

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS NOVEMBER 1, 2021
Flag Salute

Meeting came to order: 4:00 p.m.

Clerk calls the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi PRESENT

Also in attendance: 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 21-28: **BOND ORDINANCE AUTHORIZING THE ACQUISITION AND IMPROVEMENTS OF VARIOUS VEHICLES 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 TOWNSHIP OF LONG BEACH, NEW JERSEY**

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 \$190,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$180,500; and

(c) a down payment in the amount of \$9,500 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 \$180,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$9,500, which amount represents the required down payment, 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 \$180,500 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 \$180,500 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 \$38,000.

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>Amount of Obligations</u>	<u>Period of Usefulness</u>
Acquisition and Improvements of Various Township Vehicles including, but not limited to, Buses for the Transportation System, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$190,000	\$9,500	\$180,500	5 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 \$180,500 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.

Passed on first reading at a regular meeting held on October 4, 2021 and advertised in the BEACH HAVEN TIMES issue of October 7, 2021.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-28 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard and Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 21-29C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 51, WHICH PERTAINS TO BEACHES**

STATEMENT OF PURPOSE

This Ordinance amends Chapter 51 to revise the regulations relating to the construction of decks.

SECTION I

§51-4B2 is added as follows.

2. The easterly edge of all structures within the CAFRA approved footprint at the property, including open deck extensions, constructed toward the oceanfront building line shall not extend further than the prevailing alignment of the adjacent structures within the same block. In blocks that have less than 2 structures, the prevailing alignment shall be governed by the immediately adjacent blocks. No construction, including open deck extensions, shall result in disturbance, regrading, excavation, filling, or removal of the existing dune.

SECTION II

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

SECTION III

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

Effective date.

This ordinance shall take effect after final adoption and publication as required by law. Passed on first reading at a regular meeting held on October 4, 2021 and advertised in the BEACH HAVEN TIMES issue of October 7, 2021.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 21-29C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard and Mancini

Second: Bayard Nays:

3. Second Reading Ordinance 21-30C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 82, WHICH PERTAINS TO FEES**

Passed on first reading at a regular meeting held on October 4, 2021 and advertised in the BEACH HAVEN TIMES issue of October 7, 2021.

OPEN PUBLIC HEARING

Kathleen Birch, Beach Haven Gardens- Concerns regarding annual base charges.
 Pat Van Beveren, Dupont Ave- Concerns regarding annual base rates, and pool charges.
 Margaret O'Brien, Brant Beach- Concerned with the price of the water bills and questioned if the amount of bathrooms still mattered. Commissioner Bayard confirmed the amount of bathrooms no longer matter.
 Doug 12901 Long Beach Blvd.- comments regarding the water rates.
 Bill Hudson, Holgate- stated it was unequitable the way the Township is charging currently, residential and commercial usage fees should be the same.
 Rand Pearsall, Holgate- comments regarding how the number of bathrooms should be included in the equation.
 Daina Dale, High Bar Harbor- needed clarification on if the rates were per 1,000 gallons for overage.
 John Fiore, Brant Beach- comments regarding water rates being a big increase but with limited resources we have to pay.
 Jim Avery, Loveladies- comments regarding an auxiliary meter (compound meter) for irrigation. Rate structure issues and suggested a cap for the first year to obtain data.
 Mayor Mancini- commented in response to Mr. Avery, our aquafer is drying out and alternative options for cutting down on our water usage.
 Mary Margaret Krimmel, Brant Beach- expressed issues with neighbors, reassessment and the increases there now with the increase to the water rate feels it will drive people away.
 Rich Houlihan, Brant Beach- questions regarding personal monitoring of water meters for homeowners and moving items around within the budget to subsidize the cost.
 Mayor Mancini- stated there will be an app to monitor usage and water/sewer is a separate entity and we can not transfer money from another line item to subsidize.
 Thomas Benedict, High Bar Harbor- questions concerning the app and how it will monitor the usage.

