

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS MAY 3, 2021
Flag Salute

Meeting came to order: 4:05 p.m.
Clerk calls the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi PRESENT
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 24, 2020; 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:

Mayor Mancini: Commended departing Police Chief Deely for his 28 years of service to the Township of Long Beach and wished him well in retirement; welcomed new Police Chief Mahon by stating he is ideal for the position as he has served the municipality since 1994 and has the full support of the Commissioners.

AGENDA
PROCLAMATIONS

Older Americans' Month – May 2021

WHEREAS, the month of May 2021 has been designated throughout the nation as "Older Americans' Month"; and

WHEREAS, the theme for this year's recognition is "Communities of Strength" emphasizing the power of connection and engagement in building strong communities; and

WHEREAS, now is the time to promote "Communities of Strength" through activities, inclusion, and wellness for older Americans and to celebrate the many ways in which older adults make a difference in our communities; and

WHEREAS, the Ocean County Board of Social Services sponsors the Ocean County Retired and Senior Volunteer Program, administers the services to the Elderly Program, the Safe Housing and Transportation Program, and various other programs for seniors; and

WHEREAS, the older adults in Ocean County and the people who serve and support them deserve recognition for the contributions they have made and will continue to make to the culture, economy, and character of our community and our nation; and

BE IT HEREBY RESOLVED, by the Ocean County Board of Social Services that it proclaims the month of May as "Older Americans' Month" and to raise awareness because together we can raise awareness of vital aging issues across the country.

BE IT FINALLY RESOLVED, that the written memorialization of this Board resolution may be immediately released prior to formal approval of the minutes.

Paint the Town Pink Month – May 2021

WHEREAS, the Board of Commissioners for the Township of Long Beach recognizes the month of May 2021 as "Paint the Town Pink Month"; and

WHEREAS, since its start in 2007 presented by Meridian Health, "Paint the Town Pink" has developed into a community-wide effort in raising awareness of the importance of preventative annual health screenings such as mammograms; and

WHEREAS, the Board of Commissioners of the Township of Long Beach would like to once again seize the opportunity to join Ocean County's Board of Social Services, Meridian Health, and neighboring municipalities across Ocean and Monmouth Counties, in raising awareness concerning early detection against breast cancer; and

WHEREAS, Long Beach Township would like to encourage the importance of raising awareness for preventative annual health screenings, for example mammograms, through the distribution of informational brochures, the wearing of the color pink, and other related decorations and activities at no additional cost to the Township.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby proclaim the month of May 2021 as "Paint the Town Pink Month," and honors and endorses all programs in Ocean County which encourage raising awareness of the importance of annual health screenings including mammography.

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to the Ocean County Board of Social Services and all neighboring Long Beach Island municipalities.

ORDINANCES & PUBLIC HEARINGS

1. Resolution 21-0503.01: Authorization to Read the 2021 Municipal Budget by Title Only

RESOLUTION 21-0503.01

WHEREAS, N.J.S.A.40A:4-8 provides that the budget be read by title only at the time of the Public Hearing if a Resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met.

NOW, THEREFORE, BE IT RESOLVED, that the Budget shall be read by title only.

MOTION:

Commissioner Lattanzi

SECOND:

Commissioner Bayard

ROLL CALL:

Commissioner Lattanzi

Commissioner Bayard

Mayor Mancini

Motion to approve Item 1:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Motion to open the Public Hearing for the 2021 Municipal Budget:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Commissioner Lattanzi explained that the rateables went up significantly due to the reassessment/revaluation the Township just underwent.

PUBLIC HEARING: 2021 MUNICIPAL BUDGET

No Comment

Motion to close the Public Hearing for the 2021 Municipal Budget

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. Resolution 21-0503.02: Approve Certification and Local Examination of the 2021 Municipal Budget

RESOLUTION 21-0503.02

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Long Beach has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Long Beach that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year

- d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.
Vote recorded as follows:

| | | |
|-----------------------|---------------------|-----------------------|
| MOTION: | SECOND: | ROLL CALL: |
| Commissioner Lattanzi | Commissioner Bayard | Commissioner Lattanzi |
| | | Commissioner Bayard |
| | | Mayor Mancini |

3. Resolution 21-0503.03: Adopt the 2021 Municipal Budget

RESOLUTION 21-0503.03

BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, County of Ocean that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, authorization of the amount of \$29,550,000.00 for municipal purposes, and certification to the County Board of Taxation of the following summary of general revenues and appropriations on this 3rd day of May 2021.

BE IT FURTHER RESOLVED, the amount to be raised by taxes for support of the municipal budget is \$20,391,164.82.

| Summary of Revenues | Anticipated | |
|--|---------------|---------------|
| | 2021 | 2020 |
| 1. Surplus | 3,585,620.90 | 3,780,285.98 |
| 2. Total Miscellaneous Revenues | 5,042,524.73 | 4,842,361.30 |
| 3. Receipts from Delinquent Taxes | 530,689.55 | 536,821.64 |
| 4. a) Local Tax for Municipal Purposes | 20,391,164.82 | 19,684,676.25 |
| b) Addition to Local School District Tax | | |
| c) Minimum Library Tax | | |
| Tot Amt to be Rsd by Taxes for Sup of Muni Bnd | 20,391,164.82 | 19,684,676.25 |
| Total General Revenues | 29,550,000.00 | 28,844,145.17 |

| Summary of Appropriations | 2021 Budget | Final 2020 Budget |
|---|---------------|-------------------|
| 1. Operating Expenses: Salaries & Wages | 12,097,806.19 | 11,508,238.60 |
| Other Expenses | 11,171,731.51 | 11,226,919.02 |
| 2. Deferred Charges & Other Appropriations | 3,105,157.39 | 2,879,929.06 |
| 3. Capital Improvements | 1,596,000.00 | 1,515,000.00 |
| 4. Debt Service (Include for School Purposes) | 870,000.00 | 989,000.00 |
| 5. Reserve for Uncollected Taxes | 709,304.91 | 725,058.49 |
| Total General Appropriations | 29,550,000.00 | 28,844,145.17 |
| Total Number of Employees | 114 | 117 |

