

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS FEBRUARY 4, 2019
Flag Salute

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

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 December 6, 2018 and ASBURY PARK PRESS on December 10, 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 19-01C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTER 25 PERTAINING TO PURCHASING PROCEDURES**

Passed on first reading at a regular meeting held on January 7, 2019 and advertised in the BEACH HAVEN TIMES issue of January 10, 2019.

ORDINANCE 19-01C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTER 25 PERTAINING TO PURCHASING PROCEDURES

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend Chapter 25 in order to revise the purchasing procedures and add the title and duties of Assistant Purchasing Agent.

SECTION I

§25-4 is hereby repealed and replaced as follows.

§25-4 Purchasing **Department; Purchasing Agent; Qualified Purchasing Agent; Assistant Purchasing Agent.**

- A. The Purchasing Department shall serve as the contracting agent for the purchasing activity for the Township. In compliance with the Local Public Contracts Law, the Purchasing Department shall administer all procurement-related activity for the Township, including, but not limited to, the preparation, advertising, receipt, review, and award of bids, the preparation, solicitation, review and award of competitive quotes and quotes, and all required actions relating to direct purchases. Where deemed appropriate or required, the Purchasing Department shall prepare, advertise, review, and award bids and quotes in conjunction and/or with the Township Engineer and/or the Township Attorney.
- B. Within the Purchasing Department there is created the offices of Purchasing Agent and Assistant Purchasing Agent to administer and fulfill the obligations of the Purchasing Department. The Purchasing Agent shall direct the Purchasing Department and supervise and direct the Assistant Purchasing Agent; the Assistant Purchasing Agent shall direct and administer the Purchasing Department in the absence of the Purchasing Agent.

(1) The Purchasing Agent shall possess all authority and duties set forth in N.J.S.A. 40A:11-9 and act and be designated as a Qualified Purchasing Agent, provided the Purchasing Agent has obtained the required certification from the State pursuant to the statutory requirements.

- (2) In the event that the person designated as Qualified Purchasing Agent is no longer able to perform the duties of the position, whether by retirement, resignation, or otherwise, a non-certified person may be appointed for a period not to exceed 1 year, commencing from the date of the vacancy. That person may serve as the Temporary Qualified Purchasing Agent for that year and a maximum of 1 additional year following the end of the first temporary appointment.

- (a) In the event of the decision is made to appoint a Temporary Qualified Purchasing Agent and a person is serving as the Assistant Purchasing Agent, the Assistant Purchasing Agent shall be appointed as the Temporary Qualified Purchasing Agent for the period of time directed.
- (3) The position of Purchasing Agent and Qualified Purchasing Agent may be filled by a part-time employee, full-time employee, an independent contractor, or by a shared services agreement.
- C. Notwithstanding the creation of the Purchasing Department, all contracts for the acquisition of goods or services where the amount exceeds such amount as the Board of Commissioners may by resolution from time to time designate shall be approved by resolution of the Board of Commissioners, and, where execution of a contract is required, such contract shall be executed by the Mayor and attested to by the Municipal Clerk.

SECTION II

§25-5 and §25-6 are hereby repealed and §25-7 and §25-8 are hereby re-designated as §25-5 and §25-6.

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.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to approve Ordinance 19-01C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 2. Second Reading Ordinance 19-02C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AND CREATING A NEW CHAPTER 103 AND AMENDING CHAPTERS 82, 164, 166, AND 176 WHICH PERTAINS TO GUARANTEES**

Passed on first reading at a regular meeting held on January 7, 2019 and advertised in the BEACH HAVEN TIMES issue of January 10, 2019.

ORDINANCE 19-02C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AND CREATING A NEW CHAPTER 103 AND AMENDING CHAPTERS 82, 164, 166, AND 176 WHICH PERTAINS TO GUARANTEES

STATEMENT OF PURPOSE

This Ordinance creates a new Chapter 103 to regulate improvement and maintenance guarantees amends Chapters 164, 166, and 176 to comply with the provisions of N.J.S.A. 40:55D-53.

SECTION I

§82-19C is hereby repealed and replaced with the following.
The permitted fees, costs, and amounts relating to guarantees are set forth in Chapter 103.

SECTION II

- §82-22 is hereby repealed and replaced with the following.
- §82-22. Chapter 176, Subdivision of Land.
- A. The permitted fees, costs, and amounts relating to guarantees are set forth in Chapter 103.
- B. Section 176-11A: Fees are as set forth in Chapter 18 and subject to change by resolution of Township Commissioners.

SECTION III

§164-8 is hereby repealed and replaced with the following.
§164-8 Performance, temporary, stabilization, and maintenance guarantees.
The permitted and required guarantees and regulations relating thereto are set forth in Chapter 103.

SECTION IV

§164-14 is hereby repealed and replaced with the following.

§164-14 Performance Guaranty.

The permitted and required guarantees and regulations relating thereto are set forth in Chapter 103.

SECTION V

§166-9 is hereby repealed and replaced with the following.

§166-9 Performance and maintenance guarantees.

The permitted and required guarantees and regulations relating thereto are set forth in Chapter 103.

SECTION VI

§176-4 is amended to repeal and replace the definition of PERFORMANCE GUARANTY as follows.

PERFORMANCE GUARANTEE

Any security, which may be accepted by the Township, including but not limited to surety bonds, letters of credit under certain circumstances provided by law, and cash.

SECTION VII

§176-9C is hereby repealed and replaced with the following.

C. The permitted and required guarantees and regulations relating thereto are set forth in Chapter 103.

SECTION VIII

§176-17 is hereby repealed and replaced with the following.

§176-17 Performance guarantee; maintenance guarantee.

The permitted and required guarantees and regulations relating thereto are set forth in Chapter 103.

SECTION IX

§178-10B(11) is hereby repealed and replaced with the following.

(11) Nothing in this Chapter shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with Chapter 103.

SECTION X

Chapter 103 is hereby adopted as follows.

Chapter 103. Permitted Improvement, Maintenance, and Other Guarantees.

§103-1 Definitions.

APPLICANT

Any person or legal entity submitting an application for development.

DEVELOPMENT

The division of a parcel of land into 2 or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to P.L.1975, c. 291 (C.40:55D-1, *et seq.*).

MAINTENANCE GUARANTEE

Any security which may be accepted by the Township for the maintenance of any improvements, including, but not limited to, surety bonds, letters of credit under certain circumstances provided by law, and cash.

PERFORMANCE GUARANTEE

Any security, which may be accepted by the Township, including but not limited to surety bonds, letters of credit under certain circumstances provided by law, and cash.

PERSON

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

§103-2 Guarantees authorized.

A. Before filing of final subdivision plats, recording of minor subdivision deeds, as a condition of final site plan approval, or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65, the Township may require and shall accept for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of guarantees pursuant to the requirements of this Chapter.

§103-3 Performance guarantees.

- A. The furnishing of a performance guarantee in favor of the Township in an amount equal to 120% of the cost for the purpose of guaranteeing the completion of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity that have not yet been installed. The cost shall be determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 for the following improvements as shown on the approved plans or plat: streets; pavement; gutters; curbs; sidewalks; street lighting; street trees; surveyor's monuments, as shown on the final map and required by "the map filing law"; water mains; sanitary sewers; drainage structures; public improvements of open space; and any grading necessitated by the preceding improvements. The performance guarantee may also be required to include a guarantee for the installation of privately-owned perimeter buffer landscaping. At the applicant's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.
- (1) The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.
- B. Successor applicants may be required by the Board of Commissioners to furnish a replacement performance guarantee in accordance with Subsection A of this Section for the purpose of assuring the installation of improvements. A replacement performance guarantee shall not be accepted without securing the following: (i) written confirmation from the new obligor that the intent of the new obligor is to furnish a replacement performance guarantee, relieving the predecessor obligor and surety, if any, of any obligation to install improvements; and (ii) written verification from the Township Engineer that the replacement performance guarantee is of an amount sufficient to cover the cost of the installation of improvements, but not to exceed 120% of the cost of the installation, which verification shall be determined consistent with N.J.S.A. 40:55D-53.
- C. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the Board of Commissioners by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.
- D. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Board of Commissioners in writing, by certified mail addressed in care of the Municipal Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to Subsection A of this Section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the Board of Commissioners, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
- (1) The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating

to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to this Section.