CLOSE PUBLIC HEARING

Motion to table Ordinance 21-30C on Second Reading:

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

4. First Reading Ordinance 21-31C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 94, WHICH PERTAINS TO FLOOD DAMAGE PREVENTION**

Motion to approve Ordinance 21-31C on First Reading:

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

5. First Reading Ordinance 21-32C: **AN ORDINANCE BY THE BOARD OF COMMISSIONERS AMENDING THE TOWNSHIP OF LONG BEACH CODE OF ORDINANCES TO REPEAL CHAPTER 94; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Motion to approve Ordinance 21-32C on First Reading:

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

ADOPTIONS & APPROVALS

6. Resolution 21-1101.01: Adopting Revisions to Personnel Policies and Procedures Manual, Employee Handbook & Drug and Alcohol Policy

RESOLUTION 21-1101.01

ADOPTING REVISIONS TO PERSONNEL POLICIES AND PROCEDURES MANUAL, EMPLOYEE HANDBOOK & DRUG AND ALCOHOL POLICY

WHEREAS, it is the policy of the Township of Long Beach to treat employees, prospective employees, volunteers, residents and other non-employees in a manner consistent with all applicable employment and civil rights laws and regulations including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act,

the New Jersey Family Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township has determined that there is a need for personnel policies and procedures to ensure that employees, prospective employees and non-employees are treated in a manner consistent with all laws and regulations; and;

WHEREAS, the Township previously adopted personnel policies manual ("Manual"), an employee handbook ("Handbook") and Drug & Alcohol policies, and;

WHEREAS, from time to time, revisions are necessary to reflect changes in law as well as other changes deemed necessary by the Township and/or the Municipal Excess Liability Fund to which the Township belongs;

NOW, THEREBY, BE IT RESOLVED by the Township that the Manual, Handbook and Drug and Alcohol policies (other than COSI/CDL Drug and Alcohol policies) are hereby revised as reflected within the attached Policy Updates and in accordance with Ordinance § 22-1.

BE IT FURTHER RESOLVED that these Policy Updates shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail. The attached Update Policies adopted today supersede all prior policies regarding the same topics.

BE IT FURTHER RESOLVED that the Manual and Handbook are intended to provide guidelines covering public service by Township employees and are not a contract. The Township's policies may be amended and supplemented from time to time without notice and at the sole discretion of the Township.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as "employment at will."

7. Resolution 21-1101.02: Affirming the Township's Civil Rights Policy

RESOLUTION 21-1101.02

A RESOLUTION AFFIRMING THE TOWNSHIP'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of Township to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Genetic Information Nondiscrimination Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the Fair Credit Reporting Act, the Americans with Disabilities Act, the Vocational Rehabilitation Act, the Family and Medical Leave Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA), the New Jersey Law Against Discrimination, the New Jersey Family Leave Act, the New Jersey SAFE Act, the New Jersey Public Employer-Employee Relations Act (as applicable), the New Jersey Public Employee Occupational Safety and Health Act, the New Jersey Equal Pay Act, the Conscientious Employee Protection Act, New Jersey Wage and Hour laws, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Open Public Meeting Act, free speech, due process or other applicable constitutional rights; and

WHEREAS, the governing body of Township has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Commissioners of the Township of Long Beach that:

Section 1: No official, employee, appointee or volunteer of the Township by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment, denial of a legally required reasonable

accommodation or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township's business or using the facilities or property of the Township.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

Section 3: Discrimination, harassment, denial of a legally required reasonable accommodation and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning those issues.

Section 4: The Township has established written procedures for any person to report alleged violations prohibited by this resolution affixed as Attachment A. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints. Individuals and organizations are encouraged to promptly report all violations or complaints for the reasons explained within the Prompt Reporting of Complaints or Violations portion of Attachment A.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment, denial of a legally required reasonable accommodation or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Township shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

8. Resolution 21-1101.03 Setting Off-Season Shuttle Rental Rates

RESOLUTION 21-1101.03

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH,
COUNTY OF OCEAN, STATE OF NEW JERSEY**

SETTING OFF-SEASON RATES FOR MUNICIPAL TRANSPORTATION VEHICLES

WHEREAS, pursuant to and in accordance with state law, the Township of Long Beach created and implemented a Municipal Transportation System ("LBI Shuttle") by and through the adoption of Ordinance 14-07C; and