| 2021 Dedicated Water/Sewer Utility Budget | | |
|---|---------------|---------------|
| Summary of Revenues | Anticipated | |
| | 2021 | 2020 |
| 1. Surplus | 1,733,760.18 | 1,772,785.19 |
| 2. Miscellaneous Revenues | 12,397,239.82 | 11,037,214.81 |
| 3. Deficit (General Budget) | | |
| Total Revenues | 14,131,000.00 | 12,810,000.00 |

| Summary of Appropriations | | 2021 Budget | Final 2020 Budget |
|--|------------------|---------------|-------------------|
| 1. Operating Expenses: | Salaries & Wages | 1,675,000.00 | 1,650,000.00 |
| | Other Expenses | 7,518,476.84 | 6,570,768.60 |
| 2. Capital Improvements | | 575,000.00 | 735,000.00 |
| 3. Debt Service | | 2,851,600.00 | 2,764,363.00 |
| 4. Deferred Charges & Other Appropriations | | 1,510,923.16 | 1,089,868.40 |
| 5. Surplus (General Budget) | | | |
| Total Appropriations | | 14,131,000.00 | 12,810,000.00 |
| Total Number of Employees | | 19 | 20 |

| Balance of Outstanding Debt | | | |
|-----------------------------|---------------|---------------|------------------|
| | Total | Current Fund | Water/Sewer Fund |
| Interest | 7,061,590.83 | 2,286,650.16 | 4,774,940.67 |
| Principal | 51,427,617.95 | 8,977,000.00 | 42,450,617.95 |
| Outstanding Balance | 58,489,208.78 | 11,263,650.16 | 47,225,558.62 |

Notice is hereby given that the budget and tax resolution was approved by the Commissioners, of the Township of Long Beach, County of Ocean on April 5, 2021.

A hearing on the budget and tax resolution was held at the Municipal Building, on May 3, 2021 at 4:00 p.m. at which time and place no objections to the Budget and Tax Resolution for the year 2021 were presented by taxpayers or other interested parties.

Copies of the budget are available in the Office of the Municipal Clerk at the Municipal Building, 6805 Long Beach Blvd., Brant Beach, New Jersey, 08008 during the hours of 10:00 a.m. to 12:00 p.m.

Motion to approve Items 2-3:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. Second Reading Ordinance 21-10C: 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 189, WHICH PERTAINS TO VEHICLES AND TRAFFIC, AND CHAPTER 1, WHICH PERTAINS TO PENALTIES

Passed on first reading at a regular meeting held on April 5, 2021 and advertised in the BEACH HAVEN TIMES issue of April 8, 2021.

STATEMENT OF PURPOSE

This Ordinance amends Chapter 189 to add definitions and adopt regulations relating to the parking and charging of electrical vehicles and amends Chapter 1 to set forth the penalties relating to violations of the parking and charging regulations.

SECTION I

§189-1 is repealed and replaced with the following.

§189-1 Words and phrases defined.

Except as set forth as follows, the words, phrases, and terms set forth in this Chapter shall be ascribed the meanings set forth in N.J.S.A. 39:1-1.

CHARGING STATION

A location that is fitted with charging station equipment.

CHARGING STATION EQUIPMENT

The conductors, including ungrounded and grounded, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, charging status or apparatus installed specifically for the purpose of delivery electrical energy from the charging station to the electric vehicle.

CHARGING STATION SPACE

A dedicated, marked parking space that is fitted with charging station equipment and exclusively used for the charging of electric vehicles.

ELECTRIC SCOOTER AND/OR ELECTRIC MOTORCYCLE

A 2-wheel or 3-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle's batteries.

ELECTRIC VEHICLE

A vehicle that operates, either partially or exclusively on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes. Electric Vehicle includes: a battery electric vehicle; a plug-in hybrid electrical vehicle; a neighborhood electric vehicle; and electric scooters or electric motorcycles.

NEIGHBORHOOD ELECTRIC VEHICLE

An electric vehicle that is a low-speed vehicle, built to have a top speed of 25 miles per hour and have a maximum loaded weight of 3,000 lb.

PLUG-IN HYBRID ELECTRIC VEHICLE OR PHEV

An electric vehicle that: contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; charges its battery primarily by connecting to a charging station or other electrical source not on board the vehicle; may additionally be able to sustain a battery charge using an on-board internal-combustion-driven generator; and has the ability to be propelled through the use of electricity.

SECTION II

A new Article VI is hereby adopted as follows.

ARTICLE VI Electric Vehicle Parking and Charging

§189-37 Public parking spaces for charging of electric vehicles.

- A. The Township may designate parking spaces for use as electric vehicle parking and stations.
- B. Use of the designated parking and charging stations shall be restricted as follows:
- (1) No person shall park or to leave standing a vehicle in a stall or space in the designated space unless the vehicle is an electric vehicle and is connected for electric charging purposes.
 - (2) Non-electric vehicles are prohibited from parking in electric vehicle and charging station spaces.
 - (3) Electric vehicles are authorized to park in spaces designated as charging station spaces only during the time when the vehicles are connected for electric charging purposes or up to 4 hours, whichever is less. When the electric vehicle is no longer charging, the owner or operator of said vehicle shall be required to remove the vehicle from the charging station space.

§189-38 Charging station fees.

- A. The following fees shall apply to use of parking spaces identified as charging station spaces.
- (1) For up to 2 hours of charging, \$3.00 per hour.
 - (2) For every hour after 2 hours of charging, \$6.00 per hour.

§189-39 Designated electrical vehicle parking and charging station spaces.

- A. The following locations shall be designated as electrical vehicle parking and charging station spaces.
- (1) Holgate public parking lot.
 - (2) Municipal Complex public parking lot.
 - (3) Public parking lot located at Track 161 in Loveladies.

SECTION III

§1-19 is hereby amended to add the following Code Section penalty provision.

