

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS JULY 6, 2021
Flag Salute

Meeting came to order: 4:03 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:

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 21-16C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" CHAPTER 105 PERTAINING TO HEALTH AND WELFARE AND CHAPTER 51 PERTAINING TO BEACHES

Passed on first reading at a regular meeting held on June 7, 2021 and advertised in the BEACH HAVEN TIMES issue of June 10, 2021.

STATEMENT OF PURPOSE

This Ordinance amends Chapter 105 to regulate the use and consumption of cannabis and cannabis items in public places, as discussed in Section 46 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, and further amends the regulations relating to smoking in public places and amends Chapter 51 relating to smoking on beaches.

SECTION I

Article I of Chapter 105 is hereby repealed and replaced as follows.

ARTICLE I Smoking in Public Places

§105-1 Findings.

- A. Medical and scientific evidence indicates that tobacco use is a leading cause of preventable death in the United States, and, pursuant to Section 46 and N.J.S.A. 26:3D-65(a), a municipality may, by ordinance, fine an individual who smokes or carries lighted cannabis, or consumes cannabis not by smoking, vaping, or aerosolizing in any public place.
- B. In public places, the right of nonsmokers to breathe clean air outweighs the right of smokers to smoke, and the consumption of cannabis in public places is inimical to the public's health, safety, and welfare.
- C. The public health of the residents and visitors of the Township shall be promoted by eliminating the exposure of its citizens and visitors to airborne smoke and smoking-related refuse within certain public places and precluding the consumption of cannabis in all public places.

§105-2 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

CANNABIS

The meaning given to marijuana in section 2 of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c. 226 (N.J.S.A. 24:21-2).

ELECTRONIC SMOKING DEVICE

Any electronic product that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, electronic cigarettes (e-cigarettes), electronic cigars, (e-cigars), electronic pipes (e-pipes), vape pens, or electronic hookahs (e-hookahs) and shall include any component or accessory of such a device, whether sold separately or not, including any filters and liquids used in such devices, but does not include any similar devices approved for sale by the U.S. Food and Drug Administration for medicinal purposes as those items are defined in the Federal Food, Drug, and Cosmetic Act.

PERSON

An individual, partnership, corporation, cooperative association, or any other legal entity.

PARK

All publicly owned parks and preserved public open spaces, including, but not limited to, Bayview Park, Veterans Park, the Municipal Complex Park, Hideaway Bay Park, and Holgate Park.

PLAYGROUND AREA

The area of and surrounding the playground equipment.

PUBLIC PLACE

Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, beaches, public streets, roads, thoroughfares, sidewalks, bridges, alleys, plazas, parks, playgrounds, shopping areas, public transportation facilities, vehicles used for public transportation, parking lots, or any other public building, structure, or area.

SMOKE-RELATED REFUSE

Any used or unconsumed or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, but not limited to any cigarette, cigar, pipe, match, lighting device, paper or plastic packaging or containers, weed, plant or other combustible substance.

SMOKING or SMOKE

The act of inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, weed, plant, cannabis, or other combustible substance in any manner or in any form, including but not limited to tobacco or similar products and the use of any electronic smoking device.

§105-3 Prohibitions.

- A. No person shall engage in smoking, vaping, aerosolizing, the use of an electronic smoking device, or otherwise consuming cannabis in any manner in any public place.
- B. No person shall use any electronic smoking device or vape or smoke, inhale, exhale, burn, or carry any lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner or in any form, including, but not limited to, tobacco, nicotine-based products, or similar products, on any beach, at any park, or at any playground.
- C. There shall be posted in parks, playgrounds, and beaches conspicuous signs clearly stating that smoking is prohibited within the park, either by a sign indicating "No Smoking" or by the international "no smoking" symbol.

§105-4 Violations and penalties.

Any person who violates any provision of this chapter shall be subject to a fine of not more than \$200 for each violation. In addition, A violation of this Article shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty, as applicable.

SECTION II

§51-18T is repealed and replaced with the following.

- T. The use of any electronic smoking device, vaping, or aerosolizing or smoking, inhaling, exhaling, burning or carrying of any lighted cigarette, cigar, pipe, weed, plant, cannabis, or other combustible substance in any manner or in any form, including but not limited to tobacco, nicotine-based products, or similar products.

SECTION III

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

SECTION IV

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

SECTION V

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

OPEN PUBLIC HEARING
No Comment
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-16C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 21-17C: 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 180, WHICH PERTAINS TO SWIMMING POOLS AND HOT TUBS, AND CHAPTER 205, WHICH PERTAINS TO ZONING

Passed on first reading at a regular meeting held on June 7, 2021 and advertised in the BEACH HAVEN TIMES issue of June 10, 2021. This ordinance was reviewed and approved by the Land Use Board at their June 9, 2021 meeting.

STATEMENT OF PURPOSE

This Ordinance amends Chapters 180 to amend the regulations relating to swimming pools and hot tubs on roof structures and relating to setbacks and overhead wires and amends Chapter 205 to revise the definition of roof.