WHEREAS, pursuant to Ordinance 14-07C and Chapter 111-3.A., and in accordance with state law, the Township of Long Beach has elected to contract with third-parties for their destination and fee-based use of the shuttle buses that comprise the LBI Shuttle during the off-season from Labor Day to Memorial Day ("Off-Season Shuttle"); and

WHEREAS, the Township of Long Beach finds and declares that the Off-Season Shuttle shall provide additional support to the LBI Shuttle and shall support the public health, welfare, safety, as well as provide additional economic benefits to the businesses, citizens, and visitor of Township of Long Beach and Long Beach Island region as a whole; and

WHEREAS, the Board of Commissioners sets the fee for the Off-Season Shuttle as follows:

- (1) 14 Passenger Bus: 2-hour minimum \$500.00
Each Additional hour \$100.00; and
- (1) 24 Passenger Bus: 2-hour minimum \$700.00
Each Additional hour \$100.00

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach hereby authorizes the above-noted fees for 2021-2022.

9. Resolution 21-1101.04: Approve Various Personnel Matters

RESOLUTION 21-1101.04

APPROVE VARIOUS PERSONNEL MATTERS

Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number ***8678 effective retroactive to October 8, 2021.**

Beach Patrol

Hire the following employees as Seasonal Part-Time Laborers at the rate of \$12.50 per hour to be paid from Lifeguard Salary & Wage retroactive to October 1, 2021.

John Bushko	Fran Campana	Michael Dancha
Corrine Moore	John Pasquale	Gregory Stagliano
Kyle Szelc	Taylor Teliszewski	Jennifer Townsend
John Wozniak		

Hire the following employee as Seasonal Part Time Laborer at the rate of \$ 12.50 per hour to be paid from Lifeguard Salary & Wage retro-active to October 1, 2021.

Patrick Craig
Sarah Curtis
Laura Hodge
Mohini Jani
Patricia Quiros
Matthew Robbins

Health Department

Approve a one-time stipend of \$2500.00 for the following employee for additional duties to be paid from Health Department Salary & Wage effective November 1, 2021.

Casey Wolf

Public Works

Hire the following employee as a Seasonal Part-Time Laborer 1 at the rate of \$14.00 per hour to be paid from Public Works Salary & Wage effective November 8, 2021:

Chuck Rostien

Human Resources

Adjust the following employee's annual base salary to \$78,000.00 to be paid from Human Resource Salary & Wage effective retroactive to October 16, 2021.

Gabrielle Albert

10. Resolution 21-1101.05: Appoint an Alternate Deputy Register

RESOLUTION 21-1101.05

APPOINTMENT OF AN ALTERNATE DEPUTY REGISTRAR

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that David Brady be designated as Alternate Deputy Registrar of Vital Statistics for the Township of Long Beach, effective October 22, 2021 for a term of three (3) years.

Motion to approve Items 6-10:

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

PURCHASES, CONTRACTS & AWARDS

11. Resolution 21-1101.06(a-b): Authorize Various Purchases Utilizing the Sourcwell National Coop:

(a) Authorize purchase of 305E2 Mini Hydraulic Excavator in the amount of \$79,887.00

(b) Authorize purchase of a D3-12LGP Track Type Tractor in the amount of \$149,326.59

RESOLUTION 21-1101.06(a)

AUTHORIZING PURCHASE UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM (Sourcwell) PER THE LOCAL PUBLIC CONTRACTS LAW

N.J.S.A. 52:34-6.2

WHEREAS, the Township of Long Beach wishes to purchase from an authorized

vendor under the National Purchasing Cooperative Sourcewell; and

WHEREAS, pursuant to N.J.S.A. 52:34-6.2, a contracting unit is authorized to utilize a National Coop if determined to be in the best interest of the contracting unit; and

WHEREAS, Foley Inc, has been awarded the Sourcewell Contract #032119-CAT which expires May 23, 2023; 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) Caterpillar Model: 305E2 Mini Hydraulic Excavator for the Water/Sewer Department is Seventy-Nine Thousand Eight Hundred Eighty-Seven Dollars (\$79,887.00); and

WHEREAS, the Finance Officer has certified the availability of funds for this contract in the appropriation created by: Purchase of one (1) Caterpillar Model: 305E2 Mini Hydraulic Excavator Account #U-08-55-994-901 in the amount of Seventy-Nine Thousand Eight Hundred Eight-Seven Dollars (\$79,887.00).

