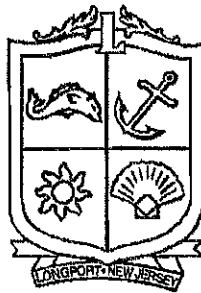


Posted: 12/10/2021

Revised:

 **DRAFT**



**BOROUGH OF LONGPORT
COMMISSION WORKSHOP MEETING
December 15, 2021
4:00 pm**

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were emailed to The Current and The Press of Atlantic City on December 10, 2021. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk. Notices on the bulletin board have remained continuously posted.

Members of the public will have the option to listen to meeting audio only. *Remote public participation is not permitted.* The public can access meeting audio by calling:

United States (Toll Free): 1-877-309-2073

United States: +1 (646) 749-3129

And entering the access code: 464-810-189.

Or you can join from your computer, tablet or smartphone with the following link:
<https://global.gotomeeting.com/join/464810189>. If you do not have the GoToMeeting Application, please access it with the following link:
<https://global.gotomeeting.com/install/464810189>.

1. Meeting called to order/OPMA notice announced
2. Roll call taken
3. Emergency Exits
4. Municipal Administrator
5. Borough Solicitor
6. Borough Engineer
7. Mayor Russo
8. Commissioner Leeds
9. Commissioner Lawler
10. Municipal Clerk
11. Miscellaneous
12. Adjournment

Posted: 12/10/2021

Revised:

THE FOLLOWING ITEMS ARE SCHEDULED FOR ACTION AT THE DECEMBER 15, 2021 REGULAR COMMISSION MEETING:

**BOROUGH OF LONGPORT
COMMISSION MEETING AGENDA
December 15, 2021**

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were emailed to The Current and The Press of Atlantic City on December 10, 2021. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk. Notices on the bulletin board have remained continuously posted. Official Action May be Taken at this Meeting.

Members of the public will have the option to listen to meeting audio only. *Remote public participation is not permitted.* The public can access meeting audio by calling:

United States (Toll Free): 1-877-309-2073

United States: +1 (646) 749-3129

And entering the access code: 464-810-189.

Or you can join from your computer, tablet or smartphone with the following link:

<https://global.gotomeeting.com/join/464810189>. If you do not have the GoToMeeting

Application, please access it with the following link:

<https://global.gotomeeting.com/install/464810189>.

1. Flag Salute
2. Meeting called to order- OPMA notice announced
3. Roll Call
4. Emergency exit announcement/Public Speaking time limit
5. Approval of Minutes – November 19, 2021, and December 1, 2021, Workshop Meeting and Regular Commission Meetings. Minutes have been previously distributed for Commissioners' Review.
6. **RESOLUTIONS – CONSENT AGENDA – Resolutions R2021-159 through R2021-182**
Public Comment – Limited to 3 Minutes per Person, please state name and address.
 - **R2021-159** – Authorizing the Appointment of a Municipal Administrator
 - **R2021-160** – Appointment of Michael S. Affanato, Esq., as Borough Solicitor for 2022 and Authorizing the Award of a Non-Fair and Open Professional Service Contract
 - **R2021-161** – Appointment of Pacifico S. Agnellini, Esq., as Tax Appeal Attorney/ Alternate Borough Solicitor for 2022 and Authorizing the Award of a Non-Fair and Open Professional Service Contract

- **R2021-162** – Resolution Awarding a Professional Service Contract – Borough Special Labor Counsel
- **R2021-163** – Resolution Awarding a Professional Service Contract – General Litigation Counsel
- **R2021-164** – A Resolution Appointing the Prosecutor for the Borough of Longport
- **R2021-165** – Resolution Awarding Professional Service Contract – Public Defender
- **R2021-166** – Risk Management Consultant – Atlantic County Municipal Joint Insurance Fund
- **R2021-167** – Designation of Public Agency Compliance Officer
- **R2021-168** – A Resolution Designating Official Borough of Longport Newspapers for Year 2022
- **R2021-169** – Resolution of the Borough of Longport, County of Atlantic, State of New Jersey, Authorizing the Tax Assessor as Agent in Filing Petition of Appeals and Roll-Back Complaint Forms
- **R2021-170** – Resolution Authorizing a Municipal Services Fee
- **R2021-171** – A Resolution Fixing the Rate of Interest and Year-End Penalty
- **R2021-172** – Resolution Awarding Professional Service Contract for Municipal Auditor
- **R2021-173** – Resolution Awarding Professional Service Contract – Website Annual Maintenance Contract
- **R2021-174** – A Resolution Appointing a Code Enforcement Compliance Officer for the Borough of Longport
- **R2021-175** – A Resolution Authorizing the Mayor to Enter into an Agreement with Forerunner Industries, Inc.
- **R2021-176** – Authorizing Transfer of Appropriations
- **R2021-177** – A Resolution Appointing Monica A. Kyle to the Position of Municipal Clerk and Establishment of Tenure
- **R2021-178** – Award of Contract to Garden State Laboratories, Inc., Hillside, New Jersey, for the Water Testing of the Longport Water System as Various Locations
- **R2021-179** – Chapter 159 – Budget Insertion for 2021 American Rescue Act Funds
- **R2021-180** – Authorizing a Change Order to a Non Fair and Open Professional Services Contract with ARH Associates of Hammonton, NJ, for Design and Construction Management Phase II – Installation of New Well and Well Building at the Public Works Complex – 31st and Devon Avenues
- **R2021-181** – Award of Contract for the Longport Well #4 Building Construction to MBE Mark III Electric Inc of Madison, NJ
- **R2021-182** – A Resolution Adopting Rules and Regulations for Beach Vending, Adopting Terms and Conditions of Licensure and Giving Notice for the Sale of a Beach Vending License

7. Bill List/ Financial Summary Report

8. Municipal Administrator's Report

- 9. Borough Solicitor's Report**
- 10. Borough Engineer's Report**
- 11. Commissioners' Reports**
- 12. Public Comment**
- 13. Adjournment**

**BOROUGH OF LONGPORT
ATLANTIC COUNTY
NEW JERSEY**

RESOLUTION 2021-159

**AUTHORIZING THE APPOINTMENT OF A
MUNICIPAL ADMINISTRATOR**

WHEREAS, the Code of the Borough of Longport, Article XI, Chapter 31 – Section 26, provides for the appointment of a Municipal Administrator; and