- E. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law.

§103-4 Temporary certificate of occupancy guarantees.

- A. In the event that the applicant shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the applicant shall furnish a separate guarantee in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee.

- (1) Upon posting of a temporary certificate of occupancy guarantee, all sums remaining under a performance guarantee that relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought shall be released. The scope and amount of the temporary certificate of occupancy guarantee shall be determined by the Township Engineer. At no time may the Township hold more than one guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy guarantee shall be released by the Township Engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

- B. The scope and amount of the temporary certificate of occupancy guarantee shall be determined by the construction code official or zoning officer or their designee and the form of the guarantee shall be approved by the Township Attorney. The temporary certificate of occupancy guarantee shall be released by the construction code official or zoning officer or their designee upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

§103-5 Stabilization guarantees.

- A. As a condition of final site plan approval, the Land Use Board may require and shall accept a safety and stabilization guarantee. At the applicant's option, a safety and stabilization guarantee may be furnished either as a separate guarantee or as a line item of the performance guarantee. A safety and stabilization guarantee shall be available solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition.

- (1) A safety and stabilization guarantee is only available in the event (i) site disturbance has commenced, and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure and (ii) work has not recommenced within 30 days following the provision of

written notice by the Township to the applicant of the Township's intent to claim payment under the guarantee.

- B. The Township shall not provide notice of its intent to claim payment under the safety and stabilization guarantee until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to the applicant by certified mail or other form of delivery providing evidence of receipt.
- (1) The amount of a safety and stabilization guarantee for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
 - (2) The amount of a safety and stabilization guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
 - (a) \$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.
 - (b) The separate safety and stabilization guarantee shall be released upon the furnishing of a performance guarantee that includes a line item for safety and stabilization in the amount required.
 - (c) The safety and stabilization guarantee shall be released upon the Township Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

§103-6 Maintenance guarantees.

- A. The applicant shall post with the Township, prior to the release of a performance guarantee, a maintenance guarantee in an amount equal to 15% of the cost of the installation of the improvements covered under the performance guarantee, along with the following site improvements: stormwater management basins; in-flow and water quality structures within the basins; and the out-flow pipes and structures of the stormwater management system.
- (1) The cost shall be determined by the Township Engineer in accordance with the method of calculation set forth in N.J.S.A. 40:55D-53.4.
 - (2) The term of the maintenance guarantee shall be for a period not to exceed 2 years and shall automatically expire at the end of the established term.

§103-7 Inspection fees.

- A. The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the inspection of improvements; which fees shall not exceed the sum of both amounts set forth below in (1) and (2), except that if the Township determines that the amount in escrow for the payment of inspection fees, as calculated is insufficient to cover the cost of additional required inspections, the Township may require the applicant to deposit additional funds in escrow provided that the municipality delivers to the applicant a written inspection escrow deposit request, signed by the Township Engineer, which informs the applicant of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.
- (1) Not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under Subsection A of this Chapter.
 - (2) Not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee pursuant to §103-3, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.
- B. For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the applicant, be paid in 4 installments. The initial amount deposited in escrow by an applicant shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the applicant has been reduced by the amount paid to the Township Engineer for inspection, the applicant shall make additional deposits of 25% of the inspection fees. For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the applicant,

be paid in 2 installments. The initial amount deposited in escrow by an applicant shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the applicant has been reduced by the amount paid to the municipal engineer for inspections, the applicant shall deposit the remaining 50% of the inspection fees.

§103-8 Other governmental agencies and public utilities.

In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

103-9 Township dedication.

To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the Board of Commissioners shall be deemed, upon the release of any performance guarantee required pursuant to this Chapter, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Township Engineer.

§103-10 Approvals and reductions.

A. The Board of Commissioners, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to §103-3. The resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Board of Commissioners, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and safety and stabilization guarantee posted may be retained to ensure completion and acceptability of all improvements. The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

- (1) For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to §103-3, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70% of the total amount of the performance guarantee, then the Township may retain 30% of the amount of the total performance guarantee and safety and stabilization guarantee to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30%.
- (2) The Township Engineer shall provide the list and report as requested by the obligor within 45 days from receipt of the request.
- (3) The Board of Commissioners shall approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report.

- (4) In the event that the obligor has made a cash deposit with the Township or as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to Subsection G above shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the applicant has furnished a "safety and stabilization guarantee," the municipality may retain cash equal to the amount of the remaining "safety and stabilization guarantee."
- (4) If any portion of the required bonded improvements is rejected, the Board of Commissioners may require the obligor to complete or correct such improvements, and, upon completion or correction, the same procedure of notification, as set forth in this Chapter shall be followed.

103-11 Assignments and successor applicants

- A. If the property or any part of same is sold, or otherwise conveyed to a successor applicant prior to the completion and acceptance of all improvements, an Assignment of Developer's Agreement and/or new performance, maintenance, or other guarantees shall be required from the new owner or successor applicant. Upon the transfer of ownership of property that is the subject of a construction permit, and prior to beginning or continuing work authorized by the construction permit, the new owner or successor applicant shall file with the building department an application for a permit update to notify the Construction Department of the name and address of the new owner or successor applicant and of all other changes to information previously submitted to the Construction Department. The Construction Department shall not approve the application for a permit update until it receives notification from the governing body or its designee that the new owner or successor Developer has furnished adequate replacement performance, maintenance or other guarantees and Assignment of Developer's Agreement.
- B. The Township may accept an assignment of guarantees in accordance with the opinion of the Township Attorney or may direct the applicant or owner to obtain new guarantees pursuant to the requirements of this Chapter and N.J.S.A. 40:55D-1, et seq.

SECTION XI

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

SECTION XII

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

Effective date.

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

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to approve Ordinance 19-02C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 3. Second Reading Ordinance 19-03C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 180 PERTAINING TO POOLS AND HOT TUBS, CHAPTER 193 PERTAINING TO ZONING PERMIT FEES AND CHAPTER 205 PERTAINING TO MULTI-FAMILY DWELLINGS**

This ordinance was reviewed and approved by the Land Use Board at their meeting held on January 9th 2019.

Passed on first reading at a regular meeting held on January 7, 2019 and advertised in the BEACH HAVEN TIMES issue of January 10, 2019.

ORDINANCE 19-03C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 180 PERTAINING TO POOLS AND HOT TUBS, CHAPTER 193 PERTAINING TO ZONING PERMIT FEES, AND CHAPTER 205 PERTAINING TO MULTI-FAMILY DWELLINGS

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend Chapter 180 to provide engineering certification for the safe construction of rooftop pools and hot tubs and revise the regulations relating to hot tubs and pools, amend Chapter 193 to repeal and replace a subsection, and amend Chapter 205 to be consistent with the current definition.

SECTION I

§180-2 is repealed and replaced with the following.

§180-2 Permit, Application, and Exception.

- A. Permit. A Construction Department permit shall be required for the installation and construction of any and all permanent and temporary swimming pools and hot tubs
- B. Application. All applications shall be filed on the form prescribed by the Construction Department and shall include the certification of an engineer licensed in the State of New Jersey setting forth and attaching the following information and documentation.
 - (1) The proposed construction complies in all respects with the Code, Federal Emergency Management Agency regulations, and the National Flood Insurance Program regulations.
 - (2) The certification of a licensed engineer and plans shall demonstrate that any structure exceeding 12 inches above the finished grade of the lot and intended to be utilized to support the swimming pool and/or hot tub is of sufficient strength to support the swimming pool and/or hot tub when filled with water and occupants.
 - (a) The certification and plans shall further demonstrate that the pilings are of sufficient length and depth in the ground to support the swimming pool in the event of a 100-year storm flood washout, as that term is defined in the National Flood Insurance Program regulations.
 - (b) The certification and plans shall further demonstrate that the swimming pool and/or hot tub is sufficiently firmly affixed to the structure and supporting members to prevent its flotation in the event of floodwaters rising around the swimming pool and/or hot tub when it is not filled with water.
 - (3) The certification of a licensed engineer and a complete set of structural plans shall demonstrate that all supporting structural members to be utilized to support a rooftop pool and/or hot tub are of sufficient strength, size, and location to support the overall combined concentrated loads of the pool and/or hot tub when filled with water and occupants.
 - (4) The certification of the licensed engineer shall certify that the installation of the swimming pool shall not result in any increased potential for flood damage, and, when the swimming pool is to be located in the beach dune area, that the disturbance of the dune shall not result in an increased potential for flood damage during the 100-year flood as defined by the National Flood Insurance Program regulations or any lesser flood.
 - (5) A survey performed and prepared by a licensed land surveyor depicting the location of the proposed swimming pool, all buildings, fences, pavers, and any and all other improvements on the lot on which the swimming pool is proposed. The survey shall also depict all existing and proposed grade elevations, drainage paths to guide any water away from adjacent properties, and the location of all overhead wires on the property.
- C. Application fee. The application shall be accompanied by an application fee in the amount of \$50.
- D. The permit shall not be required for the following.
 - (1) An above-ground vinyl-lined swimming pool not exceeding 4 feet in depth and not exceeding a capacity of 3,000 gallons of fresh water.
 - (2) An above-ground hot tub having a capacity not in excess of 600 gallons and installed in the yard or on a platform not exceeding 12 inches above the finished grade of the lot.