RESOLUTION 21-1101.06(b)

AUTHORIZING PURCHASE FOR CATERPILLAR TRACTOR UNDER THE NATIONAL COOPERATIVE PURCHASING PROGRAM SOURCEWELL PER THE LOCAL PUBLIC CONTRACTS LAW N.J.S.A. 52:34-6.2

WHEREAS, the Township of Long Beach wishes to purchase from an authorized vendor under the National Cooperative Purchasing Program Sourcewell; and

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units to purchase goods and contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, Foley, Inc., has been awarded Contract #032119-CAT which expires May 13, 2023; 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) Caterpillar Model: D3-12LGP Track Type Tractor for the Public Works Department is One Hundred Forty-Nine Thousand Three Hundred Twenty-Six Dollars and Fifty-Nine Cents (\$149,326.59); and

WHEREAS, the Finance Officer has certified the availability of funds for this contract in the appropriation created by: Reserve for Purchase of Bulldozer Account #C-04-55-320-002 in the amount of One Hundred Thousand Dollars (\$100,000.00) and Reserve for Beach Replenishment Account #C-04-55-320-001 in the amount of Forty-Nine Thousand Three Hundred Twenty-Six Dollars and Fifty Nine Cents (\$49,326.59)

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that Foley, Inc., 855 Centennial Ave, Piscataway, New Jersey 08854 and be awarded a contract for the purchase and delivery of one (1) Caterpillar Model: D3-12LGP Track Type Tractor for the Public Works Department.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that Foley Incorporated, 855 Centennial Ave, Piscataway, NJ 08854 be awarded a contract for the purchase and delivery of one (1) Caterpillar Model: 305E2 Mini Hydraulic Excavator for the Water/Sewer Department.

12. Resolution 21-1101.07: Awarding A Contract, Per Bid:
2020 Road Reconstruction/ Improvement Project -
Jeanette (78th Street), \$461,413.13

RESOLUTION 21-1101.07

A RESOLUTION AWARDING A CONTRACT FOR THE 2020 ROAD RECONSTRUCTION/ IMPROVEMENT PROJECT -JEANETTE (78th STREET) IN THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, pursuant to N.J.S.A. 40A:11-1 et seq., the Township of Long Beach has solicited bids for the 2020 Road Reconstruction/ Improvement Project- Jeanette Ave (78th Street) in the Township of Long Beach; and

WHEREAS, it is in the opinion of the Board of Commissioners of the Township that the lowest qualified bid be accepted for same; and

WHEREAS, Earle Asphalt, P.O. Box 556, Farmingdale, NJ 07727 gave the lowest qualified bid as per the Municipal Engineer and the Municipal Attorney's review and certification; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract as an appropriation created by Ordinance 20-20 RECON/RESURF JEANETTE AVE, Account #C-04-56-166-901 in the amount of \$425,000.00 and ORD 20-20 RECON/RESURF JEANETTE 2:20 Account #C-04-56-166-951 in the amount of \$36,413.13.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach this 1st day of November 2021, for the reasons aforesaid, that a contract be and is hereby awarded to:

Earle Asphalt
P.O Box 556
Farmingdale, NJ 07727

for the 2020 Road Reconstruction/ Improvement Project- Jeanette Ave (78th Street) in the amount of Four Hundred Sixty-One Thousand Four Hundred Thirteen Dollars and Thirteen Cents (\$461,413.13) as per the bid received on October 27, 2021.

