



§205-51 shall become §205-31.  
§205-52 shall be deleted.  
§205-53 shall become §205-32.  
§205-54 shall be deleted.  
§205-56 shall become §205-33.  
ARTICLE VI Exceptions and Modifications shall be deleted.  
ARTICLE VII shall be renumbered ARTICLE VI  
§205-57 shall become §205-64.  
§205-58 shall become §205-65.  
§205-59 shall become §205-66.  
ARTICLE VIII Miscellaneous Provisions shall be deleted.  
§205-60 shall become §205-34.  
§205-61 shall become §205-35.  
§205-63 shall become §205-36.  
§205-64 shall become §205-37.  
§205-65 shall become §205-38.  
§205-39 through §205-42 shall be created and marked (Reserved).

#### **SECTION III**

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.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

#### **Effective date.**

This ordinance shall take effect after final adoption and publication as required by law. This ordinance was reviewed and approved by the Land Use Board at its meeting held on May 10<sup>th</sup> 2017.

Passed on first reading at a regular meeting held on April 3, 2017 and advertised in the BEACH HAVEN TIMES issue of April 6, 2017 and April 27, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-17C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Second Reading Ordinance 17-19C: **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 115 PERTAINS TO LITTERING**

**THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DOES ORDAIN:**

#### **STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend §115 in order to prohibit the intentional release of helium-inflated mylar or latex balloons into the atmosphere.

#### **SECTION I**

§115-2 is hereby amended by an additional sentence following "receptacle." as follows: The intentional release of balloons inflated with a gas that is lighter than air into the atmosphere shall be prohibited in the Township.

#### **SECTION II**

The existing §115-11 is hereby renumbered as §115-12.

#### **SECTION III**

A new §115-11 is hereby added as follows:

#### **§115-11. Release of Balloons.**

It shall be unlawful to intentionally release balloons of any type, inflated by helium or any lighter-than-air gas or gases, as these materials may pose a danger and nuisance to the environment, particularly to wildlife and marine animals.

#### **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. Passed on first reading at a regular meeting held on May 1<sup>st</sup> and advertised in the BEACH HAVEN TIMES issue of May 4<sup>th</sup> 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-19C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Second Reading Ordinance 17-20C: **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 CHAPTERS 111, 194 AND 82 PERTAINS TO VARIOUS RENTALS AND ASSOCIATED FEES THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DOES ORDAIN:**

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to allow public rental of Municipal Transportation Vehicle(s), Recreational Equipment Rack(s) located in Bayview Park, and to establish the related fee(s) for each.

**SECTION I**

§111-2.F. is hereby amended as follows:

After "operation," add "rental,".

**SECTION II**

The existing §111-4., §111-5., and §111-6. are hereby renumbered as §111-5., §111-6., and §111-7., respectively, and shall remain under Article II: General Provisions.

**SECTION III**

A new §111-4. is hereby added to Article I: Creation, Operation, and Maintenance, as follows:

**§111-4. Rental Fees.**

The rental and hourly rates for the transportation system shall be set annually by resolution of the Board of Commissioners.

**SECTION IV**

§194 **ARTICLE II** is hereby renamed **ARTICLE III**.

**SECTION V**

The existing §194-6. and §194-7. are hereby renumbered as §194-7. and §194-8., respectively and shall be included under the new **ARTICLE III**.

**SECTION VI**

A new **ARTICLE II** is hereby added as follows:

**ARTICLE II**

**Recreational Equipment Storage Rack Rentals**

**SECTION VII**

A new §194-6. is hereby added under **ARTICLE II** as follows:

**§194-6. Recreational Equipment Storage Racks**

- A. The recreational equipment storage racks located at Bayview Park may be rented by the Township to the public between May 1<sup>st</sup> through October 1<sup>st</sup> at a rental rate set annually by resolution of the Board of Commissioners.
- B. The recreational storage racks shall be limited to the storage of kayaks, stand-up paddleboards, and windsurfing boards alone.
- C. Each applicant shall be eligible for 1 recreational storage rack, only 1 property address shall be eligible for 1 rack, and racks shall be available to be rented on a first-come, first-served basis.
- D. The availability of the recreational storage racks shall be advertised by the Municipal Clerk on the Township website and application forms and required contract documents shall be prepared by the Municipal Clerk in accordance with the Local Public Contracts Law, the Township Code, and the Township's procurement policies, and shall be available at the Office of the Municipal Clerk.
  - (1) The recreational storage racks shall be rented on a first-come, first-served basis until all racks deemed available for public use have been rented.
  - (2) In order to be deemed complete and accepted in the order of priority submitted by the applicant by the Municipal Clerk, the application must be fully completed and all supporting documents must be submitted by the applicant. In the event that applications are received at the same time via regular or overnight mail and the total number of applicants received exceed the total number of available recreational storage racks, the Municipal Clerk shall select and prioritize the applicants by lottery by and through pulling applicants' names from a hat.
- E. Applicants shall be responsible for their property stored at the recreational storage racks and shall fully release and indemnify the Township from any and all liability and loss relating to the recreational storage racks.
- F. Any equipment stored in the recreational storage racks at Bayview Park that has not been removed prior to October 11<sup>th</sup> shall be deemed abandoned and offered for public auction pursuant to N.J.S.A.40A:157(a).

**SECTION VIII**

§82-12. is hereby amended by the addition of a new sub-section as follows:

§82-12.1. Chapter 111, Municipal Transportation System

A. Section 111-4, Rental Fees

- (1) Base Rate: \$300 for 2 (two) hours (minimum).

- (2) Each Additional Hour: \$75  
Additional hour(s) fee applicable upon entering into any part of the next hour after the time initially reserved.

**SECTION IX**

§82-24. is hereby amended by the addition of a new sub-section as follows:

§82-24.1. Chapter 194, Parks and Recreation

A. Section 194-6, Rentals

- (1) Storage Rack fee: May 1<sup>st</sup> through October 1<sup>st</sup> \$200.00 each.

**SECTION X**

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

**SECTION XI**

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 May 1<sup>st</sup> and advertised in the BEACH HAVEN TIMES issue of May 4<sup>th</sup> 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-20C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Second Reading Ordinance 17-21C: **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 47 PERTAINS TO ANIMALS**

**THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DOES ORDAIN:**

**STATEMENT OF PURPOSE**

This Ordinance prohibits the sale of cats and/or dogs by pet stops located in Long Beach Township.

**SECTION I**

§47-1 is hereby amended by the addition of the following definitions:

After the definition of "ANIMAL" add:

ANIMAL CARE FACILITY – An animal control center or animal shelter maintained by, or under, contract with any state, county or municipality whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes.

After the definition of "ANIMAL CONTROL AUTHORITY" add:

ANIMAL RESCUE ORGANIZATION – Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

After the definition of "PERSON" add:

PET SHOP – Any retail establishment where animals and/or pet-related goods and services are sold, exchanged, bartered or offered for sale to the general public at retail. Such definition shall not include an animal care facility or an animal rescue organization, as defined.

**SECTION II**

A new §47-7 is hereby added as follows:

**§47-7. Restrictions on the sale of animals.**

No pet shop shall sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of cats and/or dogs. Nothing in this section shall prohibit pet shops from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and/or cats.

**SECTION III**

All ordinances, or parts of ordinances, inconsistent with this ordinance 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.

**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 May 1<sup>st</sup> and advertised in the BEACH HAVEN TIMES issue of May 4<sup>th</sup> 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-21C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

First Reading Ordinance 17-22: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$35,000.00 FROM THE CAPITAL IMPROVEMENT FUND (GENERAL CAPITAL ACCOUNT) FOR THE PURCHASE OF A CAMERA SYSTEM FOR THE TRANSPORTATION DEPARTMENT**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated from the Capital Improvement Fund (General Capital Account) the sum of \$35,000 for the purchase of a camera system for the Transportation Department.

**Section 2.** It is hereby determined and stated that the improvements set forth in Section 1 above are general capital improvements and are not a current expense.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this 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 Municipal Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

**Date of Introduction:** June 5, 2017

Motion to approve Ordinance 17-22 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

First Reading Ordinance 17-23: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH VACATING A TEN-FOOT-WIDE UNNAMED ALLEY RIGHT OF WAY ADJACENT TO DELAWARE AVENUE**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1, *et seq.*, the governing body of a municipality may make, amend, repeal, and enforce an ordinance to vacate any public street, highway, lane or alley, or any portion thereof; and

**WHEREAS**, Township of Long Beach ("Township") has received a request to vacate a ten-foot-wide unnamed alley adjacent to Delaware Avenue, which presently exists as an unimproved right of way; and

**WHEREAS**, the 650.60+/- square foot area to be vacated ("Property") is more particularly described by the legal description attached hereto as Exhibit A, and which is graphically depicted in the map entitled "Map to Accompany An Alley Vacation," prepared by William J. Berg, P.L.S., and attached hereto as Exhibit B; and

**WHEREAS**, Township has determined that the Property to be vacated has not been improved, does not provide public access, and is no longer needed for public purposes; and

**WHEREAS**, Township finds that it is in the best interests of Township and its citizenry to abandon, vacate, release, and extinguish any and all public rights in and to the Property as described in Exhibit A and as depicted in Exhibit B, which area is no longer needed for a public purpose; and

**WHEREAS**, the vacation is expressly made without recourse, warranty, or representation of any type or kind and subject to any and all easements, claims of easements, restrictions, defects, liens, encumbrances, adverse claims or circumstances, encroachments, violations, variances, rights, riparian rights, and privileges possessed by any person or entity, including, but not limited to, the State and public utility or cable television companies on, over, under, and across the described portion of the Property.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, in accordance with the aforesaid Recitals, which are expressly adopted and incorporated herein by reference as if set forth fully herein, does hereby vacate the Property as follows.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to vacate the Township's unimproved right of way to a ten-foot-wide unnamed alley adjacent to Block 6.48, Lot 15, and Block 6.48, Lot 16 on Delaware Avenue.

