

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS August 29, 2018
Flag Salute

Meeting came to order: 4:05 p.m.
Clerk called the roll: Mayor Joseph H. Mancini
Commissioner Ralph H. Bayard
Commissioner Joseph P. Lattanzi
Also in attendance: Lynda J. Wells, Municipal Clerk
Kyle Ominski, Administrator

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES on August 9, 2018; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting and to approve the same as recorded in the minute book:

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

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 18-23C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 189 ENTITLED "VEHICLES AND TRAFFIC" SO AS TO REGULATE THE OPERATION OF MOTOR VEHICLES ON STREETS AND ROADWAYS DURING FLOODING CONDITIONS**

ORDINANCE 18-23C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 189 ENTITLED "VEHICLES AND TRAFFIC" SO AS TO REGULATE THE OPERATION OF MOTOR VEHICLES ON STREETS AND ROADWAYS DURING FLOODING CONDITIONS

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

WHEREAS, The Township finds and declares that the operation of motor vehicles upon public streets and roadways during certain extreme flooding conditions can create a wake that carries beyond the street or curb line causing damage to adjacent properties; and

WHEREAS, the general operation of motor vehicles upon public streets and roadways further poses a danger to those operating the motor vehicles, as well as to pedestrians; and

WHEREAS, the aforesaid condition and danger pose a real and present threat to the public health, welfare, and safety; and

WHEREAS, such dangerous conditions have become more and more frequent; and

WHEREAS, the Board of Commissioners has elected to further protect the public health, welfare, and safety during periods of flooding by regulating the manner of operation of motor vehicles driven upon the public streets and roadways during such flooding conditions.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, Ocean County, State of New Jersey, in accordance with the aforesaid Recitals, which are incorporated herein by reference, that:

STATEMENT OF PURPOSE

The purpose of this Ordinance is to add a new §189-33, which adopts regulations relating to and limiting the use of motor vehicles during periods of flooding within the Township.

SECTION I

§189-33 is repealed and replaced with the following.

§189-33 Operation of vehicles on flooded streets and roadways.

- A. When there is accumulated water on the surface of any portion of the public street or roadway, including any designated shoulder, no motor vehicle shall be operated at a rate of speed on any public street or roadway in a manner that causes a discharge of a wave that carries beyond the edge of the street or curb line.
- B. This Section shall not preclude individuals who are operating a motor vehicle for the purposes of a medical emergency.

SECTION II

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

SECTION III

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

Effective date.

This ordinance shall take effect after final adoption and publication as required by law. Passed on first reading at a regular meeting held on August 6, 2018 and advertised in the BEACH HAVEN TIMES issue of August 9, 2018.

OPEN PUBLIC HEARING

No comment.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-23C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 2. Second Reading Ordinance 18-24: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$210,000 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 \$199,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING TOWNSHIP OF LONG BEACH, NEW JERSEY ORDINANCE 18-24**

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$210,000 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 \$199,500; 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 \$210,000;

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$199,500; and

(c) a down payment in the amount of \$10,500 for the purposes 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 \$199,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,500, which amount represents the required down payment, 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 \$199,500 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.

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 \$199,500 is hereby authorized. Pursuant to the Local Bond Law, the Chief

Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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. Acquisition of Various Equipment for the Public Works Department including, but not limited to, a Front-End Loader; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto.	\$210,000	\$10,500	\$199,500	5 years

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$199,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

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

Section 13. The Township hereby covenants as follows:

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

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

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

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

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

Section 14. The 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 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: August 6, 2018

Date of Final Adoption: August 29, 2018

Passed on first reading at a regular meeting held on August 6, 2018 and advertised in the BEACH HAVEN TIMES issue of August 9, 2018.

OPEN PUBLIC HEARING

No comment.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-24 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. Second Reading Ordinance 18-25C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 197 WHICH PERTAINS TO WATER AND SEWER, CHAPTER 5 WHICH PERTAINS TO ADMINISTRATION, AND CHAPTER 82 WHICH PERTAINS TO FEES**

ORDINANCE 18-25C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 197 WHICH PERTAINS TO WATER AND SEWER, CHAPTER 5 WHICH PERTAINS TO ADMINISTRATION, AND CHAPTER 82 WHICH PERTAINS TO FEES

STATEMENT OF PURPOSE

This Ordinance repeals and replaces Chapter 197 to update, reformat, revise, and clarify Chapter 197 as it pertains to water and sewer regulations, adds certain provisions to Chapter 197 in order to comply with the State of New Jersey mandated requirements for the installation of water meters, and adopts regulations relating to the purchase, installation, and maintenance of water meters. This Ordinance also amends Chapter 5 to revise the title and duty of a certain Township position relating to the Water and Sewer Department and Chapter 82 to add a certain test fee.

SECTION I

Chapter 197 is hereby repealed and replaced as follows.

Chapter 197: Water and Sewer

ARTICLE I ESTABLISHMENT OF WATER AND SEWER SYSTEM; DEFINITIONS

§197-1. **Establishment of water and sewer system.**

- A. There is hereby authorized the operation and maintenance of a Township water and sewer system, including, but not limited to, waterworks, pumping stations, sewerage collection systems, distribution lines, connections, and meter systems. The water and sewer systems of the Township are consolidated and shall be operated as 1 utility under the title "Water and Sewer Department."
- B. The Water and Sewer Department shall be supervised and directed by the Director of the Department of Parks, Public Property, and Public Works and the Assistant Director of the Department of Parks, Public Property, and Public Works in accordance with Chapter 5 of the Code.
- C. The Water and Sewer Department shall:

- (1) Operate, maintain and repair the water works and water supply treatment and distribution system.
- (2) Have charge of the main stop valves, fire hydrants, and other fixtures of the water system.
- (3) Supervise the laying of all new mains and repair of all pipes, fire hydrants, and other fixtures, provided that no new work shall be constructed or undertaken without first being authorized by the Board of Commissioners.
- (4) Operate, maintain, and repair the sanitary sewer system.
- (5) Perform such other duties as are necessary to maintain and operate the water and sewer system and such other duties as prescribed by the Board of Commissioners by further resolution concerning the maintenance and operation of the water and sewer system.

D. This Chapter is also enacted by the Board of Commissioners as the legislative arm for the local board of health, the Long Beach Island Health Department.

§197-2. Definitions.

As used in this Chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings.

APPLICANT

The property owner or an authorized agent of the owner, certified to the Township as such, making application for review of plans for lines, appurtenances, or connection to the mains.

BUILDING SEWER

As defined by the New Jersey Plumbing Code.

DOMESTIC WASTEWATER

The normal waterborne fluid wastes from residences, commercial establishments, institutions, and industrial establishments, limited to the wastes from kitchens, bathrooms, water closets, lavatories, and laundries.

MAIN

The Township owned or leased piping and appurtenances in or along public highways, streets, easements, and rights-of-way used for the collection and transmission of domestic or industrial wastewater.

SERVICE LATERAL

The pipe from the main to the premises being served (to the curb line, property line, or edge of the right-of-way).