SECTION II

§193-2H(1) is hereby repealed and replaced with the following.

- (1) Not to exceed the dimensions of the structure or 30 feet in length, whichever is less.

SECTION III

§205-2 is hereby amended to repeal the definition of DWELLING, MULTI-FAMILY and replace it with the following.

DWELLING, MULTI-FAMILY

A building or buildings on a single lot containing three (3) or more separate dwelling units. The dwelling units may be contained in one (1) building or separate buildings which do not exceed lot coverage or setback requirements of the appropriate district where they are located. The definition shall also include a building designed for or occupied exclusively by three (3) or more families living independently of each other.

SECTION IV

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

SECTION V

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

Effective date.

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

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to approve Ordinance 19-03C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. First Reading Ordinance 19-04: **AN ORDINANCE AUTHORIZING THE PURCHASE OF BLOCK 25.04, LOT 2, IN THE TOWNSHIP OF LONG BEACH FOR A PUBLIC PURPOSE**

Motion to approve Ordinance 19-04 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

5. First Reading Ordinance 19-05C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTER 25 PERTAINING TO THE REGULATION OF ALARM SYSTEMS**

Motion to approve Ordinance 19-05C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

6. Resolution 19-0204.01: Approve the Temporary Utility Capital Budget

RESOLUTION 19-0204.01

WHEREAS, the statutes provide for the making of temporary appropriations for the period of January 1st to the date of adoption of the Local Municipal Budget; and

WHEREAS, the Governing Body of the Township of Long Beach, County of Ocean, desires to provide for an orderly method to meet claims during the foresaid period, prior to the adoption of the Local Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following appropriations, attached as Schedule D, are hereby adopted as the 2019 Temporary Utility Capital Budget.

Motion to approve Item 6:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

7. First Reading Ordinance 19-06: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FOR THE TOWNSHIP'S WATER AND SEWER UTILITY AND VARIOUS IMPROVEMENTS THERETO IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$400,000 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 \$400,000; MAKING**

CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING PURPOSE

Motion to approve Ordinance 19-06 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS & APPROVALS

- 8. Resolution 19-0204.02: Accept a donation:
Beach Patrol: Ten (10) Beach Wheelchairs in Memory of Jenna Hill

RESOLUTION 19-0204.02

WHEREAS, the Long Beach Township Beach Patrol received a donation, from JoAnn Novello Hill, of ten (10) Beach Wheelchairs on December 31, 2018; and

WHEREAS, Ms. Novello Hill has made this donation in memory of her daughter, Jenna Marie Hill; and

WHEREAS, the Beach Patrol shall use these chairs as part of their Beach wheels Program.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby accept the donation of ten (10) Beach wheels Chairs from JoAnn Novello Hill for use as part of the Beach Patrol Beach wheels Program.

- 9. Resolution 19-0204.03: Authorize changes to various Water/Sewer accounts

RESOLUTION 19-0204.03

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>BLOCK LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
4.17 10	985-0 W/S	2017	Standby Credit	\$139.50
11.07 10.06/C2	3422-0 W/S	2018	Standby Credit	\$ 66.50
15.41 10.02	5320-0 W/S	2018	Standby Credit	\$218.50
18.79 3	6570-0 W/S	2018	Standby Credit	\$224.50

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.

- 10. Resolution 19-0204.04: Approve various personnel Actions
 - a. Various Personnel Matters
 - b. Appoint Assistant Purchasing Agent: Katlyn Kerlin

RESOLUTION 19-0204.04(a)

Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number *****4665 effective retroactive to January 14, 2019.

Beach Patrol

Please hire the following employees as Seasonal Part Time Laborers, at the following rates of pay, to be paid from Lifeguard Salary and Wage effective retroactive to January 26, 2018.

\$16.50 per hour

Norman Roberts

\$15.50 per hour

John Wozniak

\$10.75 per hour

Laura Hodge

\$10.00 per hour

Patrick Craig

Michael Dancha

Kelly Fontana

Matthew Ihnken

Ramo Kline

Shawn McNally

Sean Moran

Tyler O'Grady

John Pasquale

Kaitlin Rubin

Jennifer Townsend

Emily Wilbert

Construction

Change the following employee's annual base salary to \$76,887.00 to be paid from Construction Salary & Wage effective retroactive to January 1, 2019.

Joanne Tallon

Health

Accept and Approve the Service Retirement of Anita Miller effective retroactive to January 1, 2019.

Public Works

Change the following employee's title to Senior Carpenter and salary to \$52,956.76 to be paid from Public Works Salary & Wage effective retroactive to January 26, 2019.

Mark Heslin

Change the following employee's title to Senior Public Works Repairer and salary to \$42,069.35 to be paid from Public Works Salary & Wage effective retroactive to January 26, 2019.

Cody Tomczyk

Change the following employees' titles to Laborer 2 and salary to \$34,428.57 to be paid from Public Works Salary & Wage effective retroactive to January 26, 2019.

James Truitt Thomas Patch

Change the following employee's Civil Service Title to Mechanic and change annual salary to \$ 57,344.88 to be paid from Public Works Salary & Wage effective retroactive to January 26, 2019.

Scott Wilson Jr.

Change the following employee's Civil Service Title to Mechanic and change annual salary to \$60,444.36 to be paid from Public Works Salary & Wage effective retroactive to January 26, 2019.

Stephen Johnson

Change the following employee's Civil Service Title to Senior Public Works Repairer and annual base salary to \$60,144.55 to be paid from Public Works Salary & Wage effective retroactive to January 26, 2019.

Jack Bazel

Approve the following one-time stipends per Teamsters contract retroactive for the year 2018:

Mark Heslin - Playground Inspector	\$500.00
Matthew Beningaso – CDL Trainer	\$500.00
Scott Wilson Jr. – Welder	\$500.00
Scott Wilson – ASE Certification	\$1500.00
Stephen Johnson – ASE Certification	\$1500.00

Water/Sewer

Change the following employee's annual base salary to \$47,414.00 to be paid from Water/Sewer Salary & Wage effective retroactive to January 1, 2019.

Timothy Kearney

Change the following employee's title to Water Repairer 1 and annual base salary to \$37,584.95 to be paid from Water/Sewer Salary & Wage effective retroactive to January 26, 2019.

Bruce Caporusso

Change the following employee's title to Water Repairer 1 and annual base salary to \$47,156.35 to be paid from Water/Sewer Salary & Wage effective retroactive to January 26, 2019.

Croix Corliss

Change the following employee's title to Water Repairer 1 and annual base salary to \$35,728.00 to be paid from Water/Sewer Salary & Wage effective retroactive to January 26, 2019.

Cody Lippincott

Hire the following employee as a Permanent Full-Time Laborer 1 at the annual base salary of \$55,000.00 to be paid from Water/Sewer Salary & Wage effective retroactive to January 26, 2019.

John Kinasczuk

Miscellaneous

Approve the carryover of Vacation days from the year 2018 to 2019 for the following employees due to duties that prevented them from using said days before their normal expiration date.