WHEREAS, A. Scott Porter has served in the position of Municipal Administrator for Borough of Longport since October 1, 2019; and

WHEREAS, the Board of Commissioners of the Borough deem it necessary and advisable to reappoint A. Scott Porter to the position of Municipal Administrator for the Borough for a one-year term commencing January 1, 2022, at an hourly rate of \$47.27 per hour; and

WHEREAS, the duties and responsibilities shall be as enumerated in Article XI, Chapter 31, which chapter shall govern this appointment;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, Atlantic County, New Jersey that A. Scott Porter shall be appointed as Municipal Administrator for the term commencing January 1, 2022, at an hourly rate of \$47.27 per hour.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSIONER	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion
SEC-Second

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
12/15/2021

/s/ MONICA A. KYLE, RMC

**BOROUGH OF LONGPORT
RESOLUTION NO. 2021-160**

**APPOINTMENT OF MICHAEL S. AFFANATO, ESQ. AS BOROUGH SOLICITOR FOR 2022 AND
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT**

WHEREAS, The Borough of Longport has the need for a Borough Solicitor for the Calendar Year 2022; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq) exempts Professional Services from public advertising for bids when awarded as a non-fair and open contract by resolution of the Governing Body; and

WHEREAS, Michael S. Affanato, Esq., has completed and submitted a Business Entity Disclosure Certification which certifies that Michael S. Affanato, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Longport in the previous one year, and that this contract will prohibit Mr. Affanato from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of New Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby authorized and directed to execute and deliver a Professional Service contract for a one-year term commencing January 1, 2022 to December 31, 2022, and renewable as provided in said Contract, as follows:

Description of Professional Service: Borough Solicitor
Name of Professional: Michael S. Affanato, Esquire (Affanato Marut, LLC)

2. Funds are available as stated in the Certificate of Availability of Funds issued by the Borough's Chief Financial Officer, attached hereto; and.

3. A brief notice stating the nature, duration, service, and amount shall be given Public Notice according to law. The contract is on file and available for public inspection in the Borough of Longport Clerk's Office. The notice shall be substantially as follows:

NOTICE OF NON-FAIR AND OPEN CONTRACT AWARD

The Borough of Longport has awarded a contract without competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(l)(a)(i). The Contract and Resolution authorizing same are on file and available for public inspection in the Office of the Borough Clerk, 2305 Atlantic Avenue, Longport, NJ 08403.

Awarded to: Michael S. Affanato, Esquire (Affanato Marut, LLC)
Services: Borough Solicitor
Terms: One year commencing January 1, 2022, subject to renewal
Cost: \$30,000

4. All resolutions inconsistent herewith are hereby repealed, and this Resolution shall be effective immediately.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE:						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
12.15.2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
RESOLUTION NO. 2021-161**

**APPOINTMENT OF PACIFICO S. AGNELINI, ESQ. AS TAX APPEAL ATTORNEY/ ALTERNATE
BOROUGH SOLICITOR FOR 2022 AND AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
PROFESSIONAL SERVICE CONTRACT**

WHEREAS, The Borough of Longport has the need for a Tax Appeal Attorney and Alternate Solicitor for the Calendar Year 2022; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq) exempts Professional Services from public advertising for bids when awarded as a non-fair and open contract by resolution of the Governing Body; and

WHEREAS, Pacifico S. Agnellini, Esq., has completed and submitted a Business Entity Disclosure Certification which certifies that Pacifico S. Agnellini, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Longport in the previous one year, and that this contract will prohibit Mr. Agnellini from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of New Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby authorized and directed to execute and deliver a Professional Service contract for a one-year term commencing January 1, 2022 to December 31, 2022, and renewable as provided in said Contract, as follows:

Description of Professional Service: Tax Appeal Attorney/Alternate Solicitor
Name of Professional: Pacifico S. Agnellini, Esq.

2. Funds are available as stated in the Certificate of Availability of Funds issued by the Borough's Chief Financial Officer, attached hereto; and.

3. A brief notice stating the nature, duration, service, and amount shall be given Public Notice according to law. The contract is on file and available for public inspection in the Borough of Longport Clerk's Office. The notice shall be substantially as follows:

NOTICE OF NON-FAIR AND OPEN CONTRACT AWARD

The Borough of Longport has awarded a contract without competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(l)(a)(ii). The Contract and Resolution authorizing same are on file and available for public inspection in the Office of the Borough Clerk, 2305 Atlantic Avenue, Longport, NJ 08403.

Awarded to: Pacifico S. Agnellini, Esq.
Services: Tax Appeal Attorney/Alternate Solicitor
Terms: One year commencing January 1, 2022, subject to renewal
Cost: \$25,000.00 yearly

4. All resolutions inconsistent herewith are hereby repealed, and this Resolution shall be effective immediately.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
12.15.2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
RESOLUTION #2021-162**

**RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT
(Borough Special Labor Counsel)**

WHEREAS, the Borough of Longport has the need for a Borough Special Labor Counsel; and

WHEREAS, the local Public Contracts Law (N.J.S.A.40:11-1 et seq.) exempts professional services from public advertising for bids which may be awarded by resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of New Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a term commencing January 1, 2022 to December 31, 2022 as follows:

Description of Professional Service:	Special Labor Counsel
Name of Professional:	Russell Lichtenstein Cooper Levenson Attorneys at Law
Fee:	\$235.00 per hour
Total Contract:	\$15,000

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough’s Chief Financial Officer is annexed hereto.

3. The required notice pursuant to the Public Contracts Law shall be published forthwith. The notice shall state the nature of services to be provided, the duration, and that this resolution and the contract are on file and available for public inspection in the Borough of Longport Clerk’s Office.

4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSIONER	AYE	NAY	N.V	AB.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF ADOPTION:
12/15/2021

_____ /s/ MONICA KYLE, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
RESOLUTION #2021-163**

**RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT
(General Litigation Counsel)**

WHEREAS, the Borough of Longport has the need for a Borough Labor Counsel; and

WHEREAS, the local Public Contracts Law (N.J.S.A.40:11-1 et seq.) exempts professional services from public advertising for bids which may be awarded by resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of New Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a term commencing January 1, 2022 to December 31, 2022 as follows:

Description of Professional Service:	General Litigation Counsel
Name of Professional:	Russell Lichtenstein Cooper Levenson Attorneys at Law
Fee:	\$235.00 per hour
Total Contract:	\$7,500

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough’s Chief Financial Officer is annexed hereto.

3. The required notice pursuant to the Public Contracts Law shall be published forthwith. The notice shall state the nature of services to be provided, the duration, and that this resolution and the contract are on file and available for public inspection in the Borough of Longport Clerk’s Office.

4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF ADOPTION:
12/15/2021

/s/ MONICA KYLE, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
RESOLUTION #2021-164**

**A RESOLUTION APPOINTING THE PROSECUTOR
FOR THE BOROUGH OF LONGPORT**

WHEREAS, the Board of Commissioners of the Borough of Longport, Atlantic County, has determined that the following Municipal Court appointments are needed:
Municipal Prosecutor

NOW THEREFORE, be it resolved by the Board of Commissioners of the Borough of Longport that:

(1) In accordance with NJSA 2B:25-4(a) **Carl Tripician, Esq.** is hereby appointed Municipal Prosecutor for the Borough of Longport for a one-year term from January 1, 2022, to December 31, 2022. Salary is determined by Borough of Longport Salary and Wages Ordinance Year 2022. The Municipal Court Administrator will maintain and draw from a list of duly-authorized Municipal Prosecutors in the County of Atlantic, of attorneys qualified to act as alternate or substitutes when the need may arise.

1 RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE:						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 12/15/2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

BOROUGH OF LONGPORT
RESOLUTION 2021-165

**RESOLUTION AWARDING PROFESSIONAL SERVICE CONTRACT
PUBLIC DEFENDER**

WHEREAS, the Borough of Longport has the need for an interim Public Defender; and

WHEREAS, the local Public Contracts Law (N.J.S.A. 40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of New Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a one-year term commencing January 1, 2022 to December 31, 2022, as follows:
Description of Service: Public Defender
Name of Professional: Swift Law Firm
James P. Swift, Esq.
Cost: \$5,650 per year
2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough's Chief Financial Officer is annexed hereto.
3. A brief notice stating the nature, duration, service, reference to the contract regarding the amount and that this resolution and the contract are on file and available for public inspection in the borough of Longport Clerk's Office.
4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSIONER	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
12.15.2021

/s/ MONICA KYLE, RMC
MUNICIPAL CLERK

BOROUGH OF LONGPORT

RESOLUTION 2021-166

RISK MANAGEMENT CONSULTANT

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Governing Body of the Borough of Longport is a member of the **Atlantic County Municipal Joint Insurance Fund**, a self insurance pooling fund, and;

WHEREAS, the Bylaws of said Fund require that each municipality appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the Bylaws and;

WHEREAS, the **JIF Bylaws indicate a flat fee of \$5900.00 annually** (as dictated by the accompanying agreement) which expenditure represents reasonable compensation for the services required and was included in the cost considered by the governing body and;

WHEREAS, NJSA 40A:11-5 (1) (m), specifically exempts the hiring of insurance consultants from competitive bidding as an extraordinary unspecifiable service; and

WHEREAS, the experience, knowledge of public insurance and risk management issues and judgmental nature required of a Risk Management Consultant are clearly an extraordinary unspecifiable service which therefore render competitive bidding impractical;

NOW THEREFORE, be it resolved that the governing body of the Borough of Longport does hereby appoint Dave Miller of C.J. Adams Insurance as its Risk Management Consultant in accordance with 40A:11-5 and;

BE IT FURTHER RESOLVED that the governing body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A:11-5 (1), (a), (i).

ATTEST: _____
(signature)

MUNICIPALITY REP: _____
(signature)

PRINT NAME: _____

PRINT REP NAME: _____

DATE: _____

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
12/15/2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2021 -167

DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER

WHEREAS, in accordance with N.J.A.C. 17:27-3.2, each Public Agency shall designate an individual to serve as its Public Agency Compliance Officer which shall serve as the liaison between the New Jersey Division of Public Contracts Equal Opportunity Compliance and the Borough of Longport; and

WHEREAS, Jenna Kelly, Chief Financial Officer, has agreed to serve as the Public Compliance Officer for the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Longport Borough Board of Commissioners that Jenna Kelly, Chief Financial Officer, shall be hereby designated as the Public Compliance Officer for the Borough of Longport for Calendar Year 2022; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall complete the required form(s) indicating same and the completed form with a certified copy of this Resolution to the N.J. Division of Public Contracts Equal Employment Opportunity Compliance.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote		NV-Not Voting			AB-Absent	
MOT-Motion		SEC-Second				

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 12/15/2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
RESOLUTION #2021-168**

**A RESOLUTION DESIGNATING OFFICIAL BOROUGH OF LONGPORT
NEWSPAPERS FOR THE YEAR 2022**

BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, Atlantic County, and State of New Jersey that The Press of Atlantic City, Downbeach Current and other such regularly published newspapers within Atlantic County, so as to conform with the New Jersey Open Public Meetings Act, be and they are hereby appointed and designated as the official newspapers of the Borough of Longport, wherein all legal notices and advertisements of the Borough of Longport, County of Atlantic, and State of New Jersey, shall be printed for the year 2022.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE:						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 12/15/2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
RESOLUTION 2021-169**

**RESOLUTION OF THE BOROUGH OF LONGPORT, COUNTY OF ATLANTIC, STATE OF
NEW JERSEY, AUTHORIZING THE TAX ASSESSOR AS AGENT IN FILING PETITION OF
APPEALS AND ROLL-BACK COMPLAINT FORMS**

WHEREAS, from time to time the Tax Assessor discovers an error in calculation, transposing, measurement, or typographical errors, in the tax assessments on the tax list after the time the County Board of Taxation has certified tax rates for the tax year or a property becomes to a roll-back assessment; and

WHEREAS, the Governing Body for the Taxing District of Longport Borough is desirous that every taxpayer pays his shares of taxes; and

WHEREAS, if the above discovered errors are not corrected or a roll-back assessment not applied, the taxpayers affected would not be paying their fair share of taxes; and

WHEREAS, the method for correcting such errors is to file a Petition of Appeal or Complaint with the Atlantic County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Longport, that the Tax Assessor or Municipal Attorney is hereby authorized to act as agent for the Taxing District of Longport Borough during the year 2022 and file a Petition of Appeal or Complaint with the Atlantic County Board of Taxation to correct any erroneous assessments to the proper value and that a copy of any Petition of Appeal or Complaint filed with the Atlantic County Board of Taxation under this Resolution be filed with the Municipal Clerk.

