

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS SEPTEMBER 12, 2014

Flag Salute

Meeting came to order: 4:00 p.m.

Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi PRESENT

Also in attendance: Lynda J. Wells, Municipal Clerk
Teresa S. Sgro, Deputy 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 and the ASBURY PARK PRESS on January 9th, 2014; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the August 22, 2014 meeting and to approve the same as recorded in the minute book:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

AGENDA

PROCLAMATIONS

Constitution Week
September 17th thru 23rd, 2014

PROCLAMATION

CONSTITUTION WEEK

SEPTEMBER 17TH THROUGH 23RD 2014

WHEREAS, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, it is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve, and defend it against all encroachment; and

WHEREAS, this is the two-hundred twenty-seventh anniversary of the signing of the Constitution and the rights, privileges, and responsibilities it affords; and

WHEREAS, the independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, 2014, as designated by proclamation of the President of the United States of America in accordance with Public Law 915.

NOW, THEREFORE, BE IT RESOLVED, that Board of Commissioners of the Township of Long Beach, County of Ocean, in the State of New Jersey, do hereby proclaim the week of September 17th through September 23rd as Constitution Week in Long Beach Township and urge all citizens to reflect during that week on the many benefits of our Federal Constitution and American Citizenship.

Girl Scouts of America honoring
Robert Stohrer, Devoted Community Partner

PROCLAMATION

WHEREAS, the Township of Long Beach wishes to recognize **Robert Stohrer**, who has been honored by The Girl Scouts of the Jersey Shore as "a Devoted Community Partner; and

WHEREAS, Robert is being honored for his devotion to our community, past and present, in multiple ways such as past President of the Long Beach Island Rotary and Chairman of the Rotary Auction Committee for the past twenty five years; and

WHEREAS, Robert has been recognized for his service with many organizations such as the Paul Harris Fellow Recognition Honor for his contributions to the Rotary Foundation, Trustee on the Southern Ocean County Hospital Board, the Art Schwerzel

Good Scout Award from the Boy Scouts of America, fundraising recognition from the American Cancer Society, Southern Regional Wrestling and Football Teams, and has served on other numerous hospital and foundation committees over the past twenty years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach do hereby proclaim **Robert Stohrer** as a Devoted Community Partner.

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 14-28: **BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE PAINTING OF BRANT BEACH AND HOLGATE WATER TOWERS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$400,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$400,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$400,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$400,000.

Section 3. The sum of \$400,000, to be raised by the issuance of bonds or bond anticipation notes, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$400,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$400,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$150,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount of obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Supplemental Funding for the Painting Of Brant Beach And Holgate Water Towers; together with the acquisition of all materials and equipment and completion of all work necessary	\$400,000	\$0	\$400,000	20 years

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
therefor or related thereto, as originally financed by Bond Ordinance 13-19R, finally adopted on March 7, 2014				

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$400,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

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

Section 13. The Township hereby covenants as follows:

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

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

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

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

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

Section 14. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: August 22, 2014

Date of Final Adoption: September 12, 2014

Lynda Wells stated, this ordinance was passed on first reading at a regular meeting held on August 22, 2014 and advertised in the BEACH HAVEN TIMES issue of August 28, 2014.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 14-28 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 14-29C: **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 94 PERTAINS TO SPECIFIC CONSTRUCTION STANDARDS.**

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DO ORDAIN:
STATEMENT OF PURPOSE

This ordinance amends §94-9.A. by the addition of a new sub-section, (3), to provide the minimum requirements for drainage on lots located in the AO and AE flood zones as listed on the FIRM FLOOD MAPS for the Township.

SECTION I

§94-9.A. is hereby amended by the addition of a new subsection, sub-section (3), as follows:

- (3) Require that in any AO and AE flood zone listed on the municipality's Firm map that all new construction and substantial improvement of any residential structure shall be required to install adequate drainage paths or equivalent around the structure to guide flood waters away from the structure and to drain directly to the street upon which the lot is located and shall be sloped and graded to prevent such water from draining onto any adjacent properties.

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.

Lynda Wells stated, this ordinance was passed on first reading at a regular meeting held on August 22, 2014 and advertised in the BEACH HAVEN TIMES issue of August 28, 2014.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 14-29C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. Resolution 14-0912.01: Authorize the withdrawal of Ordinance 14-30 introduced on August 22, 2014, entitled **ORDINANCE OF TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN SAID PROPERTIES BEING IDENTIFIED ON THE ANNEXED SCHEDULE AND PARCEL MAPS**

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorize the withdrawal of Ordinance 14-30 at their meeting held on Friday, September 12, 2014.