**§1. Vacation of Property.** Subject to the conditions set forth herein, the rights of the public in and to Property to be vacated as described in Exhibit A and depicted in Exhibit B, each of which is attached hereto and incorporated and made a part hereof by reference herein, are hereby released, extinguished, and vacated.

**§2. Conveyance and Merger.** The area of the Property hereby vacated is conveyed and shall merge, consolidate with, and become a part of the adjoining lands as provided for by operation of law. Specifically, as provided by the operation of law, the Property adjoining Block 6.48, Lot 15, and Block 6.48, Lot 16, shall receive those portions of the vacated Property up to the center line of the former unimproved right of way as a result of the vacation as described and depicted in Exhibit A and Exhibit B.

**§3. Reservation of Rights.** The vacation hereby enacted expressly reserves and excepts from vacation all rights and privileges possessed by the State and public utilities, as defined by R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act" (N.J.S.A. 48:5A-1, *et. seq.*), to maintain, repair, and replace their existing facilities in, adjacent to, over or under the vacated right-of-way.

**§4. Warranties.** The vacation hereby enacted is expressly made without recourse, warranty, or representation of any type or kind and subject to any and all easements, claims of easements, restrictions, defects, liens, encumbrances, adverse claims or circumstances, encroachments, violations, variances, riparian rights, rights, and privileges possessed by any person or entity on, over, under and across the described portion of Property. It is the intent of Township to vacate the aforementioned interests that the public may have in the aforementioned right-of-way, subject, however, to the reservations set forth herein, and to provide that the property shall be conveyed in its "as is," "where is," and "with all faults" condition for no further consideration.

**§5. Notice.** At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy hereof, together with a notice for the introduction thereof and the time and place when and where the Ordinance shall be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

**§6. Recording.** Township Clerk shall file and record, within sixty (60) days of the effective date of this Ordinance, a copy of this Ordinance certified by her under the seal of Township to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Ocean in accordance with applicable law.

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

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

**Effective date.**

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

Motion to approve Ordinance 17-23 on First Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

First Reading Ordinance 17-24: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$125,000 FROM THE CAPITAL IMPROVEMENT FUND (UTILITY CAPITAL ACCOUNT) FOR THE COSTS ASSOCIATED WITH THE ACQUISITION OF A UTILITY TRUCK AND BACKHOE**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated from the Capital Improvement Fund (Utility Capital Account) the sum of \$50,000 for the Acquisition of a Utility Truck and the sum of \$75,000 for the Acquisition of a Backhoe.

**Section 2.** It is hereby determined and stated that the improvements set forth in Section 1 above are general capital improvements and are not a current expense.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this 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 Municipal Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

**Date of Introduction:** June 5, 2017

Motion to approve Ordinance 17-24 on First Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

First Reading Ordinance 17-25: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF EXISTING WATER MAINS AND HYDRANTS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$4,200,000 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 \$4,200,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

**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 purposes described in Section 7 hereof are hereby authorized as general improvements 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 purposes stated in Section 7 hereof is \$4,200,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$4,200,000.

**Section 3.** The sum of \$4,200,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$4,200,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. 1517001-015) submitted by the Township to said entities (collectively, the "Application").

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$4,200,000 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 \$850,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each 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>
A. Removal and Replacement of Existing Water Mains and Hydrants, including but not limited to Pipes, Valves and Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$4,200,000	\$0	\$4,200,000	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 \$4,200,000 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 the 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 there under;

(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 13.** The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 14.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 15.** 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: June 5, 2017**

Motion to approve Ordinance 17-25 on First Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

First Reading Ordinance 17-26: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF EXISTING SANITARY SEWER MAIN IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$4,500,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,500,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

**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 purposes described in Section 7 hereof are hereby authorized as general improvements 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 purposes stated in Section 7 hereof is \$4,500,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$4,500,000.

**Section 3.** The sum of \$4,500,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$4,500,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. S340023-07) submitted by the Township to said entities (collectively, the "Application").

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$4,500,000 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 \$900,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each 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>
A Removal and Replacement of Existing Sanitary Sewer Main, including but not limited to Laterals, Manholes and Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Municipal Clerk's office.	\$4,500,000	\$0	\$4,500,000	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 \$4,500,000 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 proceed 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 the 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 there under;

(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 13.** The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements

authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 14.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 15.** 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: June 5, 2017**

Motion to approve Ordinance 17-26 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

First Reading Ordinance 17-27: **BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS TO VETERANS PARK IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$200,000 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 \$190,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

**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 \$200,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$190,000; and

(c) a down payment in the amount of \$10,000 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 \$190,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,000, 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 \$190,000 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 \$190,000 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 \$40,000.

**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 of 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>
A. Supplemental Funding for the Completion of Various Capital Improvements at Veterans Park, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as originally financed by Capital Ordinance 17-15, finally adopted on April 6, 2017	\$200,000	\$10,000	\$190,000	15 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 \$190,000 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 there under;

(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: June 5, 2017**

Motion to approve Ordinance 17-27 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

First Reading Ordinance 17-28C: **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 131 AND CHAPTER 205 PERTAINS TO THE AMENDMENT OF ASSEMBLIES AND GATHERINGS AND PERMITTED USE LIMITS IN ALL RESIDENTIAL ZONES**

#### **STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend and revise Chapter 131 in order to amend and clarify the permit requirements and regulations for assemblies and gatherings, and to amend and revise Chapter 205 in order to amend and clarify the regulations for permitted use limits in all residential zones.

#### **SECTION I**

§131-1 is hereby repealed and replaced with the following.

##### **§131-1. Approvals Required.**

No parades, assemblies, gatherings, meetings, or group activities consisting of more than ten (10) persons shall be permitted anywhere within the territorial boundaries of the Township unless the sponsor shall have obtained the following approvals.

- A. Approval by the Chief of Police in accordance with the terms and provisions hereinafter set forth.
- B. Approval by Resolution of the Board of Commissioners in accordance with the terms and provisions hereinafter set forth.

**SECTION II**

§131-2(A) is hereby repealed and replaced with the following.

Where the assembly, gathering, meeting or group activity is to be held entirely within the boundaries of the property and the aforesaid event is being held by and pursuant to the invitation of the owner or lessee of the property. This exception shall not apply to any for-profit, commercial, promotional, entertainment, political, or any corporate-related assembly, gathering, meeting, or group activity. Any and all such commercial, corporate, and political type events shall comply with the requirements of this Chapter and Chapter 205-60(B), as applicable.

**SECTION III**

§131-2(D) is hereby added as follows.

- D. To any events held on public property owned by Township, which shall be permitted and separately regulated as special events.

**SECTION IV**

§131-3 is hereby repealed and replaced with the following.

**§131-3. Application.**

A minimum of thirty (30) calendar days prior to the date of the planned parade, assembly, gathering, meeting, or group activity, application shall be made under oath to the Chief of Police or to such other member of his or her department as he or she may designate. The application shall contain the name, address, age, and occupation of the applicant, or, in the event the application is made by a corporation, religious, or fraternal organization, it shall contain the name, address, and occupation of the officers and directors of the corporation, religious, or fraternal organization. The application shall further set forth the purpose of the proposed parade, assembly, gathering, meeting, or group activity, the date and proposed hours, the desired location, and the number of anticipated participants. The procedures stated hereinabove shall be in addition to the provisions stated in Chapter 111, Licensing, § 111-2. A copy of the application shall be simultaneously filed with the Township Clerk for review by the Board of Commissioners.

**SECTION V**

§131-4 is hereby retitled "**Investigation by Police Department**", further amended to delete the first sentence and replace with the following: "The Police Department shall investigate, approve, and/or disapprove the application pursuant to the following."; and further amended to add the following subsection "D."

- D. Upon approval or disapproval by the Police Department, the Police Department shall immediately notify the Township Clerk of the approval or disapproval, as well as any recommended conditions of approval.

**SECTION VI**

§131-5 is hereby repealed and replaced with the following.

**§131-5. Review by Board of Commissioners and Permit.**

Upon written approval by the Police Department, the Police Department shall advise the Township Clerk in writing and the application shall be reviewed by the Board of Commissioners at the next scheduled Meeting. The Board of Commissioners shall approve or deny the application by resolution in its discretion, and shall set forth all conditions of any approval within the resolution. In the event the application is approved by the Board of Commissioners, the Township Clerk shall issue a permit as provided herein.

**SECTION VII**

§131-6. Bond and Indemnification Required.

The Township may require that the application be accompanied by a bond and/or indemnification and hold harmless agreement to indemnify all property owners, residents, and visitors of the Township for any loss or damage to property caused by or as a result of the parade, assembly, gathering, meeting, or group activity. The bond shall also ensure the Township that the area to be used shall be left in a clean and orderly condition. The bond shall be in form satisfactory to the Chief of Police and Board of Commissioners with sufficient surety to insure satisfaction in the event of default in any of the terms and conditions of the bond. The bond shall be in an amount deemed necessary and proper by the Board of Commissioners.