Jon Sprague	19 days
Lynda Wells	24 days

RESOLUTION 19-0204.04(b)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY APPOINTING AN ASSISTANT PURCHASING AGENT

WHEREAS, Long Beach Township Ordinance 19-01C, passed on February 4th 2019, created the position of Assistant Purchasing Agent; and

WHEREAS, a need exists for an Assistant Purchasing Agent to be appointed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby appoint Katlyn Kerlin as Assistant Purchasing Agent effective February 7, 2019 through December 31, 2019.

11. Resolution 19-0204.05: Appoint members to the Green Team

RESOLUTION 19-0204.05

WHEREAS, the Township of Long Beach strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Township of Long Beach wishes to build a model of government which benefits our residents now and into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on green issues, the Township, pursuant to Resolution 11-1021.02, established a Green Team Advisory Committee; and updated the goals and members in Resolution 18-0205.06; and

WHEREAS, the Township continues to focus on green issues with the implementation of the (public access planning and transportation initiatives as well as energy assessments of municipal operations and facilities); and

WHEREAS, the Township prioritizes green initiatives in-house with energy efficient upgrades; in our community with mobility and transportation efforts; public access enhancements and increasing reduce, reuse and recycling efforts and education.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby establish the 2018 Green Team Advisory Committee consisting of members, who shall be residents or employees of the Township of Long Beach, appointed for the term effective January 1, 2019 through December 31, 2019; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Township of Long Beach that the mission, goals and objectives of the Green Team Advisory Committee through this date are established as follows:

MISSION: The Township of Long Beach Green Team Advisory Committee will advise the Board of Commissioners on ways to improve municipal operations with green initiatives which are economically and environmentally sound, through research, education and evaluation.

Goals for 2019 for Long Beach Township Green Team:

- Continue energy efficient planning and implementation and solar installation assessments;
- Plan for electric vehicle infrastructure and fleet enhancements
- Enhance and expand public education of recycling and plastics reduction initiatives
- Promote and maintain roadways for all users from pedestrians, bikes, and public transportation and plan for expansion of public transportation such as
- Further the integrated public and open space management through the Municipal Public Access Planning and open space tax;
- Restore and upgrade trails, parks and bayfront public access locations including for increased public education opportunities.
- Continue dune re-vegetation and stewardship initiatives as part of continued stewardship projects with our taxpayers' associations and partner organizations;
- Continue to expand organic waste diversion and reef development through Oyster Recycling program.

OBJECTIVES:

- Collaborate with Township employees and other governmental agencies, businesses and service providers to share resource information and ideas consistent with the mission of the green team.
- Encourage participation of all employees to solicit ideas on green initiatives.
- Research and analyze green initiatives which make practical environmental and economic sense.

- Develop strategies for sustainable green initiatives as defined above in municipal operations.

BE IT FINALLY RESOLVED, by the Board of Commissioners of the Township of Long Beach that the following persons are hereby appointed to the Green Team Advisory Committee through December 31, 2019:

<u>Name</u>	<u>Title</u>	<u>Member status</u>
Angela Andersen	Sustainability Coordinator LBT	Team Leader
Andy Baran	Deputy Dept. Head DPW	Township Member
Ralph Bayard	Commissioner	Township Member
Lynda Wells	Municipal Clerk	Township Member
Lydia D'amore	CFO	Township Member
Dan Krupinski	Health Officer	Township Member
Allison Iannicone	Owen/Little Assoc	Regular Member
Zach Kerzner	Business Owner	Citizen Member
Amy Williams	Professor Stevens Inst.	Academic Member
Kyle Gronozastji	Director ALO	Non-Profit Member

Motion to approve Items 8-11:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

PURCHASES, CONTRACTS & AWARDS

12. Resolution 19-0204.06: Amend Certificate of Availability for Quad Construction: 2016 Reconstruction of Facilities on Brant Beach Water Treatment Plant

RESOLUTION 19-0204.06

A RESOLUTION AMENDING A CERTIFICATE OF AVAILABILITY FOR QUAD CONSTRUCTION COMPANY REGARDING THE 2016 RECONSTRUCTION OF FACILITIES AT THE BRANT BEACH WATER TREATMENT PLANT IMPROVEMENTS IN THE TOWNSHIP OF LONG BEACH

WHEREAS, pursuant to Resolution 18-0604.16, the Township of Long Beach awarded a contract for 2016 Reconstruction of Facilities at Brant Beach Water Treatment Plant Improvements in the Township of Long Beach to Quad Construction, per bid; and

WHEREAS, the Chief Financial Officer certified the availability of funds for the contract from the following appropriations: Rehab the Brant Beach Water Tower Plant - Account #U-08-55-982-901 in the amount of \$6,886,361.35; and Rehab the Brant Beach Water Tower Plant - Account #U-08-55-982-951 in the amount of \$1,359,638.65; and

WHEREAS, various appropriations have been cancelled and additional appropriations have been revised as follows: Account #U-08-55-982-901 in the amount of \$6,866,361.00 and Account #U-08-55-982-951 in the amount of \$1,379,639.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach this 4th day of February 2019, do hereby approve the revised Certificate of Availability of Funds for the 2016 Reconstruction of Facilities at Brant Beach Water Treatment Plant Improvements in the Township of Long Beach.

13. Resolution 19-0204.07(a-d): Approve various contracts, per bid:

- Award of lease: Verizon Wireless: placement of various wireless equipment at 5707 Bayview Avenue
- Galls: Various Police Clothing
- Misc. TWP Uniforms Bid C, D, E: Shore Promotions
- 2019 Piling Installation for Proposed Storage and Restroom Building: Albert Marine \$29,690.00

RESOLUTION 19-0204.07(a)

WHEREAS, pursuant to N.J.S.A. 40A:12-14, the Township of Long Beach ("Township") is authorized to lease any real property, capital improvement, or personal property not needed for public use; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14, the Township is authorized to lease such real property to a private person to the highest bidder by public auction or open public bidding; and

WHEREAS, the Township determined that there is available space located on the Township-owned water tower ("Tower") located at 5707 Bayview Avenue ("Property") which is not needed for public use which is sufficient in size and scope use by private companies for wireless communications facilities; and

WHEREAS, the Township elected to advertise and accept sealed bids for one (1) space on the Tower and at the Property and set a minimum bid of forty-thousand dollars (\$40,000.00) for the space; and

WHEREAS, on December 20, 2018, Verizon Wireless submitted the sole bid in response to the advertisement and that bid met the minimum bid amount and the material terms of the Public Notice, Instructions, Specifications, and Proposed Lease Agreement; and

WHEREAS, pursuant to and in accordance with the material terms of the Lease Agreement, the Township and Verizon Wireless have supplied and negotiated certain additional terms to the Lease Agreement, as well as a Site Access Agreement which sets forth terms relating to the inspection of the Property by Verizon Wireless during the due diligence period.

NOW, THEREFORE, BE IT RESOLVED that the Township hereby approves and authorizes the Lease Agreement, as amended, and the Site Access Agreement, and, therefore, awards the space on the Tower and at the Property to the Verizon Wireless pursuant to the terms therein and authorizes the execution of the Lease Agreement and Site Access Agreement attached as Exhibit A pursuant to N.J.S.A. 40A:12-14.

RESOLUTION 19-0204.07(b)

A RESOLUTION AWARDING A CONTRACT FOR POLICE UNIFORMS FOR THE LONG BEACH TOWNSHIP POLICE DEPARTMENT, PER BID

WHEREAS, pursuant to N.J.S.A. 40A:11-1 et seq., the Township of Long Beach solicited bids on December 20, 2018 for the purchase of various police uniform items for the Township of Long Beach Police Department; 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, Galls LLC submitted a responsive, qualified bid for various items on file in the Municipal Clerk's Office, and approved as per the Township's Municipal Solicitor and Qualified Purchasing Agent's review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 4th day of February, for the reasons aforesaid, approves one (1) two-year contract to:

Galls LLC
1340 Russell Cave Road
Lexington, KY 40505

in amounts submitted pursuant to their bid received by Long Beach Township on December 20, 2018; effective January 1, 2019 thru December 31, 2020 with one (1) two-year option for renewal.