Motion to approve Resolution 14-0912.01:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. Second Reading Ordinance 14-31: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, SAID PROPERTIES BEING IDENTIFIED ON THE ANNEXED SCHEDULE**

WHEREAS, SuperstormSandy caused significant and widespread damages to public and private property along the oceanfront and has greatly diminished pre-existing flood hazard risk reduction measures, making the Township of Long Beach ("Municipality") extremely vulnerable to future storms; and

WHEREAS, on October 27, 2012 the Governor issued Executive Order No. 104, wherein he declared a state of emergency because of Superstorm Sandy; and

WHEREAS, on September 25, 2013 the Governor issued Executive Order No. 140, wherein he declared that the construction of flood hazard risk reduction measures along New Jersey's coastline, including in the Municipality, is necessary to protect the public health, safety, and welfare from future natural disasters, and that reliance on certain statutory authority for the acquisition of property, including but not limited to N.J.S.A. 20:3-1, et seq. and N.J.S.A. App. A: 9-51.5, is necessary for such efforts; and

WHEREAS, the State of New Jersey recognizes and supports public acquisition of certain interests in storm-damaged and storm-prone property as a priority hazard mitigation strategy to promote the public health, safety, and welfare; and

WHEREAS, the Board of Commissioners of the Township of Long Beach have concluded that it is necessary, desirable, and appropriate for the Municipality to undertake project for flood hazard risk reduction measures; and

WHEREAS, there is currently private ownership of certain portions of the lands where said flood hazard risk reduction measures shall be undertaken; and

WHEREAS, by adoption of this Ordinance the Township of Long Beach authorizes the taking of perpetual easements in a portion of each identified privately owned property by condemnation/ eminent domain so that the Municipality and other entities or agents acting on behalf of the Municipality shall have access onto, over, and through said privately owned real property for the purpose of taking any and all actions necessary for completing said flood hazard risk reduction measures; and

WHEREAS, the Board of Commissioners of the Township of Long Beach further find that a public use and purpose would be served for the benefit of Township and surrounding communities by acquiring certain property interests in the aforesaid property, including, but not limited to, the promotion, protection, and preservation of the public health, safety, and welfare of the Township of Long Beach and its inhabitants by the acquisition of certain interests in said real property for storm damage and flood area mitigation through conducting the said flood hazard risk reduction measures, to protect public infrastructure located with the Municipality, to mitigate future storm damage and associated public recovery expenditures, and for the protection, preservation, and conservation of precious natural resources; and

WHEREAS, the Board of Commissioners of the Township of Long Beach are authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1 et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/ eminent domain as long as just compensation is paid for the same;

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

1. **RECITALS INCORPORATED:** The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **SPECIFIC FINDINGS:** the Board of Commissioners of the Township of Long Beach find that the flood hazard risk reduction measures will promote and protect the health, safety, and welfare of residents of the Township, and will prevent property damage and loss due to flooding, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.
3. **AUTHORIZE CONDEMNATION:** the Board of Commissioners of the Township of Long Beach specially authorize any and all necessary and appropriate actions by Municipality officials including the Mayor, Municipal Clerk, Municipal Attorney, and/or Special Condemnation Attorney, in conjunction with the Office of Flood Hazard Risk Reduction Measures within the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property interests in the properties as set forth herein through negotiation, purchase, or condemnation/ eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title

insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township of Long Beach seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A.20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a LisPendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

4. **IDENTIFICATION OF PROPERTY:** The properties for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance are located in the Township of Long Beach and listed on the Township tax map, the property identifications of which are attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements in the properties identified herein.
5. **OFFICIALS AUTHORIZED:** All appropriate officials of the Township of Long Beach, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.
6. **PURCHASE OF PROPERTY:** If a determination is made by a majority vote of the Board of Commissioners of the Township of Long Beach that the purchase of an easement is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Municipality, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Municipality.
7. **REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
8. **SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.
9. **EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

Passed on first reading at a regular meeting held on August 22, 2014 and advertised in the BEACH HAVEN TIMES issue of August 28, 2014.

Lynda Wells stated, this ordinance is also necessary to be in compliance with Governor Christie's Executive Order 140 moving forward with the Federal Storm Protection Project.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 14-31 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

5. First Reading Ordinance 14-32: **ORDINANCE OF TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN SAID PROPERTIES BEING IDENTIFIED HEREIN**

Lynda Wells stated, this ordinance is also necessary to be in compliance with Governor Christie's Executive Order 140 moving forward with the Federal Storm Protection Project.

Motion to approve Ordinance 14-32 on First Reading:

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

6. First Reading Ordinance 14-33: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY, OR INTERESTS THEREIN, IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, AS PART OF THE TOWNSHIP'S BEACH REPLENISHMENT, MAINTENANCE AND DUNE RECONSTRUCTION PROJECT; APPROPRIATING THE SUM OF \$2,000,000.00 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,000,000.00; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 14-33 on First Reading:

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

PURCHASES, ADOPTIONS & APPROVALS

7. Resolution 14-0912.02: Authorize application and execution of a Grant Agreement with the New Jersey Department of Transportation (\$218,298.75) MA2015; pave Mark Drive – from Jerome Ave to Bay Berry Drive

AUTHORIZATION TO APPLY AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the Township of Long Beach desires to apply for and execute an agreement with the New Jersey Department of Transportation for the MA2015-Long Beach Township-00051 Road Reconstruction / Improvement Project in the amount of Two Hundred Eighteen Thousand Two Hundred Ninety Eight Dollars and Seventy Five Cents (\$218,298.75) for the following project(s):

- Mark Drive - from Jerome Avenue to Bay Berry Drive

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the Township of Long Beach, County of Ocean, formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Municipal Engineer is hereby authorized to submit an electronic grant application identified as #MA-2015-Township of Long Beach-00051 to the New Jersey Department of Transportation on behalf of the Township of Long Beach; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Long Beach and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

8. Resolution 14-0912.03(a&b): Approve various actions to water and sewer accounts:
 a) Status changes
 b) Refund Acct

RESOLUTION 14-0912.03(a)

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

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

<u>BLOCKLOT/QUAL</u>	<u>ACCT #/ACCTYEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
13.21 4	4559-0/Water 2014	Standby Credit	\$179.00
13.21 4	4559-0/Sewer 2014	Standby Credit	\$487.00
14.25 23	4938-0/Water 2014	Standby Credit	\$300.00
15.26 14/C1	5166-0/Water 2014	Per Fixture Count	\$48.00

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

RESOLUTION 14-0912.03(b)

WHEREAS, the following Water & Sewer account requires a refund as the Homeowner cut and capped the lines, never using standby credit, then sold the property.

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

Block: Lot/Qual: Acct #/AccountOwner: Amount:

12.16 10 #4105-0 Sewer Scott & Patricia MacFadyen \$44.00
 12.16 10 #4105-0 Water Scott & Patricia MacFadyen \$82.00

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 this refund.

9. Resolution 14-0912.04: Approve Personnel actions

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach authorize the following actions:

Approve a paid Family Medical Leave of Absence (FMLA) for JO effective retro-active to August 21, 2014.

Approve the end of a paid Family Medical Leave of Absence (FMLA) for JO effective retro-active to September 5, 2014.

Beach Patrol

Hire the following Seasonal Lifeguards at a rate of \$78.33 per day to be paid from the Lifeguard Salary & Wage effective retro-active to August 25, 2014.

Katherine Creran

Approve the following pay rates for various responsibilities (as needed) to be paid from Beach Patrol Salary & Wage effective retro-active to January 1, 2014.

<u>Various Responsibilities (As needed)</u>	<u>Rate</u>
Pod/Section Leader	\$3.33 extra per day
Single	\$18.25 extra per day

Health

Hire the following employee as permanent part-time Clerk 1 at the hourly rate of \$14.00 paid from Health Salary & Wage effective September 15, 2014.

Casey Criss

Public Works

Change the following employee's annual base salary to \$51,324.00 to be paid from Public Works Salary & Wage effective September 13, 2014.

Jack Bazel

Hire the following employees as full-time permanent laborers 1 at the annual rate of \$30,000.00 to be paid from Public Works Salary & Wage effective September 13, 2014.

Nicholas Altmeyer

Anthony Shabunia

Water/Sewer

Change the following employee's annual base salary to \$43,500.00 to be paid from Water/Sewer Salary & Wage effective September 13, 2014.

Stuart McGowan

Transfer the following employee from the Department of Public Works to the Department of Water/Sewer effective September 13, 2014.

Ian Holden

Accept and approve the Early-55+retirement of Mark Shields from the Department of Water/Sewer effective retro-active to September 1st 2014.

10. Resolution 14-0912.05: Authorize the Municipal Clerk to advertise for bids:

- 2014 Bulkhead Replacement Project: Alabama Ave.
- NJDOT FY2013 Project: Pave Indiana and Kimberley Aves.

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 for the following:

- 2014 Bulkhead Replacement Project: Alabama Avenue
- NJDOT FY 2013 Project: Pave Indiana and Kimberley Avenues

Motion to approve Items 7 thru 10:

Motion: Ayes:

Second: Nays:

LICENSES & PERMITS

11. Resolution 14-0912.06(a&b): Approve Social Affair Permits:

- a) Brant Beach Yacht Club Atlantic Coast Championships Oct. 10th, 11th & 12th from 5 to 7 p.m.

- b) Long Beach Island PTA Casino Auction Night
Nov. 14, 2014 6:00 to 10:00 pm

RESOLUTION 14-0912.06(a)

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach grants a SPECIAL PERMIT FOR SOCIAL AFFAIR to the Brant Beach Yacht Club, Brant Beach. This permit will allow the BBYC to serve alcoholic beverages at the Atlantic Coast Championships to be held October 10th, 11th, and 12th, 2014 between the hours of 5:00 P.M. and 7:00 P.M.

RESOLUTION 14-0912.06(b)

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach grants a SPECIAL PERMIT FOR SOCIAL AFFAIR to the Long Beach Island PTA. This permit will allow the Long Beach Island PTA to serve alcoholic beverages at the Casino Auction Night to be held November 14th, 2014 between the hours of 6:00 P.M. and 10:00 P.M.

Motion to approve Item 11:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

CONTRACTS & AWARDS

12. Resolution 14-0912.07: Approve renewal of membership with Ocean County Joint Insurance Fund for three (3) years

RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Long Beach is a member of the Ocean County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2014 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Board of Commissioners of the Township of Long Beach desires to renew said membership effective January 1, 2015 through December 31, 2017.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Township of Long Beach agrees to renew its membership in the Ocean County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Ocean County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

13. Resolution 14-0912.08: Approve the execution of a Memorandum of Understanding:
Ocean County Office of the Sheriff
FY13 Emergency Management Agency Assistance
Funding NTE \$5,000.00

RESOLUTION 14-0912.08

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby approve the execution of a Memorandum of Understanding with Ocean County Sheriff's Department, accepting the funding under the FY13 Emergency Management Agency Assistance, (EMAA), in an amount not to exceed \$5,000.00

14. Resolution 14-0912.09(a&b): Award contracts per bid:

- a) Trinity Code Inspection
For Plan review and inspection services, by
bid 85% of Twp/fees
- b) All Surface Asphalt Paving
2014 Peahala Park Tennis Court Project
\$261,000.00

RESOLUTION 14-0912.09(a)

A RESOLUTION AWARDING A CONTRACT FOR THIRD PARTY ELECTRIC, PLUMBING, AND FIRE SUBCODE INSPECTION SERVICES FOR THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach has solicited bids for third party inspection services for electric, plumbing, & fire sub-codes; and

WHEREAS, the third party inspection services for electric, plumbing, & fire sub-codes have been approved as a Shared Service between the Township of Long Beach acting as Lead Agency and the Boroughs of Ship Bottom and Barnegat Light pursuant to Resolution 14-0912.10 ; and

WHEREAS, the Township received one qualified bid for same; and

WHEREAS, it is the opinion of the Board of Commissioners and the Township Qualified Purchasing Agent that the bid submitted by the low bidder, Trinity Code Inspection, LLC., be accepted as it has been deemed both responsive and responsible.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 12th day of September 2014, for the reasons aforesaid, that a one-year contract, effective October 1, 2014 through September 30th, 2015 with a one-year option to extend upon written agreement of both parties, be and is hereby awarded to:

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

who will be paid for their services at the rate of 85% of the fees established by Long Beach Township in Ordinance 10-42C for current inspections; the fee for inspection of existing open permits shall be \$25.00 per permit. Said rates were contained in the bid submitted on September 4, 2014 to provide inspection services for electric, plumbing, & fire sub-codes for the Township of Long Beach.

RESOLUTION 14-0912.09(b)

A RESOLUTION AWARDING A CONTRACT FOR THE 2014 PEAHALA PARK TENNIS COURT PROJECT IN THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach has solicited bids for the 2014 Peahala Park Tennis Court Project 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, All Surface Asphalt Paving, Inc., 528 Hardenberg Avenue, Point Pleasant, NJ 08742 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract are available as an appropriation created by Ordinance 13-34 Recon/Resurface Municipal Parking Lot Account # C-04-56-118-901 in the amount of \$261,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 12th day of September 2014, for the reasons aforesaid, that a contract be and is hereby awarded to:

All Surface Asphalt Paving, Inc.
528 Hardenberg Avenue
Point Pleasant, NJ 08742

for the 2014 Peahala Park Tennis Court Project in the Township of Long Beach in an amount not to exceed Two Hundred Sixty One Thousand Dollars (\$261,000.00) as per the bid received September 9, 2014.

- 15. Resolution 14-0912.10: Approve a shared service for Third Party Inspection Services with Ship Bottom and Barnegat Light
Effective through August 31, 2018

RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGHES OF SHIP BOTTOM AND BARNEGAT LIGHT WITH THE TOWNSHIP OF LONG BEACH AS LEAD

AGENCY, FOR THE PURPOSE OF PROVIDING ELECTRIC, PLUMBING, AND FIRE INSPECTION SERVICES THROUGH A THIRD PARTY CONTRACTOR

WHEREAS, the Township of Long Beach, the Borough of Barnegat Light and the Borough of Ship Bottom desire to enter into a Shared Services Agreement for the provision of 3rd Party electric, plumbing and fire sub-code inspections with Long Beach Township acting as the Lead Agency; and

WHEREAS, there shall be a service fee of \$165.00 per month from participants in the Shared Service Agreement paid to Long Beach Township for the purpose of the Township providing required reports to the DCA, bookkeeping services, and all aspects of the handling of monies for all participants in an approved Shared Service Agreement as required by the N.J.A.C. and the Department of Community Affairs; and

WHEREAS, pursuant to N.J.S.A. 40A:11-1 et. seq. Long Beach Township, as Lead Agency, advertised and received competitive bids to provide 3rd Party Inspection Services for Electric, Plumbing and Fire Sub-code Inspections for the participating municipalities for a contract period of one-year with a one-year option to extend said contract; and

WHEREAS, the Township of Long Beach shall also, upon expiration of the above-named contract, advertise and receive competitive bids to provide 3rd Party Inspection Services for Electric, Plumbing and Fire Sub-code Inspections for the participating municipalities in order to provide uninterrupted service to the members throughout the four (4) year Shared Service period.

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, September 12, 2014 that the Mayor and Municipal Clerk are hereby authorized and directed to enter into an Shared Service Agreement with the Boroughs of Barnegat Light and Ship Bottom and to act as lead agency in providing electric, plumbing and fire inspections services through a 3rd Party contractor according to the terms of the Shared Service Agreement to be signed by the three participating parties. The Boroughs of Barnegat Light and Ship Bottom further agree to remit a service fee of \$165.00 per month to the Township for the purpose of the Township providing required reports to the DCA, bookkeeping services, and all aspects of the handling of monies for all participants.

Motion to approve Items 12 thru 15:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

16. Resolution 14-0912.11(a-f):Approve various Performance Bond actions:

- a) LUB 20-14, accept Performance Bond \$11,000.00
- b) LUB 11-12-PF; accept Performance Bond \$47,343.29 cash and \$426,089.57 bond
- c) LUB 13-13-PF, release Performance Bond \$10,389.00
- d) LUB-17-12; extend Performance Bond 1 yr.
- e) LUB-41-05; extend Performance Bond 1 yr.
- f) LUB-17-05; extend Performance Bond 1 yr.