**SECTION VIII**

§205-60(B) is hereby repealed and replaced with the following.

- B. Specific Prohibition. In all residential zones of the Township, no structure, building, or residence may be rented, leased, let, occupied, or used for any commercial-related purpose and/or events. Nor may such structure, building, or residence which has been rented, leased, let, or occupied by any family not the owner thereof for a period less than one year be used or utilized for any wedding of any person. All non-commercial related events shall comply with Chapter 131, if applicable.

## **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.

Motion to approve Ordinance 17-28C on First Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

### **ADOPTIONS & APPROVALS**

1. Resolution 17-0605.01: Authorize a Lifeguard Uniform clothing allowance for ladies swim suits

#### **A RESOLUTION AUTHORIZING A CLOTHING ALLOWANCE FOR VARIOUS LIFEGUARD UNIFORM ITEMS FOR THE BEACH PATROL DEPARTMENT OF THE TOWNSHIP OF LONG BEACH**

**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 \$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 5<sup>th</sup> day of June 2017, for the reasons aforesaid, that a clothing allowance in the amount of \$75.00 per employee for Ladies Bathing Suits to applicable lifeguards be and is hereby approved.

2. Resolution 17-0605.02: Approve various Social Event Permits:
  - Block Party E. 48<sup>th</sup> Street on 6/10/17 from 4pm to 11pm.

#### **RESOLUTION 17-0605.02**

**WHEREAS**, in response to homeowners' requests for the following:

- Permission to close East 48<sup>th</sup> Street, Brant Beach between Long Beach Blvd and Ocean Blvd from 4pm to 11pm on June 10, 2017 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 event.

3. Resolution 17-0605.03(a&b): Approve Annual Summer Traffic Regulations
  - a) Designate the Official 2017 Summer Season and Seasonal Traffic Regulations
  - b) Street Games Prohibited

#### **RESOLUTION 17-0605.03(a)**

**WHEREAS**, the provisions of N.J.S.A. 39:4-197.2 provide that municipalities may pass ordinances, resolutions or regulations to regulate traffic and parking along and upon any county road or part thereof lying within its corporate limits, in the same manner and to the same extent that it is authorized by law to regulate same upon municipal roads and streets; and

**WHEREAS**, N.J.S.A. 39:4-197.3 provides that any municipality may, upon the adoption of a resolution declaring that an emergency temporary condition dictates the adoption of a special traffic regulation for a period of effectiveness not to exceed three (3) months; and

**WHEREAS**, the said temporary emergent conditions are a result of the tremendous influx of summer residents, tourists, related festivals and activities that unduly burden the streets of the Township of Long Beach; and

**WHEREAS**, the traffic on Township streets including all side streets, as well as Long Beach Boulevard, is tremendous during these months; and

**WHEREAS**, during the annual St. Francis Festival of the Sea a temporary condition exists causing the need to suspend parking regulations on 45<sup>th</sup> Street through 50<sup>th</sup> Street in the Brant Beach area from August 9<sup>th</sup> through August 13<sup>th</sup> from 4:00 P.M. to 12:00 A.M.; and

**WHEREAS**, during the Long Beach Island Arts Foundation Annual House Tour a temporary condition exists causing the need to suspend parking regulations on Long Beach Blvd. in Loveladies and North Beach on August 2<sup>nd</sup> from 7:00 A.M. to 7:00 P.M.; and

**WHEREAS**, during the Long Beach Island Arts Foundation Arts & Crafts Festival a temporary condition exists causing the need to suspend parking regulations on the west side of Long Beach Blvd. in Loveladies July 22<sup>nd</sup> at 12:00 A.M. through July 23<sup>rd</sup> at 12:00 A.M.; and

**WHEREAS**, during the Jewish Community Center of LBI Annual Bazaars a temporary condition exists causing the need to close East 24<sup>th</sup> Street in Spray Beach to vehicular traffic between Long Beach Blvd. and Beach Ave. from 6:00 A.M. to 5:00 P.M. on July 12<sup>th</sup> and August 9<sup>th</sup>; and

**WHEREAS**, there is also the need to regulate parking at the two Loveladies parking areas, as well as the North Beach parking area by the public tennis courts; and

**WHEREAS**, the public access in the North Beach section of Long Beach Township requires adequate parking for the lifeguards and public recreation; and

**WHEREAS**, East 68<sup>th</sup> Street is heavily travelled and highly utilized during the busy summer season, necessitating various traffic regulations in order to insure the health, safety and welfare of citizens, visitors, beach patrons and event attendees; and

**WHEREAS**, because of the location of the Observation Deck adjacent to the municipal building during the summer season it is necessary to limit parking in the designated area on the east side of Ocean Blvd. to provide parking for all visitors; and

**WHEREAS**, the area of Beach Avenue between Pennsylvania Avenue and Indiana Avenue in the Beach Haven Terrace section is heavily traveled Sunday mornings between 6:00 A.M. and 12:00 noon and sufficient parking is necessary to facilitate the public buildings in that area; and

**WHEREAS**, during the summer season, a temporary emergent condition exists on Maryland Avenue in the Beach Haven Terrace section of the Township; and

**WHEREAS**, during the summer season, a temporary emergent condition exists on West 22<sup>nd</sup> Street in Spray Beach between Long Beach Boulevard and Highland Avenue; and

**WHEREAS**, during the summer season, a temporary emergent condition exists on 69<sup>th</sup> Street by the Police gasoline pump in the Brant Beach section of the Township; and

**WHEREAS**, the Township of Long Beach is especially concerned for the safety of motorists traversing and contractors working on the streets of Long Beach Township during the busy and congested summer months; and

**WHEREAS**, during the summer season it is essential to maintain the public right-of-way in an unobstructed manner so as not to hinder the clear passage of pedestrians or vehicles; and

**WHEREAS**, Chapter 64 of the Code of Long Beach Township prohibits construction requiring the occupancy of a public street between June 15<sup>th</sup> and September 15<sup>th</sup> of each year, imposing an undue burden on constructors of modular structures/pre-manufactured structures who could be doing pre-setting work such as the installation of foundations, piling, girders, beams or other substructures upon which modular homes are to ultimately be set; and

**WHEREAS**, several narrow alleyways are located in Long Beach Township which for safety considerations, should not be used as traffic thruways; and

**WHEREAS**, Long Beach Township properties located in heavily populated residential zones; Blk. 1.26 Lots 1 & 2 (Holgate) and Blk. 7.13 Lot 1 (Beach Haven Terrace), require a curtailment of activities as evening falls to assure the tranquility of the neighborhoods; and

**WHEREAS**, due to various construction projects currently in progress in Bayview Park, it is necessary that unhindered access to the park's northern border be adequate for equipment and workers to safely enter or exit the area.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 5<sup>th</sup> day of June 2017, for the reasons aforesaid that the following shall be in effect for the 2017 Summer Season:

- Parking regulations on 45<sup>th</sup> Street through 50<sup>th</sup> Street in the Brant Beach area from August 9<sup>th</sup> through August 13<sup>th</sup> from 4:00 P.M. to 12:00 A.M. have been suspended for the annual St. Francis Festival of the Sea; and
- Parking regulations on Long Beach Blvd. in Loveladies and North Beach have been suspended for the Long Beach Island Arts Foundation Annual House Tour on August 2<sup>nd</sup> from 7:00 A.M. to 7:00 P.M.; and
- Parking regulations on the southbound shoulder lane of Long Beach Blvd. in Loveladies during the Long Beach Island Arts Foundation Arts & Crafts Festival have been suspended from July 22<sup>nd</sup> at 12:00 A.M. through July 23<sup>rd</sup> at 12:00 A.M.; and
- E. 24<sup>th</sup> Street in Spray Beach between Long Beach Blvd. and Beach Ave., shall be closed to vehicular traffic on July 12<sup>th</sup> and August 9<sup>th</sup> from 6:00 A.M. to 5:00 P.M. during the Jewish Community Center of Long Beach Island Annual Bazaars; and
- Parking is allowed in the designated spaces at the two public parking areas in Loveladies by the tennis courts; and

The North Beach public parking area at the tennis courts is designated as follows: 1. Parallel parking along the northerly fence is permitted as far as the easterly most fencing of the tennis courts. 2. Other parking will be allowed in designated spaces with two spaces reserved for Beach Patrol personnel and two spaces reserved for active tennis players; and

- Parking on East 68<sup>th</sup> Street between Long Beach Boulevard and Ocean Boulevard shall be restricted as follows:
  1. Eliminate parking from the Long Beach Boulevard intersection to the municipal parking lot entrance
  2. Allow 15-minute parking between the municipal parking lot exit and the employee parking lot entrance
  3. Eliminate north side parking between Long Beach Blvd and Ocean Blvd.
- Parking for the Observation Deck on the east side of Ocean Boulevard between 68<sup>th</sup> and 69<sup>th</sup> Streets shall be limited to 2 hours; and
- Parking restrictions in the area of Beach Avenue between Pennsylvania and Indiana Avenues in the Beach Haven Terrace section of the Township be suspended on Sunday mornings from 6:00 a.m. until 12:00 p.m.; and
- Maryland Avenue in Beach Haven Terrace be and is hereby designated a one-way street west bound with no turn on red, between Long Beach Blvd. and Beach Avenue; and