TYPES OF SERVICE

- (1) **TYPE I DWELLING**
1-family, as defined by Chapter 205, Zoning.
- (2) **TYPE II DWELLING**
Two-family, as defined by Chapter 205, Zoning.
- (3) **TYPE III DWELLING**
Multifamily, as defined by Chapter 205, Zoning.
- (4) **TYPE IV APARTMENT COMPLEX**
Garden, high-rise, trailer camps, condominium, a multiple dwelling, or group of multiple dwellings on a lot on which common facilities and services may be provided; however, each dwelling unit shall have individual kitchen and bathroom facilities.
- (5) **TYPE V BOARDINGHOUSE, LODGING HOUSE, HOTEL or MOTEL**
A dwelling for the purpose of providing lodging or both lodging and meals for pay or compensation of any kind, whether computed by day, week, or month to persons occupying such dwelling.
- (6) **TYPE VI**
All other users and connections, including but not limited to business, commercial, industry, restaurants, taverns, theaters, camps, marinas, churches, and schools.

ARTICLE II SEWER REGULATIONS

§197-3. Sewer connections, permits, and fines.

A. Connections required. All buildings located in those sections in which a sewerage collection system has been constructed or shall be constructed are required to be connected with the sewerage system and the connection shall be mandatory, whether a building shall be on land adjacent to the public street in which the sewerage line shall be laid or whether the building shall be on land not adjacent to the public street and having access to the public street by

means of a private easement, road, or right-of-way. The connection shall be in the manner and under the provisions provided by the Township.

- (1) All property owners affected thereby shall have their existing cesspools or septic tanks filled and closed within 6 months from the date their building or buildings are connected with the collection system in a manner and under the conditions as provided by the Township.
 - (2) For any new construction or renovations which equal or exceed 50% of the assessed value of the structure, the installation of an independent sewer main connection shall be made for each dwelling unit contained in any single-family dwelling, duplex dwelling, or multifamily dwelling. The terms "duplex dwelling" or "multifamily dwelling" shall be defined as those terms are defined in Chapter 205.
- B. Private easement connections. Prior to the installation of sewer structures and appurtenances on private easements, the owner(s) shall furnish the Township with a correct survey of the private easement and the portion to be conveyed to the Township and convey to the Township a deed describing the Township's easement. Said deed shall be for the reconstruction and maintenance of said sewer structures and appurtenances. The location of the Township's easement shall be subject to the final approval of the Township. All costs attendant to the design, construction, supervision, and installation of said sewer structures and appurtenances on private easements, roads, or rights-of-way shall be borne entirely by the owner(s).
- C. Notice to connect. When there shall be an operational sanitary sewer line available to receive sewerage effluent from buildings located on property along such line, the owners of all such buildings shall receive notice to connect such buildings to the sanitary sewer line within 30 days. Such notice may be served upon the owner personally or by leaving it at his or her usual place of abode with a member of his or her family above the age of 18 years. Personal service may be accomplished by mailing a copy of the notice to the owner at his or her address shown on the official tax records, such mailing to be certified mail, return receipt requested, with appropriate instructions to the postal service and authorities to deliver only to the addressee.
- D. Building permits. No building permit authorizing the erection of a new building shall be issued prior to the issuance of a permit for connection with an existing sewerage collection line connected with the sanitary sewerage system.
- E. Permits and streets. No new streets shall be built nor shall permits for the construction of new streets be issued unless and until sewerage collecting lines connected with the sanitary sewerage system have been installed in the bed of the streets, which collecting lines shall be installed in compliance with specifications approved by the Township.
- F. Fine and penalty. In addition to the additional fines, penalties, and remedies provided by this Chapter, any person who shall not comply within 30 days of the sewer connection order specified in Subsection B above shall be subject to a fine of \$25 and an additional \$10 for each additional day of noncompliance after the expiration of the 30 days' notice pursuant to N.J.S.A. 26:3-31.
- (1) The remedies herein contained to compel the connection to sewer lines shall be considered cumulative and in addition to any other remedies to compel sewer connection found under state and local law.

§197-4. Service laterals and building sewers.

- A. The size and material for construction of service laterals and building sewers extending from the main to the property line to be served to the sewer lateral shall be as the Township may from time to time determine, within the limits of state regulations. No such installation shall be made except in accordance with the Township regulations and the New Jersey Plumbing Code, and all such installations shall be installed by the owner of the property at the owner's sole cost and expense. The installation shall be inspected and approved by the Township while the trench containing the same is open. Any trench backfilled prior to inspection and approval shall, upon the request of the Township, be reopened and made available for inspection at the owner's sole cost and expense.
- B. All sewer laterals made of nonmetallic materials shall be installed with a tracer wire from the main to the curb. In addition, the clean out at the curb shall have

a top section of a metallic, ferrous iron valve box with a lid, with the marking "sewer" clearly visible.

§197-5. Prohibited systems and connections.

- A. Prohibited systems. The following disposal shall be unlawful for any person to use, construct, or maintain.
 - (1) Outside toilets.
 - (2) Cesspools.
- B. Prohibited connections. Under no circumstances will any of the following be connected to the service lateral or building sewer either directly or indirectly:
 - (1) Any drainage fixture where the overflow elevation is less than 10 feet above mean sea level, except as permitted by federal flood regulations.
 - (2) Rain conductor or downspout.
 - (3) Grease pit that does not comply with the applicable State and local regulations.
 - (4) Air-conditioning equipment without an air gap.
 - (5) Stormwater inlets or catch basins.
 - (6) Drains from equipment or manufacturing processes, except when specifically authorized under a separate agreement with the Township.
 - (7) Sump pumps.
 - (8) Untrapped floor drains.
 - (9) Outside showers.
 - (10) Pools and hot tubs.

§197-6. Applications and permits.

- A. General.
 - (1) There shall be 1 sewer application, however, the services requested shall generally be of 2 major classifications:
 - (a) Individual service lateral connection application for service Types I through VI.
 - (b) General sewer construction application for additions to or extensions of the Township of sewerage facilities.
 - (2) Service will be considered upon written submittal to the Water and Sewer Department by the applicant or his or her properly authorized agent. Blank forms for all applications will be furnished by the Water and Sewer Department and all applications must receive the approval of the Water and Sewer Department and Construction Department before connection is made or construction is started.
 - (3) The accepted application shall upon approval by the Township constitute a contract between the Township and the applicant, obliging the applicant to pay to the Township its rates as established from time to time and to comply with its rules and regulations.
- B. Individual service lateral connection permits.
 - (1) Prior to the Water and Sewer Department considering an application for an individual service lateral connection permit, the applicant, or his or her properly authorized agent, must present to the Township a valid building permit granted by the Construction Department as per the requirement of Chapter 64.
 - (2) Prior to actual connection, the applicant is required to notify the Water and Sewer Department so that proper inspection of the connection may be made pursuant to this Chapter.
 - (3) Commercial establishments making application for sanitary sewerage service shall furnish a detailed description of the type and size of buildings, the nature of the business to be conducted in each structure, and the type, volume, and chemical characteristics of the waste to be discharged. Such establishments may be required to comply with regulations of general sewer construction application at the option of the Township.
 - (4) All applications for service Types III, IV, V, and VI must be submitted at least 15 days (holidays and weekends excluded) before a regularly scheduled meeting of the Township.
 - (5) When a prospective customer has made application for a new service or has applied for the reinstatement of an existing sewerage service, the Township requires the piping and fixtures on the applicant's premises to be in good condition.