Motion to approve Items 11-12:

Motion: Lattanzi Ayes: Lattanzi, Bayard and Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

13. Resolution 21-1101.08: Approve Various Appropriation Transfers

RESOLUTION 21-1101.08

WHEREAS, the New Jersey statutes provide for the making of appropriation transfers between the period of November 1, 2021 and December 31, 2021; and

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, desires to make the following appropriation transfers.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following transfers of appropriations be and they hereby are made:

CURRENT FUND			
FROM:	DEPT	ACCOUNT #	AMOUNT
Park & Playground	O&E	1-01-28-375-020	\$21,000.00
Police	S&W	1-01-25-240-010	\$7,000.00
TOTAL			\$ 28,000.00
TO:	DEPT:	ACCT#	AMOUNT
Engineering	O&E	1-01-20-165-020	\$20,000.00
Comm Rating	S&W	1-01-31-470-010	\$1,000.00
Emerg Mgt	S&W	1-01-25-252-010	\$7,000.00
TOTAL			\$28,000.00

14. Resolution 21-1101.09: Authorize a Ch. 159, Sustainable Jersey; \$5,000.00

RESOLUTION 21-1101.09

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2021 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) SUSTAINABLE JERSEY

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 \$5,000.00; 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: \$5,000.00

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: \$5,000.00

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.

15. Resolution 21-1101.10: Cancellation of Unexpended and Dedicated Balances of General Capital Appropriations and Utility Capital Appropriations

RESOLUTION 21-1101.10

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that unexpended balances may be returned to each respective Capital Improvement Fund, credited to Surplus, or Reserve for Debt Service, and unused debt authorizations may be canceled.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the following unexpended and dedicated balances of General Capital Appropriations be canceled effective November 1, 2021.

General Capital:

<u>ORDINANCE NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT CANCELED</u>
15-51	Various Recreational Improvements	\$3,765.84
	TOTAL	<u>\$ 3,765.84</u>

16. Resolution 21-1101.11: Authorize Cancellation of a Contract Balance: EUS; Stockton University, Shoreline Monitoring, \$9,309.37

RESOLUTION 21-1101.11

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY CANCELLING CONTRACT BALANCES

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:

C2000024 Stockton University \$9,309.37 EUS-Shoreline Monitoring Holgate Groin

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

17. Resolution 21-1101.12: Dedication By Rider, Donations to the Maine Field Station

RESOLUTION 21-1101.12

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR DONATIONS TO THE MARINE FIELD STATION PURSUANT TO N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 et seq. allows municipalities to receive amounts and make expenditures from the collection of donations; and

WHEREAS, N.J.S.A 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by the dedication by rider.

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

- 1) The Board of Commissioners hereby request permission of the Director of Local Government Services to pay expenditures under the provisions of N.J.S.A 40A:5-29, Acceptance of Bequests, Legacies, Gifts (Donations), for the Marine Field Station.
- 2) The Municipal Clerk of the Township of Long Beach is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

18. Resolution 21-1101.13: Authorizing Turnover of Funds Pursuant to N.J.S.A. 54:5-33

RESOLUTION 21-1101.13

AUTHORIZING TURNOVER OF FUNDS PURSUANT TO N.J.S.A. 54:5-33

WHEREAS, a premium payment was paid to the Tax Collector for the Township of Long Beach ("Township") on October 17, 20017, in the amount of fifty-one thousand dollars (\$51,000.00) ("Premium") at the tax sale for Block 13.05, Lot 6 ("Property"), on the Township of Long Beach Tax Map; and

WHEREAS, the Premium has been held in a trust account since the date of the deposit; and

WHEREAS, Dawn Annarumma, the Tax Collector for the Township, has advised the Board of Commissioners that five (5) years have passed since the date of the tax sale and no redemption of the Property has been made; and

WHEREAS, pursuant to N.J.S.A. 54:5-33, if redemption is not made within the five (5) year period, the Premium shall be turned over to the "treasurer of the municipality and become a part of the funds of the municipality."

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of, pursuant to the foregoing Recitals, which are incorporated herein by reference, that the Tax Collector for the Township is authorized to cancel and turn over the Premium and issue a check payable to the Township for deposit in the general account.