- Parking will not be allowed at any time on West 22<sup>nd</sup> Street in Spray Beach between Long Beach Boulevard and Highland Avenue; and
- Parking shall be prohibited from the intersection of Ocean Blvd. and 69<sup>th</sup> Street for 158 ft. west of Ocean Blvd.; and
- No hoses used by bulk-headers or pile-drivers may be run across any public street; no road openings for service connections may be made; and
- No structure may be temporarily relocated into the public right-of-way; and
- Constructors of modular structures/pre-manufactured structures may receive a permit from the Long Beach Township Building Department for pre-setting work during the restricted period provided that no Street Closure Permit is sought; and
- Alleyways less than twenty feet (20') wide shall not be used for thru traffic; and
- Township owned properties in Holgate and Beach Haven Terrace shall close at 9:00 p.m. and re-open daily at 8:00 a.m.; and
- No Parking shall be permitted on the South side of West 66<sup>th</sup> Street due to various construction projects in progress in Bayview Park; and

**BE IT FURTHER RESOLVED** that the aforementioned emergency regulations shall be effective commencing June 15, 2017 through September 4, 2017 except where otherwise specified; and

**BE IT FINALLY RESOLVED** that the Commissioner of Public Works & Property is hereby specifically directed to post the appropriate signs and designations in those areas when applicable and in those areas described.

**RESOLUTION 17-0605.03(b)**

**WHEREAS**, the provisions of N.J.S.A. 39:4-197.2 provide that municipalities may pass ordinances, resolutions or regulations to regulate traffic and parking along and upon any county road or part thereof lying within its corporate limits, in the same manner and to the same extent that it is authorized by law to regulate same upon municipal roads and streets; and

**WHEREAS**, N.J.S.A. 39:4-197.3 provides that any municipality may, upon the adoption of a resolution declaring that an emergency temporary condition dictates the adoption of a special traffic regulation for a period of effectiveness not to exceed three (3) months past such resolution; and

**WHEREAS**, during the summer season a temporary emergent condition exists while the Township of Long Beach is inundated in the months of June, July and August with visitors and residents enjoying not only the public beaches but other recreational activities as well; and

**WHEREAS**, the traffic on Township streets including all side streets as well as Long Beach Boulevard is tremendous during these months; and

**WHEREAS**, the health and public safety of all the citizens and visitors to the Township is of the utmost importance to the Board of Commissioners of the Township; and

**WHEREAS**, street hockey, baseball, basketball and other similar games during these months in the public streets is dangerous to the participants as well as vehicle operators; and

**WHEREAS**, to avoid catastrophic incidences, accidents and potential litigation regarding same, the use of public streets for games playing must be eliminated; and

**WHEREAS**, Long Beach Township Municipal Code Chapter 135 Section 2 prohibits the use of skate boards and roller skates on any of the public streets running northeast and southwest within the Township of Long Beach; and

**WHEREAS**, during the summer months, the Township is a resort community and is desirous of utilizing the northeast and southwest streets except for Long Beach Blvd. for recreational use by skate boarders, roller skaters, joggers, walkers, and more than two wheel bicycles along the shoulder area.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 5<sup>th</sup> day of June 2017 that all street games, whether organized or unorganized, such as, but not limited to, hockey, basketball, softball, kick ball, baseball etc. are hereby prohibited on all public streets within the Township of Long Beach temporarily; and

**BE IT FURTHER RESOLVED** that skate boards, roller skating, skating of any type, jogging, more than two wheel bicycles, and baby/child transport apparatus are prohibited on the cart-way of Long Beach Blvd., between the Borough of Ship Bottom and the Borough of Beach Haven. All other streets in Long Beach Township are exempted from this prohibition. The aforementioned activities shall abide by prevailing governmental rules and regulations; and

**BE IT FURTHER RESOLVED** that the aforementioned emergency regulations be effective commencing June 17, 2017 through September 9, 2017.

4. Resolution 17-0605.04: Approve various personnel matters

**RESOLUTION 17-0605.04**

**Beach Badge**

Change the following employee's Payroll Account to Beach Badge Salary & Wage effective June 10, 2017.

Renee Gresko

Hire the following employee as a Seasonal Beach Badge Checker/Seller at the rate of \$11.15 per hour to be paid from Beach Badge Salary & Wage effective retroactive to May 19, 2017.

Carol Boyle

Hire the following employee as a Seasonal Beach Badge Seler/Checker at the rate of \$11.25 per hour to be paid from Beach Badge Salary & Wage effective retroactive to June 1, 2017.

Pamela Tamowski

Hire the following employees as Seasonal Beach Badge Seller/Checkers at the rate of \$8.50 per hour to be paid from Beach Badge Salary & Wage effective retroactive to June 1, 2017.

Isabella Chirico                      Travis Henrick

Hire the following employees as Seasonal Beach Badge Program Supervisors at the rate of \$13.55 per hour to be paid from Beach Badge Salary & Wage effective June 17, 2017.

Virginia Fine                              Melissa Vurlicer

Hire the following employee as a Seasonal Beach Badge Program Supervisor at the rate of \$13.45 per hour to be paid from Beach Badge Salary & Wage effective June 17, 2017.

Grace McAlindin

Hire the following employees as Seasonal Beach Badge Program Supervisors at the rate of \$13.35 per hour to be paid from Beach Badge Salary & Wage effective June 17, 2017.

Miranda Czymek                      Nicole Fortunato                      Malia Henefer                      Lisa Wilcox

Hire the following employee as a Seasonal Beach Badge Assistant Program Supervisor at the rate of \$11.50 per hour to be paid from Beach Badge Salary & Wage effective June 17, 2017.

Brian Gray

Hire the following employees as Seasonal Beach Badge Seller/Checkers at the following rates to be paid from Beach Badge Salary & Wage effective June 17, 2017.

**\$8.90/hour**

Brielle Cacoilo  
Shannon Dentrux  
Carley Gould  
Alexander Wickert  
Alyson Zitzner  
Isabelle Zoccolo

**\$8.80/hour**

Paige Baxter  
Lucia Gardiner  
Matthew Kustrup  
Rachel Rizzo

**\$8.70/hour**

Corinne Bohnel  
Devin Buck  
Nicolette Catalano  
Ryan Gulya  
Grayson Myrick  
Matthew Omberg  
Amanda Paris  
Wesley Rahrer  
Christine Raso  
Faith Redmond  
Jacob Seeger  
Bailey Snyder  
Shannon Thomas  
Jacqueline Ward  
Scott Weichert

**\$8.60/hour**

Michael Adjedj  
Brianna Carpenter  
Madison Catalano  
Carson Fisher  
Cole Fisher  
Dana Ivan  
Tyler Geist  
Julia Lewis  
Kelly Marron  
Matthew McNamara  
Elizabeth Moore  
Thomas Omberg  
Sophia Romano  
Emily Roth  
Audrey Schaller  
Georgia Shanker  
John Sonta  
Cole Stevens  
John Swanson  
Nicolas Testa  
Kaleigh Thomas





Hire the following employees as Seasonal Clerk 1s at the rate of \$12.00 per hour to be paid from Transportation Salary & Wage effective retroactive to May 27, 2017.

Ava Marie Miller                      Julia Wolf                      Brittany Fortner                      Sherry Fortner

Hire the following employee as a Seasonal Clerk 1 at the rate of \$10.00 per hour to be paid from Transportation Salary & Wage effective retroactive to May 27, 2017.

Robert Rozek

Hire the following employees as Seasonal Clerk 1s at the rate of \$13.00 per hour to be paid from Transportation Salary & Wage effective retroactive to May 27, 2017.

Noreen McGowan

**Water/Sewer**

Hire the following employees as a Seasonal Full-Time Laborer 1 at the rate of \$10.00 per hour to be paid from Water/Sewer Salary & Wage effective June 102, 2017.

Derek Wilson                                      Brady Clark

5. Resolution 17-0605.05: Designate the 2017 Surfing/Fishing Beaches

**RESOLUTION 17-0605.05**

**RESOLUTION ESTABLISHING ALL OCEANFRONT BEACHES AS SURFING/FISHING BEACHES IN LONG BEACH TOWNSHIP AND ESTABLISHING THE METHOD OF DEMARCATING THE LOCATIONS THEREOF**

**WHEREAS**, in the past, Long Beach Township has designated certain areas of its oceanfront beach for use by those entering the water utilizing surfboards and the like, and for fishermen; and

**WHEREAS**, said beaches are designated as "surfing/fishing beaches", that is to say, beaches used by surfboarders and the like, and fishermen are beaches which are not protected by Township Lifeguards; and

**WHEREAS**, the advent of the 2017 summer season is swiftly approaching and the Board of Commissioners of the Township of Long Beach have determined to, by Resolution, establish that on all oceanfront beaches surfing & fishing activities shall be permitted outside of the designated swimming areas and marked by blue flags, conditions permitting; and

**WHEREAS**, the Board of Commissioners has determined that guarded swimming areas shall be identified by the placement of yellow flags located on the northerly and the southerly terminuses of those designated area(s).