- (6) A new application, for other than types of service I and II, must be made and approved by the Township upon any change in use of the property or in the service, and the Township shall have the right, upon 5 days' notice, to discontinue the sewer service until such new application has been made and approved.
- (7) Each individual service connection requires an application for a service lateral connection permit, which shall be filed with the Water and Sewer Department.

§197-7. Township Maintenance and repairs of sewer system.

- A. Township responsibilities. The public sewer system up to the service lateral shall be maintained, operated, repaired, and replaced, as needed, by the Township.
- B. Private roads, easements, and rights of way. Where a sewer is located in a private road, easement, or right of way that has been granted to the Township in accordance with §197-3B and a manhole has been installed therein, the Township shall be responsible for the maintenance, operation, repair, and replacement, as needed, of the sewer system up to the service lateral. Where no such easement has been granted to the Township and/or no manhole exists, the property owners on that easement, road, or right-of-way and serviced by the system and facilities shall be responsible for all maintenance, operation, repairs, and replacement, as needed, up to the connection of the system in the public street or public right of way.

§197-8. Property Owner maintenance and repairs of building sewers.

- A. Deterioration. Where, in the opinion of the Water and Sewer Department, an existing building sewer is excessively deteriorated to a point that allows soil, foreign objects, or excessive infiltration/inflow into the system, that lateral shall be replaced or repaired by the property owner to the satisfaction of the Water and Sewer Department.
- B. Renewal. Where the renewal of the building sewer on the property is found to be necessary, the property owner shall renew the building sewer in the location as previously used unless otherwise approved.
- C. Maintenance. All building sewers and fixtures furnished or owned by the property owner or his or her predecessors in title shall be maintained by him or her in good order. All leaks in the building sewer or any fixture for the premises served must be repaired immediately by the owner or occupant of the premises. The property owner shall be responsible for notifying the Water and Sewer Department and Construction Department of the party engaged by said customer to do any maintenance work on the building sewer, prior to work being commenced and said party shall not backfill any trench until the work has been inspected and approved by the Township. Any work not acceptable shall be immediately removed and replaced by work which is acceptable, at the cost of the property owner.
 - (1) The Township shall in no way be responsible for maintaining any portion of the building sewer or for damage done by sewage escaping therefrom and the property owner shall at all times comply with applicable regulations with respect thereto and make changes therein required by reason of changes of grade, relocation of mains or otherwise.
- D. Township repairs. The Township reserves the right to make necessary repairs where any condition is found detrimental to the system. All costs shall be charged or apportioned to the property owner.

§197-9. Discontinuance of service or change of service type by customer.

- A. Sewer service shall not be considered a service subject to shut off at the request of the property owner. Requests for discontinuance of sewer service shall be permitted only in cases of demolition, construction, fire, flooding, or by a valid governmental order for vacating a building serviced for health reasons. The property owner shall be responsible for the payment of the sewer rental charge at the minimum charges as established by the Township of during the time the property or structure is vacant.
- B. The property owner shall not change the type of service from any of the types of service set forth in this Chapter without the prior written approval of the Township issued after proper application for such type of change.

§197-10. Discontinuance of service by Township.

- A. Service may be discontinued by the Township for any of the following reasons:
 - (1) Intentional misrepresentation in the application.

- (2) Discharge of detrimental waste to the system.
- (3) Discharge of waste from any other property or for any other purpose than that described in the application.
- (3) Refusal of reasonable access to the property for purposes of inspecting.
- (4) Violation of any applicable rules.
- (5) Illegal connections, such as sump pumps, floor drains, stormwater downspouts, or any connection not intended for the express purpose of conveyance of sewage.

§197-11. Wastewater discharge requirements.

- A. Sewerage delivered into the facilities shall not:
 - (1) Be of such a nature and in such a quantity as to impair the hydraulic capacity of such facilities.
 - (2) Be of such a nature as to, by either chemical or mechanical action, impair the strength or the durability of the sewer structures.
 - (3) Be of such a nature as to create explosive conditions in such facilities.
 - (4) Have a flash point lower than 235° F., as determined by the Tagliabus (Tag.) closed-cup method.
 - (5) Have a pH index value of lower than 5.5 or higher than 9.0.
 - (6) Include any radioactive substance.
 - (7) Include any garbage other than that received directly into public sewers from residences.
 - (8) Be discharged by tank trucks into manholes of the sewerage system.
 - (9) Be of such a nature which contains any matter, material, or substance which, after undergoing normal treatment in the respective sewage treatment plant that the Township discharges to, would not be removed from the effluent from such plant and would thereby be the cause of polluting any stream or body of water into which such effluent is discharged.
 - (10) Contain any materials which may tend to cause stoppages, blockages, or interference with the normal flow of effluent either in laterals or mains; prohibited materials shall include but not be limited to grease, animal fats, vegetable fats and the like.
- B. Where, in sole opinion of the Water and Sewer Department, the installation of special devices by the customer is required to restrict and prevent sewer discharge into the facilities in violation of Subsection A(1) through (10) above, the Water and Sewer Department shall issue written instructions to the customers and served by way of certified mail, return receipt requested, detailing the type of facility to be installed and the customer shall, within 30 days after the receipt of such written notice, install such device in accordance with the instructions and specifications of the Water and Sewer Department. In causing the specifications to be created by its Engineer, the Engineer shall apply accepted current hydraulic and sanitary engineering standards approved by and recognized by the engineering profession, taking into account the most cost-effective type of interceptor device, cost effected to the customer, which shall provide the requested treatment for the customer's effluent prior to its discharge into the facilities.

§ 197-12. Sewer Fees and Costs.

- A. All customers shall be required to pay the service fees and costs relating to the use of the facilities and system as set forth in Chapter 82.
- B. Payment for sewer services shall be made quarterly on March 1, June 1, September 1, and December 1, and shall become delinquent after 10 days. Interest at the rate of 1.5% per month or 18% per annum will be added to delinquent fees and costs until fully paid. Delinquent balances constitute a lien against the property and are enforceable as such.

ARTICLE III WATER REGULATIONS

§197-13. Connections and materials.

- A. Connections on public rights of way. Prior to any connection of any property to or with the water system, there shall be paid to the Township a connection fee as set forth in Chapter 82 of the Code.
- B. Connections on private roads, easements, and rights of way.
 - (1) It shall be the responsibility of all property owners serviced by water mains and piping located in or upon private roads, easements, or rights of way to repair and maintain the water mains and piping located thereon.

- (2) When any connection is made to any part of the water supply system on private roads or easements, a connection fee shall be charged, which fee shall be set forth in Chapter 82.
 - (3) The cost of the installation from the point of connection to the individual property shall be borne by the applicant.
 - (4) Where the water mains have been installed on private easements with the development approval of the Land Use Board and installed in accordance with the standards and procedures of the Township, such water mains shall be maintained by the Township. All costs attendant to the initial design, construction, supervision, and installation of said water mains and appurtenances on private easements shall be borne entirely by the owners. Thereafter, any maintenance of the main, but not the individual lateral service, shall be borne by the Township. However, any water main installed on a private easement without the development approval of the Planning Board, or not installed to the specifications and standards of the Township at the time of installation, shall not be maintained by the Township.
 - (5) Where the water mains and piping are located in or upon private roads, easements, or rights of way that do not comply with B(4) above and the property owners have elected not to repair and maintain the water mains and piping by statement or failure to act within the time period required to protect the system and the public health, welfare, and safety, the Water and Sewer Department shall cause the maintenance repairs to be made and the property owners located on the private road, easement, or right of way shall be apportioned and equal basis by and among all property owners on the private road, easement, or right of way, which cost shall be included in the property owners' charges for use of the system.
- C. Connection materials. Service piping from the main to the curb stop shall be of the Type as required by the Water and Sewer Department and shall comply the New Jersey Plumbing Code.
- §197-14. Use regulations.**
- A. Prohibited uses. All of the following uses of water from the water system are prohibited.
- (1) To transport water service into the waters of any bay, lagoon, channel, or other saltwater body for the purpose of preventing water from freezing around docks, pilings, boats, or other structures. Only air bubblers shall be permitted for this purpose. Any violation hereof shall entitle the Township to turn off the water supply to that property at the curb stop. The property owner shall be required to pay the emergency service charge pursuant to Chapter 82 of the Code prior to any restoration of service.
 - (2) To utilize or open any fire hydrant for any private or commercial use. Fire hydrants shall be utilized and opened only by recognized Fire Departments responding to calls and by authorized personnel of the Township.
 - (3) To use potable water for the jetting or installation of piling.
 - (4) Washing down of sidewalks and garage aprons, provided, however, food establishments shall be permitted to wash down sidewalks, decks, garage aprons and the like.
 - (5) Such excessive watering as to cause water to run off onto streets and driveway aprons.
 - (6) Any exterior use of water during precipitation periods.
 - (7) Any garden hose exceeding 3/4-inch diameter.
 - (8) Service of water by any restaurant, cafe, luncheonette, or other food service establishment other than upon specific requests made by a patron.
- B. Requirements for automatic sprinkler systems. All underground irrigations systems or automatic watering systems installed for lawn or landscaped areas shall be equipped with a rain sensor shutoff device meeting the following specifications.
- (1) The rain sensor shutoff device shall employ an electromechanical actuating device designed to cause circuit interruption that temporarily disables the irrigation controller during periods of significant rainfall. For

purposes of this section, the term "significant rainfall" shall mean 1/4-inch of rain during a 1-hour period.

- (2) The rain sensor shutoff device shall be of suitable grade of construction such that the device can withstand varying temperatures and inclement weather.
 - (3) The rain sensor shutoff device shall be so placed as to prevent the irrigation system from operating during the event of a significant rainfall.
 - (4) Any home using an underground irrigation or sprinkler system shall be metered in accordance with the provisions of this Chapter.
 - (5) A reduced-pressure backflow preventer shall be installed in accordance with the current adopted plumbing code. The backflow preventer shall be installed on the exterior of the building and be readily accessible and visible for inspection and maintenance.
- C. General water conservation and usage restrictions. The following restrictions and regulations are hereby imposed upon all persons utilizing water provided by the Township during the period June 1 through September 30 of each year.
- (1) Residential households and commercial buildings are permitted to utilize water from the water system for external purposes such as, among other purposes and without limitation, water vegetation, washing cars, and washing the exterior portion of houses or commercial establishments only pursuant to an odd/even system. The odd/even system shall apply so that an address number ending in an odd number will be permitted to utilize such water uses only on odd days of the week, as needed. Households whose address ends in an even number shall be permitted to utilize such watering only on even-numbered days of the week, as needed.
 - (2) Watering for outside uses shall not be permitted between the hours of 10:00 a.m. and 7:00 p.m.
 - (3) Automatic sprinkling systems shall be operated only between 5:00 a.m. and 8:00 a.m. every other day.
 - (9) Watering of flowers and shrubs with handheld hoses which have automatic shutoff nozzles is permitted at any time pursuant to the odd/even schedule hereinabove established in Subsection A(1).
- D. Emergencies. Water uses shall be controlled in case of emergency and shortage whenever deemed necessary by the Board of Commissioners; such restrictions may include, but not be limited to, additional restrictions on the following use of Township water.
- (1) Sprinkling, watering, or irrigation of shrubbery, trees, lawns, grass, ground, ground covers, plant, vines, gardens, vegetables, flowers, or any other vegetations.
 - (2) Washing of automobiles, trucks, trailers, buses, boats and other marine vessels or any other type of mobile equipment.
 - (3) The washing of sidewalks, driveways, filling station aprons, porches, and other outdoor services.
 - (4) The washing of outside dwellings and the washing of the inside and outside of office buildings and business establishments of any type.
 - (5) The washing and cleaning of any business or industrial equipment and machinery.
 - (6) Operation of any ornamental fountain or other structure making similar use of water.

§197-15. Water meters.

- A. Water meter and remote reading sensor requirements. All residential and commercial properties that receive water from the water system shall be metered and affixed with a remote reading sensor and such shall be located on the property or within the building receiving the water service.
- (1) All water meters and remote readings sensors shall be obtained by and from the Township. The cost of the water meters and remote reading sensors to the Township shall be paid by the property owners, which cost shall be invoiced by the Water and Sewer Department to the property owners over the course of 1 year following the property owners receipt of the water meter(s) and/or sensor(s).
- B. All properties shall be required to have the water meters and/or remote readings sensors installed prior to December 31, 2021, and all property owners shall have

such installed in accordance with the schedule of installation for certain properties and neighborhoods as adopted by the Board of Commissioners by resolution.

- (1) All properties with existing water meter pits shall have the remote reading sensor installed by the Water and Sewer Department in accordance with the schedule.
 - (2) All properties with existing interior water meters may elect to have the Township install the remote reading sensor by the Township or by their own licensed plumber at their cost in accordance with the schedule.
 - (a) In the event the property owner elects to have the installation performed by the Township, the cost of the installation shall be invoiced by the Water and Sewer Department to the property owners over the course of 1 year following installation.
 - (3) All properties without water meters or remote readings sensors may elect to have either a water meter pit or interior water meter installed, along with a remote readings sensor, in accordance with the schedule. The property owners may further elect to have the Township install the water meter pit or interior water meter or by their own licensed plumber and contractor at their cost, along with the remote reading sensor.
 - (a) In the event the property owner elects to have the installation performed by the Township's vendor, the cost of the installation shall be invoiced by the Water and Sewer Department to the property owners over the course of 1 year following installation.
 - (b) In the event that the property owners elect to have their own licensed plumber and contractor install the water meter pit or interior water meter, the property owner shall be responsible for any and all necessary repairs required that arise out of the installation.
 - (c) In the event that the property owners elect to have the Township install the water meter pit or interior water meter, the property owner may elect to either have the Township be responsible for the any and all necessary repairs required that arise out of the installation or may elect to hire their own contract to perform any and all necessary repairs.
- C. Multi-family and condominium units. Where a single lateral connected to the service main provides water service to the area where separately owned dwelling units or commercial individual units in condominium ownership or otherwise are located in a single structure or building and are shown as individual lots for tax assessment purposes on the tax records, water meters and remote reading sensors shall provide and maintain a separate water meter for each such unit.
 - (a) In addition to separate water meters for each individually owned unit, a water meter and remote reading sensor shall also be required for the Township water that services the common elements if either the common elements or the limited common elements have separate outlets through which water may be supplied.
 - (b) The owner of each unit shall be responsible for the installation of water meters in accordance with the requirements of Paragraph A and Paragraph B above, except that the installation of interior water meters and remote reading sensors for each unit shall be required, except as provided below.
 - [1] In the event that the Water and Sewer Department and Township Engineer determine that it is not practical or feasible to install interior water meters and remote reading sensors in each unit, the Township may approve the installation of a single water meter pit and remote reading sensor for the entire property. The cost of the installation shall be equally apportioned among all owners and the charges for the use of water shall also be equally apportioned among all owners.
- D. Ownership, maintenance, and replacement. All curb boxes, water meters, water meter pits, and remote reading sensors are and shall remain the property

of the Township. Nevertheless, it is the responsibility of the owner of the property to keep meter pits and curb boxes in good condition and up to grade.