19. Resolution 21-1101.14: Approve Cancellation of Taxes on 13301 Long Beach Blvd. Blk 6.47 Lot 1

RESOLUTION 21-1101.14

A RESOLUTION AUTHRIZING THE CANCELATION OF A TAX LEVY

WHEREAS, the Township of Long Beach received and accepted ownership of property 13301 Long Beach Blvd., Long Beach; and

WHEREAS, the tax-exempt status was established by the Long Beach Township Tax Assessor for the year of 2021 for Block 6.47, Lot 1 located at 13301 Long Beach Blvd; and

WHEREAS, the Tax Collector is authorized to cancel the remainder of the 2021 taxes, as well as the 2022 taxes in the amount of Six Thousand One Hundred Twenty Eight dollars and Seventy Four cents (\$6,128.74).

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, that the Tax Collector be, and she is hereby authorized to cancel taxes totaling \$6,128.74 and to make the appropriate adjustments to the records.

20. Resolution 21-1101.15 Authorize Various Changes to Water/Sewer Accounts

RESOLUTION 21-1101.15

APPROVE VARIOUS CHANGES TO WATER/SEWER ACCOUNTS

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>
1.06	6.01	15-0	2020	Credit	\$97.00
1.06	6.01	15-0	2021	Credit	\$97.00
1.13	3	82-0	2020	Credit	\$348
1.13	3	82-0	2021	Credit	\$348

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 21-1101.16: Approve Bills and Payroll:
Bills in the amount of: \$14,428,963.42
Payroll in the amount of: \$ 1,022,200.66

RESOLUTION 21-1101.16

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS

WHEREAS, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

WHEREAS, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$1,022,200.66.

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 \$14,428,963.42 be and the same are hereby authorized to be paid on Monday, November 1, 2021.
2. The said approved payroll amounting to the sum of \$1,022,200.66 be and the same are hereby authorized to be paid on Monday, November 1, 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 13-21:

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

COMMISSIONERS' REPORTS

Commissioner Lattanzi: No report.

Commissioner Bayard: No report.

Mayor Mancini: The next meeting of the Land Use Board will be held on Wednesday, November 10, 2021 at 7:00 pm. Second Reading and Public Hearing for Ordinance(s) 21-31C and 21-32C will take place at the public meeting held on Monday, December 1, 2021, at 4:00 pm. Town Hall will be closed 11/3/21 for the election. November 11 there will be a Veteran's Day celebration at Veteran's Park starting at noon and Town Hall will be closed for Thanksgiving and the day after.

Public Announcement:

The Long Beach Township 2021 Best Practices Checklist

Governor Murphy issued the 2021 Best Practices Checklist to all New Jersey municipalities. It is a questionnaire that sets standards for local governments to assess municipal financial operations. The 2021 checklist included 48 questions pertaining to General and Financial Management, the Annual Budget, Health Insurance, Personnel, and Public Safety. Responses are due by November 3rd.

Municipal governments must respond to each question and need to meet an established percentage of the checklist items in order to receive their final State Aid payment. The Board of Commissioners has reviewed the 2021 Best Practices Checklist submitted by the Chief Financial Officer. Based upon Long Beach Township's completed questionnaire, the Township shall receive its total final State Aid payment.

OPEN PUBLIC SESSION

David McWilliam, 86 Long Beach Blvd- questions regarding the Gator program.

Sherry Fruchterman, Loveladies- wanted an explanation of the bulkhead ordinance.

Karen Unsellen, High Bar Harbor- questions regarding sea level heights.

Thomas Benedict, High Bar Harbor- questioned why we were doing the bulkhead ordinance.

Mayor Mancini explained that it had to be done, that we got guidance from our Engineer, FEMA and DEP that all led us to this decision.

Howard Fruchterman, Loveladies- concerns with flooding down the bayside streets and along the Blvd.

Gail Hook, High Bar Harbor- issues with bulkheads and water coming up through the storm drains.

Frank Ferrara, High Bar Harbor- questions regarding bulkheads.
Pat Maldair, High Bar Harbor- questions regarding bulkheads.
John LaPilusa, 3000 Beach Ave.- would like advanced notice of meeting items.

CLOSE PUBLIC SESSION

Motion for adjournment at 5:15 p.m.:

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

Danielle La Valle, RMC
Municipal Clerk

Joseph H. Mancini
Mayor

Ralph H. Bayard
Commissioner

Dr. Joseph P. Lattanzi
Commissioner