RESOLUTION 19-0204.07(c)

A RESOLUTION AWARDING A CONTRACT FOR MISCELLANEOUS EMPLOYEE UNIFORMS FOR THE TOWNSHIP OF LONG BEACH, PER BIDS C, D & E

WHEREAS, the Township of Long Beach has solicited bids for the purchase of uniforms for the Township; and

WHEREAS, 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, Shore Promotions. submitted a responsive, qualified bid Part C, D & E as per the Township's Municipal Solicitor and Qualified Purchasing Agent's review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 4th day of February, for the reasons aforesaid, that one (1) two-year contract

Shore Promotions
PO Box 205
Ship Bottom, NJ 08008

in amounts submitted pursuant to their bid received by Long Beach Township on January 31, 2019; effective January 1, 2019 thru December 31, 2020.

RESOLUTION 19-0204.07(d)

A RESOLUTION AWARDING A CONTRACT FOR 2019 PILING INSTALLATION FOR PROPOSED STOAGE AND RESTROOM BUILDINGS 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 solicited and received bids for 2019 Piling Installation for proposed Storage and Restroom Buildings in the Township of Long Beach on January 31, 2019; 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, Albert Marine Construction., 65 Pennsylvania Ave, Waretown, NJ 08758 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 appropriation created by: Ordinance 18-44 Account #C-04-56-157-901 in the amount of \$29,690.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 4th day of February 2019, for the reasons aforesaid, that a contract be and is hereby awarded to:

Albert Marine Construction
65 Pennsylvania Ave
Waretown, NJ 08758

For 2019 Piling Installation for A Proposed Storage and Restroom Building in the Township of Long Beach in an amount not to exceed Twenty-Nine Thousand Six Hundred Ninety Dollars (\$29,690.00) as per the bid received on January 31, 2019.

14. Resolution 19-0204.08: Reject Bid: Installation of Water Meter- Contract 2: RJR Engineering Co. exceeded Engineer's estimate

RESOLUTION 19-0204.08

A RESOLUTION REJECTING BID FOR INSTALLATION OF WATER METER -CONTRACT 2 IN THE TOWNSHIP OF LONG BEACH

WHEREAS, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach has solicited and received bids on September 27, 2018 for the Installation of Water Meters-Contract 2 in the Township of Long Beach; and

WHEREAS, in response, one (1) bid was received from RJR Engineering Co. in the amount of \$2,498,750.00; and

WHEREAS, pursuant to N.J.S.A.40A:11-13.2, said bid exceeded the Engineer's estimate for the Project.

NOW THEREFOR BE IT RESOLVED, it is the opinion of the Board of Commissioners of the Township of Long Beach that said bid received from RJR Engineering Co. shall be and is hereby rejected, pursuant to the Municipal Solicitor, Municipal Engineer and Qualified Purchasing Agent's recommendation and in congruence with the Local Public Contracts Law.

15. Resolution 19-0204.09(a&b): Approve various Shared Service Agreements:
a) Ocean County Sheriff's Office: FY19 Child Restraint Program Grant (CRG)
b) Ocean County Animal Facilities

RESOLUTION 19-0204.09(a)

A RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE COUNTY OF OCEAN FOR FY19 CHILD PASSENGER SAFETY GRANT

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Long Beach wishes to enter into an agreement with the County for the purpose of setting forth the terms and conditions regarding the assignment of a Nationally Certified Child Passenger Safety Technician employed by the Township to the Ocean County Sheriff's Office Child Restraint Group; and

WHEREAS, the Child Restraint Group is a program run by the Ocean County Sheriff's Office for the purpose of inspecting and installing child restraints in vehicles; and

WHEREAS, funds for these services are received from the State of New Jersey and the County of Ocean.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach does hereby authorize the execution of the FY19 Child Passenger Safety Grant Shared Services Agreement effective retroactive from October 1, 2018 through September 30, 2019 with compensation to the Township set at the rate of Fifty-Five (\$55.00) per hour per CPS Technician.

BE IT FURTHER RESOLVED, certified copies of this Resolution shall be forwarded to the Ocean County Sheriff's Office.

RESOLUTION 19-0204.09(b)

A RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES

WHEREAS, the Shared Services Act, N.J.S.A. 40:65A et seq., authorizes two or more local units to enter into joint agreements for the provision of governmental services.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that the Mayor and the

Municipal Clerk be and they are hereby authorized and directed to execute a renewal agreement with the Ocean County Board of Health for Animal Facility Services for the year 2019.

Motion to approve Items 12-15:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

16. Resolution 19-0204.10: Approve Change Order #1 for the 2016 Reconstruction of Facilities at the Brant Beach Water Treatment Plant: Quad Construction \$68,276.04

RESOLUTION 19-0204.10

RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR THE SANDY 2016 RECONSTRUCTION OF FACILITIES AT THE BRANT BEACH WATER TREATMENT PLANT IN THE TOWNSHIP OF LONG BEACH

WHEREAS Quad Construction., Inc. was awarded a contract for 2016 Sandy Reconstruction for the Brant Beach Water Treatment Plant in the Township of Long Beach in the amount of Eight Million Two Hundred Forty-Six Thousand Dollars (\$8,246,000.00) as per Resolution 18-0604.16; and

WHEREAS, based on the actual project, unforeseen conditions resulted in the need for additional work and personnel; and

WHEREAS, these changes have resulted in Change Order #1 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

WHEREAS, sufficient funds are available and certified by the Chief Financial Officer from the Appropriation made by Ordinance 17-08B Rehab BHT Water Plant 2:20: Account # U-08-55-982-951 in the amount of \$68,276.04.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 4th day of February 2019 that Quad Construction, 732 Eayrestown Road, Lumberton, NJ 08048 Inc, be and is hereby awarded Change Order #1 in the amount of Sixty-Eight Thousand Two Hundred Seventy-Six Dollars and Four Cents (\$68,276.04), representing a .83% increase over the original contract price, for payment of the work required to complete the 2012 Sandy Reconstruction for the Brant Beach Water Treatment Plant in the Township of Long Beach.

17. Resolution 19-0204.11: Authorize cancelation of a tax levy Blk 18.125, Lot 1

RESOLUTION 19-0204.11

A RESOLUTION AUTHORIZING THE CANCELATION OF A TAX LEVY

WHEREAS, the Township of Long Beach received and accepted ownership of property 1125 Long Beach Blvd., Loveladies; and

WHEREAS, the tax-exempt status was established by the Long Beach Township Tax Assessor for the year of 2019 for Block 18.125, Lot 1 located at 1125 Long Beach Blvd; and

WHEREAS, the Tax Collector is authorized to cancel the remainder of the 2018 taxes, as well as the 2019 taxes in the amount of ninety-eight cents (\$.98).

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, that the Tax Collector be, and she is hereby authorized to cancel taxes totaling \$.98 and to make the appropriate adjustments to the records.

18. Resolution 19-0204.12: Authorize the issuance and sale of bonds

RESOLUTION 19-0204.12

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$13,740,000 OF GENERAL OBLIGATION BONDS, SERIES 2019, OF THE TOWNSHIP OF LONG BEACH; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID BONDS FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE BONDS

BACKGROUND

WHEREAS, pursuant to 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"), the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey ("Township"), has, pursuant to bond ordinances 14-42, 14-01, 15-03, 13-19R, 13-31, 14-20, 15-28, 15-51, 14-33, 15-27, 16-23, 12-12, 13-32, 13-34, 14-08, 14-28, 16-26, 16-27, 14-17, 16-

25, 17-11, 17-12, 17-13, 17-14, 17-27, 18-09, 18-10, 18-24, 18-27, 13-40, 13-41, 17-08A, 17-35 and 18-15, each duly and finally adopted and published in accordance with the requirements of the Local Bond Law (collectively, the "Bond Ordinances"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of certain capital improvements, as set forth in and authorized by the Bond Ordinances, all as more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, on March 15, 2018, the Township issued its bond anticipation notes of 2018, Series A, in the principal amount of \$9,612,000 ("Prior Notes"), to temporarily finance a portion of the costs of the improvements authorized by bond ordinances 14-42, 14-01, 15-03, 13-19R, 13-31, 14-20, 15-28, 15-51, 14-33, 15-27, 16-23, 12-12, 13-32, 13-34, 14-08, 14-28, 16-26 and 16-27 ("Prior Improvements"); and