- (1) In the event of misuse, willful destruction, or tampering of the water meters, meter pits, or remote reading sensors, the cost of repairs shall be the responsibility of the property owner. All other costs of maintenance shall be the responsibility of the Township.
 - (2) In the event that the water meter or remote reading sensor shall be required to be replaced, the property owner shall have the water meter and remote reading sensor replaced in accordance with the specifications required by the Water and Sewer Department and the property owner may either elect to have the Township perform the work or hire her or his own licensed plumber in accordance with §197-3B.
- E. Inspections and repairs. All water meters, water connections, and remote reading sensors shall be subject to inspections and repairs to be conducted by the Township during normal business hours, Monday through Friday of each week. Normal business hours shall be defined as being between the hours of 8:00 a.m. and 3:00 p.m. The purpose of the inspection shall be to ensure that water meters, pipes, remote readings sensors, or other conduit is installed, maintained, and operating in accordance with the provisions and requirements of the Code.
- (1) The owners of all residential and commercial properties shall make access available for any employees of the Township for inspection and repair, as necessary, to water meters, water meter pits, shutoff valves, laterals providing water to the individual dwelling units or commercial units, and the remote readings sensors.
- F. Tests and adjustments. The Township will make a test of the accuracy of a meter upon written request by the customer, provided that such customer does not make a request for a test more frequently than 1 time per year. Should a customer request an additional test or tests within a calendar year, such tests will be performed only upon payment of the established test fee, which is set forth in Chapter 82. A report giving the results of all requested tests, whether or not a fee is required for the same, will be given to the property owner, and a record of such tests will be kept. Tests made by the Township as part of its regular maintenance procedure shall not be considered in determining whether a property owner is responsible for payment of a fee thereunder.
- (1) In the case of a disputed account involving a question as to the accuracy of the meter and in the event the meter is tested and found to have an error and register a deviation in excess of 1.5%, the bill, will be adjusted in accordance with Board of Public Utilities standards.
 - (2) No water meter shall be placed in service nor left in the service if, on test, it registers more than 101.5% of the water passed or less than 08.5% on full capacity.
 - (3) Where water is furnished by a meter, the quantity recorded by it shall be taken to the amount passing the meter, except where the meter has been found to be registering inaccurately or has ceased to register. In such cases the quantity may be determined by the average registration of the meter when in order or by such fair reasonable method as shall be based upon the best information obtainable, solely within the discretion of the utility.
- G. Unlawful tampering, bypass, and connections. It shall be unlawful to tamper with any curb boxes, water meters, water meter pits, and remote reading sensors and plumbing configurations intended to bypass the water meter are prohibited. No person, other than an employee, agent, or independent contractor of the Township shall remove, replace, interfere, or tamper with a water curb box, water meters, water meter pits, or remote readings sensors used or intended to be used to supply or conduct readings of water. If any person without authority to do so connects, covers, or disconnects a water meter pipe or other conduit of the Township carrying water from the Township's water supply system or in any manner tampers or interferes with any water meter, seal, dial, or remote readings sensor on any water meter, pipes, conduits, attachments, or other related instruments, such person shall be subject to the provisions of N.J.S.A. 2C:20-8 and N.J.S.A. 2C:43-3, as well as a violation of this Chapter.

§197-16. **Water fees and costs.**

- A. The annual water fees and costs for the furnishing of water service shall be as set forth in Chapter 82.
- B. Payment for the use of water shall be made quarterly on March 1, June 1, September 1, and December 1, and shall become delinquent after 10 days. Interest at the rate of 1.5% per month (18% per annum) will be added to delinquent fees and costs until fully paid. Delinquent balances constitute a lien against the property and are enforceable as such.
- C. Except as otherwise provided in this Chapter, payment for the cost of installation, purchase price, repair, and testing of any connections, fixtures appliance, or parts, furnished or made by the Township or any Department thereof, in or upon any lot, house, or other building shall be made in advance by the owner thereof. Furthermore, whenever it shall become necessary for the Township to turn off the water supply at a curb stop due to emergency, the minimum service charges set forth in Chapter 82 shall apply.

§197-17. Discontinuance of service or change of service type by customer.

Water service shall not be considered a service subject to shut off at the request of the customer. Requests for discontinuance of water service shall be permitted only in cases of demolition, construction, fire, flooding, or by a valid governmental order for vacating a building serviced for health reasons.

ARTICLE IV ADDITIONAL WATER AND SEWER REGULATIONS

§197-18. Discharge of water into storm sewer system prohibited.

- A. It shall be unlawful for the owner or occupant of any improved property to permit the perpetual discharge of water by virtue of sump pump, gravity drain, or any such conduit to flow into the public street, right-of-way, or other property, or the Township storm sewer system.
- B. All discharge water from a crawl space, basement, or other like area in excess of 8 hours within a 30-day period shall be discharged directly into a percolation pit constructed on the same property. A percolation pit shall be not less than 4 feet by four feet by 4 feet in dimension and shall be completely lined bottom sides and tops with filter fabric and filled with 1-inch crushed stone, and such percolation pit shall be graded to prevent overflow into the public right-of-way or adjacent property.
- C. All property owners who have installed special devices in accordance with Subsection B above, whether at the direction of Township or by choice, shall submit to the Water and Sewer Department a certification and payment receipt from the private contractor certifying the removal and disposal of all waste material from the intercepting device. Such certification and proof of payment to contractor shall be delivered to the Water and Sewer Department no later than June 15 of each calendar year. Failure to have such certification and receipt provided to the Water and Sewer Department by June 15 shall be cause for the Township to discontinue service. Service shall not be reinstated until such certification and receipt are received.

§197-19. Disconnection from the Township water and sewer systems.

- A. No person other than a licensed plumber, licensed by the State of New Jersey, shall be permitted to disconnect and cap, cut off and cap, or sever and cap any water or sewer service from any building.
- B. Any person, business entity or licensed plumber that damages any portion of the Township water and sewer system shall be subject to a civil penalty for each offense pursuant to Chapter 1, §1-17.

§197-20. Time limit for commencement and completion of work.

- A. Applications which have been approved by the Township, but under which no work has commenced within 90 days after the date of approval shall expire.
- B. All applications which have been approved by the Township shall expire 1 year from the date of the Township approval of same. If the work is not completed within 1 year, the Township may renew the approval if good cause is shown and if the incompleteness was not a result of the lack of diligence on the part of the applicant. The renewal shall be subject to the regulations in effect at the time of the renewal.