BE IT FURTHER RESOLVED, that the Tax Assessor or Municipal Attorney is hereby authorized to execute stipulation of settlement on any tax appeal or complaint filed by the taxing district or by a taxpayer in the tax year 2022; and

That a certified copy of this Resolution be forwarded to the Atlantic County Board of Taxation and to the Longport Borough Tax Assessor.

CERTIFICATION

I, **Monica Kyle, MUNICIPAL CLERK** of the Borough of Longport, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Resolution was duly adopted by the Board of Commissioners of the Borough of Longport at their meeting held on the 15th day of December, 2021.

**Monica Kyle, RMC
Longport Borough Municipal Clerk**

	Motion	Second	Yes	Nay	Abstain	Absent
Russo						
Leeds						
Lawler						

Date: 12.15.2021

certified by: _____
Monica Kyle, RMC, Municipal Clerk

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
STATE OF NEW JERSEY
R2021-170**

RESOLUTION AUTHORIZING A MUNICIPAL SERVICES FEE

WHEREAS, it is necessary for the efficient conduct of the business of the FREE PUBLIC LIBRARY OF THE BOROUGH OF LONGPORT that certain services be performed by the Borough of Longport staff for the FREE PUBLIC LIBRARY OF THE BOROUGH OF LONGPORT.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport that in exchange for the payment of Fifty Thousand (\$50,000.00) Dollars for the 2022 calendar year the following services shall be performed by the Borough of Longport staff:

1. Payroll and Accounting Services
2. Limited Maintenance Services by Public Works (limited to up to 1 hour per day for library projects and building maintenance issues)
3. Library Staff Access to Break Room, Staff bathroom
4. Use of the Postage Meter
5. Use of the Copier
6. Cleaning/Janitorial Services
7. Exterminator (Western)
8. Use of Library Room (No Charge)
9. Use of additional Borough facilities when available (Including, but not limited to Centennial Room, Commission Chambers, Gazebo Area, Community Center)
10. Storage Space on third floor for Library Materials
11. Snow removal
12. Utilities for Library and Historical Museum Building (Not including Phone & Internet)

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office. The foregoing resolution was adopted by not less than a Two- Thirds majority of the full membership.

DATE OF ADOPTION: 12/15/2021

/s/ MONICA A. KYLE, RMC, MUNICIPAL CLERK

**Borough of Longport
Resolution 2021-171
A Resolution Fixing the Rate of Interest and Year-End Penalty**

Whereas, R.S. 54: 4-67 permits the governing body of each municipality to fix the rate of interest to be charged for nonpayment of taxes or assessments subject to any abatement or discount for the late payment of taxes or assessments as provided by law:

Now, Therefore, Be it Resolved, by the Board of Commissioners of the Borough of Longport, County of Atlantic, State of New Jersey that property taxes shall be due and payable quarterly on February 1st, May 1st, August 1st and November 1st of each year with a ten-day grace period, after which dates, if unpaid shall become delinquent, with interest charged as set forth below and reverting back to the due date on any quarterly installment of taxes.

Now, Therefore, Be it Resolved, by the Board of Commissioners of the Borough of Longport, County of Atlantic, State of New Jersey, for Calendar Year 2022 hereby fix the rate of interest at 8% per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount in excess of \$1,500.00.

Be it Further Resolved, that a 6% year end penalty be assessed on the last day of the fiscal year on delinquent accounts when in excess of \$10,000.00

Be it Finally Resolved, that a certified copy of this resolution be forwarded to the Tax Collector and Borough Auditor.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE: 12/15/2021						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
12.15.2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

BOROUGH OF LONGPORT
RESOLUTION 2021-172

**RESOLUTION AWARDING PROFESSIONAL SERVICE CONTRACT FOR
MUNICIPAL AUDITOR**

WHEREAS, the Borough of Longport has the need for a Borough Auditor; and

WHEREAS, the local Public Contracts Law (N.J.S.A. 40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of New Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a one-year term commencing January 1, 2022 to December 31, 2022, as follows:
Description of Service: Municipal Auditor
Name of Professional: Ford-Scott & Associates
 Michael Garcia, CPA, RMA
Cost: Not to exceed \$32,500 per year
2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough's Chief Financial Officer is annexed hereto.
3. A brief notice stating the nature, duration, service, reference to the contract regarding the amount and that this resolution and the contract are on file and available for public inspection in the borough of Longport Clerk's Office.
4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE:						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
12.15.2021

/s/ Monica Kyle, RMC, Municipal Clerk

**BOROUGH OF LONGPORT
RESOLUTION #2021-173
RESOLUTION AWARDING PROFESSIONAL SERVICE CONTRACT
Website Annual Maintenance Contract**

WHEREAS, the Borough of Longport has the need to enter into an Annual Maintenance Contract with City Connections, LLC of Hazlet, NJ who is the provider of our current website www.longportnj.gov ; and

WHEREAS, the local Public Contracts Law (N.J.S.A.40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of New Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a term of one year commencing January 1, 2022 to December 31, 2022, as follows:

Description of Professional Service: Website Annual Maintenance Contract

Name of Professional: CITY CONNECTIONS, LLC.

Cost: \$5,850.00

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough's Chief Financial Officer is annexed hereto.
3. A brief notice stating the nature, duration, service, reference to the contract regarding the amount and that this resolution and the contract are on file and available for public inspection in the Borough of Longport Clerk's Office.
4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

	Motion	Second	Yes	Nay	Abstain	Absent
Russo						
Leeds						
Lawler						

ADOPTED:12-15-2021

Monica Kyle, RMC
MUNICIPAL CLERK

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2021 -174

**A RESOLUTION APPOINTING A CODE ENFORCEMENT COMPLIANCE OFFICER FOR
THE BOROUGH OF LONGPORT**

WHEREAS, the Borough of Longport finds it necessary to appoint a Code Enforcement Compliance Officer; and

WHEREAS, the Borough of Longport deems it necessary to appoint a Code Enforcement Compliance Officer for the purpose of maintaining and enforcing zoning and property maintenance codes for the Borough of Longport; and

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Longport hereby appoints Albert Maiorano as a Code Compliance Officer for the Borough of Longport; and

BE IT FURTHER RESOLVED that this resolution was adopted at a meeting of the Board of Commissioners of the Borough of Longport on December 15, 2021, and shall be effective January 1, 2022.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote		NV-Not Voting		AB-Absent		
MOT-Motion		SEC-Second				

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 12/15/2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

BOROUGH OF LONGPORT

RESOLUTION 2021-175

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH FORERUNNER INDUSTRIES, INC.

WHEREAS, pursuant to N.J.S.A. 40A: 11-1, the Borough of Longport has authority to enter into contracts for services with other entities; and

WHEREAS, the Borough of Longport desires to enter into a municipal agreement with FORERUNNER INDUSTRIES, INC. for Community Rating System (CSR) software; and

WHEREAS, the Borough of Longport has received a three year agreement to be paid in three yearly payments as follows: 2022 - \$5000, 2023 - \$5000, 2024 - \$5000;

NOW, THEREFORE, BE IT RESOLVED THAT the Governing Body of the Borough of Longport is hereby authorized to execute a contract with FORERUNNER INDUSTRIES, INC. in the amount of stated above for a three year contract for the purpose of CRS software for the Borough of Longport.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
12/15/2021

/s/ MONICA KYLE, RMC

MUNICIPAL CLERK

BOROUGH OF LONGPORT

RESOLUTION # 2021-176

AUTHORIZING TRANSFER OF APPROPRIATIONS

WHEREAS, the Chief Financial Officer of the Borough of Longport deems that it is in the best interest of the Borough to transfer appropriations from the specific line items in the 2021 Current Funds and Utility Funds; and

WHEREAS, transfers are permitted by N.J.S.A.40A:4;

NOW THEREFORE BE IT RESOLVED that the following transfers are made:

CURRENT FUND

FROM:

TO:

Engineer OE	\$1,500.00	Natural Gas	\$1,500.00
Police OE	\$30,000.00	Police SW	\$30,000.00

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion
SEC-Second

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office. The foregoing resolution was adopted by not less than a Two-Thirds majority of the full membership.

DATE OF

ADOPTION: 12/15/2021

/s/ MONICA A. KYLE, RMC, MUNICIPAL CLERK

**BOROUGH OF LONGPORT
RESOLUTION 2021-177**

**RESOLUTION REAPPOINTING MONICA A. KYLE TO THE POSITION OF MUNICIPAL CLERK AND
ESTABLISHMENT OF TENURE**

WHEREAS, Monica A. Kyle was duly appointed and confirmed to the position of Municipal Clerk for a three (3) year term with an effective date of January 16, 2019 in accordance with N.J.S.A. 40A:9-133, et seq; and

WHEREAS, Monica A. Kyle is and has been certified as a Registered Municipal Clerk since October 14, 2015 and has satisfied the continuing education requirements for said certification; and

WHEREAS, the Board of Commissioners is desirous of reappointing Monica A. Kyle, RMC, as Municipal Clerk for the Borough of Longport effective January 16, 2022; and

WHEREAS, this reappointment has occurred within 60 days of the expiration of the three-year term identified above.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Longport, County of Atlantic, State of New Jersey as follows:

- 1. Monica A. Kyle, RMC, is hereby reappointed to the position of Municipal Clerk for the Borough of Longport**
- 2. Monica A. Kyle, RMC, is and has upon this reappointment attained tenure pursuant to N.J.S.A. 40A:9-133, et seq.**

I, Monica A. Kyle, RMC, CMR, Municipal Clerk of the Borough of Longport, Atlantic County, N.J., do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on December 15, 2021 and that said Resolution was adopted by not less than a two-thirds vote of the members of the Longport Borough Board of Commissioners

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

ADOPTED: 12/15/2021

/s/ MONICA A. KYLE, RMC

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2021 -178

AWARD OF CONTRACT TO
GARDEN STATE LABORATORIES, INC.
HILLSIDE, NEW JERSEY
FOR THE
WATER TESTING OF THE LONGPORT WATER SYSTEM
At Various Locations

WHEREAS, the Longport Public Works Department received one informal bid for the **Water Testing of the Longport Water System**, which information is on file with the Chief Financial Official; and

WHEREAS, the Commissioner of Public Works has reviewed the Bid Proposal and has recommended award to, **GARDEN STATE LABORATORIES, INC.** of Hillside, New Jersey for an Amount not to exceed \$11,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Longport Borough Board of Commissioners that the recommendation of the Commissioner of Public Works is hereby accepted and that said Governing Body hereby awards, and the Chief Financial Officer is hereby authorized to execute Purchase Order/Contract for **Water Testing of the Longport Water System to Garden State Laboratories, Inc.** of Hillside, New Jersey for a amount not to exceed \$11,500.00; and

BE IT FURTHER RESOLVED that a Certificate of Availability of Funds from the Municipal Chief Financial Officer is attached hereto.

I, Monica Kyle, RMC, CMR, Municipal Clerk of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on December 15, 2021 and that said Resolution was adopted by not less than a two-thirds vote of the members of the Longport Borough Board of Commissioners

MONICA A. KYLE, RMC, MUNICIPAL CLERK

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

DATE OF ADOPTION: 12/15/2021

 /s/ **MONICA A. KYLE, RMC, MUNICIPAL CLERK**

BOROUGH OF LONGPORT

RESOLUTION #2021-179

CHAPTER 159-BUDGET INSERTION FOR 2021 AMERICAN RESCUE ACT FUNDS

BE IT RESOLVED by the Board of Commissioners of the Borough of Longport that it hereby requests the Director of Local Government Services to approve the insertion of the following items of revenue in the year 2021 budget in the sum of:

American Rescue Act Funds \$44,536.47

BE IT FURTHER RESOLVED that like sum of \$44,536.47 be and the same is hereby appropriated under the caption of:

American Rescue Act Funds \$44,536.47

BE IT FURTHER RESOLVED that the above grant is from the US Department of Treasury.

1 RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE:						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 12/15/2021

/s/ MONICA KYLE, RMC, MUNICIPAL CLERK

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2021-180

AUTHORIZING A CHANGE ORDER TO A NON FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH ARH ASSOCIATES OF HAMMONTON, NJ FOR DESIGN AND CONSTRUCTION MANAGEMENT PHASE II – INSTALLATION OF NEW WELL AND WELL BUILDING AT THE PUBLIC WORKS COMPLEX 31ST AND DEVON AVENUE

WHEREAS, on April 15, 2020 per Resolution 2020-59, the Borough of Longport awarded a Professional Services Contract to **ARH Associates** for **Phase II Design and Construction Management for the Installation of a New Well and Well Building at the Public Works Complex** for an amount not to exceed \$192,000.00; and

WHEREAS, on October 21, 2020 per Resolution 2020-126, the Borough of Longport approved Change Order #1 for additional services associated with said Contract in the amount of \$5,545.00; and

WHEREAS, **ARH Associates** has submitted a request for Change Order #2 in the form of a Proposal dated December 8, 2021 for additional services associated with said Contract for an amount not to exceed **\$141,600.00**; and

WHEREAS, the Municipal Engineer has reviewed said proposal and has recommended for it's acceptance; and

WHEREAS, a Certificate of Availability of Funds has been issued by the Municipal Chief Financial Officer and is attached to this Resolution.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Longport that it hereby approves a Change Order of **\$141,600.00** to the Contract with **ARH Associates** for **Phase II Design and Construction Management for the Installation of a New Well and Well Building at the Public Works Complex** bringing the total to an amount not to exceed \$339,145.00.

BE IT FURTHER RESOLVED that a Notice of this Professional Services Change Order shall be published at least once in the Atlantic City Press pursuant to the requirements of Chapter 198 of the New Jersey Laws of 1971.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLBR						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: _____

12/15/2021

/s/MONICA KYLE, RMC

**BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2021-181**

**AWARD OF CONTRACT FOR THE
LONGPORT WELL #4 BUILDING CONSTRUCTION
TO MBE MARK III ELECTRIC INC. OF MADISON, NJ**

WHEREAS, the Municipal Purchasing Agent received two (2) bids on November 23, 2021 for the **Longport Well #4 Building Construction**; and

WHEREAS, the Project Engineer, ARH Associates, has reviewed the bids and is recommending awarding the **Base Bid and Alternate Bid A** to the lowest responsible bidder, **MBE Mark III Electric Inc. of Madison, NJ** for their total amount bid of **\$1,600,000.00**; and

WHEREAS, the Municipal Engineer has reviewed the recommended bid and concurs with the recommendation of the Project Engineer; and

WHEREAS, the Municipal Administrator has reviewed the recommended bid, has determined that it is within budget, and concurs with the recommendations of the Project Engineer and the Municipal Engineer; and

WHEREAS, a Certificate of Availability of Funds has been issued by the Municipal Chief Financial Officer and is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Longport Borough Board of Commissioners that the recommendation of the Municipal Administrator is hereby accepted and that said Governing Body hereby awards a Contract in the amount of **\$1,600,000.00** to **MBE Mark III Electric Inc.** for the **Longport Well #4 Building Construction**.

BE IT FURTHER RESOLVED that award of said Contract is contingent upon the execution of a change order by MBE Mark III Electric Inc. in the amount of **\$0.00** to balance certain bid items to the satisfaction of the Municipal Engineer.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: _____

12-15-2021

/s/MONICA KYLE, RMC

BOROUGH OF LONGPORT
R2021-182

**A RESOLUTION ADOPTING RULES AND REGULATIONS FOR BEACH
VENDING, ADOPTING TERMS AND CONDITIONS OF LICENSURE AND
GIVING NOTICE FOR THE SALE OF A BEACH VENDING LICENSE**

WHEREAS, the Board of Commissioners (the “Commission”) of the Borough of Longport (the “Borough”) have determined that it is in the interest of the Borough to adopt rules and regulations for beach vending in conjunction with Borough Ordinance and Resolutions;

WHEREAS, the Commission has further determined that it is in the interest of the Borough to expose for sealed bid one (1) exclusive beach vending license (the “License”) for the 2022 summer season subject to the Borough’s option to extend as set forth in this resolution; and

WHEREAS, the Commission has determined it is in the interest of the Borough to adopt terms and conditions of licensure concerning the issuance of the License.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Longport, County of Atlantic and State of New Jersey as follows:

1. The forgoing recitals are incorporated herein as if set forth herein at length. The notice of the sealed bid shall be in content substantially similar to the notice attached to this resolution.
2. The Municipal Clerk shall accept sealed bids on or before 1:00 p.m. on **January 11, 2022** (“Bid Due Date”) in the Commission Chambers at 2305 Atlantic Ave, Longport, New Jersey for the award of one (1) License which will permit the holder thereof (“Licensee”) to sell water and ice cream type products as more particularly described on the attached schedule of products and prices (“Schedule of Products and Prices”) on the Borough’s beaches between 36th Avenue and 11th Avenue for the 2022 summer season commencing May 15, 2022 and terminating October 14, 2022 (“2022 Vending Season”). No bids will be accepted after 1:00 p.m. on the Bid Due Date.
3. The minimum bid which shall be acceptable to the Borough shall be **Twenty-seven Thousand (\$27,000.00)** Dollars (“Minimum Bid”) which shall be applied on account of the successful bid (the “License Fee”). If the License Fee exceeds the Minimum Bid, then the successful bidder shall pay the balance of the License Fee within five (5) days following the adoption of a resolution awarding the License. The Borough reserves the right to adjourn or cancel the sealed bid without prior notice and to reject any and all bids prior to the acceptance of a winning bid by subsequent resolution. The Borough reserves the right to accept the next highest bid in the event the previous highest bid is subsequently rejected for any reason.

4. The Bidder shall include with the bid a certified check (Surety Deposit) in the amount of Two Thousand Dollars (\$2,000.00) made payable to the Borough. At 1:00 p.m. on the Bid Due Date, the Municipal Clerk will open the bids received by 1:00 p.m. and announce the highest bidder ("Successful Bidder") and that bidder's Surety Deposit shall be retained by the Borough. The deposits of the unsuccessful bidders shall be returned within five (5) days of the Bid Due Date or, if the Successful Bidder's bid or application is rejected/not approved, then to the Successful Bidder within ten (10) days of notice of such rejection/disapproval. Under no circumstances shall interest be due or payable to any bidder.

5. Issuance of the License to the Successful Bidder shall be subject to post bid completion and award of a Registration Certificate as set forth by Ordinance §132-2 et. seq. Successful Bidder must submit necessary documents and undergo background check as required to obtain a Registration Certificate within 30 days of notice they are the Successful Bidder.

6. The Borough will offer the Licensee the opportunity to automatically renew the Beach Vending License for the 2023 beach season at 5% increase over the 2022 successful bid. The Licensee will need to again apply and be awarded a Registration Certificate as set by Ordinance §132-2 et. seq and abide by all other aspects of this Resolution.

7. The Licensee shall be subject to the following additional terms, conditions, rules and regulations:

(a) The Licensee may have helpers/employees assist with the sale of approved products on the Borough's Beaches. No more than five (5) helpers/employees, plus one (1) Licensee, if more than one (1) Licensee is approved, may vend on the beach at any one time. Every effort shall be made to employ residents of the Borough as helpers/employees.

(b) The Licensee and the helpers/employees shall wear clean, neat and white clothing at all times while vending on the Borough's beaches, free of commercial advertising, except for promoting products being sold.

(c) Pursuant to Ordinance §61-6 helpers/employees are also required to submit to a background investigation by the Borough's Police Department. No helper/employee of the Licensee may begin working on the Borough's beaches until the Borough's Police Chief, in his reasonable discretion, has issued a no negative finding report for such helper/employee.

(d) THE SCHEDULE OF PRODUCTS AND PRICES IS ANNEXED HERETO AND MADE A PART HEREOF. LICENSEE EXPRESSLY AGREES THAT (i) LICENSEE MAY NOT SELL ANY OTHER PRODUCTS THAN THOSE LISTED ON THE SCHEDULE OF PRODUCTS AND PRICES AND (ii) THE MAXIMUM PRICES FOR PRODUCTS TO BE SOLD SHALL NOT EXCEED THE PRICES FOR THE PRODUCTS AS SHOWN ON THE ATTACHED SCHEDULE. THE BOROUGH RESERVES THE RIGHT TO

AMEND THE SCHEDULE OF PRODUCTS AND PRICES AT ANY TIME BY RESOLUTION OF THE COMMISSION.

(e) The provisions of Borough ordinances relating to vending on Borough beaches are incorporated herein as if set forth at length herein. To the extent that any of the terms of this resolution expressly conflict with the provisions of said ordinances, the provisions of the ordinances shall prevail, and the remaining terms of this resolution and the rules and regulations shall remain in full force and effect.

(f) Licensee shall comply with all Federal, State, County and Local laws, rules and regulations. Licensee shall register with the Atlantic County Board of Health and provide proof of registration to the Borough by April 1, 2022. Licensee shall allow inspection of its products and equipment by Federal, State, County and Local Officials at any time to insure compliance with the terms of the License.

(g) Licensee shall complete the (i) Disclosure Statement (Public Law 1977, Chapter 33) and (ii) Non-Collusion Affidavit available from the Borough Clerk and deliver same simultaneously with the Deposit.

(h) Containers ("Containers") used by Licensee to transport on the Borough's beaches the approved products to be sold on the Borough's beaches shall be carried or moved on non-motorized wheeled carts substantially similar to those used by past Licensees. Any container to be used is subject to inspection by the Commissioner responsible for Public Works who in his/her reasonable discretion may reject and prohibit the use of such container. Licensee shall not establish any stationary stand or other structure for the sale of products pursuant to the License but shall at all times maintain sales from mobile containers stopping only to consummate individual sales.

(i) Licensee shall cause a copy of the License to be displayed on each Container while such Container is in use on the Borough's beaches. Licensee shall, and shall ensure that its helpers/employees conduct themselves in a manner that is not offensive, annoying or intimidating. Licensee and its employees are prohibited from using loud bells, whistles or horns to sell their products. Licensee and/or its helpers/employees may employ verbal means to sell their products.

(j) The Licensee shall indemnify and save the Borough harmless from and against any and all losses, suits, cost damages, claim expense actions, liabilities or judgments whatsoever (including attorney's fees) because of accident or injury sustained or alleged to have sustained by any party or parties, person or persons, property or properties occurring in conjunction with the operations under the license or by reason of the use of defective items/services furnished or delivered under the beach vending by or on account of any act of omission or commission of any Licensee, her, his, its, or their agents or employees. In the case of any action being brought against the Borough, the licensee shall immediately take charge of and defend same at her, his, its, or their own cost and expense. The

Borough may, if it so desires, defend such action and charge the expense thereof to the licensee. The Licensee is required to carry liability insurance in the minimum amount of \$1,000,000 or other amount approved by the Borough covering and insuring the Borough as aforesaid. The Licensee shall deliver to the Borough a certificate of insurance naming the Borough as an additional insured, with a 30-day cancellation clause after the award of the bid. A true copy of the insurance policy shall also be delivered to the Borough.

(k) Licensee's license may be terminated or suspended at any time. Reasons for termination or suspension of the License shall include, but not be limited to, the following conduct by Licensee or its helpers/employees: (a) disorderly conduct; (b) conduct demonstrating a state of moral turpitude; (c) making material false statements in the application or background check for the License; (d) violation of the terms and conditions of this resolution; (e) sales of products at an other than approved location or from an unapproved Container; (f) sales of unapproved products; (g) sales in excess of maximum permitted prices; or (h) disposing of debris or boxes in an unapproved manner. Adequate notice and a hearing before a hearing officer appointed by the Borough Mayor shall be given prior to permanent revocation of the License. A License may be temporarily suspended for good cause prior to a hearing for permanent revocation.

(l) Licensee shall not assign, pledge, lease, rent, sub-lease or sell his/her right, title or interest in the License or any portion thereof during the term of the license, without the prior written approval of the Borough which may be withheld for any reason.

(m) The price of all products for sale shall be prominently posted on the box or container used for the sale of products.

(n) Site Plan approval is required for a storage/distribution location in the Borough of Longport. Licensee shall comply with the Borough of Longport Zoning Ordinance, all Motor Vehicle Laws and regulations and Longport Parking Ordinances with regard to receiving, storing or delivering water and ice cream products. No water or ice cream products shall be received, stored or delivered in a Longport residential zone unless specifically permitted by the Longport Zoning Ordinance.

(o) Those vending on Longport Beaches must adhere to the Center for Disease Control and Prevention (CDC) Guidelines and any Executive Orders from the Governor of NJ as to use of protective devices to help stop the spread of COVID-19. This may include, but is not limited to, the wearing of face coverings, social distancing, frequent handwashing and use of gloves.

DATE: 12/15/2021

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						

LEEDS							
LAWLER							
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second							

I, **Monica Kyle**, Municipal Clerk for the Borough of Longport, Atlantic County, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Governing Body of the Borough of Longport at a meeting of said Commission held on December 15, 2021, and said resolution was adopted by not less than a two-thirds vote of the members of the Commission.

Monica Kyle, Municipal Clerk

SCHEDULE OF PRODUCTS AND MAXIMUM PRICES
FOR VENDING ON LONGPORT BEACHES

<u>Product</u>	<u>Maximum Price</u>	
1. Water – small 8 oz.	\$1.50	
2. Water – medium 16.9 oz.	\$2.00	
3. Water – large sport top	\$3.00	
3. Single Bar Popsicle	\$2.00	
4. Flavored Ice, Double Bar Popsicle, Fudgesicle	\$2.50	
5. Italian Water Ice	Small: \$2.50	Large: \$3.50
6. Ice Cream Sandwich	Regular: \$2.50	Giant: \$3.50
7. Frozen Fruit Bar	FruitStix : \$3.00	FrozeFruit: \$3.50
7. Specialty premium items such as Chipwich, Space Bar, etc.	3 oz. - \$3.50	3.5 oz - \$4.00
8. Choco Taco	\$4.00	
9. Bomb Pop	\$2.50	

THE BOROUGH OF LONGPORT RESERVES THE RIGHT TO AMEND THE
SCHEDULE OF PRODUCTS AND PRICES AT ANY TIME BY RESOLUTION.

BOROUGH OF LONGPORT

NOTICE OF SEALED BIDS FOR THE SALE OF A BEACH VENDING LICENSE 2022 SEASON

PLEASE TAKE NOTICE the Borough of Longport shall receive sealed bids with bids being opened on **January 11, 2022 at 1:00 p.m.** in Commission Chambers located at 2305 Atlantic Ave, Longport, New Jersey for the award of ONE EXCLUSIVE LICENSE to sell water, ice cream and ice-cream related products on Borough of Longport beaches between 36th Avenue and 11th Avenue for a term of one year commencing May 15, 2022 and terminating October 14, 2022 pursuant to Resolution # 2021-182. **THE MINIMUM ACCEPTABLE BID IS TWENTY SEVEN THOUSAND (\$27,000.00) DOLLARS** which shall be applied on account of the winning bid. The successful bidder must make full payment within five (5) DAYS following the adoption of a resolution awarding the license. The Borough of Longport reserves the right to adjourn or cancel the bid opening without prior notice and to reject any and all bids.

Copies of Bid Specifications may be obtained **from the Municipal Clerk's Office**, 2305 Atlantic Avenue, Longport, N.J. 08403 (609-823-2731, Ext. 100) on or after December 16, 2021 during Regular Business Hours (9:00 AM to 4:00 PM) Monday through Friday (Municipal Holidays excluded). Bid Packages may also be obtained through email requests to clerk@longport-nj.us by providing all Vendor Contact Information (Name and Address of Company, Officer/Owner Contact Person, telephone, and email).

All bids shall be delivered in a sealed envelope addressed to the attention of the Municipal Clerk, c/o Municipal Clerk's Office, Borough of Longport, 2305 Atlantic Avenue, Longport, N.J. 08403. The Bid Envelope shall bear the Name and Address of the Bidder on the outside and be clearly marked with the words 'Bid Enclosed' together with the name of the bid **"Beach Vending License 2022 Season."**

NOTICE IS HEREBY GIVEN THAT VETERANS ARE PERMITTED, IN ACCORDANCE WITH NEW JERSEY STATE LAW, TO VEND ICE CREAM AND ICE CREAM PRODUCTS, IN NON-MOTORIZED VEHICLES, AT THE BEACH BLOCK STREET ENDS OF THE BOROUGH OF LONGPORT.

PLEASE TAKE FURTHER NOTICE that each bidder shall include with the Bid a certified check (Surety/Deposit) in the amount of Two Thousand Dollars (\$2,000.00) made payable to the Borough of Longport. The deposits of the unsuccessful bidders shall be returned within ten days of the awarding of the License. Under no circumstances shall interest be due or payable to any bidder. The Resolution authorizing the license bid contains additional terms and conditions which are incorporated herein and made a part hereof.

**Longport Borough Financial Report
Current and Utility Fund-Summary Only**

November-21

(Misc. revenues and manual checks may not be included. Figures may not have been reconciled to bank or financial reports as of the reading date of this report. The previous monthly bank statements are reconciled and on file in the Finance Office)

Current Fund		
Beginning Balance	10/31/2021	\$7,184,642.84
Revenues		
Taxes		2,701,798.20
Fees and Permits		630.00
Construction Fees		25,542.00
Beach Fees		2,832.00
Municipal Court		2,501.08
Interest on Investments		1,649.05
Miscellaneous		255,564.35
Ice Cream Vendor		0.00
State Aid/Grants		6,059.95
Surplus Recognized		1,310,000.00
Surplus Recognized - from W&S		105,000.00
Total Revenues	11/30/2021	\$4,411,576.63
Disbursements		
Checks/payroll/debt/ due to capital/grants		\$3,580,293.11
Non-cash Surplus		
Deferred Charges		
Total Disbursements	11/30/2021	\$3,580,293.11
Ending Balance	11/30/2021	\$8,015,926.36
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Utility Fund		
Beginning Balance	10/31/2021	\$2,126,858.43
Revenues		
Water/Sewer Rents		\$98,474.09
Interest		440.04
Miscellaneous		2,880.00
Note Proceeds		0.00
Surplus Recognized (non-cash)		8,762.50
Total Revenues	11/30/2021	\$110,556.63
Disbursements		
Checks/Payroll/Debt		\$202,085.66
Non-cash surplus		
Total Disbursements	11/30/2021	\$202,085.66
Ending Balance	11/30/2021	\$2,035,329.40