RESOLUTION 14-0912.11(a)

WHEREAS, the Township of Long Beach has received from Ziman Development, LLC, Cashier's Check #1488601354 drawn on Bank of America, dated August 22, 2014 in the amount of Eleven Thousand Dollars (\$11,000.00), representing the required Performance Bond for Minor Subdivision #LUB-20-14, Block 18.111, Lots 1 & 2 (1111 A., Long Beach Blvd., North Beach, NJ); and

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 14-0912.11(b)

WHEREAS, pursuant to Resolution 12-1019.09(c), the Township of Long Beach received from ACME Markets, Inc., a Performance Surety Bond drawn on Fidelity and Deposit Company of Maryland in the amount of Fourteen Thousand Seven Hundred Dollars (\$14,700.00) and check #05710108 drawn on Supervalu, Inc., Wachovia Bank, N.A. dated September 27, 2012 in the amount of Six Thousand Seven Hundred Ninety Eight Dollars and Seventy Five Cents (\$6,798.75), in payment of a portion of the required Performance Bond (\$5,512.50) and also for the required inspection fee of (\$1,286.25)for

subdivision #LUB-11-12-PF, Block 11.35, Lot 28 (Long Beach Blvd., Beach Haven Gardens, NJ); and

WHEREAS, The Township of Long Beach also received from New Albertsons, Inc. check # 01088090 in the amount of Forty Seven Thousand, Three Hundred Forty Three Dollars and Twenty Nine Cents, (\$47,343.29) and a Performance and Payment Bond # 023029260 in the amount of Four Hundred Twenty Six Thousand, Eighty Nine Dollars and Fifty Seven Cents (\$426,089.57), as payment for the revised Performance Bond by the Municipal Engineer.

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

RESOLUTION 14-0912.11(C)

WHEREAS, pursuant to Resolution 13-1115.08(b) the Township of Long Beach received from Forrest Shackleton, Cashier's Check #51894295-7 dated November 13, 2013 in the amount of Ten Thousand Three Hundred Eighty Nine Dollars (\$10,389.00) drawn on TD Bank, representing the required Performance Bond for Major Site Plan #LUB-13-13-PF, Block 4.42, Lot 21 (E. 20th Street, North Beach Haven, NJ); AND

WHEREAS, upon inspection by the Municipal Engineer, all work has been completed satisfactorily and recommends the release of the Performance Bond in the amount of \$10,389.00 plus interest.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach approves the release of the Performance Bond in the amount of \$10,389.00 plus interest, as recommended and certified by the Municipal Engineer.

RESOLUTION 14-0912.11(d)

WHEREAS, pursuant to Resolution 12-1019.09(a), the Township of Long Beach had received from F & W Partners, LLC, Cashier's Check #2438290 drawn on Bank of America, dated October 3, 2012 in the amount of Thirty One Thousand One Hundred Thirty Dollars (\$31,130.00), representing the required Performance Bond for Minor Subdivision #LUB-17-12, Block 12.20, Lots 14.01 & 14.02 (16 E. Sailboat Drive, Long Beach Blvd., Peahala Park, NJ); and

WHEREAS, pursuant to Resolution 14-0207.09 a preliminary inspection by the Township Engineer, a significant amount of the project has been completed and he recommends a reduction of the Performance Bond in the amount of Twenty Three Thousand Two Hundred Ten Dollars (\$23,210.00); resulting balance of the Performance Bond shall be Seven Thousand Nine Hundred Twenty Dollars (\$7,920.00); Was this authorized by a prior resolution?

WHEREAS, after a subsequent inspection by the Township Engineer, it has been determined that sufficient work has not been completed and recommended the bond be extended to September 12, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approves the extension of the Performance Bond in the amount of Seven Thousand Nine Hundred Twenty Dollars (\$7,920.00), as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

RESOLUTION 14-0912.11(e)

WHEREAS, pursuant to Resolution 06-0721.14, the Township of Long Beach received, Commerce Bank Check #805-02588 in the amount of Forty Six Thousand Seven Hundred Seventy Two Dollars (\$46,722.00) as a Performance Bond for Sub-division Application #LUB-41-05, Block 4.45, Lots 1 & 1.01 (2000 Waverly Place, North Beach Haven); and

WHEREAS, upon inspection of the property by the Township Engineer, and pursuant to Resolution 08-0620.15(c), it was determined that certain work items had not been started and the Performance Bond was extended for one year to June 20, 2009; and

WHEREAS, pursuant to Resolution 09-0807.07(a) the property was again inspected on July 30, 2009 by the Township Engineer who concluded the work was not complete and recommended the Performance Bond be extended for one additional year to August 6, 2010; and

WHEREAS, pursuant to Resolution 10-1008.03(c) the property was again inspected on September 27, 2010 by the Township Engineer who concluded the work

was not complete and recommended the Performance Bond be extended for one additional year to September 26, 2011; and

WHEREAS, pursuant to Resolution 11-1104.13(b) the property was inspected on October 12, 2011 by the Township Municipal Engineer who concluded the work was not complete and recommended the Performance Bond be extended again for one additional year to October 11, 2012; and

WHEREAS, pursuant to Resolution 12-1005.05(b) the property was inspected again on August 21, 2012 by the Municipal Engineer who concluded the work was not complete and recommended the performance Bond be extended again for one additional year to October 5, 2013; and

WHEREAS, pursuant to Resolution 13-1004.05(b), the property was inspected again on September 26, 2013 by the Municipal Engineer who concluded that the work was not complete and recommended the performance bond be extended again for on additional year to October 4, 2014; and

WHEREAS, as a result of a subsequent inspection by the Municipal Engineer, who again concluded that the work was not complete and recommends the performance bond be extended again for on additional year to October 4, 2015.

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

RESOLUTION 14-0912.11(f)

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

WHEREAS, pursuant to Resolution 07-0907.05, the Township of Long Beach approved a partial release of the Performance Bond in the amount of Eight Thousand Two Hundred and Fifty Dollars (\$8,250.00) as per the recommendation and certification of the Municipal Engineer; and

WHEREAS, pursuant to Resolution 08-1003.09(b) the Township Municipal Engineer determined certain work items had not been satisfactorily completed and recommended the Performance Bond be extended for one additional year; and

WHEREAS, pursuant to Resolution 09-0918.12(b) the property was inspected on September 3, 2009 by the Township Municipal Engineer who concluded the work was not complete and recommended the Performance Bond be extended again for one additional year to September 17, 2010; and

WHEREAS, pursuant to Resolution 10-1008.03(b) the property was inspected on September 29, 2010 by the Township Municipal Engineer who concluded the work was not complete and recommended the Performance Bond be extended again for one additional year to September 28, 2011; and

WHEREAS, pursuant to Resolution 11-1104.13(a) the property was inspected on October 12, 2011 by the Municipal Engineer who concluded the work was not complete and recommended the Performance Bond be extended again for one additional year to October 11, 2012; and

WHEREAS, pursuant to Resolution 12-1005.05(a)the property was inspected on August 21, 2012 by the Municipal Engineer who concluded that the work was not complete and recommended the performance Bond be extended again for one additional year to October 5, 2013; and

WHEREAS, pursuant to Resolution 13-1004.05(a)the property was inspected again on September 26, 2013 by the Municipal Engineer who concluded that the work was not complete and recommended the performance bond be extended again for on additional year to October 4, 2014; and

WHEREAS, as a result of a subsequent inspection by the Municipal Engineer, who again concluded that the work was not complete and recommends the performance bond be extended again for on additional year to October 4, 2015.

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

17. Resolution 14-0912.12: Authorize a grant application to the NJDEP for the amount of \$10,000.00 to fund the Municipal Public Access Plan and Coastal Vulnerability Assessment Report (for a total of \$25,000.00)

RESOLUTION 14-0912.12
GRANT AGREEMENT
BETWEEN
LONG BEACH TOWNSHIP
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
GRANT IDENTIFIER:
GOVERNING BODY RESOLUTION

The Board of Commissioners of the Township of Long Beach desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$15,000.00 to fund the following project:

Prepare a full Municipal Public Access Plan consistent with the Coastal Zone Management (CZM) Rules and incorporate resiliency strategies of public access facilities to coastal hazards.

Therefore, the governing body resolves that Frank J. Little, Jr., P.E., P.P., C.M.E. of Owen, Little & Associates, Inc. or the successor to the office of Municipal Engineer/Planner is authorized (a) to make application for such a grant, (b) if awarded, to be executed by the Mayor of Long Beach Township a grant agreement with the State for a grant in an amount not less than \$10,000.00 and not more than \$10,000.00, and any amendments thereto which do not increase the Grantee's obligations.

The Board of Commissioners of the Township of Long Beach authorizes and hereby agrees to match \$0.00 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. \$0.00 of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed September 12, 2014

Ayes: Commissioner Joseph P. Lattanzi
 Commissioner Ralph H. Bayard
 Mayor Joseph H. Mancini

Nays: _____

Absent: _____

18. Resolution 14-0912.13: Approve a Chapter 159:
 2014 Municipal Public Access Plan
 \$10,000.00

RESOLUTION 14-0912.13

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2014 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-87 (CHAPTER 159): MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the State of New Jersey Department of Environmental Protection awarded a grant for Municipal Public Access Plan and Coastal Vulnerability Assessment (CVA) Report Development in the amount of \$10,000.00 to the Township of Long Beach; and

WHEREAS, it is the desire of the Township of Long Beach to amend the 2014 Municipal Budget to provide for the insertion of this donation as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners do hereby authorize an Amendment to the 2014 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

Municipal Public Access Plan & CVA \$ 10,000.00

2. That the Board of Commissioners do hereby further authorize an Appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

OPERATIONS – Excluded from CAPS:

Public and Private Programs Offset by Revenues:

Municipal Public Access Plan & CVA \$ 10,000.00

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

DATED: September 12, 2014

MOTION: LATTANZI

VOTE:

SECOND: BAYARD

AYES: LATTANZI, BAYARD, MANCINI

NAYES:

ABSENT:

ABSTAIN:

19. Resolution 14-0912.14: Authorize an emergency appropriation to temporarily fund the cost of acquisition of certain interests in real property as part of the Federal Beach Replenishment Program

TOWNSHIP OF LONG BEACH

RESOLUTION 14-0912.14

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-46 TO TEMPORARILY FUND THE COSTS OF THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY AS PART OF ONGOING BEACH EROSION MITIGATION, REPLENISHMENT, MAINTENANCE AND DUNE CONSTRUCTION

BACKGROUND

WHEREAS, the impacts of Superstorm Sandy and perpetual erosion have caused significant and widespread damage to public and private property along the oceanfront in the Township of Long Beach, County of Ocean, New Jersey ("Township"), and has greatly diminished the dune and beach system, making the Township extremely vulnerable to future storms; and

WHEREAS, the Board of Commissioners of the Township have heretofore concluded that it is necessary, desirable and appropriate for the Township to undertake a beach replenishment, maintenance and dune construction project (collectively, the "Project"); and

WHEREAS, on September 25, 2013 the Governor issued Executive Order No. 140, wherein he declared that the construction of flood hazard risk reduction measures along New Jersey's coastline, including in the Township, is necessary to protect the public health, safety, and welfare from future natural disasters, and that reliance on certain statutory authority for the acquisition of interests in real property, by eminent domain or legally available means, is necessary and appropriate for such efforts; and

WHEREAS, the State of New Jersey ("State") recognizes and supports public acquisition of certain interests in storm-damaged and storm-prone property as a priority hazard mitigation strategy to promote the public health, safety, and welfare; and

WHEREAS, the United States Army Corps of Engineers ("Army Corps"), in coordination with the State, is scheduled to begin construction of flood hazard risk reduction measures in the Township, including beach replenishment, maintenance and dune construction, on or about January 1, 2015 ("Project"); and

WHEREAS, as part of the Project, the Army Corps requires public access points to Township beaches every one-half (1/2) miles; and

WHEREAS, there is currently private ownership in certain portions of the lands where said public access points are required to be located; and

WHEREAS, the Township Committee has, pursuant to Ordinance 14-33, authorized: (i) the taking of perpetual easements in; or (ii) the outright purchase of, a portion of each such privately-owned property by condemnation/ eminent domain so that the Army Corps, the Township, the general public, and other entities or agents acting on behalf of the Township, shall have access onto, over, and through said privately-owned real property interest for the purpose of access to any Army Corps-engineered beaches or other flood hazard risk reduction measures and

WHEREAS, in furtherance of said directive, and in order to meet the timeline established by the Army Corps for the undertaking of the Project, the Township has heretofore identified and determined those portions of the privately-owned real property for which perpetual easements shall be taken and those portions of privately-owned real property that shall be directly purchased by the Township and has entered into agreements with certain private owners in consideration thereof (collectively, the "Agreements"); and

WHEREAS, the costs associated with the taking of said privately-owner real property and interests therein, including all costs related thereto, have now been determined in the total amount of \$2,000,000 ("Purchase Amount"); and

WHEREAS, pursuant to the terms of the Agreements, the Purchase Amount is payable immediately; and

WHEREAS, the City has adopted its fiscal year 2014 Fiscal Year Budget, but did not foresee the total costs of Purchase Amount and did not, therefore, include the Purchase Amount in the 2014 Fiscal Year budget; and

WHEREAS, municipalities in the State of New Jersey, including the Township, are authorized to make emergency appropriations to meet a pressing need for public expenditures to protect or promote the public health, safety and welfare pursuant to N.J.S.A. 40A:4-46 for a purpose which was not foreseen at the time of the adoption of a budget for each fiscal year; and

WHEREAS, in order to enable the Army Corps to undertake the Project in the required timeline, and in order to pay the Purchase Amount to the private owners to effectuate said Project, pursuant to N.J.S.A. 40A:4-46, the Township Committee is now desirous of creating an emergency appropriation for the purpose of providing for the payment of the Purchase Amount in full.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:4-46, the Township Committee does hereby authorize an emergency appropriation in an amount not to exceed \$2,000,000 for the purpose of immediately paying the Purchase Amount and for the purpose of paying any additional costs and expenses related to the issuance of any emergency notes to temporarily finance, or any refunding bonds or notes to temporarily or permanently finance, the appropriation provided herein pursuant to and in accordance with N.J.S.A. 40A:2-51 et seq.

Section 2. Pursuant to an in accordance with N.J.S.A. 40A:4-51 et seq. and N.J.S.A. 40A:2-51 et seq., respectively, the Township is authorized to: (i) issue emergency notes to temporarily finance; and (ii) to issue refunding bonds to permanently finance, the emergency appropriation authorized hereby/

Section 3. Pursuant to and in accordance with N.J.S.A. 40A:4-48(c), a certified copy of this Resolution shall be provided to the Director of the New Jersey Department of Community Affairs, Division of Local Government Services, forthwith upon adoption.

Section 4. All resolutions or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 5. This resolution shall take effect immediately upon adoption this 12th day of September, 2014.

Resolution 14-0912.15: Authorize the private sale of various surplus uniform items

RESOLUTION 14-0912.15

RESOLUTION AUTHORIZING THE PRIVATE SALE OF VARIOUS SURPLUS UNIFORM ITEMS OF CLOTHING TO LONG BEACH TOWNSHIP EMPLOYEES

WHEREAS, the Board of Commissioners of the Township of Long Beach passed Resolution 14-0110.03 authorizing the solicitation of bids for Beach Patrol and Lifeguard Uniforms at their public meeting held January 10th 2014; and

WHEREAS, the Notice to Bidders was published in the local newspaper on March 13th 2014 advising sealed bids would be received by the Township on March 26th 2014; and

WHEREAS, various responsive and responsible vendors were awarded a contract to provide various uniform items for the 2014 Beach Patrol and Lifeguard employees pursuant to Resolution 14-0404.07 passed by the Board of Commissioners at their public meeting held April 4th 2014; and

WHEREAS, at the conclusion of this 2014 Summer Season, various surplus uniform items remain in the possession of the Long Beach Township Beach Patrol; and

WHEREAS, it is the desire of the Board of Commissioners to offer these unused and unneeded surplus uniform items to Long Beach Township employees by private sale, pursuant to N.J.S.A.40A:11-36(6), in various amounts not to exceed Twenty dollars (\$20.00) per item.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorize the private sale of various surplus uniform items to Long Beach Township employees.

20. Resolution 14-0912.16: Approve Bills & Payroll
Bills in the amount of: \$5,729,732.22
Payroll in the amount of: \$ 535,590.22

RESOLUTION 14-0912.16

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 \$535,590.22 .

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 \$5,729,732.22 be and the same are hereby authorized to be paid on Friday, September 12, 2014.

2. The said approved payroll amounting to the sum of \$ 535,590.22 be and the same are hereby authorized to be paid on Friday, September 12, 2014.

The Municipal Clerk be and she is hereby directed to list on the page in the Minute Book following the Minutes of this meeting all of the said vouchers hereby authorized to be paid.

Motion to approve Items 16 thru 21:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini stated the Treasurers Report for the month of August 2014 was on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Lattanzi announced the trolley bus service would continue through Chowderfest weekend.

Commissioner Bayard reported receiving \$5,486.00 for the first 6 months of 2014 as recycling revenue.

Commissioner Bayard also announced the installation of the new swingset and 2 spring riders at the Bayview Park playground, made possible through an anonymous donation of \$4,000.00.

Mayor Mancini announced the next meeting of the Board of Commissioners would take place on Friday, September 26, 2014 at 4:00 p.m. at which time public hearings would be held for Ordinances 14-31, 14-32 & 14-33.

Mayor Mancini also announced the next regular meeting of the Land Use Board would be held on Wednesday, October 8, 2014 at 7:00 p.m. in the Multi Purpose Room.

Mayor Mancini read the Police Report:

Operation Take back New Jersey was on September 27th 2014, to dispose of unused, expired and unwanted medicines. Drop off was at the Long Beach Twp. Police Station between 10 AM and 2 PM.

Residents were asked to visit LBTPD.ORG this would connect users to various links CODE RED, NIXEL, for information and notification on pertinent issues.

Residents were encouraged to take advantage of the vacant home registration program (access on LBTPD.ORG – forms were also available at the front desk of police station) – periodic checks of your residences would be conducted by the patrol division.

Police advised, that due to the following events traffic may be affected:

1. Triathlon 9-14-14 (Long Beach Boulevard from 68th street to 113th street times (7am – 11am)
2. Chowder fest October 4th and 5th
3. 18 Mile run Sunday October 12th start time 1030 am

Police reminded all, the traffic lights would be turned off the week of October 6th and to please stop for school buses.

OPEN PUBLIC SESSION

Joni Bakum, Beach Haven Crest, acknowledged the Public Works Department for their help keeping Bayview Park clean, noting she had many compliments.

Eileen Minke, Loveladies, stated she initially objected to Ordinance 14-30 and she wanted a copy of a written report on the decision of where the public accesses were going to be in North Beach and Loveladies. She stated Mayor Mancini and the Engineer responded there was no such report.

Eileen Minke asked the Commissioners to consider that she feels the access areas chosen were wrong and felt they should be equal distance apart and the proposed plan posed undue burden on the public and residents from the bayside.

Greg Kopenhaver, Brant Beach asked the status on the island wide beach badge idea.

Mayor Mancini replied there has been no decision yet, but he supplied a five (5) year report for each town, felt it would be a great option.

Greg Kopenhaver also commented that the fence installed around the Public Works yard looked great.

Don O'Brien, Brant Beach stated the Public Hearing for the Green Acres/Tennis Courts was scheduled for October 10th at 6:00 pm according to the sign posted but the written comments had to be received by July 5th.

Mayor Mancini responded the meeting held in July was one hour too early and we were holding a second hearing to accommodate evening hours.

Don O'Brien asked if the Peahala Park Tennis Courts were moving ahead.

Mayor Mancini responded yes.

Bill Hutson, Holgate thanked the Commissioners and the Girl/Boy Scouts for allowing camping on the beach and planting dune grass in the Township on October 11th.

Barbara Marcus, Spray Beach stated she was having a problem with water retention in her yard and asked if the engineer could change the grade.

Mayor Mancini responded the Ordinance was just adopted at this meeting and would take effect after publication next week. He also stated he would send a construction official by the end of the following week to check her property.

CLOSE PUBLIC SESSION

Motion for adjournment at 4:35 pm.

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