§197-21. Additional inspection rules.

- A. All pipes, meters, remote sensor devices, sewers, service laterals, and related equipment and fixtures shall be subject to inspection during normal business hours, which shall be defined as being between the hours of 8:00 a.m. and 3:00 p.m. to inspection by employees of the Water and Sewer Department identified

- by proper badges. In the event of emergent circumstances, such shall be subject to inspection at any time.
- B. No plumber, owner, or unauthorized personnel shall turn the water on or off at any corporations stop or curb stop or disconnect or remove the meter without the consent of the Water and Sewer Department. No agent or employee of the Township shall have authority to bind it by any promised, agreement or representation not provided for in this section.
 - C. No cross connection or interconnection between the utility and with other pipes or facilities supplied with water from another source shall be permitted.
 - D. When the supply of water is to be temporary cut off, notice will be given when practicable to all customers affected, stating the probable duration of the interruption of service.
 - E. Water shall be supplied through 1 service pipe and 1 meter under 1 fixed charge to each separate and distinct building. Buildings will be served from the street on which they face, unless otherwise approved by the Water and Sewer Department and Township. In the case of buildings containing more than 1 dwelling unit or individual commercial unit, the entire building may, at the option of the utility, be served through 1 service pipe and 1 meter under 1 fixed charge or through multiple services and meters.

ARTICLE IV: VIOLATIONS AND PENALTIES

§197-22. Notice to comply.

The Director of Public Works, Assistant Director of Public Works, and/or their designee(s) shall have the authority to notify any individual an alleged violation of the regulations of this Chapter. Such notice may be served upon the owner personally or by leaving it at his or her usual place of abode or with a member of his or her family above the age of 18 years. Personal service may also be accomplished by mailing a copy of the notice to comply to the owner at his or her address shown on the official tax records of the Township, such mailing to be by certified mail, return receipt requested, with the appropriate instruction to the postal service and authorities to deliver only to the addressee. The notice to comply may, as the case may be, also be served upon a contractor or subcontractor for any alleged violations.

§197-20. Violations and penalties.

- A. A violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.
- B. Any person utilizing the Township's water system, including, but not limited to, hydrants for private and/or commercial use shall, upon conviction thereof, be punished in accordance with the provisions of Chapter 1, §1-17.

SECTION II

§5-39 is hereby amended to repeal the title "Water and Sewer Utilities Superintendent" and replace it with the following.

§5-39. Water and Sewer Department Superintendent.

SECTION III

§82-26 is hereby amended to include the following, new subsection G.

- G. The test fee set forth in §197-15 shall be \$100.

SECTION IV

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

SECTION V

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

Effective date.

This ordinance shall take effect after final adoption and publication as required by law. Passed on first reading at a regular meeting held on August 6, 2018 and advertised in the BEACH HAVEN TIMES issue of August 9, 2018.

OPEN PUBLIC HEARING

No comment.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-25C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. First Reading Ordinance 18-26C: **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 183 AS IT PERTAINS TO TOWING**

Motion to adopt Ordinance 18-26C on First Reading:

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

5. First Reading Ordinance 18-27: **BOND ORDINANCE AUTHORIZING THE CONSTRUCTION AND INSTALLATION OF TERMINAL GROINS AND JETTIES IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$3,000,000 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 \$2,850,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to adopt Ordinance 18-27 on First Reading:

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

6. First Reading Ordinance 18-28C: **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 51 WHICH PERTAINS TO BEACHES**

Motion to adopt Ordinance 18-28C on First Reading:

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

ADOPTIONS & APPROVALS

7. Resolution 18-0829.01 (a-c): Approve Various Special Event:

- a) DQ Events, Triathlon 9/16/18
- b) Holgate Tax Payer Assoc, Membership BBQ, 9/8/18
- c) Jetty Clam Jam

RESOLUTION 18-0829.01(a)

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

HOST	DESCRIPTION	TIME & DATE(S)
DQ Events	Triathlon Bayview Park	September 16, 2018 5:00 am to 11:00 am

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

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited event.

RESOLUTION 18-0829.01(b)

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

HOST	DESCRIPTION	TIME & DATE(S)
Holgate Tax Payer Assoc.	Fall Membership/BBQ Bond Park Tennis Courts Holgate	September 8, 2018 5:00 pm to 8:00 pm

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

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited event.

RESOLUTION 18-0829.01(c)

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

HOST	DESCRIPTION	TIME & DATE(S)
Jetty Life, LLC *September 22, 2018	Clam Jam Surf Contest 68 th Street Beach	7:00 am to 6:00 pm

*Rain Dates: 9/23, 10/6, 10/7, 10/14, 10/20, 10/21 or 10/28/2018

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

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited event.

8. Resolution 18-0829.02: Approve a Social Event
- Block party: East 49th Street between Ocean Blvd and Long Beach Blvd from 11:00am to 7:00pm on September 8th.

RESOLUTION 18-0829.02

WHEREAS, in response to homeowners' request for the following:

Permission to close East 49th Street between Ocean Ave and Long Beach Blvd from 11:00am to 7:00pm on September 9, 2018 for a block party.

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

9. Resolution 18-0829.03: Approve various personnel matters

RESOLUTION 18-0829.03

Approve the Family Medical Leave Act (FMLA) for employee CE effective retroactive to June 12, 2018.

Beach Patrol

Please change the following Seasonal Lifeguards' rate of pay to \$78.33 per day to be paid from the Lifeguard Salary & Wage effective retro-active to June 23, 2018.

Charles Clay

Please change the following Seasonal Lifeguards' rate of pay to \$78.33 per day to be paid from the Lifeguard Salary & Wage effective retro-active to July 25, 2018.

David Lytle

Construction

Hire the following employee as a Permanent Full-Time Clerk 1 at the annual rate of \$32,000.00 to be paid from Construction Salary & Wage effective September 1, 2018.

Jodi Parker

Public Works

Hire the following employee as a Permanent Full-Time Laborer 1 at the annual rate of \$30,000.00 per year to be paid from Public Works Salary & Wage effective September 8, 2018.

Ronald Maresca

Hire the following employee as a Seasonal Full-Time Laborer 1 at the rate of \$12.00 per hour to be paid from Public Works Salary & Wage effective September 1, 2018.

Justin Sarnowski

Water/Sewer

Hire the following employees as Permanent Full-Time Laborer 1 at the annual rate of \$30,000.00 to be paid from Water/Sewer Salary & Wage effective September 8, 2018.

Ryan Brady

Alex Toth

Motion to approve Items 7-9:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

LICENSES & PERMITS

10. Resolution 18-0829.04: Authorize termination of a Towers License

RESOLUTION 18-0829.04

WHEREAS, pursuant to Resolution 17-1218.11 dated December 18, 2017, Long Beach Township issued a license for towing and the removal of motor vehicles, effective 1/01/18 through 12/31/20, to Stohrer Bros., Inc., 700 Route 72 East., Manahawkin, NJ 08050; and

WHEREAS, Stohrer Bros., Inc. has been sold to another party and is no longer doing business.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at their regularly scheduled meeting held Wednesday, August 29, 2018 that the aforesaid license shall be and is hereby deemed invalid.