SECTION I

§ 180-3B and B(5) are hereby repealed and replaced as follows.

B. Swimming pools and hot tubs shall comply with the following regulations.

- (1) No pool or hot tub shall increase the potential for flood damage to the property on which it is located or adjacent properties.
- (2) Pools and hot tubs shall be located within the setback lines on the property as required by Chapter 205 with the following exception: no inground swimming pool located less than 5 feet from a principal structure on a lot or within the approved building envelope shall be permitted unless certified by a New Jersey licensed professional engineer or architect.
- (3) Pools and hot tubs shall not be located in such location that any overhead electrical wires cross over the swimming pool or hot tub.
- (4) Pools and hot tubs shall be located with the highest point of their coping higher than 1 foot above the average level of the lot measured 5 feet away from the highest point of the coping. If the said highest point of the coping exceeds by a height of 1 foot the average level of the lot measured 5 feet from the highest point of the coping, the swimming pool or hot tub may not be constructed without the area of the swimming pool or hot tub and of the deck, pavers, concrete, wood, or other material and the coping being counted in lot coverage for purposes of calculating lot coverage pursuant to the Code.
- (5) No swimming pool and no recessed hot tub shall be installed on any roof or roof deck structure located over living space.
- (6) No surface mounted hot tub shall be installed on any roof or roof deck if the total height exceeds the maximum building height as required by Chapter 205.
- (7) No hot tub shall be installed on any deck and no surface mounted hot tub on any roof or roof deck shall be installed on any roof or roof deck closer than 3 feet to any guardrail.

SECTION II

§ 205-2 is revised to repeal and replace the definition of ROOF as follows.

ROOF

A flat or sloped surface constructed on the top of the exterior walls of the living space of a building or other supported structure providing a weathertight condition capable of any designed loads as outlined elsewhere in the Township Code. Any roof shall not exceed 2 feet beyond the exterior walls of the living space of the building or supported structure.

SECTION III

§ 205-11F(3)(a) is hereby repealed and replaced as follows.

- (a) No roof or roof deck shall project more than 24 inches beyond the exterior walls of the living space of the building. The permitted 24 inches of roof or roof deck projection shall not be considered lot coverage and may encroach into the front, rear and side yard setbacks of the lot upon which the building is located.

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 21-17C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. Second Reading Ordinance 21-18: BOND ORDINANCE AUTHORIZING ACQUISITION OF CAPITAL EQUIPMENT FOR THE POLICE DEPARTMENT IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$190,000 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 \$180,500; 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 June 7, 2021 and advertised in the BEACH HAVEN TIMES issue of June 10, 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 21-18 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. Second Reading Ordinance 21-19C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 127 PERTAINING TO NUISANCES AND UNFIT AND DAMAGED STRUCTURES

Passed on first reading at a regular meeting held on June 7, 2021 and advertised in the BEACH HAVEN TIMES issue of June 10, 2021.

STATEMENT OF PURPOSE

This amends the public health and nuisance regulations set forth in Chapter 127 of the Township Code.

SECTION I

The title of Article I is repealed and replaced with "Real Property Nuisances".

SECTION II

Article II of Chapter 127 is repealed and replaced with the following.

ARTICLE II Public Health Nuisances

§127-9 Adoption, Establishment, and Public Record.

- A. The full text of the Public Health Nuisance Code of New Jersey (1953) ("Health Code") is hereby adopted with related documents.
- B. The Health Code and the additional provisions established by this Article shall define, prohibit, and provide for the enforcement relating to public health nuisances, including, but not limited to certain noises or sounds, the proper heating of apartments, prohibiting lease or rental of certain buildings, prohibiting spitting in or upon public buildings, conveyances or sidewalks, authorizing the inspection of premises by an enforcing official, providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the Township in removing or abating nuisances and prescribing penalties for violations is hereby established pursuant to Chapter 188, Laws of 1950 (N.J.S.A. 26:3-69.1 et seq.).
- C. Three copies of the Health Code have been placed on file in the office of the Township Clerk and will remain on file there for the use and examination of the public.

§127-10 Public Health Nuisances.

- A. All nuisances set forth in Section II of the Health Code are prohibited public health nuisances.
- B. It shall be unlawful for a person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noises or any noise which does or is likely to annoy, disturb, injure, or endanger the conform, repose, health, peace, or safety of others. No person shall cause to be made, directly or indirectly, any loud noise which disturbs, injures, or endangers the health, comfort, safety, or welfare of others.
 - (1) When an officer can hear plainly audible music or other sound at a distance of 100 feet beyond the property line of the noise-generating property between 10:00 p.m. and 8:00 a.m. Sunday through Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday, or any unreasonable sound at or within a complainant's property between 8:00 a.m. and 10:00 p.m. between 10:00 p.m. and 8:00 a.m. Sunday through Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday, there is a violation.
- C. No person shall operate or use radio, television, or any other sound-producing instrument, device, or apparatus in such a manner that will disturb the rest or

repose of any person or persons in his, her or their place of abode or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or premises in or at which such manner or device is operated and who are voluntary listeners thereto.

