

ORDINANCE #12-19
AN ORDINANCE AMENDING CHAPTER XXV
ZONING AND LAND DEVELOPMENT OF THE REVISED GENERAL ORDINANCES
OF THE CITY OF OCEAN CITY, NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the City of Ocean City, County of Cape May, State of New Jersey, as follows:

SECTION 1.

Section 25-105.3.f Nonconforming Structures, Uses, and Lots of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby deleted in its entirety:

f. Within all Gardens R-1 Neighborhood Zones, all undersized lots shall be subject to the building height limitations noted below based upon lot width:

Lot width (in feet)	Maximum Building Height (in feet)
Up to 39.9	30
40–49.9	31
50–59.9	32
60 or greater	33

SECTION 2.

Section 25-107 Definitions of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended by adding and revising terms and definitions as follows:

25-107 Definitions.

Building Height for all residential uses shall mean the vertical distance between the Zoning Flood Elevation and the highest point of the primary (main) roof. For non-residential uses, Building Height shall be defined as the vertical distance between the highest point of the primary (main) roof and the centerline elevation of the adjacent street. For corner lots, the street having the shortest lot dimension shall be considered the adjacent street.

Finished Grade shall mean the proposed elevations of the land surface of a site after completion of all site preparation work related to the proposed use for which approval under or pursuant to this Ordinance is required. In relation to Zoning Flood Elevation, Finished Grade shall be the average of four representative spot elevations adjacent to the building foundation taken by a New Jersey Professional Licensed Surveyor. (Finished Grade is not to be used to determine the need for flood vents as may be required per NFIP)

Lowest Floor shall mean the floor of the lowest enclosed area including habitable space, provided that such enclosure is not built so as to render the building or structure in violation of Volumes I and II of the City of Ocean City Code or applicable building codes. Lowest Floor shall not include any unfinished flood-resistant enclosure that is useable solely for parking, building access or limited storage.

Zoning Flood Elevation (ZFE) shall mean the elevation at the top of the lowest floor ~~or~~ two (2) feet above Base Flood Elevation, ~~whichever is lower~~, except that:

Zoning Flood Elevation may be up to ~~thirty-six (36) inches~~ three (3) feet above *Finished Grade* within FEMA “A Zones” where *Base Flood Elevation* is less than ~~two (2) feet~~ twenty

~~four (24) inches~~ above *Finished Grade*, and where *Base Flood Elevation* is below *Finished Grade*. The lowest adjacent grade will determine the need for flood vents.

Zoning Flood Elevation for buildings designed to meet the High Hazard Flood Zone (V-Zone) requirements ~~noted in ASCE 24, shall elevate the lowest horizontal structural member shall be increased by a minimum of two (2) feet above BFE twenty-four (24) inches~~ when the lowest horizontal structural member is parallel to direction of wave approach, and a minimum of three (3) feet above BFE thirty-six (36) inches when the lowest horizontal structural member is perpendicular to direction of wave approach. Building orientation assumes the lowest horizontal structural member will be oriented parallel with the long dimension of the lot; and

Zoning Flood Elevation for front-loaded-garage dwellings located on non-alley lots less than forty-five (45) feet wide where the lowest floor is above the garage, the elevation of the lowest floor shall be ~~a minimum of~~ nine (9) feet above *Finished Grade*.

SECTION 3.

Section 25-204.27.1(g) Qualifications of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

g. *Lowest Floor.*

For buildings on lots with rear alley access, and for buildings without an integrated garage on lots not having rear alley access, the maximum elevation of top of the lowest floor for the front one-third (1/3) of the building shall be five (5) feet above *Finished Grade*. This elevation may be increased one (1) foot for every one (1) foot or portion thereof, necessary to elevate the top of the lowest floor to conform to the *Zoning Flood Elevation*.

SECTION 4.

Section 25-209 Schedules of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended by adding the following schedule:

25-209.5 Schedule D – Residential Building Height. Maximum permitted Building Height for residential structures is measured above *Zoning Flood Elevation* and shall be regulated as per the following Schedule:

Schedule D
Residential Building Height

Lot Width	Maximum Building Height above Zoning Flood Elevation	
	(Pitched Roof)	(Flat Roof)
Lots <u>55'</u> and less than 50' in width	<u>30' 31'</u>	<u>25' 26'</u>
Lots 50 <u>55.1'</u> - <u>60' 59.9'</u> in width	<u>31' 32'</u>	<u>26' 27'</u>
Lots <u>60.1'</u> and greater in width	<u>32' 33'</u>	<u>27' 28'</u>
Zone District		
Old City Overlay Zone	32'	27'
R-O-1 and R-O-2 Zones	33'	28'
Corinthian R-2 Zone	34'	29'

SECTION 5.

The Schedules of District Regulations contained within the following sections (25-204.1.5, 25-204.2.5, 25-204.3.5, 25-204.4.5, 25-204.5.5, 25-204.6.5, 25-204.7.5, 25-204.8.5, 25-204.9.5, 25-204.10.5, 25-204.11.5, 25-204.12.5, 25-204.14.5, 25-204.15.5, 25-204.16.5, 25-204.17.5, 25-204.18.5, 25-204.19.5, 25-204.20.5, 25-204.21.5, 25-204.22.5, 25-204.23.5, 25-204.24.5, 25-204.25.5) of CHAPTER XXV "Zoning and Land Development" of the Revised General Ordinances of the City of Ocean City, New Jersey are hereby amended by deleting the values in the *Maximum Building Height* column, and by adding Note 7 to each of these Schedules as follows:

7. Refer to Section 25-209.5, Schedule D – Residential Building Height

SECTION 6.

Section 25-210.2.8 Building Height of Chapter XXV "Zoning and Land Development" of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

25-210.2.8 Lowest Habitable Floor

Maximum elevation to the top of the lowest **habitable** floor shall be five feet (5') above the *Finished Grade* for buildings on lots that have alley access. This floor elevation shall be maintained for the front one-third (1/3) of the habitable building length as measured from the street to the alley.

However, the elevation above *Finished Grade* to the top of the lowest **habitable** floor may be increased by one foot (1') for every one foot (1'), or portion thereof, necessary to locate the lowest habitable floor in conformance with the Zoning Flood Elevation.

SECTION 7.

Section 25-300, GENERAL PROVISIONS, of Chapter XXV "Zoning and Land Development" of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended to include the following:

25-300.20 Minimum Elevation of Lowest Floor.

Unless otherwise specified in the City of Ocean City Code (Volumes I and II), the minimum elevation of the lowest floor for residential structures shall be two (2) feet above the base flood elevation.

SECTION 8.

If any portion of this ordinance is declared invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.

SECTION 9.

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SECTION 10.

This Ordinance shall take effect in the time and manner prescribed by law.

Jay A. Gillian, Mayor

Michael J. Allegretto, Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the 29th day of November, 2012, and was taken up for a second reading and final passage at a meeting of said Council held on the 10th day of January 2013 at the Ocean City Free Public Library, Room N110, Ocean City, New Jersey, at 7:00 pm in the evening.

Linda P. MacIntyre, City Clerk

SUMMARY FOR ORDINANCE NO. 12-19

AN ORDINANCE AMENDING CHAPTER XXV
ZONING AND LAND DEVELOPMENT
OF THE REVISED GENERAL ORDINANCES
OF THE CITY OF OCEAN CITY, NEW JERSEY

Requires the minimum elevation of the lowest floor for residential structures to be two (2) feet above the base flood elevation ("BFE").

Defines "Zoning Flood Elevation" as two (2) feet above BFE, with specified exceptions for properties where BFE is less than 2 feet above finished grade and where BFE is below finished grade; for properties in High Hazard Flood Zones (V-Zones); and, for dwellings which have a front-loaded garage and are located on non-alley lots less than 45 feet in width where the lowest floor is above the garage.

Provides other definitions related to Zoning Flood Elevation, including "Finished Grade" and "Lowest Floor".

Requires the height of residential buildings to be measured from Zoning Flood Elevation and provides a chart of new permitted heights for all residential structures.

Jay A. Gillian, Mayor

Michael J. Allegretto, Council President

The above Ordinance was passed by the Council Of Ocean City, New Jersey, at a meeting of said Council held on the 29th day of November, 2012 and was taken up for a second reading and final passage at a meeting of said Council held on the 10th day of January, 2013 at the Ocean City Free Public Library Room N110, Ocean City, New Jersey at 7:00 o'clock in the evening.

Linda P. MacIntyre, City Clerk

CITY OF OCEAN CITY
ORDINANCE NO. 12-19
Master Plan Consistency Report

Introduction - Ordinance 12-19 - An ordinance amending Chapter XXV Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, was introduced and adopted on first reading by City Council on November 29, 2012. According to the December 4, 2012 referral from the City Clerk, Ordinance 12-19 will be advertised according to law and is scheduled to have second reading and public hearing at the January 10, 2013 City Council meeting.

The "Municipal Land Use Law" provides that within thirty-five (35) days from the referral date the Planning Board is to prepare, review, adopt and transmit their consistency report regarding Ordinance 12-19 to City Council. NJS 40:55D-26 describes the Planning Board's responsibility regarding the master plan consistency review as follows:

"... the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning those inconsistencies and any other matters as the board deems appropriate."

While formerly only zoning ordinances and amendments thereto were required to be submitted to the planning board, it is now clear from the wording in NJS 40:55D-26 that all "development regulations" must be referred to the planning board for comment and report. The statute requires that every zoning ordinance must "either be substantially consistent with the land use plan and housing plan of the master plan, or designed to effectuate such plan elements." The "Master Plan" referred to herein is the City of Ocean City Master Plan adopted February 3, 1988, and as subsequently amended by the Planning Board.

Ordinance Summary - Ordinance 12-19 proposes revisions to the Zoning and Land Development Ordinances that are recommended in the Master Plan Reexamination Report adopted by the Planning Board on October 17, 2012. These ordinance revisions address base flood elevation (BFE), freeboard and building height.

Ordinance 12-19
Master Plan Consistency Report

Ordinance 12-19 defines *Lowest Floor* consistent with the building code. The new term of *Zoning Flood Elevation (ZFE)*, requires the elevation of the *Lowest Floor* in "FEMA A Zones" to be a minimum of two (2) feet above BFE. As a measure to improve consistency between the zoning ordinance and building code, ZFE requires dwellings in "FEMA High Hazard V Zones" to elevate the lowest horizontal structural member a minimum of two (2) feet or three (3) feet above BFE - depending on the direction of wave action.

Ordinance 12-19 changes the manner in which residential building height is measured. The new definition and regulations for *Building Height* acknowledge the elevation of the first floor relative to BFE, stipulate that the height of residential structures will be measured from the *Zoning Flood Elevation*, and that permitted height in most zones may be increased on the largest lots.

This Ordinance provides owners of similarly-sized lots with the same opportunities regarding building height. Existing zoning regulations including Building Coverage, Floor Area Ratio and Maximum Eave Height remain in effect to control building mass.

Summary and Conclusion - As noted above the Planning Board's responsibility in terms of the master plan consistency review is to identify any provisions in Ordinance 12-19 which are inconsistent with the Master Plan, and make recommendations concerning those inconsistencies and any other matters as the Board deems appropriate.

In defining "substantial consistency" the Supreme Court in *Manalapan Realty v. Township Committee* made it clear that some inconsistency is permitted "provided it does not substantially or materially undermine or distort the basic provisions and objectives of the Master Plan." The "Municipal Land Use Law" does not define the term *inconsistent*.

I have carefully reviewed and analyzed Ordinance 12-19 and the Master Plan. Based on this review and analysis, it is my professional opinion that Ordinance 12-19 is consistent with the Ocean City Master Plan.



Randall E. Scheule, PP/AICP

New Jersey Professional Planner License No. LI003666

December 4, 2012



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

OFFICE OF CITY CLERK

December 4, 2012

Ocean City Planning Board
c/o Jaime Cornell-Fine, Board Secretary
115 12th Street
Ocean City, New Jersey 08226

Dear Ms. Fine:

In accordance with N.J.S.A 40:55:D-62, I am transmitting a copy of Ordinance #12-19 and Ordinance #12-20 listed below:

Ordinance #12-19 - "An Ordinance Amending Chapter XXV Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, New Jersey"

Ordinance #12-20 - "An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City to Expand Permitted and Conditional Uses in the Drive-In Drive-In Business Zone"

Both ordinances were introduced and adopted on first reading by the City Council on November 29, 2012 at its regular meeting. They will be advertised according to law and are scheduled to have second reading and public hearing at the **January 10, 2013** regular council meeting. Kindly present these ordinances to the Ocean City Planning Board for its review for consistency with the city's land use element in accordance with the Municipal Land Use Law.

Should you have any questions, you may contact me at 525-9323.

Sincerely,

A handwritten signature in blue ink that reads "Linda P. MacIntyre".

Linda P. MacIntyre
City Clerk

c:/wenc: Jay Gillian, Mayor
Michael Dattilo, Business Administrator
Jim Mallon, Director of Community Services
Dorothy McCrosson, City Solicitor

861 ASBURY AVENUE, OCEAN CITY, NJ 08226
609-525-9328 FAX: 609-399-6366

ORDINANCE NO. 12-20

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV, ZONING AND LAND DEVELOPMENT, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF OCEAN CITY TO EXPAND PERMITTED AND CONDITIONAL USES IN THE DRIVE-IN BUSINESS ZONE.

BE IT ORDAINED by the Mayor and Council of the City of Ocean City, County of Cape May, State of New Jersey, as follows:

SECTION 1.

The permitted and conditional uses and the bulk requirements in the Drive-In Business (DB) Zone are hereby revised to read as follows:

25-25.2.2 Permitted Uses:

- a. Retail sales.
- b. Retail services.
- c. Professional offices.
- d. Business services.
- e. Health care facilities, health care services.
- f. Health clubs, indoor recreation center.
- g. Banks, savings and loan associations, and other fiduciary institutions.
- h. Public transportation facilities.
- i. Restaurants, including fast-food and drive-in restaurants.
- j. Animal hospitals in conjunction with veterinarians.
- k. Shopping centers.
- l. Arts studio and arts center.
- m. Aquarium.
- n. Pedestrian mall.
- o. Contractor's office, showroom, garage, warehouse and shop, except on lots adjoining 9th Street.
- p. Laundry, except on lots adjoining 9th Street.
- q. Taxi stands, except on lots adjoining 9th Street.
- r. Warehousing and storage, except on lots adjoining 9th Street.
- s. Essential services.
- t. Lumberyards, except on lots adjoining 9th Street.
- u. Automobile sales, except on lots adjoining 9th Street.
- v. Car washes, except on lots adjoining 9th Street.

25-205.2.3 Conditional Uses:

- a. Schools, educational uses and libraries subject to Section 25-208.2.1 of this Ordinance.
- b. Churches, places of worship and clergy residences subject to Section 25-208.2.2 of this Ordinance.
- c. Private and quasi-public recreational, philanthropic and eleemosynary uses subject to Section 25-208.2.3 of this Ordinance.
- d. Public utilities and structures subject to Section 25-208.2.4 of this Ordinance.
- e. Residential dwelling units subject to Section 25-208.2.5 of this Ordinance.
- f. Filling stations subject to section 25-208.2.7 of this Ordinance.

25-205.2.5 Bulk Requirements.

Lot area, lot width, lot frontage, front yard, rear yard, side yard, lot depth, building height, stories, building coverage and impervious coverage shall be in accordance with the following schedule:

Zone District	Minimum Lot Area (Square Feet)		Minimum Lot Width and Lot Frontage (Feet)		Minimum Yard Requirements (Feet)			Min. Lot Depth (Feet)	Maximum Building Height		Maximum Building Coverage (percent)	Maximum Impervious Coverage (percent)
	Interior	Corner	Interior	Corner	Front	Rear	Side		Flat/ Pitched Roof	Total Stories		
DB	8,000	9,000	90	100	20	4	4	100	22/29	2	80	90

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SECTION 3.

In response to the recommendations set forth in the Ocean City Master Plan Reexamination Report adopted October 17, 2012 by the Ocean City Planning Board, Section 25-202, ZONING MAP, of the Revised General Ordinances of the City of Ocean City is amended to eliminate the Office and Bank (O&B) Zone and re-zone it as follows:

- a. The Zoning District designation for Block 607, Lots 17-31 is hereby changed from DB Zone to NEN Zone.
- b. The Zoning District designation for Block 907, Lot 6 is hereby changed from O&B Zone to DB Zone.
- c. The Zoning District designation for Block 908, Lots 9-12, 16, 16.01 and 16.02 is hereby changed from O&B Zone to R-2-30 Zone.
- d. The Zoning District designation for Block 910, Lots 11-18 is hereby changed from O&B Zone to R-1-30 Zone.
- e. The Zoning District designation for Block 910, Lots 8-10 is hereby changed from O&B Zone to R-1-30 Zone.
- f. The R-1-30/R-2-30 zone boundary line in Block 909 is hereby realigned to the rear lot lines/alley.
- g. The Zoning District designation for Block 811.01, Lots 1-4; Block 810.02, Lots 1-4; Block 909, Lots 11-14; Block 908, Lots 13-15; and Block 907, Lots 7-11 is hereby changed from O&B Zone to DB Zone.
- h. The Zoning District designation for Block 909, Lots 9-10 is hereby changed from O&B Zone to R-2-30 Zone.

SECTION 4.

If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.

SECTION 5.

This Ordinance shall take effect in the time and manner prescribed by law.

Jay A. Gillian, Mayor

Michael J. Allegretto, Council President

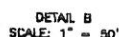
The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the 29th day of November, 2012, and was taken up for a second reading and final passage at a meeting of said Council held on the 10th day of January, 2012 at the Ocean City Free Library, Room N110, Ocean City, New Jersey, at 7:00 o'clock in the evening.

Linda P. MacIntyre, City Clerk

R-1-30

[illegible]

SHEET 16



Linda P. MacIntyre

From: Jaime M. Fine
Sent: Wednesday, November 28, 2012 11:54 AM
To: Sheila A. Cottrell
Cc: Linda P. MacIntyre; James V. Mallon; Dottie F. McCrosson; Michael A. Dattilo; Randy Scheule
Subject: Ord. #12-20
Attachments: SIGNED MP RES.pdf

It was brought to my attention by William Serber, Esq. that the proposed Ord. #12-20 does not contain the revisions to the Master Plan Re-Exam as adopted. In the proposed ordinance, under Section I, 25-25.2, which should be 25-205.2.2, Permitted Uses, should also include and exclude the items noted on page three of the attached signed Board resolution. He asked me to bring this to your attention.

Thank you for your time and consideration.

MS. JAIME M. CORNELL-FINE

Zoning Board Secretary
Planning Board Secretary
Code Enforcement Officer

CITY OF OCEAN CITY

Department of Community Services

115 12th Street

Ocean City, NJ 08226

(609)399-6111 ext. 9733

(609)525-2496 Fax

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 **Please consider the environment before printing this message.**

GARY R. GRIFFITH, ESQUIRE
GRIFFITH and CARLUCCI, P.C.
801 Asbury Avenue - Suite 200
Ocean City, New Jersey 08226
(609) 399-6900
Attorneys for the Ocean City Planning Board

OCEAN CITY PLANNING BOARD

RESOLUTION

BACKGROUND OF RESOLUTION

1. On February 3, 1988 the Ocean City Planning Board adopted the City of Ocean City Master Plan ["Master Plan"] consistent with N.J.S. 40:55D-28; and
 2. Among other things, N.J.S. 40:55D-89 requires periodic review of the Master Plan; and
 3. Consistent with N.J.S. 40:55D-89, the Ocean City Planning Board adopted its last reexamination report on November 15, 2006; and
 4. Reexamination of the Master Plan is statutorily required at least once every ten (10) years and Randall E. Scheule, P.P. & A.I.C.P. ["Ocean City Planning Board Planner"] did prepare a Master Plan Reexamination Report dated October 17, 2012 ["2012 Reexamination Report"] for the purposes of reviewing and evaluating the Master Plan and development regulations in order to determine the need for update and revisions consistent with the statutory mandates of N.J.S. 40:55D-89. On October 3, 2012, the Ocean City Planning Board received an oral summary and powerpoint presentation of the 2012 Reexamination Report from the Ocean City Planning Board
-

Planner, discussed the 2012 Reexamination Report, and received public comment and testimony thereon; and

5. On October 17, 2012, the Ocean City Planning Board upon proper and due notice having been legally given did conduct a public hearing ["Public Hearing"] on adoption of the 2012 Reexamination Report; and

6. At the Public Hearing, the Ocean City Planning Board received public comment and testimony in respect of the 2012 Reexamination Report from:

1. Keith Davis, Esquire, Egg Harbor Township, New Jersey;
2. Joanne Lukens, Ocean City, New Jersey;
3. Robert Andreola, Wayne, Pennsylvania;
4. Fred Miller, Ocean City, New Jersey;
5. Rich Haydinger, Ocean City, New Jersey;
6. Susan Miller, Ocean City, New Jersey;
7. Dennis Myers, Miller, Ocean City, New Jersey;
8. Vince Hubach, Ocean City, New Jersey;
9. Jack Stover, Ocean City, New Jersey;
10. John Flood, Ocean City, New Jersey;
11. Lance Landgraf, Ventnor, New Jersey;
12. Marty Mozzo, Ocean City, New Jersey;
13. Bill Leighton, Ocean City, New Jersey;
14. James Tweed, Ocean City, New Jersey;
15. William Serber, Esquire, Ocean City, New Jersey;
16. Carol Tutelian, Ocean City, New Jersey;
17. Daniel J. Young, Esquire, Ocean City, New Jersey;
18. Ed Howell, Ocean City, New Jersey;
19. Roy Wagner, Ocean City, New Jersey;
20. Julie Baumgardner, Ocean City, New Jersey;
21. Richard Young, Beesley's Point, New Jersey; and
22. Michael Hyland, Ocean City, New Jersey.

7. During the Public Hearing, the Ocean City Planning Board considered minor revisions to the 2012 Reexamination Report with the understanding that the agreed upon minor revisions would be deemed a part of the 2012 Reexamination Report and would be incorporated therein; and

8. Upon completion of the Public Hearing, the Ocean City Planning Board in a unanimous decision resolved to accept and adopt the 2012 Reexamination Report, subject to the minor revisions set forth herein.

WITNESSETH

NOW, THEREFORE, BE IT RESOLVED by the Ocean City Planning Board on October 17, 2012 that the 2012 Reexamination Report is **APPROVED AND ADOPTED** with the following minor revisions:

1. Page 59—add Lumberyards, Automobile sales, and Car washes as permitted principal uses (except on lots adjoining 9th Street); and
2. Page 60—delete Automobile sales from subparagraph g. and subparagraph m. from Conditional Uses.

BE IT FURTHER RESOLVED that the Ocean City Planning Board Planner shall have the authority to revise the 2012 Reexamination Report in consultation with such other persons as he shall deem necessary to include the foregoing minor revisions.

BE IT FURTHER RESOLVED that the statutory requirements of N.J.S. 40:55D-89 are and have been satisfied in all particulars.

This Resolution was adopted on motion made by Ocean City Planning Board Member Jessel and seconded by Ocean City Planning Board Member Adams on October 17, 2012 [“Jessel Motion”]. The vote on the Jessel Motion was seven (7) in favor of and zero (0) against with Ocean City Planning Board Members Jessel, McMahon, Dattilo,

Jones, McClellan, Adams, and Loeper all voting in the affirmative.

OCEAN CITY PLANNING BOARD

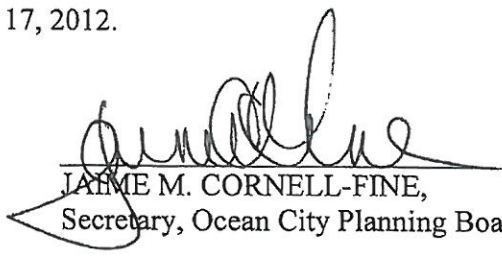


JOHN LOEPER,
CHAIRPERSON

Dated: November 7, 2012

CERTIFICATION

I, JAIME M. CORNELL-FINE, Secretary to the Ocean City Planning Board, do hereby certify that the foregoing Resolution was duly adopted at the meeting of the Ocean City Planning Board held on November 7, 2012, said Resolution memorializing the action taken as more fully described therein at the meeting of the Ocean City Planning Board held on October 17, 2012.



JAIME M. CORNELL-FINE,
Secretary, Ocean City Planning Board

SUMMARY FOR ORDINANCE NO. 12-20

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV
ZONING AND LAND DEVELOPMENT OF THE REVISED GENERAL ORDINANCES
OF THE CITY OF OCEAN CITY TO EXPAND PERMITTED
AND CONDITIONAL USES IN THE DRIVE-IN-BUSINESS ZONE

Section 1.

Expands the permitted uses and conditional uses in the DB (Drive-in Business) Zone.

Section 2.

Sets forth the bulk requirements for the DB (Drive-in Business) Zone.

Section 3.

Amends the Ocean City Zoning Ordinance to eliminate the O&B (Office and Bank) Zone and specifies in which zoning districts the lots formerly in the O&B Zone will now be located.

Jay A. Gillian, Mayor

Michael J. Allegretto, Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the 29th day of November, 2012 and was taken up for a second reading and final passage, at a meeting of said Council held on the 10th day of January, 2013 at the Ocean City Free Library Room N110, Ocean City, New Jersey at 7:00 o'clock in the evening.

Linda P. MacIntyre, City Clerk

CITY OF OCEAN CITY
ORDINANCE NO. 12-20
Master Plan Consistency Report

Introduction – Ordinance 12-20 – An ordinance amending and supplementing Chapter XXV Zoning and Land Development of the Revised General Ordinances of the City of Ocean City to Expand Permitted and Conditional Uses in the Drive-in Business Zone, was introduced and adopted on first reading by City Council on November 29, 2012. According to the December 4, 2012 referral from the City Clerk, Ordinance 12-20 will be advertised according to law and is scheduled to have second reading and public hearing at the January 10, 2013 City Council meeting.

The “Municipal Land Use Law” provides the Planning Board with thirty-five (35) days from the referral date to prepare, review, adopt and transmit their consistency report regarding Ordinance 12-20 to City Council. NJS 40:55D-26 describes the Planning Board’s responsibility regarding the master plan consistency review as follows:

“. . . the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning those inconsistencies and any other matters as the board deems appropriate.”

While formerly only zoning ordinances and amendments thereto were required to be submitted to the planning board, it is now clear from the wording in NJS 40:55D-26 that all “development regulations” must be referred to the planning board for comment and report. The statute requires that every zoning ordinance must “either be substantially consistent with the land use plan and housing plan of the master plan, or designed to effectuate such plan elements.” The “Master Plan” referred to herein is the City of Ocean City Master Plan adopted February 3, 1988, and as subsequently amended by the Planning Board.

Ordinance Summary – Ordinance 12-20 proposes revisions to the Zoning and Land Development Ordinances to implement a Master Plan amendment adopted by the Planning Board on October 17, 2012 as part of the Master Plan Reexamination Report. Ordinance 12-20 creates a new Drive-in Business (DB) zone including zone boundary,

Ordinance 12-20
Master Plan Consistency Report

use and bulk regulations. Ordinance 12-20 repeals the Office and Bank (O&B) zone and re-designates the O&B parcels into either the new DB zone or an existing residential zone. Except for a half-block in the 600 block of Haven Avenue – rezoned as North End Neighborhood Zone - all parcels presently designated as DB are retained in the new DB Zone.

Summary and Conclusion – As noted above the Planning Board’s responsibility in terms of the master plan consistency review is to identify any provisions in Ordinance 12-20 which are inconsistent with the Master Plan, and make recommendations concerning those inconsistencies and any other matters as the Board deems appropriate.

In defining “substantial consistency” the Supreme Court in *Manalapan Realty v. Township Committee* made it clear that some inconsistency is permitted “provided it does not substantially or materially undermine or distort the basic provisions and objectives of the Master Plan.” The “Municipal Land Use Law” does not define the term *inconsistent*.

Ordinance 12-20 revises the City’s Zoning and Land Development Ordinances to implement a Master Plan amendment adopted as part of the 2012 Master Plan Reexamination Report. This Ordinance combines the existing Office and Bank Zone and the Drive-in Business Zone into a new Drive-in Business Zone. Areas within these two zones exhibiting a preponderance of residential uses are re-designated to residential zones. The new DB Zone reduces the front setback to twenty (20) feet, and expands permitted principal and conditional uses.

The Reexamination Report recommends the adoption of streetscape requirements and form-based code elements to improve the appearance of 9th Street as redevelopment occurs. Ordinance 12-20 does not address this recommendation.

I have carefully reviewed and analyzed Ordinance 12-20 and the Master Plan. Based on this review and analysis, it is my professional opinion that Ordinance 12-20 is consistent with the Ocean City Master Plan.



Randall E. Scheule, PP/AICP

New Jersey Professional Planner License No. LI003666

December 4, 2012

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION



**HONORING THE BOY SCOUTS OF AMERICA OF OCEAN CITY’S TROOP 32
THAT ACHIEVED THE RANK OF EAGLE SCOUT DURING THE
CALENDAR YEAR 2012**

WHEREAS, Keith Kemenosh, Evan Sheridan and Joseph Tordella of Ocean City’s Troop 32 were honored with the presentation of the rank of Eagle Scout by the Boy Scouts of America in the calendar year 2012; and

WHEREAS, in attaining the rank of Eagle Scout, these young men have demonstrated outstanding personal qualities associated with the Boy Scouts of America and Troop 32, including integrity, courage, perseverance, sacrifice and service to others; and

WHEREAS, the Council of the City of Ocean City wishes to honor and congratulate these scouts for their personal achievements of obtaining Scouting's highest rank of Eagle Scout; and

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Ocean City that Troop 32 is hereby congratulated for having Keith Kemenosh, Evan Sheridan and Joseph Tordella attain the rank of Eagle Scout in the calendar year 2012; and

BE IT FURTHER RESOLVED, that the Troop Leaders and Committee are hereby applauded for their personal sacrifice, service and commitment to the Scouting Program and their guidance to these young men along the “Trail” to Eagle Scout; and

BE IT FURTHER RESOLVED, that the City Council of the City of Ocean City extends its best wishes to all the 2012 Eagle Scouts, their families and to Ocean City’s Troop 32 for these special honors and for continued success in life and their unit.

Michael J. Allegretto, Council President

Antwan L. McClellan, Councilman

Michael DeVlieger, Councilman

Peter Guinosso, Councilman

Keith Hartzell, Councilman

Marvin Scott Ping, Councilman

Anthony Wilson, Council Vice President

FILES: RES Eagle Scout 2012.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED City Clerk
Allegretto	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

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Michael J. Allegretto, Council President

Antwan L. McClellan, Councilman

Michael DeVlieger, Councilman

Peter Guinosso, Councilman

Keith Hartzell, Councilman

Marvin Scott Ping, Councilman

Anthony Wilson, Council Vice President

FILES: RES Eagle Scout 2012.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

#2

TO AUTHORIZE THE ADVERTISEMENT OF SPECIFICATIONS FOR
CITY CONTRACT #12-48, 2012 BULKHEAD IMPROVEMENTS AT VARIOUS LOCATIONS

BE IT RESOLVED, by the City Council of the City of Ocean City, New Jersey that it authorizes the advertisement of specifications for City Contract #12-48, 2012 Bulkhead Improvements at Various Locations

Michael J. Allegretto
Council President

Note: Legal advertisement will be placed in the Ocean City Sentinel on Wednesday, January 16, 2013 with the bid opening scheduled on Thursday, February 14, 2013 and an anticipated date of award on Thursday, March 14, 2013.

FILES: RAU 12-48 2012 Bulkheads.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk




CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

ENGINEERING DIVISION

Memo

To: Michael Dattilo
From: Arthur J. Chew, PE, PP 
CC: Joseph Clark, Georgia Arnold
Date: January 3, 2013
Re: Authorization to Bid 12-48 – 2013 Bulkhead Improvements at Various Locations

This project consists of the replacement of bulkheads at Marcus Harbor, 16th Street and Battersea Road with the replacement of the bulkhead at Tonga Harbor as alternate bid 'A', Cove Walk as alternate bid 'B', and Block 1009.01 Lot 24 as alternate bid 'C'.

Along with the replacement of the bulkheads there is associated improvements within the Right of Way (ROW) adjacent to the bulkheads. These improvements include curb, sidewalk, asphalt restoration, drainage improvements, as well as restoration to the adjacent properties. It is the intent of the specifications that the adjacent properties will be restored to preconstruction conditions or better. This includes modifications to adjacent steps as well as replacing or salvaging landscaping, irrigation systems, etc. It is the intention of these specifications to elevate adjacent pavement and sidewalk to the 10-year storm elevation (4.75 NAVD) or higher while still maintaining positive slope from adjacent properties to the street gutter line and then to the closest storm drains.

AJC

N:\Planning and Engineering\Engineering\2-Beach and Bay\2-12-048 2013 Bulkhead Improvements at Various Locations\Letters\12-48 memo to authorize 13-01-03.doc

ENGINEERING DIVISION 115 12th Street, OCEAN CITY, NJ 08226
609-399-6111 FAX: 609-525-0831

Printed on Recycled Paper

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#3

**AUTHORIZING THE AWARD OF CITY CONTRACT # 12-64,
UNDERGROUND STORAGE TANK UPGRADES AND SITE REMEDIATION AT VARIOUS LOCATIONS**

WHEREAS, Specifications were authorized for advertisement by Resolution No. 12-49-021 on Thursday, November 15, 2012 for City Contract #12-64, Underground Storage Tank Upgrades and Site Remediation at Various Locations; and

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, November 21, 2012, the Notice to Bidders was posted on the City of Ocean City's website, www.ocnj.us and the specifications were distributed to sixteen (16) prospective bidder(s); and

WHEREAS, bid proposals were opened for City Contract #12-64, Underground Storage Tank Upgrades and Site Remediation at Various Locations on Tuesday, December 18, 2012 and six (6) bid proposals were received per the attached Summary of Bids; and

WHEREAS, Henry D. Weigel, PE, Adams, Rehmann & Heggan Associates, Inc.; Arthur Chew, PE, City Engineer; Michael Rossbach, Director of Public Works; Georgia C. Arnold, Manager; Dorothy F. McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager reviewed the bid proposals and specifications and recommend that the contract be awarded to Luzon, Inc., the lowest responsible bidder; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey, that City Contract #12-64, Underground Storage Tank Upgrades and Site Remediation at Various Locations be and is hereby awarded to the following lowest responsible bidder as follows:

Luzon, Inc. 222 Thies Road Sewell, NJ 08080
--

<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total Amount</u>
1	Mobilization/Demobilization	1 LS	\$ 20,000.00	\$ 20,000.00
2	Remove & Dispose of Two Hydraulic Lift Systems	1 LS	\$ 15,000.00	\$ 15,000.00
3	Design & Install Structural Support Systems)	1 LS	\$ 19,000.00	\$ 19,000.00
4	Excavate Contaminated Soil, +/- 575 Cubic Yards	1 LS	\$ 50,000.00	\$ 50,000.00
5	Laboratory Fees	Allowance	\$ 15,000.00	\$ 15,000.00
6	In-Situ Remediation: Work Plan Development & Approvals	1 LS	\$ 3,500.00	\$ 3,500.00
7	In-Situ Remediation: Implementation	1 LS	\$ 48,500.00	\$ 48,500.00
8	UST Upgrade Work	1 LS	\$ 55,000.00	\$ 55,000.00
S1	Transport & Dispose of Liquid Waste Material	500 Gals.	\$ 2.50	\$ 1,250.00
S2	Perform Additional Excavation, as Directed by Engineer	3 Days	\$ 4,000.00	\$ 12,000.00
S3a	Transport & Dispose of Petroleum Contaminated Soil	3 Days	\$ 34.00	\$ 30,600.00
S4	Obtain Waste Classification for Petroleum Contaminated Soil	2 Each	\$ 900.00	\$ 1,800.00
S5	Provide & Install Clean Backfill, as Directed	900 Tons	\$ 38.00	\$ 34,200.00

Total Amount of City Contract #12-64, Underground Storage Tank Upgrades and Site Remediation at Various Locations..... \$ 305,850.00

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

BE IT FURTHER RESOLVED that the Mayor and City Purchasing Manager are hereby authorized to enter into a formal contract with Luzon, Inc., 222 Theis Road, Sewell, NJ 08080 for City Contract #12-64, Underground Storage Tank Upgrades and Site Remediation at Various Locations as listed and in accordance with the bid specifications and the bid proposal form.

The Director of Financial Management certifies that funds are available and shall be charged to the following Capital Account No.: C-04-55-275-403.

CERTIFICATION OF FUNDS

Frank Donato, III, CMFO
Director of Financial Management

Michael J. Allegretto
Council President

FILES: RAW 12-64 Underground Storage Tank Upgrades.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

December 26, 2012

Arthur J. Chew, PE, PP
City Engineer
115 E. 12th Street
Ocean City, NJ 08226

Re: **Receipt of Bids**
UST Upgrades & Site Remediation
Ocean City, Cape May Co, NJ
ARH #50-52165

Dear Mr. Chew:

I have reviewed the *Summary of Bids* which was recently prepared by the City for the bids received on December 18th for Contract 12-64: the Underground Storage Tank Upgrades and Site Remediation at Various Locations. Of the bids received, the lowest responsible bidder appears to be Luzon, Inc. of Sewell, NJ with a total bid of \$305,850.00. This bid is in-line with the Engineer's Estimate of approximately \$307,050 provided for the project. The second low bidder, Enterprise Network Resolutions Contracting of Winslow, NJ, provided a bid of \$309,900.00; which represents a spread of \$4,050 between the first and second low bidders.

I have not personally worked with Luzon, Inc., but I did speak today with Sergio Cardoso at Luzon, who has confirmed their pricing and confidence in completing the project on time and budget.

Since this letter is not a formal opinion in regards to the bid documents and represents an engineering review of the costs only, this recommendation should be conditioned upon the City's review of the necessary forms and the Contractor's compliance with your insurance and administrative requirements.

As always, please do not hesitate to contact me at (609) 561-0482 x141 with any questions regarding this matter.

Sincerely,



Henry D. Weigel, PE, LSRP
Sr. Project Engineer – Envr.

w:\fileroom\hq\5052165\env\cor\l_122612.docx



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

PURCHASING DIVISION SUMMARY OF BIDS

BY THE GOVERNING BODY OF THE CITY OF OCEAN CITY, NJ

DATE RECEIVED: Tuesday, December 18, 2012 @ 2:00 PM, EST
CITY CONTRACT #: 12-64
PROPOSAL NAME: Underground Storage Tank Upgrades and Site Remediation at Various Locations

NAME, ADDRESS AND BID OF EACH BIDDER			AURORA ENVIRONMENTAL, INC		DEMAIO'S INCORPORATED		ENTERPRISE NETWORK RESOLUTION		LUZON, INC		NORTHSTAR MARINE INC.	
Engineer's Estimate:			1102 UNION AVE.		543 COLUMBIA ROAD		CONTRACTING, LLC		222 THIES RD.		36 CLERMONT DR.	
			UNION BEACH, NJ 07735		EGG HARBOR, NJ 08215		PO BOX 70		SEWELL, NJ 08080		CLERMONT, NJ 08210	
			JOHN DIGREGORIO, PRESIDENT		GEORGE V. DEMAIO, PRESIDENT		WINSLOW, NJ 08095		SERGIO CARDOSO, PROGRAM M		PHILLIP W. RISKO, PRESIDENT	
			732-888-1188		609-965-4094		THEODORE S. BUDZYNSKI, PRES		856-582-2003		609-263-6666	
			john@auroraenvironmental.com		demaio@demaios.com		tedb@entcontracting.com		scardoso@luzoninc.com		pwrisko1@comcast.net	
ITEM	DESCRIPTION	QTY	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1	Mobilization/Demobilization	1 LS		\$ 3,000.00	xx	\$ 20,000.00	xx	\$ 33,000.00	xx	\$ 20,000.00	xx	\$ 21,400.00
2	Remove & Dispose of Two Hydraulic Lift Systems	1 LS	xx	\$ 6,900.00	xx	\$ 17,930.00	xx	\$ 4,600.00	xx	\$ 15,000.00	xx	\$ 40,000.00
3	Design & Install Structural Support Systems)	1 LS	xx	\$ 98,700.00	xx	\$ 160,000.00	xx	\$ 2,100.00	xx	\$ 19,000.00	xx	\$ 19,500.00
4	Excavate Contaminated Soil, +/- 575 Cubic Yards	1 LS	xx	\$ 14,000.00	xx	\$ 129,800.00	xx	\$ 28,000.00	xx	\$ 50,000.00	xx	\$ 100,000.00
5	Laboratory Fees	Allowance	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
6	In-Situ Remediation: Work Plan Development & Approvals	1 LS	xx	\$ 15,000.00	xx	\$ 124,528.00	xx	\$ 3,800.00	xx	\$ 3,500.00	xx	\$ 1,500.00
7	In-Situ Remediation: Implementation	1 LS	xx	\$ 100,000.00	xx	\$ 38,600.00	xx	\$ 102,000.00	xx	\$ 48,500.00	xx	\$ 94,000.00
8	UST Upgrade Work	1 LS	xx	\$ 45,000.00	xx	\$ 70,975.00	xx	\$ 3,500.00	xx	\$ 55,000.00	xx	\$ 84,000.00
S1	Transport & Dispose of Liquid Waste Material	500 GALS	\$ 0.80	\$ 400.00	\$ 0.65	\$ 325.00	\$ 2.50	\$ 1,250.00	\$ 2.50	\$ 1,250.00	\$ 0.50	\$ 250.00
S2	Perform Additional Excavation, as directed by Engineer	3 DAYS	\$ 1,800.00	\$ 5,400.00	\$ 3,170.00	\$ 9,510.00	\$ 2,450.00	\$ 7,350.00	\$ 4,000.00	\$ 12,000.00	\$ 6,000.00	\$ 18,000.00
S3a	Transport & Dispose of Petroleum Contaminated Soil	3 DAYS	\$ 55.00	\$ 49,500.00	\$ 55.00	\$ 49,500.00	\$ 34.00	\$ 30,600.00	\$ 34.00	\$ 30,600.00	\$ 60.00	\$ 54,000.00
S4	Obtain Waste Classification for Petroleum Contaminated Soil	2 EACH	\$ 800.00	\$ 1,600.00	\$ 850.00	\$ 1,700.00	\$ 650.00	\$ 1,300.00	\$ 900.00	\$ 1,800.00	\$ 1,300.00	\$ 2,600.00
S5	Provide & Install Clean Backfill, as directed	900 TONS	\$ 22.00	\$ 19,800.00	\$ 40.00	\$ 36,000.00	\$ 27.00	\$ 24,300.00	\$ 38.00	\$ 34,200.00	\$ 30.00	\$ 27,000.00
TOTAL BID				\$ 374,300.00		\$ 673,868.00		\$ 309,900.00		\$ 305,850.00		\$ 477,250.00
REQUIRED INFORMATION												
BID DEPOSIT/BOND:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
CONSENT OF SURETY:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
RIGHT TO EXTEND-TIME FOR AWARD:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
STOCKHOLDER DISCLOSURE STATEMENT:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
NON-COLLISION AFFIDAVIT:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
NJ MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
NJ AFFIRMATIVE ACTION REGULATION COMPLIANCE NOTICE:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
REQUIRED SUB-CONTRACTORS LISTING:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
ACKNOWLEDGMENT OF RECEIPT OF ADDENDA:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
OTHER SUB-CONTRACTORS INDICATED:			YES/NO		YES/NO	YES	YES/NO		YES/NO		YES/NO	
NJ BUSINESS REGISTRATION CERTIFICATE (BRC) SUBMITTED:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
BUSINESS REGISTRATION CERTIFICATE SUB CONTRACTORS (BRC) SUBMITTED:			YES/NO		YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	
NJ PUBLIC WORKS CONTRACTOR REGISTRATION ACT CERTIFICATE SUBMITTED:			YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	YES
NJ PUBLIC WORKS CONTRACTOR REGISTRATION ACT CERTIFICATE FOR												
SUB CONTRACTORS SUBMITTED:			YES/NO		YES/NO	YES	YES/NO	YES	YES/NO	YES	YES/NO	
NUMBER OF COPIERS SUBMITTED (2):				2		2		2		2		2



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

PURCHASING DIVISION SUMMARY OF BIDS

BY THE GOVERNING BODY OF THE CITY OF OCEAN CITY, NJ

DATE RECEIVED: Tuesday, December 18, 2012 @ 2:00 PM, EST
CITY CONTRACT #: 12-64
PROPOSAL NAME: Underground Storage Tank Upgrades and Site Remediation at Various Locations

NAME, ADDRESS AND
BID OF EACH BIDDER

Engineer's Estimate:

TTI ENVIRONMENTAL, INC
1253 NORTH CHURCH ST.
MOORESTOWN, NJ 08057
CRAIG P. DURAND, PRESIDENT
856-840-8800

karenb@ttienv.com

ITEM	DESCRIPTION	QTY	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1	Mobilization/Demobilization	1 LS	xx	\$ 4,750.00	xx	\$ -	xx	\$ -	xx	\$ -	xx	\$ -
2	Remove & Dispose of Two Hhydraulic Lift Systems	1 LS	xx	\$ 9,052.00	xx	\$ -	xx	\$ -	xx	\$ -	xx	\$ -
3	Design & Install Sructural Support Systems(s)	1 LS	xx	\$ 47,430.00	xx	\$ -	xx	\$ -	xx	\$ -	xx	\$ -
4	Excavate Contaiminated Soil, +/- 575 Cubic Yards	1 LS	xx	\$ 110,495.00	xx	\$ -	xx	\$ -	xx	\$ -	xx	\$ -
5	Laboratory Fees	Allowance	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
6	In-Situ Remediation: Workplan Development & Approvals	1 LS	xx	\$ 5,000.00	xx	\$ -	xx	\$ -	xx	\$ -	xx	\$ -
7	In-Situ Remdiation: Implementation	1 LS	xx	\$ 128,980.00	xx	\$ -	xx	\$ -	xx	\$ -	xx	\$ -
8	UST Upgrade Work	1 LS	xx	\$ 46,170.00	xx	\$ -	xx	\$ -	xx	\$ -	xx	\$ -
S1	Transport & Dispose of Liquid Waste Material	500 GALS	\$ 3.80	\$ 1,900.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
S2	Perform Additional Excavation, as directed by Engineer	3 DAYS	\$ 3,325.00	\$ 9,975.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
S3a	Transport & Dispose of Petroleum Contaminated Soil	3 DAYS	\$ 40.25	\$ 36,225.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
S4	Obtain Waste Classification for Petroleum Contaminated Sc	2 EACH	\$ 1,250.00	\$ 2,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
S5	Provide & Install Clean Backfill, as directed	900 TONS	\$ 45.00	\$ 40,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL BID				\$ 457,977.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00
REQUIRED INFORMATION												
BID DEPOSIT/BOND:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
CONSENT OF SURETY:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
RIGHT TO EXTEND-TIME FOR AWARD:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
STOCKHOLDER DISCLOSURE STATEMENT:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
NON-COLLISION AFFIDAVIT:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
NJ MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
NJ AFFIRMATIVE ACTION REGULATION COMPLIANCE NOTICE:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
REQUIRED SUB-CONTRACTORS LISTING:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
ACKNOWLEDGMENT OF RECEIPT OF ADDENDA:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
OTHER SUB-CONTRACTORS INDICATED:			YES/NO	NO	YES/NO		YES/NO		YES/NO		YES/NO	
NJ BUSINESS REGISTRATION CERTIFICATE (BRC) SUBMITTED:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
BUSINESS REGISTRATION CERTIFICATE SUB CONTRACTORS (BRC) SUBMITTED:			YES/NO		YES/NO		YES/NO		YES/NO		YES/NO	
NJ PUBLIC WORKS CONTRACTOR REGISTRATION ACT CERTIFICATE SUBMITTED:			YES/NO	YES	YES/NO		YES/NO		YES/NO		YES/NO	
NJ PUBLIC WORKS CONTRACTOR REGISTRATION ACT CERTIFICATE FOR SUB CONTRACTORS SUBMITTED:			YES/NO		YES/NO		YES/NO		YES/NO		YES/NO	
NUMBER OF COPIERS SUBMITTED (2):				2								