Motion to approve Item 10:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

PURCHASES, CONTRACTS & AWARDS

11. Resolution 18-0829.05(a&b): Approve various contracts, per bid:

a. Electrical Maintenance, Repairs, Services: Alan's Electric - various hourly rates

b. Water Meter equipment: Water Works Supply Co. \$750,312.00

RESOLUTION 18-0829.05(a)

A RESOLUTION AWARDING A CONTRACT FOR ELECTRICAL SERVICES, MAINTENANCE AND REPAIRS 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 Electrical Services, Maintenance and Repairs in the Township of Long Beach on August 22, 2018; and

WHEREAS, one responsive and responsible bid was received from Alan's Electric, LLC; and

WHEREAS, pursuant to the review and certification of the Qualified Purchasing Agent and the Municipal Attorney said bid shall be accepted for the performance of services as described in the specifications.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 29th day of August 2018, for the reasons aforesaid, that a contract be and is hereby awarded to:

Alan's Electric, LLC.
66 Parker Street
Manahawkin, NJ 08050

for Electrical Services, Maintenance and Repairs in the Township of Long Beach at various hourly rates pursuant to the bid received August 22, 2018, effective September 1, 2018 through December 31, 2019 with one (1) 2-year option to extend.

RESOLUTION 18-0829.05(b)

A RESOLUTION AWARDING A CONTRACT FOR THE 2017 WATER METER PROJECT – PHASE 1 FOR THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach has solicited bids for the 2017 Water Meter Project – Phase 1 on August 16th 2018; and

WHEREAS, two (2) it is in the opinion of the Board of Commissioners of the Township of Long Beach that the lowest qualified bid be accepted for same; and

WHEREAS, Water Works Supply Co., Inc. gave the lowest qualified bid as per the Township's Municipal Solicitor, Qualified Purchasing Agent and Department of Public Works Deputy Department Head review and approval; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following appropriations: ORD 17-35 ACQ/Install Water Meter, Account # U-08-55-986-901 in the amount of Seven Hundred Fifty Thousand, Three Hundred Twelve Dollars (\$750,312.00).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 29th day of August 2018 for the reasons aforesaid, that a contract be and is hereby awarded to:

Water Works Supply Co., Inc.
660 State Highway 23
P.O. Box 306
Pompton Plains, NJ 07444

for the 2017 Water Meter Project – Phase 1 in the amount of Seven Hundred Fifty Thousand Three Hundred Twelve Dollars (\$750,312.00) pursuant to the bid received by Long Beach Township on August 16th 2018.

12. Resolution 18-0829.06: Approve the option to extend a contract for 3rd Party Construction Inspection Services:
Trinity Code Inspections effective through 8/31/19

RESOLUTION 18-0829.06

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR THIRD PARTY INSPECTION SERVICES FOR THE TOWNSHIP OF LONG BEACH

WHEREAS, pursuant to Resolution 16-0915.07 dated September 15th 2016, the Township entered into an agreement, effective 10/1/16 through 9/30/17, procured by competitive bid, with the following vendor:

Trinity Code Inspection, LLC
735 Shunpike Road
Cape May, NJ 08204

WHEREAS, the said contract referred to specifications and fees and provided for two (2), one (1)-year options to extend the contract; and

WHEREAS, pursuant to Resolution 17-0911.05 both parties agreed to extend the contract for one year from October 1st 2017 through September 30th 2018; and

WHEREAS, both parties have again agreed to extend the contract for the final one-year option from October 1st 2018 through September 30th 2019; and

WHEREAS, Trinity Code Inspection, LLC shall provide third party inspection services at the rate of 75% of the fees established by the Code of Long Beach Township for current inspections; the fee for inspection of existing open permits shall be \$15.00 per permit. Said rates were contained in the bid submitted on August 31, 2016 to

provide inspection services for electric, plumbing, & fire sub-codes for the Township of Long Beach; and

WHEREAS, the Resolution shall be deemed to be the extension and any changes in the original contract shall be incorporated hereby and this Resolution 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 Wednesday, August 29, 2018 that the aforesaid contract shall be and is hereby extended for a period of one year pursuant to the terms and conditions stated herein.

13. Resolution 18-0829.07: Authorize the execution of a Shared Service Agreement with Ocean County Utilities Authority: Provide potassium permanganate to LBT (\$1.54/lb)

RESOLUTION 18-0829.07

RESOLUTION AUTHORIZING THE EXTENSION OF A SHARED SERVICE AGREEMENT WITH OCEAN COUNTY UTILITIES AUTHORITY FOR THE PROVISION OF POTASSIUM PERMANGANATE FOR THE TOWNSHIP OF LONG BEACH

WHEREAS, pursuant to Resolution 10-0820.10 dated August 20, 2010, the Township entered into a shared service agreement, effective 9/01/10 through 8/31/12, with the following vendor:

Ocean County Utilities Authority
501 Hickory Lane
Bayville, NJ 08721

WHEREAS, the said contract referred to specifications and prices and provided for two-year options to extend the contract; and

WHEREAS, pursuant to Resolution 12-0803.05, both parties agreed to extend the contract for two years from September 1, 2012 through August 31, 2014; and

WHEREAS, pursuant to Resolution 14-0803.05, both parties agreed to extend the contract for two years from September 1, 2014 through August 31, 2016; and

WHEREAS, pursuant to Resolution 16-1109.05(e), both parties agreed to extend the contract for two years from September 1, 2016 through August 31, 2018; and

WHEREAS, Ocean County Utilities Authority and Long Beach Township have again agreed to extend the contract for an additional two years from September 1, 2018 through August 31, 2020; and

WHEREAS, The Ocean County Utilities Authority (OCUA) and the Township of Long Beach, have re-affirmed it is beneficial to both to have the OCUA continue to provide potassium permanganate to Long Beach for the High Bar Harbor Pump Station (SPS-9) (required to control sulfite levels), with a decrease from the prior contracts agreed upon cost (prior rate was \$1.70/lb; new rate effective from September 1, 2018 through August 31, 2020 shall be \$1.54/lb); and

WHEREAS, the Resolution shall be deemed to be the extension and any changes in the original contract shall be incorporated hereby and this Resolution 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 Wednesday, August 29, 2018 that the aforesaid contract shall be and is hereby extended for a period of two years pursuant to the terms and conditions stated herein.

Motion to approve Items 11-13:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

14. Resolution 18-0829.08: Approve an extension to the due date for tax billings

RESOLUTION 18-0829.08

A RESOLUTION AUTHORIZING EXTENTION OF GRACE PERIOD FOR 3RD QUARTER 2018 TAXES

WHEREAS, the Long Beach Township Tax Office received official notice of the 2018 Tax Rate and the Statement of State Aid for CY 2018 Property Tax Bills late. This delays the printing and mailing of the Tax Bills beyond the June 14th deadline (NJSA 54:4-64); and

WHEREAS, according to NJSA 54:4-66.3, it is necessary to have a grace period of at least 25 days from the mailing date of the tax bills, after which the due date reverts back to the statutory date of August 1st; and

WHEREAS, it will be necessary for the Governing Body of the Township of Long Beach to grant an extension of the Grace Period until September 14, 2018 for the

payment of third quarter taxes due August 1st as the bills shall be mailed on or before August 20, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby grants an extended grace period for the 2018 Third Quarter taxes until September 14, 2018 which is at least 25 calendar days from the mailing date of the Tax Bills.