§127-11 Minimum size of sleeping quarters.

In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 75 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and older and at least 30 square feet for each occupant under 12 years of age. This section shall not apply to rooming houses, hotels, motels or other places of public accommodation.

§127-12 Enforcement.

This Article shall be enforced by the Police Department and the Long Beach Island Health Department.

§127-13 Abatement, violations, and penalties.

- A. The abatement of violations and recovery of costs for violations of this Article are set forth in Sections VIII and IX in the Health Code.
- B. A violation of this Article shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.

SECTION III

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

SECTION IV

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

SECTION V

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

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-19C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

5. Second Reading Ordinance 21-20C: 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 191 WHICH PERTAINS TO VENDOR LICENSING, CHAPTER 193 WHICH PERTAINS TO RECREATIONAL VEHICLES AND STORAGE TRAILERS, AND CHAPTER 205, WHICH PERTAINS TO ZONING

Passed on first reading at a regular meeting held on June 7, 2021 and advertised in the BEACH HAVEN TIMES issue of June 10, 2021. This ordinance was reviewed and approved by the Land Use Board at their June 9, 2021 meeting.

STATEMENT OF PURPOSE

This Ordinance amends Chapter 191 to revise definitions relating to food truck, amends Chapter 193 to revise the regulations relating to trailers, and amends Chapter 205 to revise and clarify the zoning regulations applicable to commercial districts, trailers, food trucks, and residential uses and structures in commercial zones.

SECTION I

The Title of Chapter 193 is hereby repealed and the Chapter title shall be replaced with "Recreational Vehicles, Trailers, and Storage".

SECTION II

§193-1 is revised to repeal and delete the definitions for "RECREATIONAL VEHICLE," "TRAILER," and "TRAILER, UTILITY" and add the following definitions and place them in the appropriate location based upon alphabetical order.

RECREATIONAL VEHICLE

A vehicle used for recreational purposes including, but not limited to, the following: all types of boats, boat trailers, campers, camper trailers, canoes, jet skis, jet ski trailers, kayaks, motor homes, snowmobiles, trailers, open utility trailers, and enclosed storage trailers.

TRAILER

A vehicle without mode of power, designed for carrying persons or vehicles required to be drawn, pulled, or towed by another vehicle, specifically designed to transport such persons or vehicles over public streets, public rights-of-way, easements, or from place to place, and/or for the storage of such vehicles. Trailer shall include, but is not limited to, boat, watercraft, skimobile, jet ski, and any and all recreational vehicle trailers. Reference to trailer shall further include open utility trailers and enclosed storage trailers. Trailer does not include food trucks, which is defined in and regulated by Chapters 195 and 205 of the Township Code.

OPEN UTILITY TRAILER

An open trailer without mode of power generally used for hauling or storage of miscellaneous household, commercial, yard, construction effects or equipment, boats, jet skis, kayaks, or other recreational vehicles.

ENCLOSED STORAGE TRAILER

An enclosed trailer without mode of power generally used for hauling or storage of miscellaneous household, commercial, yard, construction effects or equipment, or recreational vehicles.

SECTION III

§193-2 and §193-3 are repealed and replaced with the following.

§193-2 Parking and storage at residential lots.

It shall be unlawful for any person to park or store any of the hereinbefore defined recreational vehicles on any residential property, public street, right-of-way, or easement, except in accordance with the provisions of this Chapter.

- A. Any recreational vehicle may be parked on any public road, street, or easement for a period not to exceed 24 hours within a 7-day period.
- B. Recreational vehicles 9 feet or less in height and 30 feet or less in length shall be stored on any residential lot in accordance with the following conditions:
 - (1) Lots 6,000 square feet or less: 2 recreational vehicles, except that no lot shall be permitted more than 1 trailer. Properties shall be limited to either 1 enclosed storage trailer or 1 open utility trailer. The trailer at a lot, if any, shall count towards the limit of 2 recreational vehicles, except as provided by Subsection I below.
 - (2) Lots more than 6,000 square feet: 3 recreational vehicles. Properties shall be limited to either 1 enclosed storage trailer or 1 open utility trailer. The trailer at a lot, if any, shall count towards the limit of 3 recreational vehicles, except as provided by Subsection I below.
- C. The recreational vehicle shall have a current and valid registration if required by State law. Recreational vehicles stored on a residential lot for a period of more than 1 month must be registered to the property owner or renter/tenant of the residential lot on which the recreational vehicle(s) is/are stored. Proof of tenancy by lease shall be provided.
- D. Recreational vehicles shall be stored not less than 10 feet from the edge of pavement, curbing, or sidewalk adjacent to the owner's lot line on which the lot fronts.
- E. No recreational vehicle shall be stored on any public sidewalk.
- F. On corner lots, no recreational vehicle shall be stored in the corner sight triangle.
- G. A recreational vehicle may be stored in the rear or side yards of a lot provided it shall:
 - (1) Be stored parallel and adjacent to the principal or accessory structure.
 - (2) Not exceed the dimensions of the structure or 30 feet in length, whichever is less.
 - (3) Shall comply with the minimum accessory setbacks of the lot.
- H. A recreational vehicle may be stored in the front yard of a lot provided that it shall:
 - (1) Not exceed the dimensions of the structure or 30 feet in length, whichever is less.
 - (2) Shall comply with the minimum accessory setbacks of the lot.
 - (3) Shall not be stored or parked in any manner in any front yard that creates a sight obstruction for pedestrian, bicycle, or vehicular traffic.
- I. For purposes of the restrictions on the limited number of recreational vehicles permitted to be stored on residential lots, when a boat or jet ski are stored on a boat or jet ski trailer in compliance with the number of boats and jet skis the trailer is designed to support, the boat or jet ski and trailer shall count as 1 recreational vehicle together. A trailer without any boat or jet ski stored upon it shall count as 1 independent and separate recreational vehicle.

§193-3 Parking and storage of recreational vehicles in commercial zones.

- A. Except as provided herein, no recreational vehicles shall be parked or stored on any lots in any commercial zone.
- B. Any enclosed storage trailer or open utility trailer may be parked on any lot in a commercial zone for the purpose of loading or unloading relating to the operation of the business for a period of time required to perform the loading or unloading.
- C. Open utility trailers may be parked and stored at any marina business in compliance with the following.
 - 1. No open utility trailer shall be parked or stored in the front yard of the lots less than 10 feet from the edge of the paved roadway on which the lot fronts.
 - 2. Open utility trailers shall comply with the minimum accessory setback requirements of the district in which the lot is located.
 - 3. No open utility trailer shall be stored or parked on any public sidewalk.
 - 4. No open utility trailer shall be parked or stored in the designated sight triangle.
 - 5. No open utility trailer shall be stored or parked in any manner in any front yard that creates a sight obstruction for pedestrian, bicycle, or vehicular traffic.
 - 6. No open utility trailer shall be stored or parked in any manner that reduces the number of on-site parking spaces required by the Township Code.
 - 7. All open utility trailers shall be stored or parked in compliance with the minimum side yard setbacks required in the applicable commercial zone.
- D. Recreational vehicles may be parked and stored at any lot in a commercial zone with an ongoing business that sells and/or repairs recreational vehicles, provided the parking and storage of the recreational vehicles complies with the following. In addition, in the offseason, any commercial business that is closed and adjacent to a marina may lease the parking lot spaces for the winter storage of boats and trailers to the adjacent marina and all boats and trailers stored on the parking lot shall be removed prior to the opening and operation of the commercial business and the storage shall comply with all of the following requirements with the exception of Paragraph 6 below.
 - 1. No recreational vehicle shall be parked or stored in the front yard of the lots less than 10 feet from the edge of the paved roadway on which the lot fronts.
 - 2. Recreational vehicles shall comply with the minimum accessory setback requirements of the district in which the lot is located.
 - 3. No recreational vehicle shall be stored or parked on any public sidewalk.
 - 4. No recreational vehicle shall be parked or stored in the designated sight triangle.
 - 5. No recreational vehicle shall be stored or parked in any manner in any front yard that creates a sight obstruction for pedestrian, bicycle, or vehicular traffic.
 - 6. No recreational vehicle shall be stored or parked in any manner that reduces the number of on-site parking spaces required by the Township Code.
 - 7. All recreational vehicles shall be stored or parked in compliance with the minimum side yard setbacks required in the applicable commercial zone.
- E. Enclosed Storage trailers be parked and stored at any lot in a commercial zone with any ongoing business in compliance with the following.
 - 1. Each commercial zone lot shall be limited to 1 trailer not to exceed 7 feet by 16 feet.
 - 2. The enclosed storage trailer must relate to at least 1 active business in operation on the lot, except that the trailer may remain on the lot in the offseason.
 - 3. No enclosed storage trailer shall be parked or stored in the front yard of the lots less than 10 feet from the edge of the paved roadway on which the lot fronts.
 - 4. No enclosed storage trailer shall comply with the minimum accessory setback requirements of the district in which the lot is located.
 - 5. No enclosed storage trailer shall be stored or parked on any public sidewalk.
 - 6. No open utility trailer shall be parked or stored in the designated sight triangle.

7. No enclosed storage trailer shall be stored or parked in any manner in any front yard that creates a sight obstruction for pedestrian, bicycle, or vehicular traffic.
8. No enclosed storage trailer shall be stored or parked in any manner that reduces the number of on-site parking spaces required by the Township Code.
9. All enclosed storage trailers shall be stored or parked in compliance with the minimum side yard setbacks required in the applicable commercial zone.

SECTION IV

§205-59B(17) is repealed and replaced with the following and new subsections B(22) and B(23) are added as follows.

- (17) Mobile Home and RV Parks, except as authorized in the Marine Commercial Zone by Chapter 119.
- (22) Trailers and Recreational Vehicles, except as authorized by Chapter 193.
- (23) Food Trucks, except as authorized by Chapter 195.

SECTION V

§205-60B(17) is repealed and replaced with the following and new subsections B(23) and B(24) are added as follows.

- (17) Mobile Home and RV Parks.
- (23) Trailers and Recreational Vehicles, except as authorized by Chapter 193.
- (24) Food Trucks, except as authorized by Chapter 195.

SECTION VI

§205-61B(1)(p) is added as follows.

- (p) Mobile Home and RV Parks pursuant to the regulations set forth in Chapter 119.

SECTION VII

§195-1 is amended to repeal and replace the definition of FOOD TRUCK VENDOR and add the definition of FOOD TRUCK as follows.

FOOD TRUCK

A movable, motorized or non-motorized vehicle (e.g., pushcart), not to exceed 35 feet in length, where food or beverage is stored, transported, cooked, prepared, served, and/or sold for individual portion service and retail sale.

FOOD TRUCK VENDOR

Any retail food establishment/restaurant that is located upon a movable food truck. Such food truck vendors shall comply with this Chapter and all requirements of this Chapter that apply to vendors generally, except where otherwise provided, as well as any other applicable section of the Township Code.

SECTION VIII

§205-17E(5) and (6) are added as follows.

- (5) The prohibition of single-family and multi-family residential structures in commercial zones is prospective to new residential construction. Any commercial lot or lot within both a commercial and residential zone upon which the use was single-family or multi-family residential at the time of the prohibition may continue the residential use of the property in compliance with the closest residential zone district requirements until the lot use is affirmatively changed to non-residential by the owner, e.g., the total destruction of a residential property by a storm may be rebuilt and a residential structure may be demolished and later rebuilt as a residential.
- (6) Any vacant lot located in a commercial zone which was not developed as a commercial or mixed use prior to the prohibition of single-family and multi-family residential is permitted to construct a single-family or multi-family use in compliance with the closest residential zone district requirements.

SECTION IX

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

SECTION X

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 21-20C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

6. First Reading Ordinance 21-21C: 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 51, WHICH PERTAINS TO BEACHES

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

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

7. First Reading Ordinance 21-22C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 WHICH PERTAINS TO THE ZONING AND REGULATION OF SMALL WIRELESS FACILITIES IN THE TOWNSHIP

Motion to adopt Ordinance 21-22C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS & APPROVALS

8. Resolution 21-0706.01: Authorize the Submission of a Grant Application and Execution with the NJ Department of Transportation: Pompano Drive Roadway Preservation Project, \$554,406.00

RESOLUTION 21-0706.01

NOW, THEREFORE, BE IT RESOLVED, by the Township of Long Beach, Mayor and Commissioners formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Commissioners authorize the submission of an electronic grant application identified as MA-2022-Pompano Dr (LBB to Westerly End)-00058 to the New Jersey Department of Transportation on behalf of the Township of Long Beach.

BE IT FURTHER RESOLVED, that the Mayor and Commissioners are hereby authorized to sign the grant agreement on behalf of the Township of Long Beach and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

9. Resolution 21-0706.02: Adopt the 2021 Floodplain Management Plan, As Per Annual Review

RESOLUTION 21-0706.02

WHEREAS, the Township of Long Beach participates in the Community Rating System (CRS) program of the National Flood Insurance Program (NFIP); and

WHEREAS, the CRS program requires that a Floodplain Management Plan be formulated and adopted as a planning document to reduce flooding and repetitive flood losses; and

WHEREAS, this planning effort began August 1997 with the establishment of a Planning Committee adopted by Resolution 97-0905.05 on September 5, 1997, and the original Floodplain Management Plan was adopted on April 17, 1998 under Resolution 98-0417.03; and

WHEREAS, a document has been developed by the Committee titled a Floodplain Management Plan for Long Beach Township that contains an Action Plan for reducing flooding and flood losses and this Floodplain Management Plan and Action Plan was the subject of a public hearing on April 4, 1998 and since then has been reviewed, evaluated and updated each year at the annual Floodplain Management Committee Meeting; and

WHEREAS, at this year's meeting on April 21, 2021 via Zoom Video Communications, various amendments were proposed and the overall plan and current action plan have been updated; and

WHEREAS, upon approval this report will be made available for the public and the local media as required to maintain the Township's Class 5 Community status with a 25% discount on flood insurance programs.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Floodplain Management Plan, Action Plan, and amendments as

discussed above are hereby adopted as a planning document for the Township of Long Beach; and

BE IT FURTHER RESOLVED, that the implementation of the Action Plan shall continue to be reviewed on a yearly basis by the Planning Committee and made available to the public and the media upon request.

