

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS OCTOBER 05, 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 AS OF 4:10PM
Also, in attendance: Danielle La Valle, Municipal Clerk
Kyle Ominski, Administrator

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

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 20-24: AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT LOCATED ON BLOCK 4.35, LOT 6, ON THE TAX MAP OF THE TOWNSHIP OF LONG BEACH TO THE COUNTY OF OCEAN

Passed on first reading at a regular meeting held on September 14, 2020 and advertised in the BEACH HAVEN TIMES issue of September 17, 2020.

WHEREAS, the Township of Long Beach ("Township") owns a certain property located at Block 4.35, Lot 6, on the Tax Map of the Township of Long Beach ("Property"); and

WHEREAS, the County of Ocean ("County") has requested to acquire an easement on the Property to construct, operate, and maintain traffic signal utilities at the intersection abutting the Property in order to protect the public health, welfare, and safety; and

WHEREAS, Township deems it appropriate, necessary, and proper for the good government, order, the protection of persons and property, and for the preservation of the public health, welfare, and safety of Township and its inhabitants to convey the proposed Deed of Easement negotiated between County and Township; and

WHEREAS, Township's engineer has reviewed the legal description and survey as to the location of the easement for the construction of the traffic signal utilities and has advised that said legal description and survey plot on the Property as set forth in the Deed of Easement; and

WHEREAS, the proposed Deed of Easement and Survey are attached hereto as Exhibit A and incorporated herein as if set forth fully herein; and

WHEREAS, Township's attorney has reviewed and approved the proposed form of Deed of Easement; and

WHEREAS, pursuant to, *inter alia*, N.J.S.A. 40A:12-13, Township is required to authorize the convey the easement in its interest in the Property to County by ordinance; and

WHEREAS, Township intends to authorize the execution of the Deed of Easement, and, therefore, convey the easement on the Property to County pursuant to and in accordance with the foregoing bases and the express representations made by County.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Commissioners of Township of Long Beach, Ocean County, State of New Jersey, in accordance with the aforesaid Recitals, which are incorporated herein by reference as if set forth fully herein, that the Mayor and Municipal Clerk are hereby authorized to execute the Deed of Easement in the identical form proposed by County.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to authorize the execution of the Deed of Easement as proposed by County of Ocean, which shall convey an easement in certain property located at Block 4.35, Lot 6, on the Tax Map of Township of Long Beach, in order for the County of Ocean to construct, operate, and maintain traffic signal utilities at the intersection abutting the property.

§1. Authorization and Terms

The Mayor and Municipal Clerk of Township of Long Beach are hereby authorized to execute the proposed Deed of Easement (Exhibit A), which shall convey an easement in the Property for the aforesaid purposes.

§2. Repealer

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

§3. Severability.

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.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to Adopt Ordinance 20-24 on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

2. First Reading Ordinance 20-25C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 119, WHICH PERTAINS TO MOBILE HOME PARKS, CHAPTER 193, WHICH PERTAINS TO RECREATIONAL VEHICLES, AND CHAPTER 205, WHICH PERTAINS TO ZONING**

Motion to Approve Ordinance 20-25C on First Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

3. First Reading Ordinance 20-26: **BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS IMPROVEMENTS TO THE SEWER UTILITY SYSTEM IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$7,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$7,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to Approve Ordinance 20-26 on First Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

ADOPTIONS & APPROVALS

4. Resolution 20-1005.01: Approve Amendment to Resolution 20-0914.15(a):
Authorizing the Cancellation of a Tax Levy and
Refund of Overpayment

WHEREAS, pursuant to Resolution 20-0914.15(a), the Board of Commissioners approved a total tax exemption for Barbara Gutowski, 3 E. Virginia Ave., Block 10.40, Lot 1.02, effective as of July 16, 2019 with the amount to be refunded as a result of overpayment prior to cancellation in 2019 totaling Four Thousand Six Hundred Thirty-Three Dollars and Eighty-Two Cents (\$4,633.82); and

WHEREAS, the Tax Collector has found an error in the calculation of the amount to be refunded as a result of overpayment prior to cancellation in 2019 to Two Thousand Two Hundred Twenty-Nine Dollars and Seventeen Cents (\$2,229.17); and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, amend Resolution 20-0914.15(a) and accept the amount to be refunded as a result of overpayment prior to cancellation in 2019 to Two Thousand Two Hundred Twenty-Nine Dollars and Seventeen Cents (\$2,229.17).

