

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS OCTOBER 3, 2016
Flag Salute

Meeting came to order: 4:02 p.m.
Clerk calls 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

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, ATLANTIC CITY PRESS and ASBURY PARK PRESS on January 28, 2016; 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

OATH OF OFFICE: Captain Kevin Mahon

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 16-38C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 82 PERTAINING TO PLUMBING, FIRE AND ELECTRICAL INSPECTION FEES**

ORDINANCE 16-38C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 82 PERTAINING TO PLUMBING, FIRE AND ELECTRICAL INSPECTION FEES

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

STATEMENT OF PURPOSE

This Ordinance amends Chapter 64 in order to update the municipal fees for Plumbing, Fire and Electrical Inspections to be in compliance with those fees set by N.J.A.C. 5:23-4.20.

SECTION I

Chapter §82-10.C.(6)(i)[1] is hereby amended as follows:

- [a] Change "\$13" to "\$15"
- [b] Change "\$82" to "\$91"

SECTION II

Chapter §82-10.C.(6)(i)[2] is hereby amended as follows:

- [a] Change "\$29" to "\$50"
Change "\$15" to "\$17"
- [b] Sprinkler Heads
 - [i] Change "\$82" to "\$91."
 - [ii] Change "\$151" to "\$168."
 - [iii] Change "\$289" to "\$321."
 - [iv] Change "\$748" to "\$831."
 - [v] Change "\$1036" to "\$1150."
 - [vi] Change "\$1323" to "\$1469."
- [c] Standpipes:
Change "\$289" to "\$321"
- [d] Pre-engineered systems:
Change "\$116" to "\$129"
- [e] Gas/oil-fired appliances (not connected to plumbing system):
Change "\$58" to "\$65."
- [f] Commercial kitchen exhaust system, each system:
Change "\$58" to "\$65."
- [g] Incinerator/crematorium:
Change "\$460" to "\$511."
- [h] Note:
Change "\$29" to "\$33"

SECTION III

Chapter §82-10.C.(6)(i)[3] is hereby amended as follows:

- [a] Light fixtures, receptacles, switches, detectors and all devices rated 20 amps or less or 1 hp or 1 kva:
 - [i] Change "\$45" to "\$50."
 - [ii] Change "\$8" to "\$9."
- [b] Change "\$13" to "\$15."
- [c] Change "\$58" to "\$65."
- [d] Change "\$116" to "\$129."
- [e] Change "\$576" to "\$640."
- [f] Change "\$69" to "\$77."
- [g] Change "\$29" to "\$33"

SECTION IV

All Ordinances or parts of Ordinances inconsistent herewith are 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.

SECTION VI

This Ordinance shall take effect upon publication thereof after final passage according to law.

Passed on first reading at a regular meeting held on September 15, 2016 and advertised in the BEACH HAVEN TIMES issue of September 22, 2016.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 16-38C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

2. Second Reading Ordinance 16-39C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTERS 205 PERTAINING TO HEIGHT LIMIT EXCEPTIONS**

ORDINANCE 16-39C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTERS 205 PERTAINING TO HEIGHT LIMIT EXCEPTIONS

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

STATEMENT OF PURPOSE

This Ordinance amends the "may not exceed" residential height limit from 50 square feet to 64 square feet for residential elevator towers.

SECTION I

Chapter §205-49.H.(2) is hereby amended as follows:

Replace "50" with "64"

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION III

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

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.

The Land Use Board reviewed and approved this Ordinance at their September 14th meeting.

Passed on first reading at a regular meeting held on September 15, 2016 and advertised in the BEACH HAVEN TIMES issue of September 22, 2016.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

AND AUTHORIZING THE TOWNSHIP BUSINESS ADMINISTRATOR TO IMPLEMENT SAME.

ORDINANCE 16-41C

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997) BY ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES AND POLICIES, REVISING AND RE-CODIFYING PERSONNEL PRACTICES AND POLICIES, AND AUTHORIZING THE TOWNSHIP BUSINESS ADMINISTRATOR TO IMPLEMENT SAME.

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, DOES ORDAIN:

STATEMENT OF PURPOSE

The purpose of this ordinance is to further collect and adopt to the extent possible a single source of current policies and procedures applicable to employment with the Township of Long Beach, to provide a simplified means of updating Township's employment policies and procedures, including but not limited to the Township's employee handbooks, by means of Resolution, and to narrowly preserve or adopt subject matter the law requires to be adopted by ordinance. It is also the purpose of this ordinance to revise and clarify the Code as it relates to the Board of Commissioners and the Township Administrator.

SECTION I

Chapter 5, Administration

§5-2.A. is hereby amended as follows:

In the first sentence, replace "Tuesday" with "meeting in January".

§5-2.C.(1) is hereby amended as follows:

In the first sentence, replace "Tuesday" with "January public meeting".

In the third sentence, replace "twice" with "once".

§5-2.C.(3) is hereby amended as follows:

Delete the second sentence "The Township attorney shall be ex officio parliamentarian."

§5-2.D. is hereby amended as follows:

Delete the first word "Conferences" and replace with "Work Sessions".

In sentences two and three delete the word "conference" and replace with "work session".

§5-3. is hereby amended as follows:

In the first sentence delete the phrase "At the first meeting after their election," and replace with "At the first January meeting following a local election,"

§5-8.A(6) is hereby repealed.

§5-8.A.(7) Shall be renumbered as §5-8.A.(6)

§ 5-8.D. Division of Welfare. Is hereby repealed.

§§5-11A, 5-11B, 5-11C, 5-11D, 5-11E, 5-12A, 5-12B, 5-12C, 5-12D and 5-12E are hereby repealed.

§5-13. Shall be renumbered as §5-11.

§5-14. Shall be renumbered as §5-12.

§5-67. Is hereby amended as follows:

The phrase "Part-Time" shall be deleted from the title.

§5-67.(B)(4) Is hereby added as follows:

The Business Administrator shall be responsible for implementation and enforcement of the Township's personnel policies and procedures contained within any policy memo, directive, and Employment Handbook.

SECTION II

Chapter 12 of an Ordinance entitled, "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" shall be and the same is hereby repealed in its entirety and marked as "Reserved".

SECTION III

Chapter 22, Article I, "§ 22-1 shall be repealed and replaced as follows:

§22-1. Employment Policies, Procedures, and Handbooks.

The Board of Commissioners shall adopt by way of ordinance a Township of Long Beach Employment Handbook ("Employee Handbook"), which shall set forth the applicable employment policies and procedures for all full-time employees, and a Township Seasonal Employees Handbook ("Seasonal Employee Handbook), which shall set forth the applicable employment policies and procedures for all seasonal employees. Copies of the Employee Handbook and Seasonal Employee Handbook (collectively "Employee Handbook" or "Employee Handbooks"), as applicable, shall be distributed to each Department and all officers and employees, and shall also be

available at the Office of the Municipal Clerk. Following adoption by ordinance and consistent with applicable law, the Employee Handbook and the Seasonal Employee Handbook may be amended by resolution from time to time, unless otherwise specified.

SECTION IV

Chapter 22, Article I, "§ 22-2 New Jersey Paid Family Leave" shall be amended by replacing "§ 22-2 New Jersey Paid Family Leave" with the following:

§22-2. Mandatory Subjects of Bargaining.

No provision in this Chapter, the Employee Handbooks, or any Township policy or procedure is intended to circumvent any mandatorily negotiable subject of bargaining with a majority representative of an appropriate bargaining unit.

§22-3. Distribution to Employees.

All employees shall receive a copy of the applicable Employee Handbook, Drug and Alcohol policies, other applicable Township policies, and applicable updates or revisions, and shall acknowledge receipt in a form and manner proscribed by the Township through the Township Business Administrator.

§22-4. Copies on File.

Copies of Handbooks referenced within this Chapter shall be available through the Township Municipal Clerk's office for inspection and review.

SECTION V

Chapter 22, "Article II, Township of Long Beach 2010 Employment Policies" and "§ 22-3. Key Contacts; Protected Class Status Defined, Equal Employment Opportunity (EEO) Policy; Anti-Discrimination & Anti-Harassment Policy, Anti-Retaliation; Complaint Reporting Procedure; Whistle Blower Policy" shall be deleted in their entirety (title and body) and replaced as detailed below.

Article II

Hiring Practices and Procedures.

§22-5. Residency Requirements for Officers and Employees.

- A. Except as otherwise provided by law, all officers and employees employed by Township, or to be employed by Township, shall be bona fide residents of Township prior to the announced closing date for applicants for a position and continue such residency through the date of permanent appointment. For purposes of this section, a "bona fide resident" is a person having a permanent domicile within Township of Long Beach and one which has not been secured with the intention of complying with this requirement and thereafter, taking up or claiming a previous residence acquired outside the boundaries of Township. This shall not apply to officers or employees of Township employed prior to July 6, 2004. Employment by Township must also comply, to the extent required, with the New Jersey First Act, N.J.S.A. 52:14-7.
- B. Applicants for the position of officer or employee within Township are limited to residents of the Township; provided, however, that if there is an insufficient number of qualified residents for the available positions with the Township, the eligibility list shall be opened to qualified nonresidents in accordance with this section. Whenever the Commissioner of Revenue and Finance, Commissioner of Public Affairs and Public Safety or the Commissioner of Public Works of the Township, respectively, determine that there cannot be recruited a sufficient number of qualified residents for available, specific positions with the Township in their respective Departments, the Municipal Clerk shall advertise for other qualified applicants. The Commissioners, each with respect to their own Department, shall thereupon classify all qualified applicants for such positions or employment in the following priority:
 1. All residents of Ocean County;
 2. All residents of counties contiguous to Ocean County;
 3. All residents of the State; and
 4. All other applicants.

§22-6. Post-Offer, Pre-Employment Examinations, Tests and Background Checks.

A. Examinations

(1) Permanent Employees.

- (a) All persons who have been extended a formal offer of employment with Township shall be required to report to a physician, designated annually by Resolution of the Board of Commissioners, for a medical and physical examination.

- (b) The medical and physical examination shall be paid for by Township and the cost thereof shall be charged to the budget of the Department for which the employee is offered employment.
- (2) Temporary/Seasonal Employees.
All persons who have been made a formal offer of seasonal or temporary employment with Township shall, prior to the start of work, provide to the Business Administrator, on a form provided by the Business Administrator, a statement signed by the applicant's personal physician that he or she has been made aware of the position for which the applicant has been offered employment and does certify that after conducting such medical and physical examinations as he or she may have deemed appropriate, that it is his or her medical opinion that the applicant is physically and medically fit to perform the duties of the job which the applicant has been offered employment, with or without a reasonable accommodation.
- (3) Beach Patrol
All applicants for the position of life guard or life guard supervisor with the Township's Beach Patrol shall meet all applicable physical agility and any other tests based on the position and/or consistent with business necessity (example: swim test) prior to an offer of employment. Applicant must also possess required certifications. The Beach Patrol Department shall make readily available all criteria and descriptions of testing upon request.

B. Drug/Alcohol Test

All persons to whom Township extends an offer of employment are, to the extent required by the Business Administrator and Township policy, required to submit to a post-offer, pre-employment drug and alcohol test.

C. Background Checks

- (1) In accordance with provisions of the New Jersey "Opportunity to Compete Act," N.J.S.A. 34:6B-11, et. seq. ("Act"), except as otherwise noted below, all persons who have received an offer of employment or offered a position as a volunteer with Township shall, prior to the commencement of such employment, execute the form provided by the Police Department permitting the Police Department to secure a criminal background check on the person. Conviction of any particular crime does not necessarily serve as an absolute bar to the person commencing his or her employment but shall be considered by Township in determining the person's suitability for the position of employment which has been offered. At the discretion of the Commissioner in Charge of the Department, criminal background checks may be performed on all applicants prior to extending an offer of employment for a position exempt from the provisions of the Act, (examples: law enforcement, corrections, the judiciary, homeland security, or emergency management), or required by law, rule or regulation or where an arrest or conviction by the person for one or more crimes or offenses would or may preclude the person from holding such employment as required by law (collectively referred to as an "exempt position").
- (2) In accordance with provisions of the Act, all persons employed by Township on a full-time or permanent part-time basis shall annually execute the appropriate form provided by the Police Department in order to secure a criminal background check; receipt of said form shall be no later than January 15 of each year, and shall be delivered to the Business Administrator. Conviction of any particular crime does not necessarily serve as an absolute bar to the employment.
- (3) the Business Administrator shall be the recipient of reports from the result of the background checks, review the results, and shall not disclose such information unless otherwise permitted by this Chapter and the law. Background checks, including searches of public records, shall not be performed until after an initial interview unless the applicant seeks employment for an exempt position. The Business Administrator shall advise the Commissioner in charge of the

Department of the result(s) relating to the applicant, employee, or volunteer. Written information received as a result of a "Request for Criminal History Record Information for a "Noncriminal Justice Purpose" is not a public record and shall be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information shall be kept confidential and shall not be published or disclosed in any manner not consistent with the procedures listed herein. Such information shall not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

- (4) The Business Administrator (or contractor, if applicable) shall inform the applicant, volunteer, or employee, in writing, of any information that would disqualify the person from working for the Township. Existing employees or volunteers shall be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of Township.
- (5) Conditions Under Which an Employee Shall Be Disqualified from Working with Children/Youth: An applicant, volunteer, or employee shall be disqualified from employment in a position that relates to any contract, communication, and/or involvement with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes or disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
 - Homicide (N.J.S.A. 2C:11);
 - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12);
 - Kidnapping (N.J.S.A. 2C:13);
 - Sexual Offenses (N.J.S.A. 2C:14);
 - Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24);
 - Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4);
 - Robbery (N.J.S.A. 2C:15); or
 - Theft (N.J.S.A. 2C:20).

A disqualification from any position shall be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

- (6) Appeal Process: The Commissioner in Charge of the Department in which the applicant is considered for employment shall decide any and all appeals.

Once an applicant, employee, or volunteer has been notified of a disqualifying conviction, that person has 14 calendar days to file a written Notice of Appeal with the Business Administrator. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to N.J.A.C.13:59-1.6. During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee shall be on a suspension with pay, pending the outcome of the Notice of Appeal.

An employee subject to the New Jersey Civil Service Act and regulations will receive the notices and process, including any right of appeal, required by law.

In making a determination on the appeal, the following information shall be considered:

- The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be;
- The nature and seriousness of the crime or offense;
- The circumstances under which the crime or offense occurred;
- The date of the crime or offense;

- The age of the individual when the crime or offense was committed;
- Whether the crime or offense was an isolated or a repeated incident;
- Any social conditions which may have contributed to the commission of the crime or offense;
- Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received;
- Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision; and
- Any other factor required by law.

The Commissioner shall issue a written determination regarding the appeal which sets forth the Committee's decision.

§22-7. Anti-Nepotism Policy.

- A. Purpose. The purpose of this policy is solely to prevent the potential for preferential treatment of the relatives of government personnel, and it is not the purpose of this policy to deprive any citizen of an equal chance for employment within the Township.
- B. Applicability. The prohibitions set forth in this policy apply solely to employment with the Township and do not apply to appointments to the various boards, commissions, committees and authorities of the Township or employment with the Township established prior to July 6, 2004. Individuals appointed for a set term on or before that date may continue to be hired, re-hired, reappointed, or promoted to any position in the Township without violating this policy provided that elected officials or relatives recuse themselves from any such decisions. This policy shall not apply to seasonal part-time employment, provided that the employment shall not result in a supervisor-subordinate relationship with a relative as that term is defined within this policy.
- C. Definitions.
- ELECTED OFFICIAL: Persons holding the position of Township Commissioner.
- RELATIVE: means the spouse, a person related to, or family member of an individual or the individual's spouse, domestic or civil union partner by blood or adoption as a parent, child, brother, sister, legal ward, foster child, legal guardian, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, and other relatives living in the household.
- SUPERVISOR/SUPERVISION: Any employee of the Township having direct or indirect supervisory duties and powers over another employee or employees, including the ability to exercise authority, oversight, supervision or control, direct or assign work, or make recommendations affecting the terms, conditions, or privileges of employment within a respective Department of the Township.
- D. Restrictions in Hiring and Promoting Employees. The following restrictions shall apply in the hiring and promotions of employees.
- (1) Supervision. No elected official or supervisor of the Township shall employ, or nominate, propose, or recommend for employment any relative of the elected official or supervisor for any Township employment position in which that elected official or supervisor serves or over which that elected official or supervisor has supervision.
 - (2) No elected official or supervisor of the Township shall employ, nominate, propose, or recommend any person for employment if the employment, nomination, proposal, or recommendation for employment of that person is in exchange for or in consideration of:
 - i. The employment, nomination, proposal, or recommendation for employment of any relative of the elected official or supervisor; or
 - ii. The provision of assistance to a relative of the elected official or supervisor in securing employment or contracts with a person

engaged in the performance of the contract for the provision of goods or services to the Township.

- E. Applications. Applications for employment submitted by relatives of Township employees holding current supervisory positions will not be accepted for positions in the same department of the Township in which the supervisor works, or where, through promotion, such a situation or relationship could exist.
- F. Promotion of Existing Employees. No elected official or supervisor in any Department may participate in the promotion process or hiring process in that Department of any existing employee who is a relative of such elected official or supervisor, as the case may be. Any elected official or supervisor shall abstain from participation in any such personnel action as it applies to such relative.
- G. Bargaining and Negotiations. No elected official or supervisor of the Township who has a relative employed within a bargaining unit shall discuss, vote upon, or participate in any way in negotiations, consideration or formulation of proposals or positions, or proposed terms and conditions of employment involving a collective bargaining agreement with the Township; provided, however, that a person may serve as a technical resource so long as no information pertaining to the foregoing topics is disclosed to that person.
- H. Conflicts of Interest. No elected official or supervisor of the Township shall employ, nominate, propose, or recommend for employment, promotion, or transfer any relative of the elected official or supervisor for a position of employment with the Township which involves circumstances that place the relatives in a situation of an actual or a reasonably foreseeable conflict of interest.
- I. Relationships. If a marriage or familiar relationship created by marriage creates a prohibited reporting relationship, the Township will explore potential accommodations, including reassignment of one or both employees to available positions for which the employees are qualified.

SECTION VI

Chapter 22 shall be further amended by creating Article III and adding the following:

Article III

Drug Free Workplace Policy and Drug/Alcohol Testing

§22-8. Drug Free Workplace Policy.

Township does hereby declare it to be the policy of Township to maintain a drug-free workplace for all Township employees and volunteers. To that end, The Board of Commissioners shall adopt, by way of ordinance, the following policies which may be amended from time to time by Resolution:

- Township of Long Beach Drug and Alcohol Policy for Employees Subject to Federal Drug Testing Requirements (Including Transit Operations), and
- Township of Long Beach, NJ, Drug and Alcohol Testing Policy.

SECTION VII

Chapter 22 shall be amended by creating Article IV and adding the following:

Article IV

Compensation & Benefits

§22-9. Salary, Wages, Compensation Terms, and Benefits within Employee Handbook.

Salary, wages, compensation terms, and benefits shall be set by ordinance as required by law, and the Employee Handbook shall be updated and revised accordingly.

§22-10. Healthcare Benefits.

Healthcare benefits shall be provided to eligible permanent employees who work on average thirty (30) hours or more a week in compliance with the Employee Handbook, Summary Plan Description, Master Contract or Plan Documents, the State Health Benefits Plan, and applicable regulations, Chapter 88, P.L. 1974, Chapter 2, P.L. 2010, Chapter 78, P.L. 2011 (June 2011) and, to the extent mandated, the Affordable Care Act, P.L. 111-148, 111th Congress, as amended.

§22-11. Prorating of Paid Time Off.

In the case of a leave of absence, resignation, or retirement, the payroll department of Township shall prorate paid time off (examples: sick and vacation leave) to determine the employee's amount of accrued, unused paid time off, if any. Prorating shall be determined in accordance with the provisions of the Employee Handbook.

§22-12. Defined Contribution Retirement Program.

- A. Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program: (1) Municipal Court Judge; (2) Commissioner; (3) Administrator, and (4) Deputy Director.
- B. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A. 43:15C-2: (1) Tax Collector; (2) Chief Financial Officer; (3) Construction Code Official; (4) Qualified Purchasing Agent; (5) Tax Assessor; (6) Registered Municipal Clerk; (7) Licensed Uniform Sub-Code Inspector; and (8) Principal Public Works Manager.
- C. This section shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1, et seq.), as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

SECTION VIII

Each section of this ordinance, and each section contained within the Employee Handbooks is an independent section, and if a legally binding determination is made that any section, part, clause, word or portion thereof is unconstitutional, illegal, unenforceable, void or ineffective, then that item shall be severable from the balance and shall not be deemed to affect any other sections or portion thereof.

SECTION IX

Ordinance Nos. 77-1, 74-19C, 79-6, 80-1, 81-9, 84-10, 85-6, 88-1, 89-1, 89-45, 90-1, 92-1, 96-1C, 96-25C, 05-32, 04-12C Sections III through VIII, 06-42, 07-23C, 07-50, 08-24C, 08-43, 10-02C, 10-09C, and 12-14C, each as amended, and all other codes, ordinances, policies, practices, procedures, employee handbooks and personnel practices and procedure manuals, prior or subsequent thereto, are hereby repealed by the Township unless and solely to the extent otherwise specified within this ordinance. In addition, all ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION X

The subject matter specified within this ordinance and/or the Employee Handbooks may, from time to time, be amended, modified, updated, revised, or repealed (collectively referred to as "changes") by way of resolution of the Governing Body or as otherwise required by law. Changes may include, but are not limited to, changes in federal or state law, regulations or interpretations, as well as employment practices involving hiring, termination, discipline, or other terms and conditions of employment or retirement. Personnel policies and practices adopted pursuant to such changes shall be applicable to all officials, appointees, employees, prospective employees (if applicable), volunteers and independent contractors of the Township.

SECTION XI

The Township has and shall establish by ordinance titles for employment with the Township and salary ranges. Job titles shall conform with the New Jersey Civil Service Act and regulations promulgated by the Civil Service Commission.

SECTION XII

The Township's Business Administrator shall be responsible for implementation and enforcement of the Township's personnel policies and procedures contained within any policy memo, directive, Employee Handbook and the Personnel Policy and Procedures Manual.

SECTION XIII

This ordinance shall take effect after the first publication thereof after final adoption according to law.

Passed on first reading at a regular meeting held on September 15, 2016 and advertised in the BEACH HAVEN TIMES issue of September 22, 2016.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 16-41C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

- 5. Second Reading Ordinance 16-42: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH FOR THE ADOPTION OF AN EMPLOYMENT HANDBOOK AND PERSONNEL POLICY AND PROCEDURES MANUAL, DRUG AND ALCOHOL POLICY FOR EMPLOYEES SUBJECT TO FEDERAL DRUG TESTING REQUIREMENTS (INCLUDING**

**TRANSIT OPERATIONS), AND DRUG AND ALCOHOL POLICY, AND TO SET FORTH THE
PROCEDURES FOR THE AMENDMENT OF SAME BY RESOLUTION
ORDINANCE 16-42**

AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH FOR THE ADOPTION OF AN EMPLOYMENT HANDBOOK AND PERSONNEL POLICIE AND PROCEDURES MANUAL, DRUG AND ALCOHOL POLICY FOR EMPLOYEES SUBJECT TO FEDERAL DRUG TESTING REQUIREMENTS (INCLUDING TRANSIT OPERATIONS), AND DRUG AND ALCOHOL POLICY, AND TO SET FORTH THE PROCEDURES FOR THE AMENDMENT OF SAME BY RESOLUTION

WHEREAS, Township of Long Beach ("Township") is a member of the New Jersey Municipal Excess Liabilities (MEL) Fund; and

WHEREAS, the MEL requires its members to adopt certain personnel practices and policies and further requires that it's members regularly update their personnel practices at least every two years or when otherwise needed to address a significant change in policy or procedure; and

WHEREAS, it is further necessary for Township to ensure that its employment policies and procedures are consistent with applicable State and Federal Law on an annual and ongoing basis; and

WHEREAS, it is necessary to create a more streamlined process for Township to regularly update its personnel practices to conform to the requirement of the MEL, as well as State and Federal Law, and allow the Borough to obtain certain discounts in premiums related to its compliance with the requirements of the MEL; and

WHEREAS, based upon the foregoing, the Township's Labor Counsel has prepared the Township of Long Beach Employee Handbook (Revised May 2016) and Seasonal Employee Handbook which conforms with the policies of the MEL; and

WHEREAS, the Township's Labor Counsel has further prepared the Township of Long Beach Drug and Alcohol Policy for Employees Subject to Federal Drug Testing Requirements (Including Transit Operations) and the Township of Long Beach, NJ, Drug and Alcohol Testing Policy (Revised 5/1/2016) (collectively "Drug and Alcohol Policies"); and

WHEREAS, the Township's Labor Counsel has further prepared Ordinance 16-42, which seeks to amend and revise the existing personnel policies and procedures previously set forth in Chapter 5 and 22 of the Township Code, to consolidate those personnel policies and procedures into Chapter 22 of the Township Code, and to render those policies and procedures consistent with the adoption of the Handbook and the Drug and Alcohol Policies; and

WHEREAS, in order to streamline the process for regularly updating Township's personnel practices and policies going forward, it has been deemed necessary and proper to authorize Township to, where appropriate and in accordance with State law, amend personnel policies and procedures set forth in the Handbook and Drug and Alcohol Policies in the future by resolution duly adopted by Township; and

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to adopt an Employment Handbook and Personnel Policies and Procedures Manual, to adopt Drug and Alcohol Policies for Employees of Township of Long Beach, and to set forth the procedures for the amendment of same by Resolution.

§1. Adoption of Employee Handbook.

The Employee Handbook, which is attached hereto as Exhibit A and Seasonal Employee Handbook attached as Exhibit B incorporated by reference herein, is hereby adopted by Township.

§2. Adoption of Drug and Alcohol Policies

The Drug and Alcohol Policies, which are attached hereto as Exhibit C and Exhibit D respectively, and incorporated by reference herein, are hereby adopted by Township.

§3. Amendments to the Employee Handbook and Drug and Alcohol Policies

Where permitted by law to be adopted by Resolution and Township deems appropriate, the provisions set forth in the Employee Handbook and Drug and Alcohol Policies may be amended, revised, and/or supplemented from time-to-time by Resolution of Township.

§4. Enforcement

WHEREAS, the following Water & Sewer account requires a refund as the Homeowner paid for carpet cleaning due to a problem that was Long Beach Township's responsibility; and

WHEREAS, it is requested by the Director of Revenue and Finance that this refund be made as follows:

<u>Block:</u>	<u>Lot:</u>	<u>Acct #/</u>	<u>Owner:</u>	<u>Amount:</u>
1.46	52	388-0	TIERNEY BRIAN & BRAND DENISE	\$904.15

and;

WHEREAS, the following Sewer account requires a change in its billing and/or classification due to various reasons; and

WHEREAS, it is requested by the Director of Revenue and Finance that this change be made as follows:

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
15.65	4	5598-0 Sewer	2016	Remove Garb Disp	\$60.00

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Municipal Clerk be and she is hereby authorized to issue the above refund and make the above change in classification.

9. Resolution 16-1003.03: Appoint the Long Beach Township Emergency Management Coordinator: Chief Deely

RESOLUTION 16-1003.03

BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that Chief Anthony Deely is hereby appointed Emergency Management Coordinator for the Township of Long Beach commencing September 1, 2016 and effective through December 31, 2016.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided by the Township Clerk to the County Office of Emergency Management.

10. Resolution 16-1003.04: Approve various personnel matters

RESOLUTION 16-1003.04

Accept and Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number ****39720 effective retroactive to September 25, 2016.

Beach Patrol

Hire the following employees as Seasonal Full-Time Laborers at the rate of \$100.00 per day to be paid from Lifeguard Salary & Wage effective retroactive to September 17, 2016.

Caitlin Behr	Jacqueline Behr	Robert Coates	Patrick Kelly
Liam Moran	Sean Moran	Emily Olson	Rachel Schott

Finance

Accept and Approve the resignation of Suzanne McKenna effective retroactive to September 16, 2016.

Police

Accept and Approve the Special Retirement of Michael Bradley effective retroactive to September 1, 2016.

Accept and Approve the Ordinary Disability Retirement for Erika Hershey effective retroactive to March 1, 2016.

Hire the following employee as a Permanent Full-Time Police Captain as per Personnel Certified List No. PL161016 at the annual rate of \$149,151.99 to be paid from Police Salary & Wage effective retroactive to October 3, 2016.

Kevin Mahon

Hire the following employee as a Permanent Full-Time Contractual Step II Police Officer at the annual rate of \$50,784.02 to be paid from Police Salary & Wage effective retroactive to September 24, 2016.

Zeffen Bazerque

11. Resolution 16-1003.05: Approve various traffic Regulations:
Brant Beach Yacht Club Regatta

RESOLUTION 16-1003.05

WHEREAS, the Board of Commissioners of the Township of Long Beach has received and reviewed a request for parking waivers for the below-listed events:

Brant Beach Sailing Foundation Regattas 2016

- Club 420 Mid Atlantic Championship October 7-9, 2016
- USODA Team Trials May 6-14, 2017

WHEREAS, to accommodate these various Regattas, participants and trailers, alternate side of the street parking restrictions shall be waived between 59th Street and 65th, and use of the "Train By-Pass" in Brant Beach for trailer parking between 60th and 64th Streets from 6:00 am to 8:00 pm, shall be permitted.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Township of Long Beach does hereby approve the events and traffic regulations as noted above.

12. Resolution 16-1003.06: Approve the following Special Event:
Eastern Surfing Association- Central NJ District
October 15, 2016; 8am-4pm; Virginia Ave/110th St.

RESOLUTION 16-1003.06

WHEREAS, the Long Beach Township Board of Commissioners received a request for permission for the following event scheduled to be held at the Virginia Ave Beach-110th Street in the Township of Long Beach:

HOST	DESCRIPTION	TIME & DATE(S)
Eastern Surfing Association	Surfing Contest At Virginia Ave Beach- 110 th St.	October 15,2016 8am-4:00pm
	Rain Dates 10/22,10/23 or10/16	

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

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

13. Resolution 16-1003.07: Approve various employment practices and policies

Resolution 16-1003.07

Personnel Policies and Procedures

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Personnel Policies and Procedures Manual for the Township of Long Beach (Revised September 2016) ("Personnel Manual") is hereby adopted; and

BE IT FURTHER RESOLVED that the personnel policies contained within the Personnel Manual shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these policies and an applicable collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail except for items recognized by law as non-negotiable or managerial prerogative. The policies contained within the Personnel Manual adopted today supersede all prior Personnel Policies and Procedures Manuals; and

BE IT FURTHER RESOLVED that the Personnel Manual is intended to provide guidelines and is not a contract. The provisions of the Personnel Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township; and

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

BE IT FURTHER RESOLVED that Armando V. Riccio, Esq., was appointed as Employment Attorney and Tennant D. Magee, Sr. was appointed Township Solicitor

pursuant to Resolution 15-1221.06(a) effective 1/1/16 through 12/31/16; each may advise the Township in personnel matters; and

BE IT FINALLY RESOLVED that the Township's Business Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Employment Attorney and the Township Solicitor shall assist the Business Administrator in the implementation of the policies and procedures within the Personnel Manual. The Business Administrator shall arrange for distribution of the Personnel Manual solely to Department Heads and supervisors.

Motion to approve Items 7 thru 13:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

PURCHASES, CONTRACTS & AWARDS

14. Resolution 16-1003.08: Authorize the award of a contract, per bid:
Brant Beach Drainage Project to: PA
Construction; \$439, 931.64

RESOLUTION 16-1003.08

**A RESOLUTION AWARDING A CONTRACT FOR 2016 NEW DRAINAGE
AND WATER MAIN REPLACEMENT PROJECT FOR THE TOWNSHIP OF LONG BEACH, PER
BID**

WHEREAS, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach solicited and received bids for 2016 New Drainage and Water Main Replacement project (70th Street, 71st Street and Bayview Ave) in the Township of Long Beach on September 29, 2016; 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, P & A Construction, PO Box 28 Colonia, NJ 07067 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 15-27 Repair Various Water Mains Account #U-08-55-972-901 in the amount of \$439,931.64.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 3rd day of October 2016, for the reasons aforesaid, that a contract be and is hereby awarded to:

P & A Construction
PO Box 28
Colonia, NJ 07067

for 2016 New Drainage and Water Main Replacement project (70th Street, 71st Street and Bayview Ave) in the Township of Long Beach in an amount not to exceed Four Hundred Thirty-Nine Thousand Nine Hundred Thirty-One Dollars and Sixty-Four Cents \$439,931.64 pursuant to the bid received September 29, 2016.

15. Resolution 16-1003.09 (a&b): Authorize the execution of various agreements with The County of Ocean:

- (a) Electrical service to new traffic signals installed on Long Beach Blvd pursuant to Resolution 15-0619.10 (35th, 38th, 44th, 48th, 54th, 59th, 64th, 105th Streets)
(b) Participation in the 2017 – 2019 Community Development Block Grant Program

RESOLUTION 16-1003.09(a)

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF LONG BEACH TO PROVIDE ELECTRIC
CURRENT TO VARIOUS TRAFFIC SIGNALS INSTALLED PURSUANT TO THE OCEAN COUNTY
TRAFFIC SIGNAL UPGRADE PROJECT**

WHEREAS, the Township of Long Beach entered into a Shared Service Agreement (N.J.S.A. 40A:65-4(3)b) with the County of Ocean for the Pedestrian Safety and Traffic Signal Upgrades Project pursuant to Resolution 15-0619.10 passed on June 19th 2015; and

WHEREAS, the Township of Long Beach has agreed to supply and pay for electric current to operate eight (8) new traffic signals located on Long Beach Boulevard at the intersections of 35th, 38th, 44th, 48th, 54th, 59th, 64th and 105th Streets; and

WHEREAS, it is deemed to be in the public interest for the Township of Long Beach to execute such an agreement.

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 Township Clerk are hereby authorized to execute an agreement for the Township to

provide and pay for electric current for eight (8) new traffic signals authorized pursuant to the Ocean County Traffic Signal Upgrades Project.

RESOLUTION 16-1003.09(b)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF OCEAN IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Township of Long Beach has actively participated in the Ocean County Community Development Block Grant (CDBG) Program; and

WHEREAS, it is the desire of the Township of Long Beach Township to continue to actively participate as a member of the Ocean County Community Development Block Grant (CDBG); and

WHEREAS, it is the desire of the Township Board of Commissioners to authorize the execution of an agreement with the County of Ocean with regard to the Community Development Block Grant (CDBG), which agreement is attached hereto as Schedule "A."

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

1. That the Township Board of Commissioners does hereby authorize the execution of the CDBG Agreement with the County of Ocean [, a copy of which agreement is attached hereto as Schedule "A."]
2. That the Mayor is hereby authorized to execute and the Township Clerk to attest the subject agreement in accordance with the provisions of this resolution.
3. That a certified copy of this resolution, together with the subject agreement, be forwarded to the chief financial officer.

Schedule A

CONTRACT

COOPERATION AGREEMENT

FY 2017-2019

AGREEMENT made this 1st day of August, 2016, by and between THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF OCEAN, a body politic of the State of New Jersey, having an address for the purpose of this Agreement as Administration Building, 101 Hooper Avenue, Toms River, New Jersey 08754 (hereinafter "County") and the Township of Long Beach, a municipal corporation of the State of New Jersey, having an address for the purpose of this Agreement as 6805 Long Beach Boulevard, Brant Beach, New Jersey, 08008, (hereinafter "Municipality").

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds through the Community Development Block Grant (CDBG) Entitlement Program being made to certain urban counties for use therein; and

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA) established the HOME Investment Partnership Program which provides substantial federal funds to qualified local jurisdictions including County of Ocean and its participating municipalities; and

WHEREAS, these Acts establishes certain criteria which must be met in order for a county to be the recipient of said funding; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et. seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of shared services.

IT IS THEREFORE, agreed by the County and the Municipality as follows:

A. Community Development Planning Process

1. Nature and Extent of Services

a. Purpose: The purpose of this Agreement is to establish a legal mechanism through which the County Government may apply for, receive and disburse federal funds from federal fiscal year 2017, 2018 and 2019 appropriations available to eligible urban counties under Title I of the Housing and Community Development Act, the CDBG Entitlement Program, and Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA), the HOME Investment Partnership Program (HOME), to undertake or assist in undertaking such actions in cooperation with the participating municipalities as may be necessary to participate in the benefits of these program. Federal CDBG funds received by the County shall be for such functions as water and sewer facilities, neighborhood facilities, public facilities, housing rehabilitation, open space and such other purposes as are authorized by the Act. Federal HOME funds received by the County shall be for such functions that expand the supply of decent, affordable housing for low and moderate-income families. Nothing contained in this Agreement shall deprive any municipality or other unit of local government of any powers of zoning, development control or other

lawful authority which it presently possesses, nor shall any participant be deprived of any state or federal aid to which it might be entitled in its own right, except as herein provided.

b. Establishment of Committee: There is hereby established a cooperative CDBG Committee, consisting of one representative from each participating municipality and two representatives of the County government, each to be appointed for one-year periods coinciding with the calendar year. The chief executive with the consent of the governing body of each participating municipality shall make the appointment and may appoint an alternate representative for the purpose of substituting, if necessary, for the appointed representative.

c. Responsibilities of Committee and The Board of Chosen Freeholders:

(1) The Committee shall elect a chairman and vice chairman and shall take formal action only upon a majority vote of the member's present.

(2) The Board of Chosen Freeholders shall designate an Administrative Liaison Officer. The Officer shall be an employee of the County. The Officer shall, within the limits of resources available, provide technical and administrative support to the Committee, and shall provide liaison between the Committee and the Board of Chosen Freeholders.

(3) The Committee shall meet promptly after its establishment and thereafter as often as required. It shall establish rules of procedure as may be required.

(4) The Committee shall study and discuss the community development needs of the County which affect the participating local governments and shall determine the most effective and acceptable utilization of CDBG funds available to the County government. It shall recommend to the Board of Chosen Freeholders an application for participation in federal funding, and toward that end it shall, in the manner herein prescribed, be authorized to develop a five-year Consolidated Plan for the County, and such other documents as are required by the Federal government for participation by the County in the CDBG Program.

(5) The Committee shall develop, in full consultation with the Ocean County Planning Board and the CDBG Committee, priorities for the actual utilization of such funds as are made available from the federal government under this Title.

(6) Every municipality participating in the Committee may request participation in the expenditure of the federal funds, comment on the overall needs of the County which may be served through its member so the Committee. Pursuant to 24 CFR 570.501(b), every participating municipality is subject to the same requirements applicable to subrecipients of the federal funds, including the requirement of a written agreement set forth in 24 CFR 570.503. Pursuant to 24 CFR 570.501 and 24 CFR 570.503, the County shall enter into a written agreement with the subrecipients prior to the disbursement of any funds for an approved project. No project may be undertaken or services provided in any municipality without the approval of the governing body of the municipality, which approval shall be established as provided in Subsection (5) above in addition to such other approvals as may be required by law. The municipal approval of any projects or services shall not be a restriction or veto on the implementation of the approved Consolidated Plan. Consistent with the approved Plan the County and the municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, specifically urban renewal and publicly assisted housing.

d. Responsibilities of Participating Municipality: The execution of this Agreement by the appropriate official of the participating municipality signifies that the municipality understands that it:

(1) May not apply for grants from appropriations under the State CDBG Program for fiscal years during the period in which it participates in the County's CDBG Program; and

(2) May receive a formula allocation under the HOME program only through the County's urban county allocation. Thus, even if the County does not receive a HOME formula allocation, the participating municipality cannot form a HOME consortium with other local governments

2. Cost and Allocation Thereof

The federal funds involved shall be the amount applied for by the Board of Chosen Freeholders pursuant to the recommendations of the Committee, subject to any modifications made by HUD. Any federal funds received by letter of credit or otherwise shall be placed in a County account established and maintained pursuant to regulations promulgated by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs. This fund shall be in a separate bank account subject to the control of the County government, which shall be the designated recipient

for the funds provided by the federal Act. Upon authorization by the County, and in compliance with State law and promulgated regulations, funds may be expended from this County account by the County by payment to the particular subrecipient pursuant to a specific agreement. Neither the Committee, the County government, nor any participating local government may expend or commit funds except as may be authorized pursuant to this Agreement and in full compliance with state and federal laws and regulations. No participant under this Agreement may in any way be obligated to expend funds of its own except as may be mutually agreed in a lawful manner.

3. Term of Agreement

This Agreement shall remain in effect for the period necessary to carry out activities funded from annual CDBG appropriations for the federal fiscal year 2017, 2018 and 2019 and from any program income received from the expenditure of such funds, including any successive qualification periods beyond the fiscal years covered by this Agreement and as provided in the automatic renewal provision, are expended and the funded activities completed for any such funds granted by the County to the participating municipality. The County and participating Municipality cannot terminate or withdraw from the Cooperation Agreement while the Agreement remains in effect.

This Agreement will be automatically renewed for participation in successive three-year qualification periods. The County will notify each participating municipality in writing of its right not to participate for the successive three-year qualification periods by the date specified in the schedule of the HUD Urban County Qualification Notice for that renewal period. A copy of the notifications must be sent to the HUD Field Office. Failure of the County to notify participating municipalities and to submit amendments to HUD will void the automatic renewal provision in the Agreement. If any municipality should elect not to participate in a new qualification period, written notice of this decision must be sent to the HUD Field Office.

Failure by either party to this Agreement to adopt any amendments to the Agreement incorporating all changes necessary to meet the requirements for Cooperation Agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period shall automatically terminate this Agreement following the expenditure of all CDBG funds allocated for use in the participating municipality's jurisdiction.

All amendments must comply with Section H, Severability and Modification Clause, of this Agreement.

4. Termination of Agreement by the Parties

Either the County or the participating municipality may exercise the option to terminate this Agreement by written notice to the other party at the end of the urban county qualification period. If the municipality fails to exercise its option at the end of the urban qualification period, it will not have the opportunity to exercise that option until the end of a subsequent urban county qualification period.

5. Designation of Administrative Officer

The Administrative Liaison Officer selected pursuant to Section A 1.c(2) of this Agreement is hereby designated as the administrative officer of the Board of Chosen Freeholders for purposes of compliance with statutory and regulatory responsibilities. The officer shall be accountable to the Board of Chosen Freeholders and for this purpose shall be subject to the supervision of the Board.

B. Qualification as Urban County

The municipality and the County will take all required actions to comply with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, Fair Housing Act, and affirmatively furthering fair housing. The County and municipality will comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990 and other applicable laws.

This Agreement shall be effective only when sufficient municipalities have signed the Agreement so that a population of 200,000 is represented and when all other federal eligibility criteria for designation as an "urban county" under the Act have been satisfied. In the event that sufficient municipalities do meet these criteria should not sign the Agreement within the time period set forth by HUD, the Freeholder Director shall so notify all signatories and the Agreement shall thereupon be null and void.

In order to comply with federal requirements, the County government, through the Board of Chosen Freeholders, shall be the applicant for community development funds,

and the Consortium for HOME funding, and shall take the full responsibility and assume all obligations of an applicant under the federal Act. The County shall have final responsibility for selecting activities and submitting the Consolidated Plan and Annual Action Plan to HUD.

C. Agreement as to Specific Activities

No project may be undertaken or services provided in any municipality without the approval of the governing body of the municipality, which approval shall be established as provide in Section A1.c(5) above, but in no case may a participant drop out of the three-year program except as a result of a HUD action.

D. Prohibitions on Funding

Pursuant to the Consolidated and Further Continuing Appropriations Act, 2016, Pub. L.114-113, a unit of general local government may not sell, trade, or otherwise transfer all or any portion of such funds to a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title 1 of the Housing and Community Development Act of 1974, as amended.

No urban county funding shall be provided for activities in or in support of any participating municipality that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification.

E. Municipality's Policies Relative to Civil Rights Demonstrations

The execution of this Agreement by the appropriate officials of the participating municipality signifies that the municipality has adopted and is enforcing the following policies:

1. A policy prohibiting the use of excessive force by law enforcement agencies within the jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

F. Notices

All notices required to be given pursuant to this Agreement shall be deemed to have been given when the same shall be placed in writing and deposited in the United States Mail with postage prepaid as certified mail, return receipt requested, at the address of the parties to this Agreement as first hereinabove set forth.

G. Duplicate Originals

This Agreement may be executed in substantially similarly worded counter parts, each of which shall be signed by the Freeholder Director and the chief executive of a participating municipality.

Each such signator agrees to cooperate will all other signators and be bound if all had signed the same Agreement.

H. Severability and Modification Clause

In the event that any portion of the Agreement shall be made inoperative by reason of judicial or administrative ruling, the remainder shall continue in effect. Further, this Agreement may only be modified, altered or supplemented in writing signed by the Freeholder Director of the County and the Mayor of the municipality. In the event that the applicable HUD statutes and/or regulations are modified, revised and/or supplemented during the term of this Agreement, the County and the participating municipality shall execute any necessary Amendments to this Agreement. Such amendments when necessary must be submitted to the HUD Field Office as provided in the Urban County Qualification Notice. Failure to submit amendments to HUD will void the automatic renewal provision in the Agreement. In the event that any modification to a subgrant agreement approved hereunder shall become necessary, the Board of Chosen Freeholders may increase or decrease the cost of any project subject to the availability of funds.

I. Opinion of County Counsel

Pursuant to the requirements of the HUD regulations, this Agreement was reviewed by the County's Counsel for compliance therewith and, as reflected in Attachment A hereto, it is the opinion of County Counsel that the terms and provisions of the Agreement are fully authorized under State and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower-income housing assistance activities.

Motion to approve Items 14 and 15:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

FINANCIAL APPROVALS

16. Resolution 16-1003.10: Approve various actions regarding Performance Bonds: LUB-9-13

RESOLUTION 16-1003.10

WHEREAS, pursuant to Resolution 14-1219.19(a), the Township of Long Beach accepted from Thomas and Joan Newbern, Cashier's Check #5228563-0 drawn on TD Bank, dated December 11, 2014 in the amount of Seven Thousand Five Hundred Ninety Dollars (\$7,590.00), representing the required Performance Bond for Minor Subdivision #LUB-9-13, Block 8.04, Lots 1, 9, 10 & 11 (1 E. Ohio Avenue, Haven Beach, NJ); and

WHEREAS, pursuant to Resolution 15-0724.12(a) it was determined that the demolition had been complete and a partial release of the Performance Bond was recommended in the amount of Five Thousand Eight Hundred Seventy Dollars (\$5,870.00); and

WHEREAS, upon inspection by the Municipal Engineer, it has been determined that the project is now complete and the release of the remaining performance bond and escrow is recommended.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach approves a release of the remaining Performance Bond in the amount of One Thousand Seven Hundred Twenty Dollars (\$1,720.00) as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

17. Resolution 16-1003.11: Approve Bills & Payroll
Bills in the amount of: \$ 3,353,777.96
Payroll in the amount of: \$ 1,163,029.66

RESOLUTION 16-1003.11

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 \$1,163,029.66.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach as follows:

1. The said approved vouchers amounting to the sum of \$ 3,353,777.96 be and the same are hereby authorized to be paid on Monday, October 3, 2016

2. The said approved payroll amounting to the sum of \$ 1,163,029.66 be and the same are hereby authorized to be paid on Monday, October 3, 2016.

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 and 17:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

COMMISSIONERS' REPORTS

Commissioner Lattanzi provided current information about flu shots, trolley service for the Kite Festival and the upcoming Referendum Question regarding the trolley service on the November General Election ballot.

Commissioner Bayard had no comments.

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

Second Reading and Public Hearing for Ordinance 16-43 would take place at the public meeting held on November 7th at 4:00 pm.

The Mayor then announced:

Best Practices

The New Jersey Division of Local Government Services issued the 2016 Best Practices Inventory to all New Jersey municipalities. It is a questionnaire that sets standards for Local Government Officials to perform an assessment of municipal financial operations.

The 2016 checklist includes 30 questions in categories such as General and Financial Management, Budget Preparation & Disclosure, Procurement, Health Insurance, Personnel, and Public Safety. Responses are due by October 21st.

Municipal governments must respond to each question, and must meet an established percentage of the checklist items in order to receive their final State Aid payment. Credit is given for all answers. The Board of Commissioners has reviewed the 2016 Best Practices Inventory submitted by the Chief Financial Officer. Based on Long Beach Township's completed questionnaire, all criteria were met and the entire final state aid payment shall be received.

Mayor Mancini provided information regarding impending Hurricane Matthew that was currently making landfall in Haiti.

OPEN PUBLIC SESSION

Michael Pannone/North Beach asked questions regarding snow-fencing and advised the Commissioners the fascia at the Pump House was loose and in need of repair.

Mayor Mancini and Commissioner Bayard advised Public Works employees would cut an opening in the snow fence for property owner. He asked Mr. Pannone to call and schedule a time for the fence to be cut. They promised to check and repair the fascia at the Pump House.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:21 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