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Monday June 5, 2017, that all oceanfront beach areas, except those areas designated for swimmers by the placement of yellow flags by Long Beach Township Beach Patrol personnel, shall hereby be designated as surfing/fishing beaches with those areas marked by blue flags, that is to say oceanfront beaches where persons entering the water, using surfboards and the like, and fishermen, may participate in their sport; and

**BE IT FURTHER RESOLVED**, that the use of oceanfront beaches and waters marked by blue flags, conditions permitting, shall be at the beach patrons' own risk as these beachfront areas shall be unguarded and unprotected.

6. Resolution 17-0605.06(a&b): Approve Various Donations:  
a) Donate six (6) Municipal Court Chairs to the Borough of Ship Bottom  
b) Accept the Donation of one (1) Boat to Beach Patrol

**RESOLUTION 17-0605.06(a)**

**WHEREAS**, the Township of Long Beach currently has in its possession six (6) Municipal Court Chairs that were used in the court room; and

**WHEREAS**, at this time the Township of Long Beach no longer has a need or a use for the chairs; and

**WHEREAS**, the Borough of Ship Bottom has expressed an interest in the chairs for their use.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Township of Long Beach approves the donation of six (6) Municipal Court chairs to the Borough of Ship Bottom for their use.

**RESOLUTION 17-0605.06(b)**

**WHEREAS**, the Long Beach Township Beach Patrol received a donation, from Ted Fleuher Construction, of one (1) Van Duyne SurBoat VIN# VDB004780617; and

**WHEREAS**, the Beach Patrol shall use this boat for their Lifeguard competitions, Lifeguard rescue and training needs; and

**WHEREAS**, the Long Beach Township Insurance Fund Commissioner has been notified of the donated boat and has added said boat as a fixed asset of the Beach Patrol.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Township of Long Beach do hereby accept the donation of one (1) Van Duyne SurBoat from Ted Fleuher Construction for use as a Lifeguard Tournament and Rescue Training vessel .

7. Resolution 17-0605.07: Oppose plans for Ethel Jacobson Elementary School and a General Election Bond Referendum Public Question for the LBI Consolidated School District

**RESOLUTION IN OPPOSITION TO THE PLANS FOR THE ETHEL A. JACOBSEN ELEMENTARY SCHOOL AND BOND REFERENDUM PROPOSED BY THE BOARD OF EDUCATION FOR THE LONG BEACH ISLAND CONSOLIDATED SCHOOL DISTRICT**

**WHEREAS**, the Mayor and Commissioners of the Township of Long Beach ("Township") has continuously investigated and reviewed the ongoing developments relating to the addition and

renovations to the Ethel A. Jacobsen Elementary School ("Ethel Jacobsen School") proposed by the Board of Education for the Long Beach Island Consolidated School District ("Board"); and

**WHEREAS**, the LAN Associates report ("Report") prepared for the Board in 2011 identified the three (3) following options in terms of how to address a declining student enrollment and the existence of two (2) separate elementary schools within the district: (i) to continue with the two (2) schools; (ii) to renovate the Long Beach Island Grade School ("LBI School") and close the Ethel Jacobsen School; or (iii) to renovate the Ethel Jacobsen School and close the LBI School; and

**WHEREAS**, the Report did not recommend any one (1) of the foregoing options, but did note that the renovation costs for the LBI School in 2011 dollars was approximately \$4.2 million and the renovation costs for the Ethel Jacobsen School in 2011 dollars was approximately \$9.4 million; and

**WHEREAS**, subsequent to the Report, as a result of FEMA and insurance funding following Superstorm Sandy, the LBI School underwent approximately \$2 million in necessary renovations; and

**WHEREAS**, the Board evidently elected to proceed with the addition and renovations to the Ethel Jacobsen School on the basis, in part, that the Board believed it can sell the LBI School to a private developer for approximately \$9 million; and

**WHEREAS**, the Borough has significant concerns regarding the foregoing estimated sales price on the bases of: (i) the State of New Jersey Tidelands claim located at the LBI School; (ii) the demolition costs of the LBI School; (iii) the likely environmental issues located the LBI School; and (iv) the necessity of zoning approval for any such development; and

**WHEREAS**, the Borough of Ship Bottom previously made offers to purchase property relating to the Ethel Jacobsen School and to purchase the LBI School, all of which were rejected by the Board; and

**WHEREAS**, the Township believes that had the Board sold the Ethel Jacobsen school properties to the Borough of Surf City and the Borough of Ship Bottom, the required funding for the renovations to the LBI School may have been fully met; and

**WHEREAS**, the Township has reviewed the various documents and submissions by the Board and its professionals to the Department of Education regarding the proposed addition and renovations to the Ethel Jacobsen School and the Township contends that such submissions include inaccuracies and omissions; and

**WHEREAS**, the Borough of Ship Bottom has provided written notification to the Department of Education setting forth contentions regarding the significant issues with the proposed addition and renovations to the Ethel Jacobsen School; and

**WHEREAS**, the Township agrees that the issues with the proposed plans for the addition and renovations to the Ethel Jacobsen School include the following: (i) a potential lack of compliance with FEMA flood regulations; (ii) the failure to include the addition of any necessary and new storage space, which will evidently require additional funding and construction over and above the proposed bonding referendum amount; (iii) the failure to fully address the easement and storm water drainage pipe located at the site, which poses safety, legal, and cost issues; (iv) the election not to designate the school as a temporary shelter for use during emergencies; and (v) the apparent misstatement to the Department of Education that the selection of the Ethel Jacobsen School for the consolidation and the plans were recommended by LAN Associates and that there was a "general consensus" of the Island municipalities served by the district in support thereof; and

**WHEREAS**, the Township has additional significant concerns regarding the Board proceeding with the proposed September 2017 referendum to seek approval for the \$18.4 million in financing given that: (i) the required storage addition/new building is not included in that amount; (ii) the Board advertised for bids for the Ethel Jacobsen School in 2011, but received no bids in response; (iii) the significant issues with the plans documented above have not yet been addressed; (iv) the Board is not under contract to sell the LBI School; (v) there is no guarantee that the Board will receive any offer approaching the \$9 million estimate; and (vi) apparent misstatements in the Board's Frequently Asked Questions published to inform the public regarding the plans and referendum; and

**WHEREAS**, even if the Board were to receive approximately \$8 million to purchase the LBI School, such a purchase would likely be contingent upon the removal of the State Tidelands claim, inspections, and zoning approval, all of which will likely lead to such funds not being received by the Board until the resolution of those issues years later;

**WHEREAS**, even if the Board were to receive approximately \$8 million to purchase the LBI School, the Board would still be required to repay \$10.4 million in bonds through borrowing authorized by the referendum and ultimately will have spent \$18.4 million on a school with potentially two (2) different elevations, no new storage space, and that does not provide a material improvement over a renovated LBI School or a more limited and efficient renovation of the Ethel Jacobsen School, as the LAN Associates report noted that the renovation would likely cost \$9.4 million in 2011 dollars and the proposed \$18.4 million is approximately double that amount; and

**WHEREAS**, in light of, *inter alia*, the foregoing, the Borough believes that the plans and \$18.4 million in financing proposed by the Board are not consistent with sound fiscal and budgetary practices, are not the prudent choices, are excessive in scope, are not in the best

interest of the children in the district, are not in the best interest of the district taxpayers, and do not support the public health, welfare, and safety; and

**WHEREAS**, other options were available to the Board that would provide a better environment for the district's children, greater savings to the taxpayers, and that were and are more consistent with the public's health, welfare, and safety; and

**WHEREAS**, the Township cannot and does not support the Board's decisions, plans, and the proposed bonding of \$18.4 million.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioner of the Township of Long Beach on this 5<sup>th</sup> day of June 2017, in accordance with the aforesaid Recitals, which are expressly incorporated herein by reference, hereby officially opposes the Ethel A. Jacobsen Elementary School Plans and Bond Referendum proposed by the Board of Education for the Long Beach Island Consolidated School District.

8. Resolution 17-0605.08: Approve various water/sewer account changes

**WHEREAS**, the following Water/Sewer accounts require changes in their billing and/or classification due to various reasons; and

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

<u>BLOCKLOT/QUAL</u>	<u>ACCT #/ACCTYEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
15.55 12	5463-0 Sewer 2017	Convert to Single	\$221.25
15.55 12	5463-0 Sewer 2013	Standby Credit	\$132.75
15.55 12	5463-0 Water 2013	Standby Credit	\$ 42.50
15.71 16	5680-0 W/S 2017	Per Fixture Count	\$589.00
15.71 16	5680-0 W/S 2016	Per Fixture Count	\$589.00
15.71 16	5680-0 W/S 2015	Per Fixture Count	\$589.00

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

Motion to approve Items 1 thru 8:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**LICENSES & PERMITS**

9. Resolution 17-0605.09: Approve free 2017 Beach Buggy Permits & Beach Badges for Active Military and their Families, and all Veterans

**A RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES RECOGNIZING THE SACRIFICES BEING MADE BY THEM AND ALSO BY THEIR FAMILIES, AND PROCLAIMING THE CONTINUED PARTICIPATION OF THE TOWNSHIP OF LONG BEACH IN "OPERATION: THANK YOU", AUTHORIZING FREE BEACH ACCESS DURING THE 2017 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND THEIR IMMEDIATE FAMILIES AND ALL VETERANS**

**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 2017.

**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 2017; and

**BE IT FURTHER RESOLVED**, that free daily beach admission, free beach buggy access, etc. be provided during the 2017 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 and 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 hereby are 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 2017.

