUBLIC SESSION**

**Ann Barkey**, Loveladies: questioned what the lobbying service would be used for that a contract was awarded to and if daily beach badges would be available still.

**Mayor Mancini** explained that the lobbying service will be used against the DEP for bulkheading and the daily badges will not be sold on the beaches this season, they will be available at the shack on 68<sup>th</sup> St.

**Rand Pearsall**, Holgate: Congratulated Lynda Wells on her retirement, had questions/comments regarding outdoor seating, parks and where donations could be made from tax payer associations.

**Mayor Mancini** commented that the Township would be allowing restaurants to open with outdoor courtesy seating starting 6/15 and parks would be open as of 6/1.

**Commissioner Lattanzi** stated that the hospitals have slowed down and that donations to the local food pantry are needed more at this time, so that would be the place they should make donations to.

**Bill Hutson**, Holgate: Gave thanks to Lynda Wells for all her help over the years as well as the Commissioners for reopening Holgate parking lot. Stated that \$12,000.00 was raised by the tax payers for donations to the hospital and food pantry.

**Ally Meehan**: stated that he had the opportunity to work with the ACME food delivery program answering phones, the Town should be so proud, the service was awesome and Olivia Lattanzi along with the lifeguards did a phenomenal job.

**Sandra** (last name inaudible): questioned why so few beaches were going to be staffed this season.

**Mayor Mancini** clarified that only 3 beaches would be guarded now, during the preseason, and starting June 20<sup>th</sup> the rest will open with guards as well.

**Leslie Martin**: questioned if the ZOOM meetings would continue once everything opens to the public.

**Mayor Mancini** stated that was undetermined at this point in time.

**CLOSE PUBLIC SESSION**

Motion for adjournment at 4:25p.m.:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

\_\_\_\_\_  
Danielle La Valle, RMC  
Deputy Municipal Clerk

\_\_\_\_\_  
Joseph H. Mancini, Mayor

\_\_\_\_\_  
Ralph H. Bayard, Commissioner

\_\_\_\_\_  
Dr. Joseph P. Lattanzi, Commissioner