10. Resolution 21-0706.03: Approve Free 2021 Beach Buggy Permits and Beach Badges for Active Military, Their Families, and All Veterans

RESOLUTION 21-0706.03

WHEREAS, the Board of Commissioners, on behalf of all the families of Long Beach Township, wishes to honor and recognize our active military personnel and their families and all veterans by continuing a special program for the summer of 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that in honor and recognition of our active military personnel and their families and all veterans, and to demonstrate the gratitude of the residents of the Township of Long Beach for the daily sacrifices they are making, the Board of Commissioners hereby announce their continued participation in "OPERATION: THANK YOU"; and

BE IT FURTHER RESOLVED, that this waiver of fees also be extended to include Beach Buggy Permit fees and any other beach access fees that Long Beach Township may require now or for the remainder of 2021; and

BE IT FURTHER RESOLVED, that free daily beach admission, free beach buggy access, etc., be provided during the 2021 season to each member of the active military and their dependents and all veterans upon the presentation of a valid military or veteran identification card to any badge checker, lifeguard, or appropriate Beach Patrol personnel or Long Beach Township police officer; and

BE IT FURTHER RESOLVED, that Long Beach Township's business community be invited and encouraged to participate in "OPERATION: THANK YOU" by providing discounts to our active military and their dependents and all veterans, and by otherwise recognizing their sacrifices and service by joining the residents of Long Beach Township in welcoming them to our community; and

BE IT FURTHER RESOLVED, that New Jersey's other coastal communities be and are hereby invited to join with the Township of Long Beach in providing free daily beach admission to members of our active military and their immediate families and all veterans, and/or in otherwise demonstrating their support for our troops and their families; and

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately and shall remain in effect throughout the year 2021.

11. Resolution 21-0706.04: Approve Various Personnel Matters

RESOLUTION 21-0706.04

Beach Badge

Hire the following as Seasonal Beach Badge Program Seller/Checker part time at the rate of \$12.00 per hour to be paid from the Beach Badge Salary & Wage retro-active to June 19, 2021:

Madison Sage

Beach Patrol

Hire the following employee as Seasonal Lifeguard Captain at the rate of \$154.00 pay per day to be paid from the Lifeguard Salary & Wage effective June 19, 2021:

Gregory Stagliano

Hire the following as Seasonal Lifeguards at a rate of \$93.38 per day to be paid from the Lifeguard Salary & Wage effective June 30, 2021, pending receipt of required documentation and/or successful completion of LBTBP Ocean Lifeguard Training Course:

Evan D'Ambrosio

Construction

Change the following employee's annual base salary to \$38,500.00 to be paid from Construction Salary & Wage effective retroactive to June 26, 2021:

Jacquelyn Cartagena

Police

Approve the promotion of the following employee to Police Chief effective retroactive to May 1, 2021 with a base salary of \$188,662.00 to be paid from Police Salary & Wage:

Kevin Mahon

Approve the promotion of the following employee to Police Captain effective retroactive to May 1, 2021 with a base salary of \$159,883.65 to be paid from Police Salary & Wage:

Edward Bernhard

Approve the promotion of the following employee to Police Captain effective retroactive to May 1, 2021 with a base salary of \$159,883.65 to be paid from Police Salary & Wage:

Michael Brennan

Approve the promotion of the following employee to Police Lieutenant effective retroactive to May 1, 2021 with a base salary of \$144,051.02 to be paid from Police Salary & Wage:

James Hartman

Approve the promotion of the following employee to Police Lieutenant effective retroactive to May 1, 2021 with a base salary of \$141,455.51 to be paid from Police Salary & Wage:

Ronald Hullings

Approve the promotion of the following employee to Police Sergeant effective retroactive to May 1, 2021 with a base salary of \$119,080.50 to be paid from Police Salary & Wage:

Paul Vereb

Approve the promotion of the following employee to Police Sergeant effective retroactive to May 1, 2021 with a base salary of \$120,183.10 to be paid from Police Salary & Wage:

Phillip Pollina

Hire the following employee as Permanent Full-Time Public Safety Telecommunicator at the annual base salary of \$35,650.00 to be paid from Police Salary & Wage effective July 24, 2021:

Michael Gatnarek

Hire the following employee as a Permanent Full-Time Public Safety Telecommunicator at the annual salary of \$35,650.00 to be paid from Police Salary & Wage effective July 10, 2021:

Morgan Giuliano

Hire the following employees as Full-Time Police Officers at the annual base salary of \$38,000.00 effective retroactive to June 7, 2021.

Luke Stambaugh

Austin Spagnola

Public Works

Change the following employees' titles from Public Works Repairer to Laborer 2 and annual base salaries to \$39,373.35 effective retroactive to June 26, 2021:

James Truitt

Thomas Patch

Hire the following employee as Seasonal Part-Time Laborer 1 at the rate of \$14.00 per hour to be paid from Public Works Salary & Wage effective retroactive June 19, 2021:

Justin Minor

Water/Sewer

Change the following employee's annual base salary to \$73,000.00 to be paid from Water/Sewer Salary & Wage effective retroactive to June 26, 2021:

Ian Schrader

- 12. Resolution 21-0706.05(a&b):** Authorize the Settlement of Various Litigations and Compliance with Consent Orders Entered in Accordance Therewith (Eminent Domain Acquisition of Public Easements)

RESOLUTION 21-0706.05(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 2 ("Property"); and

WHEREAS, the Township filed the Litigation (Docket No. OCN-L-3033-16) 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 Ninety-Six Thousand and Five Hundred Dollars (\$96,500.00), Eleven Thousand Dollars (\$11,000.00) 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 Eighty-Five Thousand, Five Hundred Dollars (\$85,500.00) have been certified as available and are available in C-04-56-137-901.

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 6th day of July 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 Eighty-Five Thousand, Five Hundred Dollars (\$85,500.00) 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.

RESOLUTION 21-0706.05(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 20.107, Lot 3 ("Property"); and

WHEREAS, the Township filed the Litigation (Docket No. OCN-L-3035-16) 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 Ninety-Six Thousand and Five Hundred Dollars (\$96,500.00), Twelve Thousand and One Hundred Dollars (\$12,100.00) 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 Eighty-Four Thousand and Four Hundred Dollars (\$84,400.00) have been certified as available and are available in C-04-56-137-901.

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 Eighty-Four Thousand and Four Hundred Dollars (\$84,400.00) 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 21-0706.06: Authorizing Lifeguard Uniform Clothing Allowance for Ladies Swimsuits

RESOLUTION 21-0706.06

WHEREAS, the Township Administrator and the Chief Financial Officer have deemed it in the best interest of the Township to provide a clothing allowance in the amount of Seventy-Five Dollars (\$75.00) per employee for Ladies Bathing Suits to applicable lifeguards. The Board of Commissioners of the Township of Long Beach may change this amount from time to time as they deem necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach this 6th day of July 2021, for the reasons aforesaid, that a clothing allowance in the amount of Seventy-Five Dollars (\$75.00) per employee for Ladies Bathing Suits to applicable lifeguards be and is hereby approved.

Motion to approve Items 8-13:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

LICENSES & PERMITS

14. Resolution 21-0706.07: Approve Street Closing Applications for Social Events

RESOLUTION 21-0706.07

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

- Permission to close E 92nd Street between Long Beach Boulevard and Beach Avenue from 4:00 pm to 11:00 pm on August 7, 2021, for a block party
- Permission to close E 34th Street between Long Beach Boulevard and Ocean Boulevard from 3:00 pm to 11:30 pm on July 3, 2021, for a block party
- Permission to close E 34th Street between Long Beach Boulevard and Beach Avenue from 3:00 pm to 11:30 pm on September 4, 2021, for a block party
- Permission to close E 55th Street between Long Beach Boulevard and Ocean Boulevard from 6:00 pm to 11:00 pm on July 10, 2021, for a block party
- Permission to close W 83rd Street between Long Beach Boulevard and Waverly Avenue from 3:00 pm to 9:00 pm on July 31, 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 14:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

PURCHASES, CONTRACTS & AWARDS

15. Resolution 21-0706.08: Authorize a Purchase in Accordance with NJ's State Cooperative Purchasing Program:
Winner Ford – One 2022 Ford F450 Mason Dump Truck for the Public Works Dept \$65,481.00

RESOLUTION 21-0706.08

WHEREAS, the Township of Long Beach wishes to make a purchase from an authorized vendor under the State of New Jersey's Cooperative Purchasing Program INJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Chas S. Winner, Inc., dba Winner Ford has been awarded New Jersey State Contract #A88215 (Index #T-2102) for the period of December 12, 2014 through December 11, 2021; 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) 2022 Ford F450 Cab and Chassis Crew Cab 4x4 Truck for the Public Works Department is Sixty-Five Thousand Four Hundred Eighty-One Dollars (\$65,481.00); and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Purchase F450 Mason Dump Truck Account #C-04-55-300-060 in the amount of \$65,481.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that Chas S. Winner, Inc., dba Winner Ford, 250 Haddonfield – Berlin Rd., Cherry Hill, NJ 08034 be awarded a contract for purchase and delivery of one (1) 2022 Ford F450 Cab and Chassis Crew Cab 4x4 Truck for the Public Works Department.

Motion to approve Item 15:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

- 16.** Resolution 21-0706.09(a&b): Approve Various Chapter 159s:
- (a) Alcohol Education & Rehabilitation Program
 \$9,769.55
 - (b) NJDEP Clean Communities Program
 \$42,853.14

RESOLUTION 21-0706.09(a)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the State of New Jersey has approved a grant with an additional amount of Nine Thousand Seven Hundred Sixty-Nine Dollars and Fifty-Five Cents (\$9,769.55); and

WHEREAS, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2021 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2021 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES:

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenues offset with appropriations:

ADDITIONAL AMOUNT OF: \$9,769.55

2. That the Board of Commissioners does hereby further authorize an appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

ADDITIONAL AMOUNT OF: \$9,769.55

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

RESOLUTION 21-0706.09(b)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the State of New Jersey has approved a grant with an additional amount of Forty-Two Thousand Eight Hundred Fifty-Three Dollars and Fourteen Cents (\$42,853.14); and

WHEREAS, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2021 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2021 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenues offset with appropriations:

ADDITIONAL AMOUNT OF: \$42,853.14

2. That the Board of Commissioners does hereby further authorize an appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

ADDITIONAL AMOUNT OF: \$42,853.14

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

17. Resolution 21-0706.10: Approve Change Order #1: SUEZ Utility Service Co. Painting & Maintenance of Peahala Park Water Tower \$30,509.00

RESOLUTION 21-0706.10

WHEREAS, SUEZ Utility Service Co., Inc. was awarded a contract for Water Supply Services/Maintenance in the Township of Long Beach in the amount of Four Hundred Fifty-Seven Thousand Six Hundred Seventy-Five Dollars (\$457,675.00) as per Resolution 19-0603.17(a); and

WHEREAS, based on the actual project of the work for the year, additional work was added to the maintenance/painting of the Peahala Park Water Tower; and

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

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

WHEREAS, sufficient funds are available and certified by the Chief Financial Officer from the Appropriation made by Reserve Asset Management Water Tanks, Account #U-08-55-501-001 in the amount of Thirty Thousand Five Hundred Nine Dollars (\$30,509.00).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 6th day of July 2021 that SUEZ Utility Service Co., Inc, P.O. BOX 207362, Dallas Texas, 75320, be and is hereby awarded Change Order #1 for year 2 in the amount of Thirty Thousand Five Hundred Nine Dollars (\$30,509.00) representing a 6.7% increase over the original year 2 contract price, for payment of the work required to complete the Water Supply Services/Maintenance for the Peahala Park Water Treatment Plant.

18. Resolution 21-0706.11: Accept a Performance Bond
2J's Kline, LLC: LUB-02-21; accept \$42,108.00

RESOLUTION 21-0706.11

WHEREAS, the Township of Long Beach accepted from 2J's Kline, LLC Check No. 1457 drawn on M&T Bank dated June 25, 2021 in the amount of Forty-Two Thousand One Hundred Eight Dollars (\$42,108.00) as the required Performance Bond for Minor Subdivision #LUB-02-21, Block 6.26, Lot 1.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners accepts this Performance Bond as per its Municipal Ordinance and as recommended by the Municipal Engineer.

19. Resolution 21-0706.12: Approve a Refund to a Tax Account for Overpayment

RESOLUTION 21-0706.12

WHEREAS, the following Tax Account is to be refunded due to the 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>
4.14	7	121 E 14 th Street	CoreLogic Tax Services, LLC PO Box 9205 Coppell, TX 75019	\$21.18

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.

20. Resolution 21-0706.13: Approve Changes to Water/Sewer Accounts

RESOLUTION 21-0706.13

WHEREAS, the following Water/Sewer accounts require a change 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>
1.13	3	82-0	2021	Returned Meter	\$414.00
18.104	6	6687-0	2021	Returned Meter	\$86.00

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

21. Resolution 21-0706.14: Approve Bills and Payroll:
Bills in the amount of: \$4,428,141.97
Payroll in the amount of: \$1,065,771.82

RESOLUTION 21-0706.14

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 \$1,065,771.82.

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 \$4,428,141.97 be and the same are hereby authorized to be paid on Tuesday, July 6, 2021.
2. The said approved payroll amounting to the sum of \$1,065,771.82 be and the same are hereby authorized to be paid on Tuesday, July 6, 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 16-21:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Informed the public of the Health and Transportation Department returning to operation as normal post-COVID pandemic.

Commissioner Bayard: Reminded individuals who have had water meters installed to make sure they have been activated.

Mayor Mancini: The next meeting of the Land Use Board will be held on Wednesday, July 14th, 2021 at 7:00 pm in the upstairs multi-purpose room. Second Reading and Public Hearing for Ordinance(s) 21-21C & 21-22C will take place at the public meeting held on Monday, August 2, 2021 at 4:00 pm. The Island was the busiest and most crowded we had seen in a while. Spoke about pedestrian safety and reiterated on the decrease of speed on Ocean Boulevard in order to avoid accidents.

OPEN PUBLIC SESSION

Peter Trainor, North Beach: Composed a letter and discussed the contents of said letter; NJ's back bay study.

Mary Alossio, Loveladies: Spoke of coyote sightings.

Mayor Mancini: Explained the numerous factors surrounding the difficulty of removing coyotes such as animal activists, the hiring of a licensed individual per the law, and the increased number of people at the time as a result of tourism whose animals could become injured by traps set for said coyotes. Stated Long Beach Township has not experienced any further incidents since joining forces with Barnegat Light and removing a number of coyotes prior to the start of the season; the issue will be revisited after the season.

Rand Pearsall, Holgate: Inquired about an update regarding the offshore wind project.

Mayor Mancini: No update; Federal project.

Ann Barkey, Loveladies: Requested clarification on Ordinance 21-17C as well as mentioned the malfunction of a streetlight and gave location.

Mayor Mancini: Intended to clear any confusion concerning previous amendment. As far as the streetlight, will have the corresponding department work on it.

CLOSE PUBLIC SESSION

Motion for adjournment at 4:36 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