15. Resolution 18-0829.09: Amend Resolution 18-0806.17(c):
Release Performance Bond for LUB 17-05

RESOLUTION 18-0829.09

WHEREAS, pursuant to Resolution 06-0505.17(b), the Township of Long Beach accepted from William Paul Cashier's Check #376426579 drawn on Bank of America in the amount of Twenty-Two Thousand One Hundred Ninety-Three Dollars (\$22,193.00) as a Performance Bond for Subdivision Application #LUB-17-05, Block 1.19, Lot 1 (5111 West Avenue, Holgate, NJ); and

WHEREAS, pursuant to Resolution 18-0806.17(c), the Township of Long Beach released the remaining balance of the Performance Bond but did not include a previous release of Eight Thousand Two Hundred and Fifty Dollars (\$8,250.00), therefore this Resolution serves to amend Resolution 18-0806.17(c); and

WHEREAS, Resolution 07-0907.05 approved a partial release of the Performance Bond in the amount of Seven Thousand Four Hundred Ninety-Six Dollars and Fifty Cents (\$7,496.50) and an additional release of Eight Thousand Two Hundred and Fifty Dollars (\$8,250.00) had been made on May 4, 2006 as per the recommendation and certification of the Municipal Engineer; and

WHEREAS, upon inspection by the Municipal Engineer on July 11, 2018, it was determined the work was complete and a release of the remaining performance bond was recommended.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approves the release of the balance of the Performance Bond plus accrued interest, as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

16. Resolution 18-0829.10(a&b): Approve Various Change Orders
- a. P&A (reverse): 2016 Sewer Main Replacement Project, reduction in final total cost \$5,026.84
 - b. R. Kremer & Son Marine Contractors, LLC: 2018 Bulkhead Replacement Project, addition to final total cost \$1,530.00

RESOLUTION 18-0829.10(a)

RESOLUTION AUTHORIZING A REVERSE CHANGE ORDER FOR THE 2016 SEWER MAIN INSTALLATION PROJECT IN THE TOWNSHIP OF LONG BEACH

WHEREAS, P& A Construction Co., Inc., was awarded a contract for the 2016 Sewer Main Installation Project in the Township of Long Beach pursuant to Resolution 16-0307.14(a), in the amount of (\$2,897,995.17). as per the bid received March 1, 2016; and

WHEREAS, as a result of the work quantities a reduction in cost occurred; the final cost of the project was Two Million, Eight Hundred Ninety-Two Thousand, Nine Hundred Sixty-Eight Dollars and Thirty-Three Cents (\$2,892,968.33); and

WHEREAS, these changes have resulted in Reverse Change Order #1 - Final of the original contract and has been approved and certified by the Municipal Engineer. Said detailed Certification contains all the facts associated with this Reverse Change Order in accordance with state statutes and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby approve Reverse Change Order #1 in the amount of Five Thousand Twenty-Six Dollars and Eighty-Four Cents (\$5,026.84) for the 2016 Sewer Main Installation Project in the Township of Long Beach.

RESOLUTION 18-0829.10(b)

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE 2018 BULKHEAD REPLACEMENT PROJECT IN THE TOWNSHIP OF LONG BEACH

WHEREAS, R. Kremer & Son Marine Contractors, LLLC was awarded a contract for the 2018 Bulkhead Replacement Project in an amount not to exceed One Hundred Forty-Nine Thousand Five Hundred Dollars (\$149,500.00), as per the bid received March 1, 2018; and

WHEREAS, as a result of additional work required on Ohio Avenue, an increase in the amount of One Thousand Five Hundred Thirty Dollars (\$1,530.00) was incurred; and

WHEREAS, these changes have resulted in Change Order #1 - Final of the original contract and has been approved and certified by the Municipal Engineer. Said detailed Certification contains all the facts associated with this Change Order in accordance with state statutes and is attached hereto; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following appropriations: ORD 16-25 Replacement of Bulkheads 2:20 Account # C-04-56-139-951 in the amount of \$1,289.64 and Street & Roads Account #8-01-26-290-029 in the amount of \$240.36.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby approve Change Order #1 - in the final amount of One Thousand, Five Hundred Thirty Dollars (\$1,530.00) for the 2018 Bulkhead Replacement Project in the Township of Long Beach.

17. Resolution 18-0829.11: Approve a Dedication by Rider:
US Department of Justice and Equitable Sharing

RESOLUTION 18-0829.11

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE U.S DEPARTMENT OF JUSTICE/ EQUITABLE SHARING

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

WHEREAS, U.S. Department of Justice provides for the receipt of Equitable Sharing Funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A 40A:4-39 provides the dedicated revenues anticipated from the U.S. Department of Justice/ Equitable Sharing are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

- 1) The Board of Commissioners hereby request permission of the Director of Local Government Services to pay expenditures for the U.S. Department of Justice/Equitable Sharing.
- 2) The Municipal Clerk of the Township of Long Beach is hereby directed to forward two copies of this resolution to the Director of Local Government Services.

18. Resolution 18-0829.12: Approve Bills & Payroll
Bills in the amount of: \$7,965,357.05
Payroll in the amount of: \$1,444,520.88

RESOLUTION 18-0829.12

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 \$1,444,520.88.

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 \$7,965,357.05 be and the same are hereby authorized to be paid on Wednesday, August 29, 2018.

2. The said approved payroll amounting to the sum of \$1,444,520.88 be and the same are hereby authorized to be paid on Wednesday, August 29, 2018.

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 14-18:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Administrator's Report: The movie Jaws would be shown at Bayview Park on Thursday 8/30 at 7:00pm.

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Tax bills were delayed by the County, the new due date was set for 9/14/18. The shuttles have currently brought in approximately \$130,000.00 and the Gator use has significantly increased this year.

Commissioner Bayard: The new fall/winter trash schedule was to begin in September.

Mayor Mancini: The next meeting of the Land Use Board would be held on Wednesday, September 12, 2018 at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinances 18-26C, 18-27 and 18-28C would take place at the public meeting held on October 1, 2018 at 4:00 pm.

OPEN PUBLIC SESSION

Joe Morriello/Brant Beach was concerned with disproportionate regional school tax paid by Township property owners.

Mayor Mancini explained the regional school funding formula and agreement was made in the 1950's. Currently, four of the six Island municipalities have agreed to share the services of an attorney to re-assess formula. A meeting was tentatively scheduled in October between the attorney and participating municipalities.

Joni Bakum/Bayview Park Director announced Sunday 9/2/18 would be the last Sunday concert on the beach for the season. Bar services would be provided by Kubels Too.

David Alu/Loveladies questioned Ordinance 18-28C introduced today.

Mayor Mancini explained public comments would be taken at October's public meeting on the first at 4:00 p.m. A copy of the Ordinance was available in the Municipal Clerk's Office.

Bill Hudson/Holgate thanked the Commissioners and Administration again for the shuttle service, and Joni Bakum for doing a great job with the 2018 events.

CLOSE PUBLIC SESSION

Motion for adjournment at 4:22pm:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner