

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS October 3, 2022

Flag Salute

Meeting came to order: 4:03 p.m.

Clerk calls the roll:	Mayor Joseph H. Mancini	PRESENT
	Commissioner Ralph H. Bayard	ABSENT
	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 23, 2021; 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, Mancini
Second:	Mancini	Nays:

PROCLAMATION

National Friends of Libraries Week- 10/16-10/22/22

Ann Barkey spoke on behalf of our local library located in Surf City that services the entire island and appreciative our all the support they are given.

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. First Reading Ordinance 22-22C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 64, WHICH PERTAINS TO CONSTRUCTION AND PROPERTY MAINTENANCE**

Motion to approve/adopt Ordinance 22-22C on First Reading:

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

ADOPTIONS & APPROVALS

2. Resolution 22-1003.01 Approve Various Personnel Matters

RESOLUTION 22-1003.01

Accept the General Resignation of Jacquelyn Cartagena effective October 14, 2022.

Accept & Approve Family Medical Leave Act (FMLA) for employee with Civil Service number 000570360 effective September 12, 2022.

Health Department

Approve the annual one-time stipend of \$3,000.00 for the following employee for additional duties to be paid from Health Department Salary & Wage effective October
Casey Wolf

Police

Hire the following employee as a Part-Time Public Safety Telecommunicator Trainee at the rate of \$15.00 per hour to be paid from Police Salary & Wage effective September 10, 2022.

Mary Toro

3. Resolution 22-1003.02 Approve and Application for a Social Event
Block Party: October 8th, 4pm-10pm, East 34th
Street Long Beach Blvd-Ocean Blvd

RESOLUTION 22-1003.02

APPROVE STREET CLOSING APPLICATION FOR SOCIAL EVENTS

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

- Permission to close East 34th Street from LB Blvd to Ocean Blvd (street end to street end) from 4:00pm-10:00pm October 8, 2022 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 closure 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 Items 2-3:

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

PURCHASES, CONTRACTS & AWARDS

4. Resolution 22-1003.02(a&b) Approve EUS Contracts Utilizing the National Fish and Wildlife Grant for Restoring Bay Island Community Resilience:
- a. Stockton University in an Amount Not To Exceed \$39,499.55
 - b. Monmouth university in an Amount Not to Exceed \$42,038.52

RESOLUTION 22-1003.03(a)

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO THE STOCKTON UNIVERSITY COASTAL RESEARCH CENTER FOR THE NATIONAL FISH AND WILDLIFE GRANT-RESTORING BAY ISLANDS FOR COMMUNITY RESILLANCE PURSUANT TO THE EUS EXCEPTION OF THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, pursuant to N.J.S.A. 40A:11-5, a municipality is authorized to award a contract which exceeds the bid threshold without public advertising for bids pursuant to the extraordinary unspecifiable service (“EUS”) exception; and

WHEREAS, the Township of Long Beach (“Township”) and The Stockton University Coastal Research Center (“CRC”) are entering into a contract in 2022 for the Restoring Bay Island Community Resilience pursuant to the EUS exception to the Local Public Contracts Law; and

WHEREAS, the Township’s need services provided by CRC to reduce flood impacts to LBT communities by enhancing bay islands using natural and nature-based techniques that promote ecological health and wave; and

WHEREAS, as set forth in the CRC’s proposal, which is attached hereto as Exhibit A and incorporated herein, the services include: (i) collaboratively working with the Monmouth University UCI to establish site assessment protocol at five islands within Barnegat Bay/Little Egg Harbor; (ii) collect appropriate wave, topographic/bathymetric and water level data; (iii) data analysis and sharing for preliminary design; (iv) reporting/meetings; and

WHEREAS, as a municipality located on an eighteen-mile-long barrier island, there are few issues, if any, more significant to the public health, welfare, and safety than the maintenance of the shoreline and the scientific study and reports relating to and in support of protection of the public from flooding; and

WHEREAS, based upon the services required and the expertise, reputation, its familiarity with the geographic location, and its proximity to the Township, the Township has concluded, based upon the advice of the Township’s counsel and pursuant to the Certification of the Qualified Purchasing Agent (“QPA”) that the services provided by CRC are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor, and, therefore, the contract complies with the EUS exception to the Local Public Contracts Law; and

WHEREAS, the designated administrative official of the Township duly prepared and filed a Certification with the Mayor and Commissioners describing in detail why the contract meets the legal requirements for an EUS contract; and

WHEREAS, the Administrative Code places additional requirements on EUS contracts that are not expressly authorized by statute and the Township has nevertheless determined pursuant to N.J.A.C. 5:34–2.3(b) that the compliance with such requirements is both impracticable as authorized therein for the reasons set forth in the Certification; and

WHEREAS, the Township, through its QPA has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract as an appropriation created by NFW- Restore Bay Islands Account # G-02-40-935-001 in the amount not to exceed of \$35,499.55

WHEREAS, the Township, through its QPA has issued the mandatory documents (packet) including but not limited to a Business Entity Disclosure Certification, pursuant to the provisions of N.J.S.A. 19:44A-20.1, *et seq.*, to CRC with the completed packet received and opened on September 27, 2022; and

WHEREAS, CRC has certified that it has not made any reportable contributions to a political candidate in the Township in the previous year, and that the contract will prohibit CRC from making any reportable contributions to a political or candidate committee in the Township through the term of the contract; and

WHEREAS, pursuant to the governing provisions of N.J.S.A. 40A:11-1, *et seq.*, and N.J.S.A. 19:44A-20.5, the Township has engaged in a legally authorized procurement process; and

WHEREAS, therefore, the Township previously concluded and again concludes that the CRC is the necessary entity to perform the required extraordinary unspecifiable service of National Coastal Resilience Fund 2021, Restoring Bay Islands for Community Resiliency-Long Beach Township; and

WHEREAS, pursuant to and in accordance with the Local Public Contracts Law and based upon the opinion of the Township's counsel, the CRC is awarded a contract pursuant to the EUS and professional services exceptions to the local government bidding requirements.

NOW, THEREFORE BE IT RESOLVED by the governing body of Township of Long Beach, County of Ocean, State of New Jersey, in accordance with the foregoing Recitals, which are incorporated herein by reference, as follows.

1. That the Township does hereby award CRC, the contract proposal as Exhibit A pursuant to the EUS contract exception to the Local Public Contracts Law.
2. The Mayor and Municipal Clerk are hereby authorized to execute the contract, subject to the terms of this Resolution.
3. Pursuant to N.J.S.A. 40A:11-15, the contract may be extended for two one-year extensions at the same or less consideration set forth in the contract awarded herein.
4. A certified copy of this resolution, together with a copy of the Agreement between the parties, shall be forwarded to the CRC.
5. A copy of this resolution awarding the contract shall be advertised in an official newspaper pursuant to the requirements of N.J.S.A. 40A:11-5(1)(a).

RESOLUTION 22-1003.02(b)

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO THE MONMOUTH UNIVERSITY URBAN COAST INSTITUTE FOR THE NATIONAL FISH AND WILDLIFE GRANT-RESTORING BAY ISLANDS FOR COMMUNITY RESILLANCE PURSUANT TO THE EUS EXCEPTION OF THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, pursuant to N.J.S.A. 40A:11-5, a municipality is authorized to award a contract which exceeds the bid threshold without public advertising for bids pursuant to the extraordinary unspecifiable service ("EUS") exception; and

WHEREAS, the Township of Long Beach ("Township") and The Monmouth University Urban Coast Institute ("UCI") are entering into a contract in 2022 for the Restoring Bay Island Community Resilience pursuant to the EUS exception to the Local Public Contracts Law; and

WHEREAS, the Township's need services provided by UCI to restoring bay islands by conducting project site assessments and preliminary restoration design for five bay islands for the dual purpose of ecological "health" and community resilience. The objective of the project is to reduce flood impacts to the community while providing ecological "uplift" to the marsh islands that protect the township and its neighbors from flood and wave impact; and

WHEREAS, as set forth in the UCI's proposal, which is attached hereto as Exhibit A and incorporated herein, the services include: (i) collaboratively working with the Stockton University Coastal Research Center (CRC) to establish site assessment protocols and data needs; (ii) collect appropriate wave, topographic/bathymetric and water level data; (iii) Combining site assessment data with available historic wind and water level data to develop ; (iv) applying the 50% likely sea level rise rate to the project future design conditions in 2030 and 2050; (v) developing preliminary (30%) restoration designs for each island and estimate the surge and wave attenuation characteristics of each design; and (vi) working with NJBII and LBT professionals to develop cost estimates for each of the preliminary designs and prepare the concept drawings for pre-application permit review; and

WHEREAS, as a municipality located on an eighteen-mile-long barrier island, there are few issues, if any, more significant to the public health, welfare, and safety than the maintenance of the shoreline and the scientific study and reports relating to and in support of protection of the public from flooding; and

WHEREAS, based upon the services required and the expertise, reputation, its familiarity with the geographic location, and its proximity to the Township, the Township has concluded, based upon the advice of the Township's counsel and pursuant to the Certification of the Qualified Purchasing Agent ("QPA") that the services provided by CRC are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor, and, therefore, the contract complies with the EUS exception to the Local Public Contracts Law; and

WHEREAS, the designated administrative official of the Township duly prepared and filed a Certification with the Mayor and Commissioners describing in detail why the contract meets the legal requirements for an EUS contract; and

WHEREAS, the Administrative Code places additional requirements on EUS contracts that are not expressly authorized by statute and the Township has nevertheless determined pursuant to N.J.A.C. 5:34-2.3(b) that the compliance with such requirements is both impracticable as authorized therein for the reasons set forth in the Certification; and

WHEREAS, the Township, through its QPA has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract as an appropriation created by NFW- Restore Bay Islands Account # G-02-40-935-001 in the amount not to exceed of \$42,038.52

WHEREAS, the Township, through its QPA has issued the mandatory documents (packet) including but not limited to a Business Entity Disclosure Certification, pursuant to the

provisions of N.J.S.A. 19:44A-20.1, *et seq.*, to CRC with the completed packet received and opened on September 27, 2022 ; and