5. Resolution 20-1005.02: Approve Various Personnel Matters

Beach Patrol

Change the following employee's payroll account to Lifeguard Salary & Wage effective retroactive to August 29, 2020:

Kelsey M. Deckman
Timothy Doyle
Graciella L. Esandrio
Kaitlyn G. May
Aidan Paulhus
Jill M. Ribinsky
Alyssa L. Taylor
Melissa Vurlicer

Hire the following as a Seasonal Lifeguard at a rate of \$83.38 per day to be paid from the Lifeguard Salary & Wage effective September 15, 2020.

Michael Trombley

Motion to Approve Items 4-5:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

PURCHASES, CONTRACTS & AWARDS

6. Resolution 20-1005.03: Award Contract to G.P. Jager, Inc., for a Calcium Hypochlorite Feed System and Related Water Supply Service Equipment Including Services for the Holgate Water Treatment Plant; \$24,700

WHEREAS, the Township of Long Beach ("Township") requires a Calcium Hypochlorite Fee System at the Holgate water treatment plant for the continued provision of water supply services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(gg), the Township's purchase of goods and services for the provision of water supply services and any component part thereof is exempt from the bidding requirements of the Local Public Contracts Law; and

WHEREAS, G.P. Jager, Inc., is able to provide the required goods, a Lonza Constant-Chlor Reeder Model MC4-50 Calcium Hypochlorite Feed System a Watson Marlow Qdos 30 Universal Plus Peristaltic Metering Pump, a Depolox 400M Analyzer, and services, shipping and startup and training, for Twenty-Four Thousand and Seven Hundred Dollars (\$24,700.00), as per Quotation No. 24627B dated 9/29/2020; and

WHEREAS, G.P. Jager, Inc., has completed the required Pay-to-Play Law forms and the Township has complied with the Pay-to-Play Law requirements set forth in N.J.S.A. 19:44A-20.5 in the award of this contract pursuant to the non-fair and open provisions; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by: W/S Materials and Supplies Account #0-09-55-549-030 in the amount of \$24,700.00.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach do hereby award a proprietary contract to:

G.P. Jager Inc
PO BOX 50
Boonton, NJ 07005

for the purchase and installation Calcium Hypochlorite Feed System and related water supply service equipment and services in the Holgate Water Treatment Plant in an amount pursuant to Quotation No. 24627B dated 9/29/2020 and not to exceed Twenty-Four Thousand Seven Hundred Dollars (\$24,700.00).

Motion to Approve Item 6:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

FINANCIAL APPROVALS

7. Resolution 20-1005.04: Authorize the Cancellation of Property Taxes
108 E Alabama Avenue
Block 11.25, Lot 10
\$129.35

WHEREAS, an adjustment in property taxes was erroneously duplicated in February 2020 for Kenneth & Perry Clarke, 108 E Alabama Avenue, Block 11.25, Lot 10; and

WHEREAS, said duplication requires cancellation in the amount of One Hundred Twenty-Nine Dollars and Thirty-Five Cents (\$129.35).

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 Tax Collector cancel the duplicated charge stated above for the given property and make the appropriate adjustments to the tax record.

BE IT FUTHER RESOLVED, a certified copy of this resolution will be forwarded to the Tax Collector and the Tax Assessor.