WHEREAS, the Prior Notes mature on March 14, 2019; and

WHEREAS, the Township has not yet issued any obligations to finance the costs of certain improvements authorized by bond ordinances 14-17, 15-51, 16-25, 17-11, 17-12, 17-13, 17-14, 17-27, 18-09, 18-10, 18-24, 18-27, 13-40, 13-41, 14-28, 14-33, 16-23, 17-08A, 17-35 and 18-15 ("New Improvements"); and

WHEREAS, it is the desire of the Township to issue its general obligation bonds in the aggregate principal amount of up to \$13,740,000, as further described in Exhibit "A", the proceeds of which, together with other available funds, will be used to: (i) repay a portion of the principal of the Prior Notes at maturity; (ii) permanently finance the costs of the New Improvements for which obligations have been authorized, but not issued; and (iii) pay certain costs and expenses incidental to the issuance and delivery of the bonds (collectively, the "Project"); and

WHEREAS, pursuant to the Local Bond Law and the Bond Ordinances, it is the intent of the Board of Commissioners hereby to authorize, approve and direct the issuance and sale of such bonds, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law and the Bond Ordinances, the issuance and sale of general obligation bonds of the Township, to be designated substantially "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2019" ("Bonds"), in an aggregate principal amount of up to \$13,740,000 for the Project, is hereby authorized and approved. The Bonds consist of: (i) \$6,676,000 General Improvement Bonds; and (ii) \$7,064,000 Water and Sewer Utility Bonds.

Section 2. The Bonds shall be dated their date of delivery and shall mature on March 1 in the years and amounts set forth below:

General Improvement			Water/Sewer Utility			General Improvement			Water/Sewer Utility		
Year	Improvement	Combined	Year	Improvement	Combined	Year	Improvement	Combined	Year	Improvement	Combined
2020	\$206,000	\$480,000	2030	\$345,000	\$720,000	2030	\$345,000	\$720,000	2030	\$345,000	\$720,000
2021	250,000	520,000	2031	360,000	750,000	2031	360,000	750,000	2031	360,000	750,000
2022	260,000	540,000	2032	370,000	770,000	2032	370,000	770,000	2032	370,000	770,000
2023	270,000	560,000	2033	385,000	785,000	2033	385,000	785,000	2033	385,000	785,000
2024	280,000	580,000	2034	400,000	800,000	2034	400,000	800,000	2034	400,000	800,000
2025	290,000	605,000	2035	400,000	800,000	2035	400,000	800,000	2035	400,000	800,000
2026	300,000	625,000	2036	400,000	800,000	2036	400,000	800,000	2036	400,000	800,000
2027	310,000	645,000	2037	400,000	800,000	2037	400,000	800,000	2037	400,000	800,000
2028	320,000	670,000	2038	400,000	800,000	2038	400,000	800,000	2038	400,000	800,000
2029	330,000	690,000	2039	400,000	800,000	2039	400,000	800,000	2039	400,000	800,000

The term of the Bonds is equal to or less than the average period of usefulness of the Project being financed through the issuance of the Bonds. Interest on the Bonds shall be payable initially on September 1, 2019 and semiannually thereafter on March 1 and September 1 in each year until maturity or earlier redemption. The Chief Financial Officer is hereby authorized to revise the principal amounts and/or interest payment dates set forth in the maturity schedules above in accordance with the Local Bond Law.

Section 3. The Bonds maturing on and after March 1, 2027 shall be subject to redemption prior to their stated maturity dates at the option of the Township, upon notice as set forth below, as a whole or in part (and, if in part, such maturities as the

Township shall determine and within any such maturity by lot) on any date on and after March 1, 2026, at a redemption price equal to 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the redemption date.

Notwithstanding the foregoing, the Chief Financial Officer of the Township is hereby authorized to determine whether the Bonds shall be subject to redemption and/or to revise the dates upon which the Bonds shall be subject to redemption, all in accordance with the Local Bond Law.

Section 4. Notice of redemption for the Bonds shall be given by mailing first class mail in a sealed envelope with postage pre-paid not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to the owner of every Bond of which all or a portion is to be redeemed at his or her last address, if any, appearing on the registration books of the Township. So long as the Bonds are issued in book-entry-only form, all notices of redemption will be sent only to the Securities Depository (hereinafter defined) and not be sent to the beneficial owners of the Bonds. Failure of an owner of the Bonds to receive such notice or of the Securities Depository to advise any participant or any failure of a participant to notify any beneficial owner of the Bonds shall not affect the validity of any proceedings for the redemption of Bonds. Such notice shall specify: (i) the series and maturity of the Bonds to be redeemed; (ii) the redemption date and the place or places where amounts that are due and payable upon such redemption will be payable; (iii) if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of the Bonds to be redeemed; (iv) in the case of a Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed; (v) that on the redemption date there shall become due and payable with respect to each Bond or portion thereof to be redeemed the redemption price; and (vi) that from and after the redemption date interest on such Bonds or portion thereof to be redeemed shall cease to accrue and be payable.

Section 5. The Bonds shall be general obligations of the Township. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds 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 6. The Bonds will be issued in fully registered book entry only form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both the principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Bonds will be paid to DTC by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC as of the fifteenth (15th) day of the month immediately preceding an interest payment date. The Bonds will be executed on behalf of the Township by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Township Clerk or the Deputy Township Clerk, and shall bear the affixed, imprinted or reproduced seal of the Township thereon.

Section 7. The Township is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 8. In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof, and in integral multiples of \$1,000 above the minimum of \$5,000 or in such amount necessary to issue the principal amount of the Bonds ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered

Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 9. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Bonds, and the distribution of said Preliminary Official Statement to prospective purchasers of the Bonds and others having an interest therein, are hereby authorized and directed. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

Section 10. The Chief Financial Officer is hereby authorized to solicit proposals for, and to engage the services of, one or more firms (collectively, the "Printer") to provide for the electronic and/or physical dissemination of the Preliminary Official Statement and Official Statement (hereinafter defined) and to provide electronic bidding services associated with the sale of the Bonds, all pursuant to and in accordance with the provisions of the Local Bond Law and the regulations promulgated thereunder. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to enter into agreement(s) with the Printer for the services to be provided.

Section 11. The Chief Financial Officer is hereby authorized to solicit proposals for, and engage the services of, a qualified institution to serve as paying agent ("Paying Agent") and/or Dissemination Agent ("Dissemination Agent") for the Bonds. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to execute and deliver an agreement with the Paying Agent and/or Dissemination Agent.

Section 12. Pursuant to the Local Bond Law, the Chief Financial Officer ("Sale Official") is hereby authorized to sell and award the Bonds at a public sale. The sale of the Bonds shall be in accordance with the provisions of the Local Bond Law and the advertised terms of such public sale. If necessary or desirable, the Sale Official is hereby authorized to postpone, from time to time, the date and time established for receipt of bids for the sale of the Bonds in accordance with the Local Bond Law. If any date fixed for receipt of bids and the sale of the Bonds is postponed, the Sale Official is hereby authorized to announce an alternative sale date at least forty-eight (48) hours prior to such alternative sale date. The Sale Official is hereby authorized and directed to cause a summary notice of sale and a notice of sale of the Bonds to be prepared and disseminated in accordance with the Local Bond Law. At the next meeting of the Board of Commissioners after the sale and award of the Bonds, the Sale Official shall report, in writing, to the Board of Commissioners the principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Bonds shall be paid, the price and the purchaser or purchasers of the Bonds.

Section 13. The utilization of i-Deal LLC, New York, New York, to provide electronic bidding services to the Township in connection with the competitive sale of the Bonds ("Bidding Agent") through the use of the Bidding Agent's BiDCOMP/PARITY auction system, pursuant to the Local Bond Law and the regulations promulgated thereunder, is hereby authorized, approved, ratified and confirmed.

Section 14. The preparation of a final official statement ("Official Statement") with respect to the Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the Township will deliver sufficient copies of the Official Statement to the purchaser of the Bonds in order for the same to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to execute the Official Statement, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Administrator, Chief Financial Officer and Township Clerk shall constitute conclusive evidence of approval by the Township of the changes therein from the Preliminary Official Statement. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to approve any amendments of or supplements to the Official Statement.

Section 15. In order to assist the underwriters of the Bonds in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to execute on behalf of the Township before the issuance of the Bonds an agreement with the Dissemination Agent, providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12.

Section 16. The Township hereby covenants that it will not make any use of the proceeds of the Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Income Tax Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 17. The Township hereby covenants as follows: (i) it shall timely file such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 18. To the extent not otherwise exempt, the Township hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

Section 19. The appointment of Phoenix Advisors, LLC ("Financial Advisor"), to provide financial advisory services for the Township in connection with the authorization, issuance, sale and delivery of the Bonds is hereby authorized, approved, ratified and confirmed. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized and directed to enter into an agreement with the Financial Advisor for the services to be provided.

Section 20. Application to S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service for a rating of the Bonds, and the furnishing of certain information concerning the Township and the Bonds, for the purpose of qualifying the Bonds for municipal bond insurance, are hereby authorized, ratified, confirmed and approved.

Section 21. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Administrator, Chief Financial Officer, Township Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Bonds are hereby ratified, confirmed, approved and adopted.

Section 22. The Mayor, Administrator, Chief Financial Officer and Township Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Bonds not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signatures of the Mayor, Administrator, Chief Financial Officer or Township Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 23. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 24. This resolution shall take effect immediately upon adoption this 4th day of February, 2019.

19. Resolution 19-0204.13: Approve various Reserve Appropriation Transfers

RESOLUTION 19-0204.13

WHEREAS, the New Jersey statutes provide for the making of Reserve Appropriation Transfers between the period of January 1, 2019 and March 31, 2019; and

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, desires to make Reserve Appropriation Transfers.

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

CURRENT FUND			
FROM:	DEPT:	ACCOUNT #	AMOUNT
Group Insurance-Employees	O&E	8-01-23-220-000	\$ 15,000.00
TOTAL			\$ 15,000.00
TO:	DEPT:	ACCOUNT #	AMOUNT
Legal	O&E	8-01-20-155-020	\$ 15,000.00
TOTAL			\$15,000.00

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20. Resolution 19-0204.14: Approve a Dedication by Rider: Memorial Pavers

RESOLUTION 19-0204.14

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE PURCHASE OF MEMORIAL PAVERS PURSUANT TO N.J.S.A. 40A:5-29

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

WHEREAS, N.J.S.A. 40A:5-29 et seq. allows municipalities to receive donations for costs incurred for the purchase of memorial pavers, and;

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

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

- 1) The Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for the purchase of memorial pavers.
- 2) The Municipal Clerk of the Township of Long Beach, County of Ocean, State of New Jersey is hereby directed to forward two copies of this resolution to the Director of the Division of Local Government Services.

21. Resolution 19-0204.15: Authorize an increase to the Temporary Current Fund Budget

RESOLUTION 19-0204.15

WHEREAS, the Chief Financial Officer of the Township of Long Beach has determined that an increase to the 2019 Temporary Budget, approved pursuant to Resolution 18-1217.14, is necessary; and

WHEREAS, appropriations for the A – Temporary Current Fund, are hereby adopted as the 2019 Temporary Budget and shall be increased February 4, 2019 pursuant to Schedule A attached hereto.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Chief Financial Officer be and she is hereby authorized to increase the 2019 Temporary Current Fund.

22. Resolution 19-0204.16(a-h) Approve various actions for Performance Bonds:

- a. PSM Real Estate, B-15.87 L-1 & 1.01, LUB-24-17, release in the amount of \$31,022.50 plus interest
- b. PSM Real Estate, B-15.88 L-1 & 1.01, LUB-10-17, release in the amount of \$23,522.50 plus interest
- c. Moore, B-4.45 L-1, LUB-41-05, extend for one year
- d. Rosen, B-20.26 L-1, LUB-27-07, extend for one year
- e. Callan & Moeller, B-10.17 L-1 & 12, LUB-4-13, extend one year
- f. Dorsett & Carey, B-15.41 L-10, LUB-4-16, extend one year
- g. Demato, B-8.03 L-2 & 3, LUB-49-15, extend one year
- h. Davies, B-6.19 L-1.02 & 1.03, LUB-16-07, extend one year

RESOLUTION 19-0204.16(a)

WHEREAS, pursuant to Resolution 17-0807.10(a), the Township of Long Beach accepted from PSM Real Estate Official Check No. 53185863-3, drawn on TD Bank, dated July 19, 2017 in the amount of Thirty-One Thousand Twenty-Two Dollars and Fifty Cents (\$31,022.50), representing the required Performance Bond for Minor-Subdivision #LUB-24-17, Block 15.87, Lots 1 & 1.01 (4812 Long Beach Blvd.); and

WHEREAS, upon inspection by the Municipal Engineer on January 30, 2019, it was determined all work items had been satisfactorily completed and recommended the Performance Bond be released.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approves the release of the Performance Bond in the amount of Thirty-One Thousand Twenty-Two Dollars and Fifty Cents (\$31,022.50) plus accrued interest, as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

RESOLUTION 19-0204.16(b)

WHEREAS, pursuant to Resolution 17-0807.10(b), the Township of Long Beach accepted from PSM Real Estate Official Check No. 53185864-4, drawn on TD Bank, dated July 19, 2017 in the amount of Twenty-Three Thousand Five Hundred Twenty-Two Dollars and Fifty Cents (\$23,522.50), representing the required Performance Bond for Minor-Subdivision #LUB-10-17, Block 15.88, Lots 1 & 1.01 (4812 Long Beach Blvd.); and

WHEREAS, upon inspection by the Municipal Engineer on January 30, 2019, it was determined all work items had been satisfactorily completed and recommended the Performance Bond be released.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approves the release of the Performance Bond in the amount of Twenty-Three Thousand Five Hundred Twenty-Two Dollars and Fifty Cents (\$23,522.50), plus accrued interest, as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

RESOLUTION 19-0204.16(c)

WHEREAS, pursuant to Resolution 06-0721.14, the Township of Long Beach accepted from Michael and Nancy Moore, Commerce Bank Check No. 805-02588, drawn on Commerce Bank, dated July 13, 2006 in the amount of Forty-Six Thousand Seven Hundred Seventy-Two Dollars (\$46,722.00), representing the required Performance Bond for Subdivision #LUB-41-05, Block 4.45, Lot 1.02 (2000 Waverly Place, North Beach Haven, NJ); and

WHEREAS, upon various inspections of the property by the Township Engineer, and pursuant to Resolutions 08-0620.15(c), 09-0807.07(a), 10-1008.03(c), 11-1104.13(b), 12-1005.05(b), 13-1004.05(b), 14-0912.11(e), 15-1109.06(b) and 16-1109.11(c) it was determined various work items remained incomplete; and

WHEREAS, pursuant to Resolution 17-1106.07(b) it was determined some of the work was complete and the release of a portion of the performance bond was approved in the amount of Thirty-Three Thousand, Four Hundred Sixty-Seven Dollars (\$33,467.00), plus accrued interest; and

WHEREAS, as a result of the current inspection by the Municipal Engineer on January 30, 2019, it was concluded that the work was not complete and recommended the performance bond be extended for one additional year to November 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the extension of this Performance Bond as recommended and certified by the Township Engineer.

RESOLUTION 19-0204.16(d)

WHEREAS, pursuant to Resolution 08-0320.15(b), the Township of Long Beach accepted from Reginald J. Raban Cashier's Check No. 0935893 dated March 14, 2008 in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) drawn on Wachovia Bank, as the required Performance Bond for Minor Sub-division (Paul Rosen) #LUB-27-07, Block 20.26, Lot 1 (26 Long Beach Blvd., Loveladies); and

WHEREAS, pursuant to Resolutions 10-0709.15(a), 11-1104.13(c), 12-1005.05(c), 13-1004.05(c), 14-0926.10(a), 15-1109.06(a), 16-1109.11(b) and 17-1106.07(f) the property was inspected by the Township Engineer who determined various work items remained incomplete and he recommended the Performance Bond be extended for one year subsequent to each inspection; and

WHEREAS, the property was inspected on January 30, 2019 by the Municipal Engineer who concluded that the work was not complete and recommended the performance bond be extended again, for one additional year, to January 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the extension of this Performance Bond as recommended by the Township Engineer.

RESOLUTION 19-0204.16(e)

WHEREAS, the Township of Long Beach has received from Callan & Moeller Construction (TMB INC), Official Check #52513599-3 drawn on TD Bank, dated August 20, 2015 in the amount of Three Thousand Nine Hundred Twenty-Seven Dollars (\$3,927.00), representing the required Performance Bond for Minor Subdivision #LUB-4-13, Block 10.17, Lots 1 and 12 (11601 Long Beach Boulevard, Haven Beach, NJ).

WHEREAS, the property was inspected on October 23, 2017 and January 30, 2019 by the Municipal Engineer who concluded that the work was not complete and recommended the performance bond be extended again, for one additional year, to January 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the extension of this Performance Bond as recommended by the Township Engineer.

RESOLUTION 19-0204.16(f)

WHEREAS, the Township of Long Beach has accepted from Dorsett/Cary (6009 Bayview Associates), Official Check No. 1000091964 dated August 18, 2016 in the amount of Nineteen Thousand Seven Hundred Eighty-Nine Dollars (\$19,789.00), as the required Performance Bond for Minor Sub-division #LUB-4-16, Block 15.41, Lot 10 (6009 Bayview Ave, Brant Beach).

WHEREAS, the property was inspected on January 30, 2019 by the Municipal Engineer who concluded that the work was not complete and recommended the performance bond be extended, for one additional year, to January 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the extension of this Performance Bond as recommended by the Township Engineer.

RESOLUTION 19-0204.16(g)

WHEREAS, pursuant to Resolution 16-1109.11, the Township of Long Beach accepted from Donald Demato, Official Check #52949286-0 drawn on TD Bank, dated October 20, 2016 in the amount of Eight Thousand One Hundred Forty Dollars (\$8,140.00); as the required Performance Bond for Minor Sub-division #LUB-49-15, Block 8.03, Lots 2&3 (W. Ohio Ave., Beach Haven Terrace); and

WHEREAS, upon inspection by the Municipal Engineer on July 12, 2017, it has been determined that a portion of the project was complete, and the release of a portion of the performance bond was approved per Resolution 17-0911.06(b); and

WHEREAS, the property was inspected on January 30, 2019 by the Municipal Engineer who concluded that the work was not complete and recommended the performance bond be extended again, for one additional year, to January 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the extension of this Performance Bond as recommended by the Township Engineer.

RESOLUTION 19-0204.16(h)

WHEREAS, pursuant to Resolution 08-0208.15(b), the Township of Long Beach accepted from Mark Davies Cashier's Check No. 805-04069 dated January 24, 2008 in the amount of One Thousand Three Hundred Twenty Dollars (\$1,320.00) drawn on Commerce Bank, as the required Performance Bond for Major Sub-division #LUB-16-07, Block 6.19, Lots 1.02 & 1.03 (25 W. 30th Street., Beach Haven Gardens); and

WHEREAS, pursuant to Resolutions 10-0709.15(b), 11-1104.13(d), 12-1005.05(d), 13-1004.05(d), 14-0926.10(b), 15-1026.02(b) and 17-1106.07(g) the Municipal Engineer inspected the property and determined certain work items had not been satisfactorily completed and recommended the Performance Bond be extended for additional one-year periods; and

WHEREAS, as a result of the current inspection by the Municipal Engineer on January 30, 2019, it was again concluded that the work was not complete and recommended the performance bond be extended again for one additional year to January 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the extension of this Performance Bond as recommended and certified by the Township Engineer.

23. Resolution 19-0204.17:	Approve Bills & Payroll	
	Bills in the amount of:	\$16,587,944.12
	Payroll in the amount of:	\$1,003,575.90

RESOLUTION 19-0204.17

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 \$1,003,575.90.

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 \$16,587,944.12 be and the same are hereby authorized to be paid on Monday, February 4, 2019.

2. The said approved payroll amounting to the sum of \$1,003,575.90 be and the same are hereby authorized to be paid on Monday, February 4, 2019. 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 16-23:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Administrator's Report: Kyle Ominski updated the public regarding the Holgate Jetty Project.

COMMISSIONERS' REPORTS

Commissioner Lattanzi: Provided information on the summer Transportation Program.

Commissioner Bayard announced:

COMMUNITY DEVELOPMENT BLOCK GRANT HEARING REGARDING THE TOWNSHIP OF LONG BEACH PROJECT AND GRANT APPLICATION

"This is the time for the public hearing in regard to proposed applications to be submitted for funding consideration through the 2019 Ocean County Community Development Block Grant. Legal Notice of this public hearing was published on January 3rd & 24th 2019 in the Beach Haven Times.

Motion to open public hearing:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Commissioner Bayard presented the Township Project: Renovation of two (2) handicapped lifts located on East 119th Street and East 131st Street. The total amount requested by the Township is \$40,000.00.

PUBLIC HEARING: No comments

Motion to close public hearing:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

24. Resolution 19.0204.18: Approve submission of the 2019 Community Development Block Grant for Long Beach Township

RESOLUTION 19-0204.18

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the 2019 application of the Township of Long Beach to the Ocean County Community Development Block Grant Program in the amount of \$40,000.00 for the renovation of two (2) handicapped lifts located on East 119th Street and East 131st Street is hereby approved for submission by the Board of Commissioners.

Motion to approve Item 24:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini stated the next meeting of the Land Use Board would be held on Wednesday, February 13th at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinances 19-04, 05C and 06 would take place at the public meeting held on March 4, 2019 at 4:00 pm.

OPEN PUBLIC SESSION

Bill Boyd/Brant Beach asked questions regarding the Bayview Park proposed plan for additional parking. He remarked the Notice stated a proposed building, toilets, storage, etc., and wondered if funding of \$350,000.00 would be sufficient; where the building would be constructed, what would be stored in the building; and if the location was part of Green Acres land.

Mayor Mancini explained the plans would be available on the Township website for a thirty-day review period. The storage facility would house various municipal records; would be built between the basketball court and the police department; and was not Green Acres land.

David Brown/Brant Beach asked when the time period for thirty-day comment period started. He objected to the additional seven proposed parking spaces in Bayview Park located near the fishing pier.

Mayor Mancini stated the comment period started February 4th and pertinent information was also on the Township website now. He added the application would be submitted to CAFRA and an additional public comment period would be afforded by them.

Barbara Jackowitz/Brant Beach had not been in favor of the construction of the fishing pier and did not want the additional ADA parking added. She felt current parking was sufficient and wanted wetlands and animal habitats to remain undisturbed.

Mayor Mancini reminded the attendees that the County had installed the outfall pipe. The Township had constructed the pier over the outfall pipe which was not visible on the surface of the water for safety reasons; to protect windsurfers, paddle boarders, boaters, swimmers, etc. He noted the proposed parking spots are not in the wetlands.

Karen Blanchard/former resident of Brant Beach would like to see the town use the donated beach wheelchairs to transport handicapped people to the pier. She suggested that instead of spending money on additional handicapped parking, more beach wheelchairs would be beneficial.

Allan Jackowitz/Brant Beach was unaware the structure covering the outfall pipe would be a fishing pier, and was concerned additional structures/improvements would be added to the area.

Mayor Mancini stated the Township application was strictly for seven additional parking spaces to allow ADA access to the pier.

Dennis O'Dea/Brant Beach understood why the pier was needed, and liked that the marsh could be observed from the pier deck. However, he felt the pier was used primarily by young people.

Diane Pasterkiewicz/ Beach Haven Gardens asked if a dog park still planned for the area.

Mayor Mancini responded the dog park plan was withdrawn.

John Fiore/Brant Beach bought Bayfront property because he wanted Bayfront views. He wished we could keep all parts of the Island in a natural setting. However progress was progress. He believed Brant Beach was the heart of Long Beach Island and the improvements made and planned were beneficial to residents and visitors.

Bill Boyd/Brant Beach felt there was ample parking in Long Beach Township, and that Brant Beach was suitably built-up. He was against adding any additional parking spots in Brant Beach.

Matt Alonso/Brant Beach felt that current parking was adequate with more of the current spots reserved for handicapped; he did not want any additional construction in the area.

Allan Jackowitz/Brant Beach questioned if the Town could invest more money into the surrounding wetlands.

Mayor Mancini advised the Township was looking into the purchase of additional property to be preserved as wetlands. However, handicapped access adjacent to the pier was necessary.

Barbara Jackowitz/Brant Beach asked who owned the property the Township was looking to purchase.

Mayor Mancini was not able to provide more details at that time but would discuss the proposal more in the next few months.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:50 p.m.

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