10. Resolution 17-0605.10: Approve the renewal of local liquor licenses for the 2017/2018 licensing year (11 licenses)

**WHEREAS**, the following applicants have made application for renewal of their licenses for the period July 1, 2017 through June 30, 2018; and

- Sweeney Enterprises LLC. t/a Terrace Tavern/ Oyster House, holder of plenary retail consumption license 1517-33-001-005
- Nardi's LLC., t/a Nardi's, holder of plenary retail consumption license 1517-33-002-007
- 8200 Boulevard Corp., t/a Kubel's Too, holder of plenary retail consumption license with broad package privilege 1517-32-003-007
- Beach Haven Wines & Liquors, LLC. t/a Fritzie's Wines & Liquors, holder of plenary retail distribution license 1517-44-004-005
- Felten Enterprises, Inc., t/a Hudson House Bar, holder of plenary retail consumption license 1517-33-005-003
- Woolley Holding Co., t/a Spray Beach Motor Inn, holder of plenary retail consumption license with hotel / motel exception 1517-36-007-001
- Barnegat Light Post #3729, Veterans of Foreign Wars, Inc., holder of club license 1517-31-009-001
- Haven Beach Association, holder of club license 1517-31-010-001
- Spray Beach Yacht Club, holder of club license 1517-31-012-001
- Brant Beach Yacht Club, holder of club license 1517-31-008-002
- Daddy O Restaurant, LLC, holder of plenary retail consumption license with broad package privilege 1517-32-006-005

**WHEREAS**, the Board of Commissioners of the Township of Long Beach has determined that it is in the best interest of the community to renew the above liquor licenses subject to the restrictions herein below set forth.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held on Monday, June 5, 2017 that the above liquor licenses shall be and are hereby renewed for the period July 1, 2017 through June 30, 2018, subject to the following conditions:

(1) Payment of the sum of \$1,465.00 to the Township of Long Beach for retail license or payment of the sum of \$180.00 to the Township of Long Beach for Club Fee;

(2) Each licensee shall determine the appropriate and adequate number of security staff required to be present to maintain the peace and order of said licensed establishment and the adjacent parking provided by the licensee for the patrons of that establishment. The security guards to be provided shall be approved in advance by the Chief of Police of Long Beach Township, after they have been fingerprinted, photographed and a security clearance check has been run on said guards by the Long Beach Township Police Department. Off-Duty Police Officers employed by any municipality other than Long Beach, may be cleared without the necessity of fingerprinting and photographing, however, such off-duty police officers shall not be so employed without the prior approval of the Chief of Police of Long Beach Township. Long Beach Township Police officers shall not be so employed. The Board of Commissioners of the Township of Long Beach shall consider recommendations of the Long Beach Township Police Department as to public safety, health, morals, and welfare and requests from surrounding property owners as to the necessity for additional security personnel, said requests shall be made only for good cause, which said good cause shall be verified, to the extent possible, by the Police Department of the Township of Long Beach.

**11. Resolution 17-0605.11: Approve permit for 2017 Food Concession Services, per auction: Sunny Rae's Kitchen**

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE LEASE OF A FOOD CONCESSION TRAILER IN BAYVIEW PARK, PER AUCTION

**WHEREAS**, pursuant to N.J.S.A. 40:61-1. h., the Township of Long Beach ("Township") may lease any privilege in any of its parks, beaches, waterfronts, and places for public resort and recreation to the highest responsible bidder there for; and

**WHEREAS**, the Township purchased, by competitive quotation, a food concession trailer for use in Bayview Park or other Municipal grounds; and

**WHEREAS**, the Board of Commissioners wished to offer for lease Bayview Park Food Concession Services, for the purpose of providing certain food and beverage items to the public; and

**WHEREAS**, Township had advertised for the receipt of bids for the auction of Bayview Park Food Concession Services on April 13, 2017; and

**WHEREAS**, pursuant to the Notice to Bidders, receipt of bids took place on April 25, 2017 at 1:00 p.m.; and

**WHEREAS**, no bids were received; and

**WHEREAS**, pursuant to Resolution 17-0501.01(c) Township re-advertised for the receipt of bids for Bayview Park Food Concession Services on May 4<sup>th</sup> with bids to be received at live auction on May 17, 2017 at 11:00am; and

**WHEREAS**, four bidders attended; and

**WHEREAS**, the highest bidder was SunnyRaes Kitchen in the amount of \$5,700.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Commissioners of the Township of Long Beach in the County of Ocean, State of New Jersey, this 5<sup>th</sup> day of June 2017, for the reasons aforesaid, that SunnyRaes Kitchen, 44 Windsor St, Forked River, NJ 08731 be and is hereby awarded a lease for food concession services effective through December 31, 2017.

Motion to approve Items 9 thru 11:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**PURCHASES, CONTRACTS & AWARDS**

12. Resolution 17-0605.12:

Authorize an Option to Extend:

Emergency W/S Repairs: SL MacIntyre 1-year

**RESOLUTION 17-0605.12**

**RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR EMERGENCY REPAIRS TO WATER AND SEWER SYSTEMS FOR THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, pursuant to Resolution 16-0606.14 dated June 6, 2016, the Township entered into an agreement, procured by competitive bid, with the following vendor:

SL MacIntyre Underground, LLC

880 Rt. 9

Parkertown, NJ 08087

**WHEREAS**, the said contract referred to specifications and fees and provided for one (1) one-year option to extend the contract; and

**WHEREAS**, both parties have agreed to extend the contract, pursuant to the correspondence received on May 16, 2017, for one (1) year effective June 1, 2017 through May 31, 2018 with no price increase; and

**WHEREAS**, this Resolution shall be deemed and shall serve as the written contract extension.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at their regularly scheduled meeting held Monday, June 5, 2017 that the aforesaid contract shall be and is hereby extended for a period of one (1) year, effective June 1, 2017 through May 31, 2018, pursuant to the terms and conditions stated herein.

13. Resolution 17-0605.13(a&b): Award various contracts, per bid

a. High Pressure Sewer Cleaner:

Jet Vac Equipment: \$68,778.00

b. Sandy Reconstruction 2012 Well 3 and Generator Building

at the Brant Beach Water Treatment Plant: TKT Construction

Co. Inc \$1,523,250

**RESOLUTION 17-0605.13(a)**

**A RESOLUTION AWARDDING A CONTRACT FOR THE PURCHASE AND DELIVERY OF ONE (1) TRAILER-MOUNTED SEWER CLEANER FOR THE PUBLIC WORKS DEPARTMENT 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 and received bids on May 11<sup>th</sup> 2017 for the Purchase and Delivery of one (1) Trailer-Mounted Sewer Cleaner in the Township of Long Beach; and

**WHEREAS**, two bids were received as follows:

USABlueBook: \$52,722.00

Jet Vac Equipment, LLC: \$68,778.00

**WHEREAS**, the apparent low-bidder, USABlueBook, offered an equivalent unit that was insufficient for the intended use by the Township, resulting in a non-responsive bid; and

**WHEREAS**, it is in the opinion of the Board of Commissioners of the Township of Long Beach that Jet Vac Equipment, LLC is a qualified bidder, whose responsive bid shall be accepted and awarded a contract for same, as per the Municipal Solicitor, Public Works Deputy Department Head and Qualified Purchasing Agent's certification and recommendation; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds is available in the following appropriations: Ordinance 15-26ACQUtil Truck/Sewer Jet Account #U-08-55-971-901 in the amount of \$68,778.00

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 5<sup>th</sup> day of June 2017, for the reasons aforesaid, that Jet Vac Equipment, LLC, 1590 Dutch Road, Dixon IL 61021 be and is hereby awarded a contract for the Purchase and Delivery of a Trailer-Mounted Sewer Cleaner, as per the bid received May, 11 2017 in the amount of Sixty-Eight Thousand, Seven Hundred and Seventy-Eight Dollars (\$68,778.00).

**RESOLUTION 17-0605.13(b)**

**A RESOLUTION AWARDDING A CONTRACT FOR 2012 SANDY RECONSTRUCTION FOR WELL #3 AND GENERATOR BUILDING AT THE BRANT BEACH WATER TREATMENT PLANT FOR THE TOWNSHIP OF LONG BEACH, PER BID**

**WHEREAS**, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach solicited and received bids for 2012 Sandy Reconstruction for Well #3 and Generator Building at the Brant Beach Water Treatment Plant in the Township of Long Beach on May 25, 2017; 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**, TKT Construction Co., Inc P.O Box 833 Williamstown, NJ 08094 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification; and

**WHEREAS**, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the following appropriations created by: Ord 14-39 RPL Water Pump Room-BB (USDA) Account # U-08-55-967-901 in the amount of \$400,000.00 and ORD 17-08B-Rehab BB Water (EIT) Account # U-08-55-982-901 in the amount of \$1,123,250.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 5<sup>th</sup> day of June 2017, for the reasons aforesaid, that a contract be and is hereby awarded, subject to the approval of the United States Department of Agriculture/Rural Development Water and Waste Disposal Program and the New Jersey Environmental Infrastructure Trust, to:

TKT Construction Co., Inc.  
PO Box 833  
Williamstown, NJ 08094

for 2012 Sandy Reconstruction Well #3 and Generator building at the Brant Beach Water Treatment Plant in the Township of Long Beach pursuant to the bid received May 25, 2017, in the total amount not to exceed One Million Five Hundred Twenty-Three Thousand Two Hundred Fifty Dollars (\$1,523,250.00).

14. Resolution 17-0605.14: Approve the purchase of various Beach Patrol vehicles: (3) three Ford F-150 trucks Down's Ford: \$88,667.05

**RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS VEHICLES FOR THE BEACH PATROL DEPARTMENT OF THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, in anticipation of the 2017 summer season, an annual inspection of the Township Beach Patrol Fleet Vehicles was conducted and it was determined by the municipal mechanics that three (3) of the Pick-up Trucks used to access beach areas were and are no longer safe to be placed in service due to severe rusting that had caused the truck frames to erode and become structurally unsafe; and

**WHEREAS**, the cost to replace the vehicle frames, and to make other necessary repairs, exceeds the value of the vehicles themselves; and

**WHEREAS**, the Commissioner of Public Affairs and Safety has determined that, pursuant to N.J.S.A. 40A:11-6, a full fleet of operational vehicles is essential in order to ensure the public health, safety and welfare at this time, the beginning of the summer and tourist season; and

**WHEREAS**, the Township investigated other procurement options and each such option would result in the procurement of the necessary and required Pick-up Trucks well into at least July; and

**WHEREAS**, it is the opinion of the Township and the Township Attorney that an emergency situation exists that authorizes the required and immediate purchase and delivery of three (3) Pick-up Trucks for the Beach Patrol Department without public bidding; and

**WHEREAS**, quotations were solicited and Down's Ford, 360 Rt. 37, Toms River, NJ had three Ford F-150 pick-up trucks available, in stock and ready for immediate delivery; and

**WHEREAS**, total cost for the purchase and delivery of:

(1) 2017 Ford F-150 with 8' bed:	\$27,684.35
(1) 2017 Ford F-150 Supercab:	\$30,962.35
(1) 2017 Ford F-150 Supercab with 6.5' bed:	\$30,020.35

is Eighty-Eight Thousand Six Hundred Sixty-Seven Dollars and Four Cents (\$88,667.04); and

**WHEREAS**, Fulton Bank shall provide 60-month financing for the lease/purchase of the above described vehicles and the Chief Financial Officer has certified the first year's payments be deferred until 2018 at which time Lifeguard O/E Account #8-01-28-380-051 shall encumber the required funds.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey, at a regular meeting held Monday June 5, 2017, that an emergency exists necessitating the immediate purchase and delivery of three (3) Ford F-150 pick-up trucks for use by the Beach Patrol Department; and

**BE IT FURTHER RESOLVED**, a contract is hereby awarded to Down's Ford, 360 Route 37, Toms River, NJ 08753 in the amount of Eighty-Eight Thousand Six Hundred Sixty-Seven Dollars and Four Cents (\$88,667.04) for said vehicles.

15. Resolution 17-0605.15(a&b): Approve various Shared Service Agreements:  
a. Street Sweeper Services: for Beach Haven Borough  
b. Street Sweeper Services: for Ship Bottom Borough

**RESOLUTION 17-0605.15(a)**

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED RESOURCES AGREEMENT BETWEEN THE TOWNSHIP OF LONG BEACH AS LEAD AGENCY AND THE BOROUGH OF BEACH HAVEN FOR THE USE OF ONE (1) STREET SWEEPER WITH DRIVER/OPERATOR.**

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

**WHEREAS**, the Township of Long Beach and the Borough of Beach Haven wish to enter into a Shared Services/Resources Agreement, with Long Beach Township as the Lead Agency, for the use of one (1) Street Sweeper with Driver/Operator; and

**WHEREAS**, the Township of Long Beach adopted Ordinance 11-44 effective December 13<sup>th</sup> 2012 that set forth funding for the purchase of (2) Street Sweepers; and

**WHEREAS**, the Township of Long Beach has determined the cost to operate the Street Sweeper with (1) Driver/Operator is \$617.48 per day; and

**WHEREAS**, the Borough of Beach Haven has agreed to enter into a Shared Services/Resources Agreement appended hereto as Exhibit "A" which would result in Borough of

Beach Haven paying \$617.48 per day for the use of (1) Street Sweeper with Driver/Operator, as needed.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Monday, June 5, 2017 that the Agreement appended hereto as Exhibit "A" shall be executed by and between the Borough of Beach Haven and the Township of Long Beach with the same to be executed on behalf of the Township of Long Beach by Joseph H. Mancini, Mayor and attested to by Lynda Wells, RMC, Township Clerk with the seal of the Township of Long Beach affixed, and executed on behalf of the Borough of Beach Haven by the Mayor and attested to by Sherry Mason, RMC, Township Clerk with the seal of the Borough of Beach Haven affixed.

#### **AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_ day of June 2017 (hereinafter "Agreement"), between the Township of Long Beach in the County of Ocean, a municipal corporation of the State of New Jersey (hereinafter "Township"), and Borough of Beach Haven, in the County of Ocean, a municipal corporation of the State of New Jersey (hereinafter "Borough").

is made under the following terms, covenants and conditions, to wit;

1. The Township and the Borough do agree to enter into a Shared Resources Agreement, pursuant to N.J.S.A. 40A:65-1, *et seq.*, whereby the Township shall furnish to the Borough the use of one (1) Street Sweeper with one (1) Driver/Operator as needed pursuant to the terms and conditions herein below set forth.

2. The parties agree that Long Beach Township shall serve as the Lead Agency for this Agreement.

3. Beach Haven Borough shall remit to the Township of Long Beach a fee of Six Hundred Seventeen Dollars and Forty-Eight Cents (\$617.48) per day for the use of one (1) Street Sweeper with one (1) Driver/Operator, as needed.

4. The Borough of Beach Haven agrees to indemnify and hold the Township of Long Beach and its officers, agents and employees harmless from any and all liability, claims, costs and Attorney's Fees arising out of the use of the property referred to above.

5. The term of this Shared Service/Resource Agreement shall be one (1) year; commencing the 1<sup>st</sup> day of June 2017 and ending on the 31<sup>st</sup> day of May 2018.

6. The Borough agrees to utilize the Street Sweeper and Driver on at least two (2) occasions but not more than three (3) occasions during the term of this Agreement. Each use shall be for cleaning the streets in the entirety of the Borough of Ship Bottom, however, each such use shall not exceed ten (10) consecutive work days in total.

7. All dates for use of the Street Sweeper in the Borough shall be on such dates as are mutually agreed by and between the Public Works Departments of the two (2) Municipalities.

8. In addition to the consecutive work days specified in paragraph 6 above the Township will provide Street Sweeper Services for the consideration set forth in paragraph 3 above on single days as may be needed by the Borough and as agreed to by the Public Works Departments of the two (2) Municipalities.

9. If needed on an emergent basis for cleanup of accident debris and the like, the Township will supply the Street Sweeper to the Borough for a period of time of not over two (2) hours from the time the Street Sweeper leaves the boundaries of Long Beach Township until the time it returns to the boundaries of Long Beach Township, not to exceed five (5) times during the course of this Agreement, without charge.

10. This Agreement may be extended for a period of one (1) year if agreed to by both Parties and upon such renewal the Agreement shall be amended in paragraph 3 above to reflect a mutually agreed upon consideration for the *per diem* charge for the use of the Street Sweeper and Driver.

**IN WITNESS WHEREOF** the parties hereto have caused this Agreement to be executed by their proper officers and their corporate seals to be hereto affixed as of the day and year first above written.

#### **RESOLUTION 17-0605.15(b)**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED RESOURCES AGREEMENT BETWEEN THE TOWNSHIP OF LONG BEACH AS LEAD AGENCY AND THE BOROUGH OF SHIP BOTTOM FOR THE USE OF ONE (1) STREET SWEEPER WITH DRIVER/OPERATOR.**

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

**WHEREAS**, the Township of Long Beach and the Borough of Ship Bottom wish to enter into a Shared Services/Resources Agreement, with Long Beach Township as the Lead Agency, for the use of one (1) Street Sweeper with Driver/Operator; and

**WHEREAS**, the Township of Long Beach adopted Ordinance 11-44 effective December 13<sup>th</sup> 2012 that set forth funding for the purchase of (2) Street Sweepers; and

**WHEREAS**, the Township of Long Beach has determined the cost to operate the Street Sweeper with (1) Driver/Operator is \$617.48 per day; and

**WHEREAS**, the Borough of Ship Bottom has agreed to enter into a Shared Services/Resources Agreement appended hereto as Exhibit "A" which would result in Borough of



Ship Bottom paying \$617.48 per day for the use of (1) Street Sweeper with Driver/Operator, as needed.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Monday, June 5, 2017 that the Agreement appended hereto as Exhibit "A" shall be executed by and between the Borough of Ship Bottom and the Township of Long Beach with the same to be executed on behalf of the Township of Long Beach by Joseph H. Mancini, Mayor and attested to by Lynda Wells, RMC, Township Clerk with the seal of the Township of Long Beach affixed, and executed on behalf of the Borough of Ship Bottom by William Huelsenbeck, Mayor and attested to by Kathleen Wells, RMC, Borough Clerk with the seal of the Borough of Ship Bottom affixed.

#### AGREEMENT

**THIS AGREEMENT**, made this \_\_\_\_ day of June 2017 (hereinafter "Agreement"), between the Township of Long Beach in the County of Ocean, a municipal corporation of the State of New Jersey (hereinafter "Township"), and the Borough of Ship Bottom, in the County of Ocean, a municipal corporation of the State of New Jersey (hereinafter "Borough"), is made under the following terms, covenants and conditions, to wit:

1. The Township and the Borough do agree to enter into a Shared Resources Agreement, pursuant to N.J.S.A. 40A:65-1, *et seq.*, whereby the Township shall furnish to the Borough the use of one (1) Street Sweeper with one (1) Driver/Operator as needed pursuant to the terms and conditions herein below set forth.

2. The parties agree that Long Beach Township shall serve as the Lead Agency for this Agreement.

3. Ship Bottom Borough shall remit to the Township of Long Beach a fee of Six Hundred Seventeen Dollars and Forty-Eight Cents (\$617.48) per day for the use of one (1) Street Sweeper with one (1) Driver/Operator, as needed.

4. The Borough of Ship Bottom agrees to indemnify and hold the Township of Long Beach and its officers, agents and employees harmless from any and all liability, claims, costs and Attorney's Fees arising out of the use of the property referred to above.

5. The term of this Shared Service/Resource Agreement shall be one (1) year; commencing the 1<sup>st</sup> day of June 2017 and ending on the 31<sup>st</sup> day of May 2018.

6. The Borough agrees to utilize the Street Sweeper and Driver on at least two (2) occasions but not more than three (3) occasions during the term of this Agreement. Each use shall be for cleaning the streets in the entirety of the Borough of Ship Bottom, however, each such use shall not exceed ten (10) consecutive work days in total.

7. All dates for use of the Street Sweeper in the Borough shall be on such dates as are mutually agreed by and between the Public Works Departments of the two (2) Municipalities.

8. In addition to the consecutive work days specified in paragraph 6 above the Township will provide Street Sweeper Services for the consideration set forth in paragraph 3 above on single days as may be needed by the Borough and as agreed to by the Public Works Departments of the two (2) Municipalities.

9. If needed on an emergent basis for cleanup of accident debris and the like, the Township will supply the Street Sweeper to the Borough for a period of time of not over two (2) hours from the time the Street Sweeper leaves the boundaries of Long Beach Township until the time it returns to the boundaries of Long Beach Township, not to exceed five (5) times during the course of this Agreement, without charge.

10. This Agreement may be extended for a period of one (1) year if agreed to by both Parties and upon such renewal the Agreement shall be amended in paragraph 3 above to reflect a mutually agreed upon consideration for the *per diem* charge for the use of the Street Sweeper and Driver.

**IN WITNESS WHEREOF** the parties hereto have caused this Agreement to be executed by their proper officers and their corporate seals to be hereto affixed as of the day and year first above written.

Motion to approve Items 12 thru 15:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

#### FINANCIAL APPROVALS

16. Resolution 17-0605.16: Accept a Performance Bond LUB 35-16

**WHEREAS**, the Township of Long Beach has accepted from Joseph Ragusa, Cashier's Check No. 6784801290 drawn on Wells Fargo, dated May 9, 2017 in the amount of Nine Thousand Six Hundred Thirty-Six Dollars (\$9,636.00), as the required Performance Bond for Minor Sub-division #LUB-35-16, Block 14.08, Lot 1 (North East Corner of West Winifred (79<sup>th</sup> Street) and Bayview Ave).

**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.

17. Resolution 17-0605.17: Authorize various 2017 Beach Patrol Department fees

#### **RESOLUTION ESTABLISHING FEES FOR LIFEGUARD IN TRAINING CLASSES AND TOURNAMENTS IN 2017**

**WHEREAS**, pursuant to §5-8. E. (8) the Board of Commissioners may set fees for Beach Patrol events by resolution; and

**WHEREAS**, in an effort to cover the costs of the Lifeguard in Training Program and Tournament in 2017 the Board of Commissioners has determined various fees shall be required.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Monday, June 5, 2017 that Lifeguard in Training Program participants (13/15-year-olds) shall be charged a fee of Two Hundred Twenty-Five Dollars (\$225.00) for one session of the program, and Three Hundred Seventy-Five Dollars (\$375.00) to participate in both sessions. Beginner Lifeguard in Training Program participants (10/12-year-old participants) shall be charged a fee of Ninety Dollars (\$90.00) to participate in one session of the program, and One Hundred Fifty Dollars (\$150.00) to participate in both sessions. The registration fee for the LIT Tournament shall be Twenty-Five Dollars (\$25.00).

18. Resolution 17-0605.18(a&b): Approve various Chapter 159's:

a) Shared Service Purchase/Install Cameras: \$56,589.98

b) NJDEP Clean Community Program \$41,779.23

**RESOLUTION 17-0605.18(a)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2017 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) SHARED SERVICE AGREEMENTS FOR THE PURCHASE AND INSTALLATION OF VARIOUS CAMERAS**

**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 \$56,589.98; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2017 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 2017 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:

SHARED SERVICE AGREEMENT-PURCHASE /INSTALL CAMERAS FY 2017 WITH AN ADDITIONAL AMOUNT OF: \$56,598.98

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:

SHARED SERVICE AGREEMENT-PURCHASE /INSTALL CAMERAS FY 2017 WITH AN ADDITIONAL AMOUNT OF: \$56,598.98

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 17-0605.18(b)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2017 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) NJDEP CLEAN COMMUNITIES PROGRAM**

**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 \$41,779.23; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2017 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 2017 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:

NJDEP CLEAN COMMUNITIES PROGRAM FY 2017 WITH AN ADDITIONAL AMOUNT OF: \$41,779.23

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:

NJDEP CLEAN COMMUNITIES PROGRAM FY 2017 WITH AN ADDITIONAL AMOUNT OF: \$41,779.23

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.

19. Resolution 17-0605.19:	Approve Bills & Payroll	
	Bills in the amount of:	\$ 14,990,129.04
	Payroll in the amount of:	\$ 1,422,864.10

**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 \$1,422,864.10 .

**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 \$14,990,129.04 be and the same are hereby authorized to be paid on Monday, June 5, 2017

2. The said approved payroll amounting to the sum of \$ 1,422,864.10 be and the same are hereby authorized to be paid on Monday, June 5, 2017.

The Municipal Clerk be and she 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 thru 19:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**ADMINISTRATOR'S REPORT**

**Kyle Ominski, Administrator:** "Keep Off The Dunes" signs were currently being posted on LBT beaches. He advised the Beach Storm Protection Project would resume in the Fall of 2017.

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi:** The Municipal Transportation Department trolleys were busy over the course of the Memorial Day weekend with approximately 4,500 total riders. Plans were underway to enable the trolleys to display to waiting patrons that the trolley was "FULL". These riders would then know to wait for the next trolley. The Commissioner made a brief presentation to the audience explaining how property taxes were allocated. He noted an upcoming meeting hosted by various Long Beach Island Taxpayer Groups to discuss options for school funding.

**Commissioner Bayard:** The Clean Communities Grant had been received by the Township. June 7<sup>th</sup> was the scheduled date of the annual Barnegat Bay Blitz; volunteers would be cleaning local beaches. A Recycling application was available to cell phone owners providing information on recycling in LBT. Hazardous Waste Day would be held in LBT at the Public Works Yard on September 23<sup>rd</sup>.

**Mayor Mancini:** The next meeting of the Land Use Board would be held on Wednesday, June 14<sup>th</sup> at 7:00 pm in the upstairs multi-purpose room. The August 7<sup>th</sup> public meeting would begin at 6:00 pm. Second Reading and Public Hearing for Ordinances 17-22 through 17-28C would take place at the public meeting held on July 3<sup>rd</sup> at 4:00 pm. The Mayor further advised Long Beach Island property owners paid 80% of Southern Regional School District costs. Therefore, representation on the Board of Education should be representative of that fact; current Island Board Members were less than 50% of the full membership. He noted a new jetty in Holgate in the area of the former wooden jetty would begin construction. Work was held up due to nesting habitats for endangered birds in the area. Once the Department of Fish & Wildlife cleared the nesting area(s), the project could commence. Mayor Mancini announced the last day for the

purchase of Seasonal Beach Badges at pre-season rates would be June 15<sup>th</sup>. Lifeguards would be on duty starting June 17<sup>th</sup>.

**OPEN PUBLIC SESSION**

**Tom Beatty/Holgate** asked to see the plans for the new jetty.

**Mayor Mancini** again advised the project/plans would not be ready until the area had been cleared by the Department of Fish & Wildlife; possibly in the late fall of 2017.

**Kevin Kelly/Holgate** asked that the material used to overlay the beach entrance at Pershing Avenue in Holgate be replaced as it was rough and difficult to walk over.

**Mayor Mancini** promised to check the entrance and possibly replace the surface.

**Bill Hutson/Holgate** announced the Taxpayer Associations on Long Beach Island would hold a meeting at the Harvey Cedars Bible Conference on June 8<sup>th</sup> to discuss school funding. He provided information and put forth various ground rules for the meeting.

**Kyle Gronostasseri/ALO** was grateful for the passage of Ordinance 17-19C and hoped eventually the entire State would prohibit the intentional release of helium balloons.

**CLOSE PUBLIC SESSION**

Motion for adjournment at 6:30 pm:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

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Lynda J. Wells, RMC  
Municipal Clerk

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Joseph H. Mancini, Mayor

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Ralph H. Bayard, Commissioner

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Dr. Joseph P. Lattanzi, Commissioner