§189-37B Parking – electric vehicle parking or charging station \$100

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 Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-10C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

5. Second Reading Ordinance 21-11: BOND ORDINANCE AUTHORIZING ACQUISITION OF AND IMPROVEMENTS TO REAL PROPERTY FOR OPEN SPACE IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,500,000 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 \$550,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Passed on first reading at a regular meeting held on April 5, 2021 and advertised in the BEACH HAVEN TIMES issue of April 8, 2021.

BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the Township from all sources for the purpose stated in Section 7 hereof is \$1,500,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$550,000; and

(c) a down payment in the amount of \$27,500 for the purpose stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$550,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$950,000, which amount represents funds which shall be contributed to the project from the Township's Open Space Trust Fund (at least \$27,500 of which are currently available), are hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$550,000 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$550,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$300,000.

Section 7. The improvement hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

| <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Open Space Trust Fund Contribution</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|---|-----------------------------|---------------------|---|------------------------------|-----------------------------|
| A. Acquisition of and Improvements to Real Property Located at Block 6.47, Lot 1 on the Official Tax Maps of the Township for Open Space, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | \$1,500,000 | \$27,500 | \$922,500 | \$550,000 | 40 years |

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$550,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of or repayment of obligations issued to finance the costs of the improvement described in Section 7 above.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvement authorized hereby is not a current expense and is an improvement that the Township may lawfully make. No part of the cost of the improvement authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: April 5, 2021

Date of Final Adoption: May 3, 2021

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-11 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

6. Second Reading Ordinance 21-12: AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 6.47, 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)

Passed on first reading at a regular meeting held on April 5, 2021 and advertised in the BEACH HAVEN TIMES issue of April 8, 2021.

WHEREAS, the Mayor and Board of Commissioners of the Township of Long Beach ("Township") has 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 6.47, Lot 1, on the Official Tax Map of the Township for public use; and

WHEREAS, the public use of the aforesaid 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.

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 follows:

STATEMENT OF PURPOSE

The purpose of this Ordinance is to authorize the acquisition of all right, title, and interest in the real property known as Block 6.47, Lot 1, on the Official Tax Map of the Township, together with any and all existing improvements located thereon, by purchase or condemnation pursuant to N.J.S.A. 40A:12-5(a) and the Eminent Domain Act, N.J.S.A. 20:3-1, *et seq.*

§1. Authorization and Terms

A. The Mayor and Board of Commissioners of the Township be and hereby provide for the acquisition of all right, title, and interest in the real property known as Block 6.47, Lot 1, on the Official Tax Map of the Township, together with any and all existing improvements located thereon, by purchase or condemnation pursuant to N.J.S.A. 40A:12-5(a) and the Eminent Domain Act, N.J.S.A. 20:3-1, *et seq.*

B. The Mayor and Board of Commissioners of the Township authorize any and all necessary and appropriate actions by the Township officials, including the Mayor, Township Clerk, Township Attorney, and/or Condemnation Attorney, for the taking of the property identified herein through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property that the Township seeks to acquire, and to negotiate in good faith the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and, in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Notice of Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

C. All appropriate officials of the Township, including, but not limited to, the Mayor, Township Clerk, Township Attorney, Condemnation Attorney, and any and all experts or others acting on behalf of the Township are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.

D. If a determination is made by a majority vote of the Mayor and Board of Commissioners of the Township that the purchase of the property is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Township Clerk, Township Attorney and Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property by the Township.

E. The legal description of Block 6.47, Lot 1, as recorded in the Clerk's Office in the County of Ocean on or about April 20, 2018, is attached hereto as Schedule A and are incorporated by reference as if set forth at length herein.

F. This ordinance is adopted pursuant to the powers conferred upon the Township by N.J.S.A. 40A:12-5(a).

§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.

Effective date.

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

OPEN PUBLIC HEARING

Stuart Lederman, for the property owner: Represented property owner and presented two alternatives for the utilization of said land consistent with Long Beach Township's objective regarding environmental protection; both plans still included pickleball courts as previously proposed by the Township.

Alexander Meehan, neighbor: Questioned Mr. Lederman as to where these plans were over the last few years and wanted to know why the property owner was just now proposing anything with the property.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-12 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

7. First Reading Ordinance 21-13C: 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 ZONING AND THE PROHIBITION OF ANY CLASS OF CANNABIS BUSINESS IN THE TOWNSHIP

Motion to adopt Ordinance 21-13C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

8. First Reading Ordinance 21-14C: 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 WHICH PERTAINS TO WATER AND SEWER

Motion to adopt Ordinance 21-14C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

9. First Reading Ordinance 21-15C: 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 18, WHICH PERTAINS TO LAND USE PROCEDURES, CHAPTER 164, WHICH PERTAINS TO SITE PLAN REVIEW, CHAPTER 176, WHICH PERTAINS TO SUBDIVISION OF LAND, AND CHAPTER 205, WHICH PERTAINS TO ZONING

Motion to adopt Ordinance 21-15C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS & APPROVALS

10. Resolution 21-0503.04: Approve Various Personnel Matters

RESOLUTION 21-0503.04

Accept & Approve the Special Retirement for Chief Anthony Deely effective May 1, 2021.

Beach Patrol

Hire the following employees as Seasonal Part Time Laborer at the rate of \$12.00 per hour to be paid from Lifeguard Salary & Wage retro-active to April 1, 2021:

Ann Marie Arcidiacono

Hire the following as Seasonal Beach Badge Program Director at the following rate of pay, to be paid from Beach Badge Salary & Wage retro-active to March 30, 2021:

\$17.00 per hour

Melissa Vurlicer

Hire the following individuals as Seasonal Beach Badge Program Assistant Supervisor, at the following rate of pay, to be paid from Beach Badge Salary & Wage retro-active to March 30, 2021:

\$14.00 per hour

Raechel Rieck

Hire the following as Seasonal Beach Badge Program Seller/Checkers part time at the following rate of pay, to be paid from Beach Badge Salary & Wage retro-active to March 30, 2021:

\$12.50 per hour

JoAnn Byckiewicz

Construction

Adjust the following employee's annual base salary to \$37,220.00 to be paid from Construction Salary & Wage effective May 1, 2021:

Jacquelyn Cartagena

Finance

Hire the following employee as a Clerk 1 with the annual base salary of \$40,000.00 to be paid from Finance Salary & Wage effective retroactive to May 3, 2021:

Mary Nolan

Change the following employee's annual base salary to \$41,000.00 be paid from Finance Salary & Wage effective retroactive to May 1, 2021:

Lisa Kenny

Change the following employee's annual base salary to \$54,282.56 to be paid from Finance Salary & Wage effective retroactive to April 17, 2021:

Erica Nicholes

Police

Hire the following employee as a Permanent Full-Time Public Safety Telecommunicator at the annual base salary of \$35,000.00 to be paid from Police Salary & Wage effective retroactive April 24, 2021:

Timothy Pizarro

Public Works

Hire the following employees as Permanent Full-Time Laborer 1 at the annual rate of \$32,000.00 to be paid from Public Works Salary & Wage effective May 3, 2021:

Bladi Collado

Paul Budd

Hire the following employee as a Seasonal Intern at the rate of \$12.00 per hour to be paid from Recycling Salary & Wage effective May 3, 2021:

Elizabeth Beyer

Transportation

Hire the following Shuttle Drivers at the following rates to be paid from Transportation Salary & Wage effective May 3, 2021:

\$15.00 per hour

Nancy Malcolm

Mark Stanton

\$16.00 per hour

Tracy Hines

Deb Fichter

Karen Rossi

Baljit Singh

Debralynn Navantieri

James Brisco

Deb Foley

Helen Hammonds

Harold Hammonds

Gretchen Heinrichs

Barbara Parks

Kathy Purcell

Robert Vaccarelli

Dennis Sullivan

\$18.00 per hour

James Barrek

Mike Dervigilus

Ray Heyer

Colleen Whittaker

Gladys Callo

Yvette Gallant – Davis

Richard McKean

Lisa Heitzman

John Young

James Ferris

Lenina McCord

Hire the following employees as Seasonal Gator Drivers at the rate of \$12.00 per hour to be paid from Transportation Salary & Wage effective May 3, 2021:

Joseph Lizzi

Joseph A. Lizzi Jr.

Alexander Meehan

Linda Donovan

Steve Havelka

William Taulane

Joseph Taibi

Kathleen Stango

David Dickey

Cory Galloway

11. Resolution 21-0503.05(a&b): Authorize Submission of Various Grant Applications:
- a. Sustainable Jersey
 - b. Department of Community Affairs

RESOLUTION 21-0503.05(a)

WHEREAS, the Township of Long Beach continuously strives to be a sustainable community by seeking ways to optimize the quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Long Beach strives to improve living and working environments by guaranteeing clean land, water, and air, as well as saving its current and future residents tax money; and

WHEREAS, the Township currently participates in a program known as the Sustainable Jersey Small Grants Program which benefits its community by exploring and adopting sustainable, economically-sound, and socially conscious local government practices; and

WHEREAS, one of the purposes of the Sustainable Jersey Small Grants Program is to provide resources to municipalities to make progress on sustainability issues; and

WHEREAS, the Board of Commissioners of the Township of Long Beach has determined that Long Beach Township should further apply for a grant.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Township of Long Beach, State of New Jersey, authorize the submission of a Sustainable Jersey grant program application for plastic bag and plastic film collection (outer wraps, produce bags, etc.) and recycling.

RESOLUTION 21-0503.05(b)

WHEREAS, the Township of Long Beach desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$500,000.00 to carry out a project to upgrade and enhance Clam Cove Reserve, the Holgate Bayfront Park and other recreational facilities; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Long Beach does hereby authorize the application for such a grant; and

BE IT FURTHER RESOLVED, that the Township recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Long Beach and the New Jersey Department of Community Affairs.

BE IT FINALLY RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Angela Andersen
Sustainability Coordinator

Joseph H. Mancini
Mayor

12. Resolution 21-0503.06(a-d): Authorize the Settlement of Various Litigations and Compliance with Consent Orders Entered in Accordance Therewith (Eminent Domain Acquisition of Public Easements)

RESOLUTION 21-0503.06(a)

WHEREAS, the Township of Long Beach ("Township") filed a certain Verified Complaint and a certain Declaration of Taking ("Litigation") in 2016 for the purpose of acquiring an easement ("Easement") upon the property located at Block 20.107, Lot 1 ("Property"); and

WHEREAS, the Township filed the Litigation (Docket No. OCN-L-3034-16) in an effort to secure the Easement on the Property for public purposes, i.e., a public easement for the oceanfront perpetual storm damage reduction project and purposes; and

WHEREAS, the Township and the owners of the Property engaged in the Litigation and pursuant to certain negotiations and with the Court's approval entered into a settlement agreement, the terms of which are set forth and incorporated in the Consent Order; and

WHEREAS, counsel for the Township executed the Consent Order at the direction and with the authorization of the Township; and

WHEREAS, pursuant to the Consent Order, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, the Township acquired the Easement on the Property in consideration for Seventy-Five Thousand Dollars (\$75,000.00), Fifty-Two Thousand and Two Hundred Dollars (\$52,200.00) of which was previously deposited in the Superior Court and which is credited against the aforesaid consideration amount; and

WHEREAS, the parties have agreed to the settlement and the Consent Order has been duly executed by same; and

WHEREAS, the necessary funds in the amount of Twenty-Two Thousand and Eight Hundred Dollars (\$22,800.00) have been certified as available and are available in C-04-45-137-901.

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 regularly scheduled meeting held this 3rd day of May 2021, and in accordance with the foregoing Recitals, which are incorporated herein by reference, as follows:

1. The settlement of the Litigation, the terms of the Consent Order, and the payment of the additional consideration in the amount of Twenty-Two Thousand and Eight Hundred Dollars (\$22,800.00) from the aforesaid funds pursuant to the terms of the Consent Order are hereby authorized.
2. The Township's appropriate officers, employees, and professionals are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution and comply with the terms of the Consent Order.

RESOLUTION 21-0503.06(b)

WHEREAS, the Township of Long Beach ("Township") filed a certain Verified Complaint and a certain Declaration of Taking ("Litigation") in 2018 for the purpose of acquiring an easement ("Easement") upon the property located at Block 20.13, Lot 1 ("Property"); and

WHEREAS, the Township filed the Litigation (Docket No. OCN-L-3032-16) in an effort to secure the Easement on the Property for public purposes, i.e., a public easement for the oceanfront perpetual storm damage reduction project and purposes; and

WHEREAS, the Township and the owners of the Property engaged in the Litigation and pursuant to certain negotiations and with the Court's approval entered into a settlement agreement, the terms of which are set forth and incorporated in the Consent Order; and

WHEREAS, counsel for the Township executed the Consent Order at the direction and with the authorization of the Township; and

WHEREAS, pursuant to the Consent Order, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, the Township acquired the Easement on the Property in consideration for Seventy-Five Thousand Dollars (\$75,000.00), Seven Thousand and Two Hundred Dollars (\$7,200.00) of which was previously deposited in the Superior Court and which is credited against the aforesaid consideration amount; and

WHEREAS, the parties have agreed to the settlement and the Consent Order has been duly executed by same; and

WHEREAS, the necessary funds in the amount of Sixty-Seven Thousand Eight Hundred Dollars (\$67,800.00) have been certified as available and are available in C-04-45-137-901.

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 regularly scheduled meeting held this 3rd day of May 2021, and in accordance with the foregoing Recitals, which are incorporated herein by reference, as follows:

1. The settlement of the Litigation, the terms of the Consent Order, and the payment of the additional consideration in the amount of Sixty-Seven Thousand Eight Hundred Dollars (\$67,800.00) from the aforesaid funds pursuant to the terms of the Consent Order are hereby authorized.
2. The Township's appropriate officers, employees, and professionals are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution and comply with the terms of the Consent Order.

RESOLUTION 21-0503.06(c)

WHEREAS, the Township of Long Beach ("Township") filed a certain Verified Complaint and a certain Declaration of Taking ("Litigation") in 2016 for the purpose of acquiring an easement ("Easement") upon the property located at Block 20.13, Lot 2 ("Property"); and

WHEREAS, the Township filed the Litigation (Docket No. OCN-L-3225-16) in an effort to secure the Easement on the Property for public purposes, i.e., a public easement for the oceanfront perpetual storm damage reduction project and purposes; and

WHEREAS, the Township and the owners of the Property engaged in the Litigation and pursuant to certain negotiations and with the Court's approval entered into a settlement agreement, the terms of which are set forth and incorporated in the Consent Order; and

WHEREAS, counsel for the Township executed the Consent Order at the direction and with the authorization of the Township; and

WHEREAS, pursuant to the Consent Order, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, the Township acquired the Easement on the Property in consideration for Eighty-Five Thousand Dollars (\$85,000.00), Twelve Thousand One Hundred Dollars (\$12,500.00) of which was previously deposited in the Superior Court and which is credited against the aforesaid consideration amount; and

WHEREAS, the parties have agreed to the settlement and the Consent Order has been duly executed by same; and

WHEREAS, the necessary funds in the amount of and Seventy-Two Thousand and Nine Hundred Dollars (\$72,900.00) have been certified as available and are available in C-04-45-137-901.

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 regularly scheduled meeting held this 3rd day of May 2021, and in accordance with the foregoing Recitals, which are incorporated herein by reference, as follows:

1. The settlement of the Litigation, the terms of the Consent Order, and the payment of the additional consideration in the amount of Seventy-Two Thousand and Nine Hundred Dollars (\$72,900.00) from the aforesaid funds pursuant to the terms of the Consent Order are hereby authorized.
2. The Township's appropriate officers, employees, and professionals are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution and comply with the terms of the Consent Order.

RESOLUTION 21-0503.06(d)

WHEREAS, the Township of Long Beach ("Township") filed a certain Verified Complaint and a certain Declaration of Taking ("Litigation") in 2017 for the purpose of acquiring an easement ("Easement") upon the property located at Block 20.13, Lot 3 ("Property"); and

WHEREAS, the Township filed the Litigation (Docket No. OCN-L-579-17) in an effort to secure the Easement on the Property for public purposes, i.e., a public easement for the oceanfront perpetual storm damage reduction project and purposes; and

WHEREAS, the Township and the owners of the Property engaged in the Litigation and pursuant to certain negotiations and with the Court's approval entered into a settlement agreement, the terms of which are set forth and incorporated in the Consent Order; and

WHEREAS, counsel for the Township executed the Consent Order at the direction and with the authorization of the Township; and

WHEREAS, pursuant to the Consent Order, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, the Township acquired the Easement on the Property in consideration for One Hundred and Twenty Thousand Dollars (\$120,000.00), Sixteen Thousand and Five Hundred Dollars (\$16,500.00) of which was previously deposited in the Superior Court and which is credited against the aforesaid consideration amount; and

WHEREAS, the parties have agreed to the settlement and the Consent Order has been duly executed by same; and

WHEREAS, the necessary funds in the amount of One Hundred Three Thousand Five Hundred Dollars (\$103,500.00) have been certified as available and are available in C-04-45-137-901.

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 regularly scheduled meeting held this 3rd day of May 2021, and in accordance with the foregoing Recitals, which are incorporated herein by reference, as follows:

1. The settlement of the Litigation, the terms of the Consent Order, and the payment of the additional consideration in the amount of One Hundred Three Thousand Five Hundred Dollars (\$103,500.00) from the aforesaid funds pursuant to the terms of the Consent Order are hereby authorized.
2. The Township's appropriate officers, employees, and professionals are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution and comply with the terms of the Consent Order.

13. Resolution 21-0503.07: Denying an Application Filed by Verizon Wireless for the Construction of a Small Wireless Facility Pole for the Siting and Installation of a Small Wireless Facility

RESOLUTION 21-0503.07

WHEREAS, on February 25, 2021, New York SMS Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") filed one (1) application pursuant to Chapter 205 of the Township Code ("Code") to construct a new small wireless facility pole for the siting and installation of a small wireless facility, designated by the Township as Application No. Verizon 27; and

WHEREAS, Verizon Wireless seeks to construct the small wireless facility pole for the siting and installation of a small wireless facility at 7508 Ocean Boulevard ("Site"); and

WHEREAS, the Township of Long Beach ("Township") has expressed its objections to the Site and requested additional information from Verizon Wireless relating thereto; and

WHEREAS, Verizon Wireless has failed to respond to the Township's objections and failed to provide any additional information; and

WHEREAS, based upon the foregoing, the Township has elected to deny Application No. Verizon 27.

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing Recitals, which are incorporated herein by reference, the Mayor and Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, hereby denies the Site as aforesaid.

14. Resolution 21-0503.08: Approve Application for Special Event:
Association of Surf Angling Clubs (ASAC)
Surf Fishing Tournament
May 8, 2021 & October 16, 2021

RESOLUTION 21-0503.08

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach approve the below-listed event(s):

| HOST | DESCRIPTION | TIME & DATE(S) |
|-------------|--------------------|---------------------------|
|-------------|--------------------|---------------------------|

WHEREAS, all of the necessary and required insurance documents have been submitted, received and are on file with the Township.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby grant permission by waiving beach buggy fees and suspending alternate side parking regulations for the duration of the above cited event.

Motion to approve Items 10-14:

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

LICENSES & PERMITS

15. Resolution 21-0503.09: Approve Various Street Closing Applications for Social Events:

- Between 18 W 86th Street and 36 W 86th Street
June 19, 2021 4:00pm-10:00pm for a Block Party
- Between 121 & 133 MacEvoy
June 19, 2021 5:00pm-11:00pm for a block party

RESOLUTION 21-0503.09

WHEREAS, in response to a homeowner's request for the following:

- Permission to close W 86th Street between 18 W 86th Street and 36 W 86th Street from 4:00 pm to 10:00 pm on June 19, 2021 for a block party
- Permission to close E MacEvoy Lane (121st Street) between 121 MacEvoy and 133 MacEvoy from 5:00 pm to 11:00 pm on June 19, 2021 for a block party

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited temporary closures as requested with provisions for an open lane for emergency vehicles and flashing lights on barriers from dusk to close of each event.

Motion to approve Item 15:

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

PURCHASES, CONTRACTS & AWARDS

16. Resolution 21-0503.10: Change Order #1 – Final
Appraisal Systems, Inc. \$14,455.00

RESOLUTION 21-0503.10

WHEREAS, Appraisal Systems, Inc., was awarded a contract for revaluation services of all real property located within Long Beach Township not to exceed the amount of Four Hundred Ninety-Three Thousand Seven Hundred Ten Dollars (\$493,710.00) as per the bid received on April 6, 2018; and

WHEREAS, as a result of additional line-item counts for the 2021 tax year, an increase in the amount of Fourteen Thousand Four Hundred Fifty-Five Dollars (\$14,455.00) was incurred; and

WHEREAS, these changes have resulted in Change Order #1 – Final, of the original contract and has been approved by the Township Assessor and Board of Commissioners; and

WHEREAS, the attached contains all of the details associated with said change order; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the Revaluation Expense Account #1-01-55-001-007 in the amount of Fourteen Thousand Four Hundred Fifty-Five Dollars (\$14,455.00).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby approve Change Order #1 – Final, in the amount of Fourteen Thousand Four Hundred Fifty-Five Dollars (\$14,455.00) for revaluation services of all real property located within Long Beach Township.

17. Resolution 21-0503.11: Change Order #5 – P & A Construction
2017 Water Main Replacement Project and 2017
Sewer Main Replacement Project \$421,944.04

RESOLUTION 21-0503.11

WHEREAS, P&A Construction, Inc., was awarded a contract for the SFY 2017 Water Main Replacement Project NJEIT #1517001-015 and 2017 Sewer Main Replacement Project NJEIT #S340023-07 in the Township of Long Beach in the amount of Five Million, Seven Hundred Seventy-Two Thousand, Five Hundred Sixty-Two Dollars and Fifty-Three Cents (\$5,772,562.53) as per Resolution 18-1217.08(c); and

WHEREAS, Change Order #1 was approved pursuant to Resolution 19-0701.15(b) passed on July 1, 2019 in the amount of Eighty-Three Thousand Two Hundred Ninety-Three Dollars and Forty-Seven Cents (\$83,293.47) that was required for additional work and personnel; and

WHEREAS, Change Order #2 was approved pursuant to Resolution 20-0203.09(c) passed on February 3, 2020 in the amount of Forty-Four Thousand Five Hundred Seventy-Five Dollars and Twenty-Two Cents (\$44,575.22) that was required for additional labor, materials, and equipment; and

WHEREAS, Change Order #3 was approved pursuant to Resolution 20-0504.15 passed on May 4, 2020 in the amount of Two Hundred Ninety-Six Thousand One Hundred Seventy-Seven Dollars and Seventy-One Cents (\$296,177.71) that was required for additional labor, materials, and equipment; and

WHEREAS, Change Order #4 was approved pursuant to Resolution 20-0803.12(a) passed on August 3, 2020 in the amount of Forty-Five Thousand Five Hundred Eighty-Three Dollars and Fifty-One Cents (\$45,583.51) that was required for additional labor, materials, and equipment; and

WHEREAS, time lost, additional labor, materials and equipment were needed to continue the required work; these changes have resulted in Change Order #5 of the original contract and have been approved and certified by the Municipal Engineer; and

WHEREAS, said detailed Certification contains all the facts associated with this Change Order in accordance with state statutes; and

WHEREAS, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the appropriation created by ORD 17-25 Replace Water Mains NJEIT-1517001-015 Account #U-08-55-984-901 in the amount of Eighty-Four Thousand Six Hundred Sixty-Four Dollars and Ninety Four Cents (\$84,664.94), ORD 17-25 Replace Water Mains EIT 2:20 Account #U-08-55-984-951 in the amount of Two Hundred Ninety-Two Thousand Nine Hundred Forty-Five Dollars and Fifty-Nine Cents (\$292,945.59), and ORD 17-26 REP Sewer Mains EIT Account #U-08-55-985-901 in the amount of Forty-Four Thousand Three Hundred Thirty-Three Dollars and Fifty-One Cents (\$44,333.51) which is a total for Change Order Number 5 of Four Hundred Twenty-One Thousand Nine Hundred Forty-Four Dollars and Four Cents (\$421,944.04) representing a 9.54% increase over the original contract price, for payment of the work required to complete the SFY 2017 Water Main Replacement Project NJEIT #1517001-015 and 2017 Sewer Main Replacement Project NJEIT #S340023-07 in the Township of Long Beach.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, that (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 3rd day of May 2021 that P&A Construction, Inc., P.O. Box 28, Colonia, New Jersey 07067, be and is hereby awarded Change Order #5.

- 18. Resolution 21-0503.12(a-c):** Approve Various Shared Service Agreements:
- a. Borough of Beach Haven; Street Sweeper Services
 - b. Borough of Ship Bottom; Street Sweeper Services
 - c. Borough of Barnegat Light, Borough of Beach Haven, Borough of Harvey Cedars, Borough of Ship Bottom, and the Borough of Surf City; Municipal Transportation System

RESOLUTION 21-0503.12(a)

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-4(3)b. authorizes two or more municipalities to enter into a mutual service agreement for the provision of certain governmental services; and

WHEREAS, the Township of Long Beach and the Borough of Beach Haven wish to enter into a shared services/resources agreement, with Long Beach Township as the lead agency, for the use of one (1) street sweeper with driver/operator; and

WHEREAS, the Township of Long Beach adopted Ordinance 11-44 effective December 13, 2012 that set forth funding for the purchase of two (2) street sweepers; and

WHEREAS, the Township of Long Beach has determined the cost to operate the street sweeper with one (1) driver/operator is Six Hundred Twenty Dollars (\$620.00) per day; and

WHEREAS, the Borough of Beach Haven has agreed to enter into a shared services/resources agreement attached hereto as Exhibit "A" which would result in Borough of Beach Haven paying Six Hundred Twenty Dollars (\$620.00) per day for the use of one (1) street sweeper with driver/operator, as needed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Monday, May 3, 2021, that the agreement attached hereto as Exhibit "A" shall be executed by and between the Borough of Beach Haven and the Township of Long Beach with the same to be executed on behalf of the Township of Long Beach by the Mayor, Joseph H. Mancini, and attested to by the Township Clerk, Danielle La Valle, with the seal of the Township of Long Beach affixed, and executed on behalf of the Borough of Beach Haven by Mayor, Colleen Lambert, and attested to by the Township Clerk, Sherry Mason, with the seal of the Borough of Beach Haven affixed.

RESOLUTION 21-0503.12(b)

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-4(3)b. authorizes two or more municipalities to enter into a mutual service agreement for the provision of certain governmental services; and

WHEREAS, the Township of Long Beach and the Borough of Ship Bottom wish to enter into a shared services/resources agreement, with Long Beach Township as the lead agency, for the use of one (1) street sweeper with driver/operator; and

WHEREAS, the Township of Long Beach adopted Ordinance 11-44 effective December 13, 2012 that set forth funding for the purchase of two (2) street sweepers; and

WHEREAS, the Township of Long Beach has determined the cost to operate the street sweeper with one (1) driver/operator is Six Hundred Twenty Dollars (\$620.00) per day; and

WHEREAS, the Borough of Ship Bottom has agreed to enter into a shared services/resources agreement attached hereto as Exhibit "A" which would result in Borough of Ship Bottom paying Six Hundred Twenty Dollars (\$620.00) per day for the use of (1) street sweeper with driver/operator, as needed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Monday, May 3, 2021 that the Agreement attached hereto as Exhibit "A" shall be executed by and between the Borough of Ship Bottom and the Township of Long Beach with the same to be executed on behalf of the Township of Long Beach by the Mayor, Joseph H. Mancini, and attested to by the Township Clerk, Danielle La Valle, with the seal of the Township of Long Beach affixed, and executed on behalf of the Borough of Ship Bottom by the Mayor, William Huelsenbeck, and attested to by the Township Clerk, Kristy Davis, with the seal of the Borough of Ship Bottom affixed.

RESOLUTION 21-0503.12(c)

WHEREAS, N.J.S.A. 40A:65-1, *et seq.*, and Section 111-3 of Ordinance 14-07 and pursuant to Resolution 14-0509.08 provides Township of Long Beach (hereinafter "Township") with certain authority to enter into shared service agreements with any other municipality or municipalities to jointly operate, maintain, fund, and/or otherwise participate in the municipal transportation system created by Township by adoption of Ordinance 14-07; and

WHEREAS, Township has elected to authorize the renewal of a shared service agreements (hereinafter "Shared Services Agreements") with Borough of Barnegat Light (hereinafter "Barnegat Light"), Borough of Beach Haven (hereinafter "Beach Haven"), Borough of Harvey Cedars (hereinafter "Harvey Cedars"), Borough of Ship Bottom (hereinafter "Ship Bottom"), and/or Borough of Surf City (hereinafter "Surf City") (hereinafter collectively "Participating Municipalities") for their participation in the funding of the Municipal Transportation System; and

WHEREAS, pursuant to the Shared Services Agreements, Township shall direct that the Municipal Transportation System shall stop and pick up passengers within the Participating Municipalities that agree to enter into the Shared Service Agreements pursuant to the terms thereof, and Participating Municipalities shall each provide Twenty Thousand Dollars (\$20,000.00) pursuant to the terms of the Shared Service Agreements annually in funding for the Municipal Transportation System to Township; and

WHEREAS, Participating Municipalities shall further participate in and enjoy the benefit of use of the Municipal Transportation System during declared emergencies and pursuant to "mutual aid" requests in accordance with the policies and procedures adopted by Township and may further use the Municipal Transportation System pursuant to the terms of the Shared Services Agreements and at discretion of Township; and

WHEREAS, the Shared Services Agreements shall comply with N.J.S.A. 40A:65-1 and Ordinance 14-07.

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, Commissioners, and the Municipal Clerk be, and they are hereby authorized and directed to execute a renewal agreement with the participating municipalities.

19. Resolution 21-0503.13: Award a Contract, Per ESCNJ Co-op:
Power Place, Inc.
1 2021 John Deere Gator XUV825M \$17,037.90

RESOLUTION 21-0503.13

WHEREAS, Long Beach Township is a participating entity of the Education Services Commission of New Jersey's Cooperative Pricing System Identifier #65MCESCSPS; and

WHEREAS, the Township wishes to utilize the Education Services Commission of New Jersey's Cooperative Pricing System to purchase one (1) John Deere Gator XUV825M; and

WHEREAS, John Deere & Company, established at 2000 John Deere Run, Cary, NC 27513, has been awarded ESCNJ 18/19-25 and has named Power Place, Inc., established at 297 Route 22 East, Whitehouse Station, NJ 08889, to sell their equipment at the same pricing listed under the contract for the period of February 22, 2019 extended through February 21, 2022; and

WHEREAS, the Commissioner of Revenue and Finance recommends the utilization of this contract on the grounds that it represents the most cost-effective method for the needs of the Township; and

WHEREAS, the actual cost for the purchase of one (1) 2021 John Deere Gator XUV825M for the Transportation Department is Seventeen Thousand Thirty-Seven Dollars and Ninety Cents (\$17,037.90); and

WHEREAS, the Township solicited quotes for financing interest rates from Ocean First and Fulton Banks; and

WHEREAS, Ocean First Bank did not offer such financing and Fulton Bank, located at 324 Route 72 West, Manahawkin, NJ 08050, has agreed to provide 36-month financing for the lease/purchase of the above vehicles; and

WHEREAS, the Chief Financial Officer has certified the availability of funds is available in the Transportation O/E Account #1-01-31-471-029 in the amount of Six Thousand Four Hundred Twenty-Nine Dollars and Five Cents (\$6,429.05) for the first payment of a three-year lease agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that John Deere Co., naming the purchase and delivery through Power Place, Inc., be awarded a contract for purchase and delivery of one (1) 2021 John Deere Gator XUV825M for the Transportation Department.

Motion to approve Items 16-19:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

20. Resolution 21-0503.14: Approve Refund to Tax Account for Overpayment:
J W Turner Properties, Inc
1412 Long Beach Blvd – Block 4.12, Lot 8

RESOLUTION 21-0503.14

WHEREAS, the following Tax Accounts are to be refunded due to overpayment of taxes; and

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

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | <u>PAYEE</u> | <u>AMOUNT</u> |
|---------------------|-------------------|-----------------------|--|----------------------|
| 4.12 | 8 | 1412 Long Beach Blvd | J W TURNER PROPERTIES INC. PO Box 1277 Beach Haven, NJ 08008 | \$2,168.74 |

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Chief Financial Officer be and is hereby authorized to make the above-noted refunds.

21. Resolution 21-0503.15: Authorize the Cancellation of Various Contract Balances

RESOLUTION 21-0503.15

WHEREAS, certain authorized contract balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel the following balances so that the unexpended balances may be unencumbered:

| | | | |
|----------|---------------------|-------------|------------------------|
| C1800006 | Stockton University | \$65,124.87 | EUS - Shoreline Trends |
| C1900026 | Stockton University | \$9,348.90 | EUS - Terminal Groin |

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the above listed unexpended contract balances hereby canceled.

22. Resolution 21-0503.16: Approve Bills and Payroll
Bills in the amount of: \$13,108,917.42
Payroll in the amount of: \$1,061,189.77

RESOLUTION 21-0503.16

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 \$1,061,189.77.

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 \$13,108,917.42 be and the same are hereby authorized to be paid on Monday, May 3, 2021.
2. The said approved payroll amounting to the sum of \$1,061,189.77 be and the same are hereby authorized to be paid on Monday, May 3, 2021.

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 20-22:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Presented findings on Coronavirus via PowerPoint slide presentation; assured the public that outdoor summer events would not have the same impact on the spread of the virus when compared to indoor winter holidays as a result of environmental surroundings.

Commissioner Bayard: Stated there will be an ad in the paper concerning activation of water meters in the beginning of June.

Mayor Mancini: The next meeting of the Land Use Board will be held on Wednesday, May 12th, 2021 at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinance(s) 21-13C, 14C & 15C will take place at the public meeting held on Monday, June 7, 2021 at 4:00 pm.

Informed the public that the rules and regulations set in place in the Township of Long Beach related to COVID-19, will continue throughout this upcoming summer with the only difference being the Governor having decided to lift the restrictions set in place earlier in the year in order to allow businesses and restaurants to include a combination of both, inside and outside, seating. Also mentioned that the speed limit will be lowered, and the streetlights will once again become fully operational on Long Beach Boulevard throughout the month.

OPEN PUBLIC SESSION

Ann Barkey, Loveladies: Questioned Commissioner Bayard on the use of water meters to track the amount of water being used to determine how much water the residents of Long Beach Township would receive free of charge.

Commissioner Bayard: Water meters to be read in October through November and basic fee to be determined afterwards; fee must be feasible for every household.

Ann Barkey, Loveladies: Requested an update on coyote sightings.

Mayor Mancini: No further coyote sightings have been reported.

Ann Barkey, Loveladies: Asked for clarification on items 8 and 9 from the agenda.

Administrator Ominski: Explained that the amendments to the ordinances reflected in items 8 and 9 were procedural.

Rand Pearsall, Holgate: Suggested tennis courts in Holgate be converted to pickleball.

Mayor Mancini: Requested Mr. Pearsall collect a consensus amongst the residents of Holgate regarding conversion.

Steve Halveka, Brant Beach: Asked for projection on school consolidation.

Mayor Mancini: Does not know at the current moment what is going to happen or what is being planned as a result of new laws but will update the public once he is informed.

John Fiore, Brant Beach: Requested a sticker with recently passed ordinance number concerning garbage corrals be placed on receptacles; requested repair of pipeline on his street as a result of clogging.

CLOSE PUBLIC SESSION

Motion for adjournment at 4:52 p.m.:

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