WHEREAS, UCI has certified that it has not made any reportable contributions to a political candidate in the Township in the previous year, and that the contract will prohibit CRC from making any reportable contributions to a political or candidate committee in the Township through the term of the contract; and

WHEREAS, pursuant to the governing provisions of N.J.S.A. 40A:11-1, *et seq.*, and N.J.S.A. 19:44A-20.5, the Township has engaged in a legally authorized procurement process; and

WHEREAS, therefore, the Township previously concluded and again concludes that the UCI is the necessary entity to perform the required extraordinary unspecifiable service of National Coastal Resilience Fund 2021, Restoring Bay Islands for Community Resiliency-Long Beach Township; and

WHEREAS, pursuant to and in accordance with the Local Public Contracts Law and based upon the opinion of the Township's counsel, the UCI is awarded a contract pursuant to the EUS and professional services exceptions to the local government bidding requirements.

NOW, THEREFORE BE IT RESOLVED by the governing body of Township of Long Beach, County of Ocean, State of New Jersey, in accordance with the foregoing Recitals, which are incorporated herein by reference, as follows.

1. That the Township does hereby award UCI, the contract proposal as Exhibit A pursuant to the EUS contract exception to the Local Public Contracts Law.

2. The Mayor and Municipal Clerk are hereby authorized to execute the contract, subject to the terms of this Resolution.

3. Pursuant to N.J.S.A. 40A:11-15, the contract may be extended for two one-year extensions at the same or less consideration set forth in the contract awarded herein.

4. A certified copy of this resolution, together with a copy of the Agreement between the parties, shall be forwarded to the UCI.

5. A copy of this resolution awarding the contract shall be advertised in an official newspaper pursuant to the requirements of N.J.S.A. 40A:11-5(1)(a).

Motion to approve Item 4:

Motion: Lattanzi Ayes: Lattanzi, Mancini

Second: Mancini Nays:

FINANCIAL APPROVALS

5. Resolution 22-1003.03: Approve Refunds for Various Tax Accounts for Overpayment

RESOLUTION 22-1003.04

APPROVE REFUNDS TO VARIOUS TAX ACCOUNTS FOR OVERPAYMENT

WHEREAS, the following Tax Accounts are 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>
20.113	1.02	103B Long Beach Blvd	Corelogic Refunds Dept 3001 Hackberry Road Irving, TX 75063-0156	\$3,216.03
25.121	18	9C Arnold Blvd	James & Lindsay McHugh 301 Kings Road Madison, NJ 07940	\$1,755.90
15.32	8	10 W Goldsborough	Dennis & Ann Marie Breda 77 Tewkesbury Road Scarsdale, NY 10583	\$2,070.57
20.133	4	8 Sea View Drive South	James Greenwood 1516 Pebblewood Drive New Hope, PA 18938	\$5,505.79

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.

6. Resolution 22-1003.04 Approve Bills and Payroll:

Bills in the amount of: \$ 4,021,071.91

Payroll in the amount of: \$ 1,144,980.92

RESOLUTION 22-1003.05

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 \$1,144,980.92.

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 \$4,021,071.91 be and the same are hereby authorized to be paid on Monday, October 3, 2022.
2. The said approved payroll amounting to the sum of \$1,144,980.92 be and the same are hereby authorized to be paid on Monday, October 3, 2022

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 5-6:

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

Administrator's Report: There will be 68 thousand plants available from the county that are being shipped to Ship Bottom. Shellabration will be on Saturday, October 8th and Kite Festival from Friday-Sunday.

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Wishes Commissioner Bayard a speedy recovery. 2022 finalized budget is available and the Township has the lowest tax rate on the island, but we send the most to Stafford for schools. We send more to Stafford for schools than we use to run the town.

Mayor Mancini: The next meeting of the Land Use Board will be held on Wednesday, October 12, 2022 at 7:00 pm in the Municipal Court Room .

Second Reading and Public Hearing for Ordinance(s) 22-22C will take place at the public meeting held on Monday, November 7, 2022 at 4:00 pm. Flooding will be worse tomorrow. We are sending our prayers to Florida while they recover from Hurricane Ian.

OPEN PUBLIC SESSION

Ann Barkey, Loveladies-talked about the backpack leaf-blowers that have been spoken about and Loveladies has no strong opinions regarding them, but suggested asking contractors to switch to electric. Also had questions regarding trash receptacles for the Island-wide beach cleanup.

Bill Hutson, Holgate-had comments regarding Kite Festival, the relatively clear state of the roads, and that the boy scouts are planting dune grass this weekend.

Rand Pearsall, Holgate-had concerns about dune grass taking on the bayside and also about the plans for the water treatment plant.

Mayor Mancini stated there is no update as the Twp. Engineer is out on medical leave.

John Fiore, Brant Beach-wanted to know if the town could release which areas need most attention for the town-side cleanup so the Brant Beach Taxpayer Association can concentrate there and had comments regarding the street posts in the dunes have gotten positive feedback, but that they should be replaced.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:18 p.m.

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

Danielle La Valle, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner