



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

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to clarify in Section 205-10 paragraph A the method of measuring the height of any building in the A and AO Zones as defined by FEMA Flood Insurance Rate Maps.

**SECTION I**

§205-10A of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and in lieu and instead thereof the following is adopted:

**Section 205-10 Height limits.**

- A. In the A and the AO Zones, as defined by FEMA Flood Insurance Rate Maps, no building or structure shall be erected or enlarged which shall exceed 32 feet in height.
  1. In measuring the height of any building to determine its conformity with the 32 foot height restriction the measurement shall be taken from:
    - a. The crown of the road on which the building is located; or
    - b. The crown of the easement on which the building or structure is located; or
    - c. The top of the bulkhead, which shall have a calculated elevation of six (6) feet above the mean high water marking the line of demarcation between the mean high water line and the lot on which the building or structure is located, if the building or structure is located on a bay front or lagoon front lot; or
    - d. Where the building or structure is erected on the natural grade without the inclusion of any artificially placed fill the measurements shall be taken from the average elevation of such natural grade in an area circumscribed as being ten (10) feet distant from and surrounding the building or structure which is being erected; provided that such lot does not have a bulkhead marking the line of demarcation between the mean high water line and the lot on which the building or structure is located.
  2. The point of measurement from which the height restriction is taken at the crown of the road or the crown of the easement shall be on a straight line perpendicular to the edge of the easement or road running directly from the crown of the road or easement to the place where the vertical face of the building located furthest from the building line shall intercept the finished grade of the lot.

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All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.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

Passed on first reading at a regular meeting held on February 17, 2012 and advertised in the BEACH HAVEN TIMES issue of February 8, 2012.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 12-01C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 2. Second Reading Ordinance 12-04C: **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 5 PERTAINS TO ADMINISTRATION** Lynda Wells, Municipal Clerk explained this Ordinance, in accordance with New Jersey Civil Service regulations, set the total maximum number of Police Sergeants at eight (8) in order to adequately staff the Department.

**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 5 PERTAINS TO ADMINISTRATION**

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

**STATEMENT OF PURPOSE**

This Ordinance amends Chapter 5 of the Code of Long Beach Township in Section 5-8.A(4) which provides the various employee positions in the Police Department. In accordance with the New Jersey Civil Service regulations the total number of Police Sergeants permissible shall be increased from six (6) to a maximum of eight (8) in order to adequately staff the Department and to insure the health safety and welfare of the public.

**SECTION I**

§5-8.A(4) as the same refers to Rank, is hereby amended by the repeal of "6 Sergeants" and the addition of "8 Sergeants" in lieu thereof.

**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 only after publication thereof after final passage according to law

Passed on first reading at a regular meeting held on February 17, 2012 and advertised in the BEACH HAVEN TIMES issue of February 22, 2012.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 12-04C on Second Reading:

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

- 3. Second Reading Ordinance 12-05C: **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 28-5. PERTAINS TO THE RECREATION AND SPECIAL ACTIVITIES COMMITTEE**

Lynda Wells, Municipal Clerk explained this Ordinance designated a municipal employee to be named annually by resolution of the Board of Commissioners as the Liaison Member of the Committee.

**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 28-5 PERTAINS TO COMMITTEE LIAISON.**

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

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend Chapter 28-5 of the Code of the Township of Long Beach. Currently the Liaison Member of the Recreation and Special Activities Committee must be a member of the Governing Body. This Ordinance shall designate a municipal employee be named annually by resolution of the Board of Commissioners as the Liaison Member.

**SECTION I**

§28-5. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the deletion of the words "member of the governing body" in the first sentence and the insertion of the words "municipal employee" in lieu thereof.

**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 only after publication thereof after final passage according to law.

Passed on first reading at a regular meeting held on February 17, 2012 and advertised in the BEACH HAVEN TIMES issue of February 22, 2012.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 12-05C on Second Reading:

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

- 4. First Reading Ordinance 12-06 **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN 2012 (N.J.S.A. 40A: 4-45.14)**

Lynda Wells, Municipal Clerk explained this ordinance provided the option to increase the final budget appropriation to a maximum cap of 3.5%. Mayor Mancini commented that the Township adopt this ordinance every year but had never needed to implement it.

Motion to approve Ordinance 12-06 on First Reading:

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

**ADOPTIONS AND APPROVALS**

- 5. Resolution 12-0302.01: Authorize the Municipal Clerk to advertise for bids:
  - One (1)Utility Body Truck – Water/Sewer Dept.
  - Two (2) Diesel Powered Regenerative Air Sweepers – DPW
  - Lease/Purchase of three (3) Ford Taurus or equivalent – Police Dept.

**RESOLUTION 12-0302.01**

**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 advertise for bids and award a contract for the following:

- One (1)Utility Body Truck: Water/Sewer Dept.
- Two (2) Diesel Powered Regenerative Air Sweepers: Public Works Dept.
- Lease/Purchase of (3) Ford Taurus or equivalent: Police Dept.

- 6. Resolution 12-0302.02: Approve personnel actions

**RESOLUTION 12-0302.02**

**BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach:

**Beach Patrol**

Hire the following as seasonal part time laborers at the rate of \$10.00 per hour to be paid from Beach Patrol Salary & Wage effective March 2, 2012.

Nathan Boyd	William Bruning	Christopher Goghlan
Lauren Craig	Patrick Craig	Kyle Fallon
Ryan Farley	Aaron Fritz	William Galese
Gavin Hodgson	Krista Jensen	Sean Kelly
Jill Lambert	Jennifer Nelson	Theodore Ray
Brittany Royer	Michael Tito	Chloe Wiskow

Hire the following as a seasonal part time laborer at the rate of \$10.50 per hour to be paid from Beach Patrol Salary & Wage effective March 2, 2012.

Russell Budd

**Beach Badge**

Hire the following as a seasonal beach badge program assistant supervisor at the rate of \$14.50 per hour to be paid from Beach Badge Salary & Wage effective March 2, 2012.

Madeline Myers

Hire the following as a seasonal beach badge program senior supervisor at the rate of \$14.75 per hour to be paid from Beach Badge Salary & Wage effective March 2, 2012.

Marianne Murphy

**Public Works**

Hire the following as a Seasonal Part Time Laborer at the rate of \$12.50 per hour to be paid from Clean Communities Salary & Wage effective retro-active to February 27, 2012.

Thomas Hogan

Motion to approve Items 5 & 6:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

**CONTRACTS AND AWARDS**

- 7. Resolution 12-0302.03(a-c): Award various contracts, per bid:
  - a. Emergency Electrical Repairs: ABS Electric, Inc.
  - b. Emergency Water/Sewer Repairs: Utility Innovations, LLC

- c. Various Bulkhead Replacements:  
Albert Marine, LLC (14<sup>th</sup> & 15<sup>th</sup> Streets and  
Webster Ave.)

**RESOLUTION 12-0302.03(a)**

**A RESOLUTION AWARDING A CONTRACT FOR EMERGENCY REPAIRS TO  
ELECTRICAL SYSTEMS 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 has solicited bids for emergency repairs to electrical systems in the Township of Long Beach; 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**, ABS Electrical, Inc., P.O. Box 592, Elmer, NJ 08318 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 2nd day of March 2012, for the reasons aforesaid, that a contract be and is hereby awarded to:

ABS Electric, Inc.  
P.O. Box 592  
Elmer, NJ 08318

for emergency repairs to electrical systems in the Township of Long Beach in amounts not to exceed the prices quoted and submitted in the bid received February 22, 2012.

**RESOLUTION 12-0302.03(b)**

**A RESOLUTION AWARDING A CONTRACT FOR EMERGENCY REPAIRS TO WATER  
AND SEWER SYSTEMS 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 has solicited bids for emergency repairs to water and sewer systems in the Township of Long Beach; 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**, Utility Innovations LLC, dba CMW Contractors, 450 Shrewsbury Plaza, Suite 367, Shrewsbury, NJ 07702 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 2<sup>nd</sup> day of March 2012, for the reasons aforesaid, that a contract be and is hereby awarded to:

Utility Innovations LLC, dba CMW Contractors  
450 Shrewsbury Plaza, Suite 367  
Shrewsbury, NJ 07702

for emergency repairs to water and sewer systems in the Township of Long Beach in amounts not to exceed the prices quoted and submitted in the bid received February 22, 2012.

**RESOLUTION 12-0302.03(c)**

**A RESOLUTION AWARDING A CONTRACT FOR 2011 BULKHEAD REPLACEMENT  
PROJECT AT 14<sup>TH</sup> & 15<sup>TH</sup> STREETS AND WEBSTER AVENUE 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 has solicited bids for the 2011 bulkhead replacement project, 14<sup>th</sup>, 15<sup>th</sup> and Webster Avenues in the Township of Long Beach; 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, Inc. 65 Pennsylvania Avenue, Waretown, NJ 08758 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 2<sup>nd</sup> day of March 2012, for the reasons aforesaid, that a contract be and is hereby awarded to:

Albert Marine Construction, LLC  
65 Pennsylvania Avenue  
Waretown, NJ 08758

for the 2011 bulkhead replacement project 14<sup>th</sup> & 15<sup>th</sup> Streets and Webster Avenue in the Township of Long Beach in amounts not to exceed the prices quoted and submitted in the bid received February 22, 2012.

8. Resolution 12-0302.04: Authorize the repair and replacement of an antenna and cable for the Municipal wireless communication network, per state contract: WPCS International, Inc.: \$10,526.50

**RESOLUTION 12-0302.04**

**A RESOLUTION AUTHORIZING THE REMOVAL OF A DAMAGED, AND REPLACEMENT WITH A NEW, ANTENNA AND CABLE FOR THE MUNICIPAL WIRELESS COMMUNICATION NETWORK, PER STATE CONTRACT**

**WHEREAS**, the Township of Long Beach wishes to purchase from an authorized vendor under the State of New Jersey Cooperative Purchasing Services Program INJCP; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

**WHEREAS**, WPCS International, Inc., 1985 Swarthmore Ave., Suite 4, Lakewood, NJ 08701 has been awarded New Jersey State Contract No. 53766 for Radio Communication Equipment and Accessories (Index #T-0109) effective January 1, 2003 through January 31, 2013; and

**WHEREAS**, the Commissioner of Public Safety recommends the utilization of this contract on the grounds that it represents the most cost effective method for the needs of the Township; and

**WHEREAS**, the actual cost for the removal of a damaged, and replacement with a new, antenna and cable (located on the Barnegat Light Water Tower) for the municipal wireless communication network for the Township of Long Beach is Ten Thousand Five Hundred Twenty Six Dollars and Fifty Cents (\$10,526.50); labor portion of said repair/replacement is in the amount of Six Thousand Seven Hundred Ten Dollars (\$6,710.00) and is included in the above-mentioned state contract; and

**WHEREAS**, the actual cost for the materials is Three Thousand Eight Hundred Sixteen Dollars and Fifty Cents (\$3,816.50), as per quotation received on February 22<sup>nd</sup> 2012; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract available as an appropriation created by: Police Radio O/E, Account #2-01-25-240-048 in the amount of \$10,526.50.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach that WPCS International, Inc., 1985 Swarthmore Ave., Suite 4, Lakewood, NJ 08701 hereby authorizes the removal of a damaged, and replacement with a new, antenna and cable (located on the Barnegat Light Water Tower) for the municipal wireless communication network for the Township of Long Beach in an amount not to exceed Ten Thousand Five Hundred Twenty Six Dollars and Fifty Cents (\$10,526.50).

9. Resolution 12-0302.05: Approve a proprietary purchase of one Arch Constant Chlor Feeder Model MC4-50 Lite and related parts for the Water Department: G.P. Jager & Assoc. \$11,200.00

**RESOLUTION 12-0302.05**

**A RESOLUTION AUTHORIZING THE PROPRIETARY PURCHASE OF ONE (1) ARCH CONSTANT-CHLOR FEEDER MODEL MC4-50 LITE, TWO (2) FLEX-PRO A2 PERISTALTIC PUMPS, ONE (1) SCALE WATCHER, ONE (1) MAIN CONNECTION AND ONE (1) DAY OF START-UP MONITORING FOR THE WATER DEPARTMENT IN THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, the provision/performance of goods/services regarding proprietary components for the Peahala Park Water Treatment Plant equipment is specifically exempted from bidding requirements under the Local Public Contracts Law pursuant to N.J.S.A. 40A: 11 -5(1)(dd); and

**WHEREAS**, G.P. Jager & Associates, 10 Bradley Lane, Montvale, NJ 07645, is able to provide one (1) Arch Constant-Chlor Feeder model MC4-50 Lite, two (2) Flex-Pro A2 peristaltic pumps, one (1) scale watcher, one (1) main connection and one (1) day of start-up monitoring as per quote dated February 14, 2012, in an amount not to exceed Eleven Thousand Two Hundred Dollars (\$11,200.00); and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Water/Sewer Other Expenses Account # 2-09-55-549-058 in the amount of \$11,200.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby authorize the proprietary purchase of one (1) Arch Constant-Chlor Feeder model MC4-50 Lite, two (2) Flex-Pro A2 peristaltic pumps, one (1) scale watcher, one (1) main connection and one (1) day of start-up monitoring from G.P. Jager & Associates, 10 Bradley Lane, Montvale, NJ 07645 in an amount not to exceed Eleven Thousand Two Hundred Dollars (\$11,200.00).

10. Resolution 12-0302.06: Approve the purchase of 2012 beach badges, per sheltered workshop: Jersey Cape Diagnostic \$17,275.73

**RESOLUTION 12-0302.06**

**WHEREAS**, the Board of Commissioners of the Township of Long Beach believe that it is prudent to award a contract to Jersey Cape Diagnostic Training, Inc., a sheltered work shop employing handicapped persons, to manufacture and supply beach badges for the 2012 summer season; and

**WHEREAS**, the Township Attorney of the Township of Long Beach has rendered an opinion that it is appropriate to enter into such a contract without competitive bidding pursuant to NJSA 40A:11-5(n) that exempts from bidding requirements "the doing of any work by handicap persons employed by a sheltered work shop"; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Beach Badge Other Expense, Account #2-01-28-381-023.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach this 2<sup>nd</sup> day of March 2012, for the reasons aforesaid, that a purchase order be and is hereby authorized for issuance to:

Jersey Cape Diagnostic Training and Opportunity Center, Inc.  
4 Moore Road, DN 606  
Cape May Court House, NJ 08210

in the amount of Seventeen Thousand Two Hundred Seventy Five Dollars and Seventy Three Cents (\$17,275.73) for the manufacture and supply of Daily, Weekly, Seasonal and Senior Citizen Beach Badges for the 2012 summer season.

11. Resolution 12-0302.07(a&b): Approve the following contract amendments:
- Resolution 12-0217.10: Name of vendor was misspelled: Allen's Electric should be recorded as Alan's Electric
  - Resolution 12-0104.08: Additional bracket required for the installation of televisions for the Emergency Mgt. Operations Center: Island Audio/Video \$189.00

**RESOLUTION 12-0302.07(a)**

**WHEREAS**, pursuant Resolution 12-0217.10 the Board of Commissioners approved miscellaneous purchases through various vendors for Long Beach Township municipal departments; and

**WHEREAS**, due to a clerical error, the name of one vendor was misspelled as Allen's Electric.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners on this 2<sup>nd</sup> day of March, 2012, that the vendor's name is hereby amended to reflect the correct spelling of Alan's Electric.

**RESOLUTION 12-0302.07(b)**

**WHEREAS**, pursuant to Resolution 12-0104.08 the Board of Commissioners authorized the purchase, delivery and installation of video communication center components in the court room of the public safety building, for the Long Beach Township Emergency Management Department to Island Audio/Video, per competitive quotation; and

**WHEREAS**, additional brackets are required to complete the installation of the equipment at the additional cost of One Hundred Eighty Nine Dollars (\$189.00).

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners on this 2<sup>nd</sup> day of March, 2012, approve the additional cost of One Hundred Eighty Nine Dollars (\$189.00) payable to Island Audio/Video for the purchase of the required additional equipment.

12. Resolution 12-0302.08: Rescind Resolution 11-1216.08 and approve a shared service agreement with Beach Haven Borough for the use of one (1) street sweeper

**RESOLUTION NO. 12-0302.08**

**RESOLUTION VACATING AND RESCINDING  
RESOLUTION 11-1216.08 APPROVING A SHARED  
SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF  
LONG BEACH AND THE BOROUGH OF BEACH  
HAVEN FOR THE USE OF A STREET SWEEPER OWNED  
BY THE TOWNSHIP WITH A DRIVER EMPLOYED BY THE  
TOWNSHIP FOR USE IN THE BOROUGH OF BEACH  
HAVEN.**

**FIRST WHEREAS**, On Friday December 16, 2011, the Board of Commissioners of the Township of Long Beach adopted Resolution 11-126.08 entitled "RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED RESOURCES AGREEMENT BETWEEN THE TOWNSHIP OF LONG BEACH AS LEAD AGENCY AND THE BOROUGH OF BEACH HAVEN FOR THE USE OF ONE (1) STREET SWEEPER WITH DRIVER/OPERATOR."; and

**SECOND WHEREAS**, that Resolution referenced an Agreement between the Borough of Beach Haven and the Township of Long Beach for the stated purpose; and

**THIRD WHEREAS**, the Agreement had not been finalized at the time of the adoption of Resolution 11-1216.08; and

**FOURTH WHEREAS**, the Agreement has now been revised and agreed to by and between the appropriate representatives of the Borough of Beach Haven and the Township of Long Beach; and

**FIFTH WHEREAS**, the Board of Commissioners of the Township of Long Beach deems it appropriate to vacate and withdraw Resolution 11-1216.08 and adopt instead and in lieu thereof this Resolution authorizing the execution of a Shared Services Agreement in the following form:

**AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_\_ day of March 2012 (hereinafter "Agreement"), between the Township of Long Beach in the County of Ocean, a municipal corporation of the State of New Jersey (hereinafter "Township"), and the Borough of Beach Haven, in the County of Ocean, a municipal corporation of the State of New Jersey (hereinafter "Borough"), is made under the following terms, covenants and conditions, to wit:

1. The Township and the Borough do agree to enter into a Shared Resources Agreement, pursuant to N.J.S.A. 40A:65-1, et seq., whereby the Township shall furnish to the Borough the use of one (1) Street Sweeper with one

(1) Driver/Operator as needed pursuant to the terms and conditions herein below set forth.

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

3. Beach Haven Borough shall remit to the Township of Long Beach a fee of Five Hundred Thirty Three Dollars and Sixteen Cents (\$533.16) per day for the use of one (1) Street Sweeper with one (1) Driver/Operator, as needed.

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

5. The term of this Shared Resource Agreement shall be one (1) year; commencing the 1<sup>st</sup> day of July 2012 and ending on the 30<sup>th</sup> day of June 2013;

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

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

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

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

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

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

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Lynda Wells, RMC  
Municipal Clerk

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Joseph H. Mancini  
Mayor, Township of Long  
Beach

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Sherry Mason, RMC  
Municipal Clerk

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Charles E. Maschal, Jr.  
Mayor, Borough of Beach Haven

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey at a regular meeting held Friday March 2, 2012 that Resolution 11-1216.08 shall be and is hereby revoked, repealed, withdrawn and vacated.

**BE IT FURTHER RESOLVED**, that a Shared Services Agreement as hereinabove set forth shall be and is hereby approved by the Board of Commissioners of the Township of Long Beach and the Mayor of the Township of

Long Beach, Joseph H. Mancini, is hereby authorized and directed to execute the same and the Township Clerk, Lynda Wells, RMC, is hereby authorized and directed to attest to the same.

Motion to approve Items 7 thru 12:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

### **FINANCIAL APPROVALS**

13. Resolution 12-0302.09(a-c): Approve the following actions regarding miscellaneous Land Use Board Applications:
- a) extension of a Performance Bond LUB 10-09: \$2,200.00
  - b) accept a performance bond for LUB 18-09; \$27,720.50
  - c) accept a performance bond for LUB 21-11 \$5,500.00

#### **RESOLUTION 12-0302.09(a)**

**WHEREAS**, the Township of Long Beach had received from Evan R. Jones Cashier's Check #1353722 dated December 22, 2009 in the amount of Two Thousand Two Hundred Dollars (\$2,200.00) drawn on Bank of America, representing the required Performance Bond for Major Site Plan #LUB-10-09-PF, Block 18.08, Lot 5 and 5.01 (44 Sherwood Way, North Beach, NJ); and

**WHEREAS**, pursuant to Resolution 10-0108.11 the Township Municipal Engineer determined certain work items had not been satisfactorily completed and recommended the Performance Bond be extended for one additional year.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach accepts this bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer and the Municipal Solicitor.

#### **RESOLUTION 12-0302.09(b)**

**WHEREAS**, the Township of Long Beach has received from Holgate Cove Enterprises, LLC, Cashier's Check #517503 dated January 18, 2012 in the amount of Twenty Five Thousand Seven Hundred Twenty Dollars and Fifty Cents (\$25,720.50) drawn on Brown Brothers Harriman & Company, representing the required Performance Bond for P/F Major Subdivision #LUB-18-09, Block 1.09, Lots 1.06 and 1.07 (McKinley Avenue, Holgate, NJ).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach accepts this bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

#### **RESOLUTION 12-0302.09(c)**

**WHEREAS**, the Township of Long Beach has received from Bertram and Helen Miles, Cashier's Check #6780102659 dated December 22, 2011 in the amount of Five Thousand Five Hundred Dollars (\$5,000.00) drawn on Wells Fargo Bank, N.A., representing the required Performance Bond for P/F Minor Subdivision #LUB-21-11, Block 15.101, Lots 1.05 and 1.07 (18 W. 44<sup>th</sup> Street, Brant Beach, NJ).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach accepts this bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

14. Resolution 12-0302.10: Authorize emergency appropriations for various purchases/repairs resulting from a lightning strike on February 24<sup>th</sup> at the Holgate Water Treatment Plant: approximately \$75,000.00

#### **RESOLUTION 12-0302.10**

**Authorized the Appropriation of Emergency Funding in the  
Township of Long Beach**

**WHEREAS**, an emergency has occurred in the Township of Long Beach resulting from a lightning strike at the Holgate Water Tower during the evening hours of February 24<sup>th</sup> 2012 in the Holgate Water Treatment Plant causing widespread severe and permanent damage to the wireless communication antenna, communication equipment, the well pump, the telephone system and other yet to be evaluated, the extent of which is yet to be fully determined; and

**WHEREAS**, David O'Brien, the insurance adjuster assigned by the Ocean County Municipal Joint Insurance Fund, performed an onsite inspection of the affected area on Monday February 27<sup>th</sup>, 2012 to assess the damages and provided an initial estimated cost for repair / replacement of the affected areas and above-noted items that approaches \$75,000.00, not allowing for yet undiscovered damage; and

**WHEREAS**, the full extent and cost of the repairs / replacement of affected items is unknown and unknowable at this time; and

**WHEREAS**, funds are available in the Long Beach Township Temporary Budget approved pursuant to Resolution 11-1228.14 passed on December 28<sup>th</sup> 2011 in the appropriation entitled Building & Grounds Operating Expense.

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S.A. 40A:11-6, the Board of Commissioners and Chief Financial Officer shall seek insurance reimbursements to reduce the net expenditures under this appropriation.

15. Resolution 12-0302.11: Approve a \$10,000 annual donation to the Southern Ocean Medical Center:  
2012 through 2016 for the new Emer. Dept.