8. Resolution 20-1005.05: Approve the Reduction of a Performance Bond:
Island's End, LLC. #LUB-32-17
Block 1.13, Lots 4, 21-25
Block 1.16, Lots 2-7, 12, 14-18
Block 1.19, Lots 6-9, 11-19

WHEREAS, pursuant to Resolution 18-0702.15, the Township of Long Beach received from Island's End, LLC., Check No. 006292 from Unity Bank, dated June 22, 2018 in the amount of Sixty-Seven Thousand Fifty-Six Dollars (\$67,056.00), as the required cash portion of the Performance Bond for Major Sub-division #LUB-32-17, Block 1.13, Lots 4, 21-25, Block 1.16, Lots 2-7, 12, 14-18, Block 1.19, Lots 6-9, 11-19; and

WHEREAS, the Performance Guarantee was submitted at that time in the form of a Rider and Performance Surety Bond in the amount of Six Hundred Three Thousand Five Hundred Four Dollars (\$603,504.00); and

WHEREAS, the property was inspected on May 7, 2020 by the Municipal Engineer who determined that certain work items had been completed and recommended a reduction in the Performance Bond cash required to Twenty-Three Thousand One Hundred Dollars (\$23,100.00) and Bond required to Two Hundred Seven Thousand Nine Hundred Dollars (\$207,900.00).

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners approves the reduction of the Performance Bond and a refund in the amount of Forty-Three Thousand Nine Hundred Fifty-Six Dollars (\$43,956.00) be released, accepts a new Performance Guarantee Bond in the amount of Two Hundred Seven Thousand Nine Hundred Dollars (\$207,900.00) and return the old Rider and Performance Bond as recommended and certified by the Municipal Engineer.

9. Resolution 20-1005.06: Approve Various Changes to Water/Sewer Accounts

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>
1.55	25	8504-0 W/S	19/2020	Billed in Error	\$1902.30
8.29	5	2920-0 W/S	2020	Credit interest	\$36.59
11.29	2	3764-0 W/S	2020	Credit interest	\$32.76
15.120	9	6019-0 W/S	2020	Returned meter	\$52.00
15.128	1	6083-0 Water	2020	Returned meter	\$282.00
23.03	28.02	7853-0 W/S	2020	Returned meter	\$52.00

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.

10. Resolution 20-1005.07 Approve the 2019 Annual Audit

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Board of Commissioners of the Township of Long Beach, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

11. Resolution 20-1005.08: Approve Bills & Payroll
Bills in the amount of: \$4,651,612.73
Payroll in the amount of: \$1,312,935.78

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 \$1,312,935.78.

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 \$4,651,612.73 be and the same are hereby authorized to be paid on Monday, September 14, 2020.
2. The said approved payroll amounting to the sum of \$1,312,935.78 be and the same are hereby authorized to be paid on Monday, October 05, 2020.

The Municipal Clerk be, and 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 7-11:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Discussed that the recent COVID-19 outbreak did not include Long Beach Township, they were all on the northern side of Ocean County (Lakewood mostly).

Commissioner Bayard: Discussed that there is only 3 weeks left to place an order for water meters, and that penalties will take effect after November 1st, 2020 if water meters are not ordered.

Mayor Mancini: The next meeting of the Land Use Board will be held on Wednesday, October 14th at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinances 20-25C & 20-26 will take place at the public meeting held on November 02, 2020 at 4:00 pm. Reminder that the traffic lights are still on and would remain on until after the Kite Festival.

OPEN PUBLIC SESSION

Ann Barkey, Loveladies: Wanted to thank whoever is responsible for having Ballot Boxes near the Library in Surf City for the upcoming Elections and questioned if Ordinance 20-25C is replacing the old Ordinance regarding the same.

John Fiore, Brant Beach: Discussed having a crosswalk at the traffic signal in regard to the MVA that occurred last year and requested information on how to petition for a cross walk from the County.

Bill Hutson, Holgate: Wanted to thank the Township for having the Kite Fest that will be taking place on October 11, 2020. He also mentioned that the Annual Boy Scout Dune Planting will be taking place October 17, 2020 in Holgate.

CLOSE PUBLIC SESSION

Motion for Adjournment at:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Danielle La Valle, RMC
Municipal Clerk

Joseph H. Mancini
Mayor

Ralph H. Bayard
Commissioner

Dr. Joseph P. Lattanzi
Commissioner