**RESOLUTION 12-0302.11**

**WHEREAS**, historically, Long Beach Township has made donations to our neighboring volunteer organizations in recognition and appreciation of their dedication and service to the residents, vacationers and visitors to our township; and

**WHEREAS**, Southern Ocean County Hospital opened in Manahawkin in August of 1972 with 54 beds and 17 physicians. Currently, Southern Ocean Medical Center is a respected 176-bed center renown for medical excellence, featuring 230 physicians representing over 40 specialties, with more than 1,200 skilled healthcare professionals committed to improving the health and well-being of the residents of our community by providing quality, patient-centered health care services delivered in hospital, community and in-home settings; and

**WHEREAS**, the Emergency Department currently has 18 beds and treats an average of 40,000 patients per year; the renovated Emergency Department will expand to consist of 42 beds to accommodate an ever increasing volume of people in need of emergent care; and

**WHEREAS**, the Board of Commissioners wishes to demonstrate their appreciation and support of Southern Ocean Medical Center as it serves patients throughout Southern Ocean County by the donation of \$10,000 which will "Name" an area of the new Emergency Department in recognition of Long Beach Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners joins with the residents of Long Beach Township to recognize the many contributions by Southern Ocean Medical Center to our community and to demonstrate its gratitude through an annual donation in the amount of Ten Thousand Dollars (\$10,000.00), commencing in 2012 and sunsetting in 2016, to sponsor a room in Long Beach Township's name at Southern Ocean Medical Center.

16. Resolution 12-0302.12: Approve Bills & Payroll  
Bills in the amount of: \$2,332,923.18  
Payroll in the amount of: \$ 389,700.11

**RESOLUTION 12-0302.12**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF  
NEW JERSEY AUTHORIZING THE PAYMENT OF  
TOWNSHIP BILLS**

**WHEREAS**, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

**WHEREAS**, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

**WHEREAS**, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$389,700.11

**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 \$2,332,923.18 be and the same are hereby authorized to be paid on March 2, 2012.

2. The said approved payroll amounting to the sum of \$389,700.11 be and the same are hereby authorized to be paid on March 2, 2012.

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.

17. Resolution 12-0302.13: Doctrine of Necessity: Commissioner Lattanzi & Mayor Mancini regarding Southern Ocean Medical Center matters

**RESOLUTION 12-0302.13**

**RESOLUTION REGARDING THE NEW JERSEY "DOCTRINE OF NECESSITY" AS THE SAME  
CONCERNS MAYOR MANCINI'S AND COMMISSIONER LATTANZI'S ASSOCIATION  
WITH SOUTHERN OCEAN MEDICAL CENTER**

**WHEREAS**, Mayor Mancini and Commissioner Lattanzi are both associated with Southern Ocean Medical Center and would, therefore, normally not vote on matters concerning that institution; and

**WHEREAS**, Commissioner Bayard alone does not constitute a voting quorum on matters concerning Southern Ocean Medical Center; and

**WHEREAS**, matters concerning Southern Ocean Medical Center require the vote of the two Commissioners who would normally have a conflict; and

**WHEREAS**, the "Doctrine of Necessity" is fully explained in Allen V. Bd of Education, 233 AF.J. Super. 642 (L. Div. 1989) by Ocean Assignment Judge Serpentelli; and

**WHEREAS**, Long Beach Township has received the advice of counsel concerning the propriety of Mayor Mancini and Commissioner Lattanzi voting on such matters pursuant to the New Jersey "Doctrine of Necessity".

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at the regular meeting of March 2, 2012, that during the term of this Board of Commissioners the "Doctrine of Necessity" shall be applied pursuant to the advice of counsel and Mayor Mancini and Commissioner Lattanzi shall, without further advice to the public, vote on matters involving Southern Ocean Medical Center, all pursuant to the opinion of counsel heretofore rendered.

Motion to approve Items 13 thru 17:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**Mayor Mancini** stated the Tax Collector's Report for the month of January 2012 was on file in the Municipal Clerk's Office.

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi** reported that the 2012 budget was near completion and expected to introduce it at the next public meeting.

**Commissioner Bayard** had no comments.

**Mayor Mancini** announced the next meeting of the Board of Commissioners would take place on Friday, March 16, 2012 at 4:00 p.m. at which time public hearing will be held for Ordinance 12-06.