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#4

**AUTHORIZING THE REJECTION OF BIDS AND RE-ADVERTISEMENT OF SPECIFICATIONS
FOR CITY CONTRACT # 12-68, FEMA STEP PROGRAM-EMERGENCY PROTECTIVE
MEASURES & CITY BUILDING RESTORATION REQUIRED DUE TO SUPER STORM SANDY**

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, December 19, 2012 and in the Press of Atlantic City on Saturday, December 29, 2012, the Notice to Bidders was posted on the City of Ocean City's website, www.ocnj.us and the Specification were distributed to five (5) prospective bidder(s); and

WHEREAS, bid proposals were opened for City Contract #12-68, FEMA STEP Program-Emergency Protective Measures & City Building Restoration Required due to Super Storm Sandy on Thursday, January 3, 2013 and six (6) bid proposals were received per the attached Summary of Bids; and

WHEREAS, the two (2) lowest apparent bid proposals were disqualified, Bayside Construction Services, Inc. & Capri Construction Company, Inc. for material defects in their bid proposal forms in accordance with N.J.S.A. 34:11-56.48 et seq.; and

WHEREAS, Georgia C. Arnold, Manager; Dorothy F. McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the remaining three (3) bid proposals and specifications and recommend that the bid proposals be rejected due to the remaining bid proposals being over the Engineer's estimate & revisions to the technical specifications are needed in accordance to N.J.S.A. 40A:11-13.2 (a,b,d); and

WHEREAS, City Contract #12-68, FEMA STEP Program-Emergency Protective Measures & City Building Restoration Required due to Super Storm Sandy will be re-advertised on Wednesday, January 13, 2013 and the bid opening will be scheduled for Thursday, January 17, 2013; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey, that City Contract #12-68, FEMA STEP Program-Emergency Protective Measures & City Building Restoration Required due to Super Storm Sandy be and is hereby rejected and authorized for rebid as stated above.

Michael J. Allegretto
Council President

FILES: REJ 12-68 FEMA STEP.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk



Department of Administration

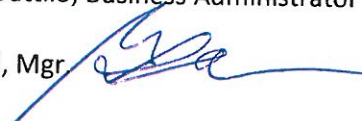
CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: MEMBERS OF CITY COUNCIL

THROUGH: Michael Dattilo, Business Administrator

FROM: Georgia C. Arnold, Mgr. 

DATE: January 3, 2013

RE: Recommendation of REJECTION
City Contract 12-68

City Contract 12-68 solicited bids for Super Storm Sandy related building repairs.

Part One involved obtaining contractor(s) to perform work under the FEMA "STEP" Program. The FEMA STEP Program provides essential power to affected residences, allowing individuals to return to or remain in their home. This Program helps restore limited temporary electricity, heat and hot water to households that were identified to be able to regain occupancy through temporary repairs. Part Two involved obtaining contractor(s) to perform repair and reconstruction work to City buildings damaged due to the Super Storm. These buildings included, among others, the Bayside Pool House, the Golf Course Pro Shop and the 46th Street Beach Fee Office. Although repair is needed at these locations, it is not of an Emergent nature so proposals were solicited.

Five bids were received on January 3, 2013. They all should be rejected due to non-responsiveness such as missing paperwork or exceeding the estimate for the bid. We need to re-bid the contract in a timely manner. The STEP program has a completion date of March 4, 2013, and the City buildings need to be repaired within the next several months.

GCA:me

pc: Joseph Clark, Purchasing Manager

**CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY**

RESOLUTION

#5

**AUTHORIZING AN AGREEMENT FOR SUBSTITUTE MUNICIPAL PROSECUTORS
FOR THE OCEAN CITY MUNICIPAL COURT FOR THE 2013 CALENDAR YEAR**

WHEREAS, Donald R. Charles, Jr., Esquire is the duly appointed Ocean City Municipal Prosecutor; for the City of Ocean City; and

WHEREAS, it sometimes arises that Donald R. Charles, Jr., Esquire is unable to serve as the municipal prosecutor for one of various reasons, including but not limited to, illness, vacation, or in situations in which there exist a conflict of interest; and

WHEREAS, cases arise from time to time in which more than one municipal prosecutor is required under existing law in which event it is required in such cases that a person in addition to Donald R. Charles, Jr., Esquire to serve as a prosecutor in the Ocean City Municipal Court; and

WHEREAS, Dorothy F. McCrosson, Esquire, in her capacity as Director of the Department of Law, has reviewed and approved the list of proposed substitute municipal prosecutors in accordance with her obligation to supervise the Municipal Prosecutor as set forth in the Ocean City Administrative Code; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City as follows:

1. The following named persons who serve as municipal prosecutors in the Municipal Courts referred to below are designated to act as a municipal prosecutor in the Ocean City Municipal Court in those situations where Donald R. Charles, Jr., Esquire is unable for any reason to act and in situations in which a second municipal prosecutor is required by law:

Municipal Prosecutor

Municipal Court Jurisdiction

- | | |
|---|--|
| a. Thomas Rossi, Esquire
605 Commonwealth Avenue
P.O. Box #398
Strathmere, NJ 08248 | City of Sea Isle City |
| b. Michael J. Donohue, Esquire
1956 Rt. 9 South, Suite B
Clermont, NJ 08210 | Borough of Avalon
Borough of Stone Harbor |
| c. Randolph C. Lafferty, Esquire
Cornerstone Commerce Center
Suite #230
1201 New Road
Linwood, NJ 08221 | Borough of Wildwood Crest |
| d. Ronald Gelzunas, Esquire
211 S. Main Street
P. O. Box #428
Cape May Court House, NJ 08210 | Township of Lower
Borough of West Wildwood
City of North Wildwood
Wildwood City |

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

Municipal Prosecutor

- e. Patrick F. Martin, Esquire
36 Roosevelt Boulevard
Marmora, NJ 08223
- f. Marian Ragusa, Esquire
31 Mechanics Street
Cape May Court House, NJ 08210
- g. David A. Spitalnick, Esquire
511 Tilton Road
Northfield, NJ 08225-1269

Municipal Court Jurisdiction

Township of Upper
Township of Dennis
West Cape May

Township of Middle
Cape May Point
City of Cape May
Borough of Woodbine

2. A copy of this Resolution and contract shall be available for inspection in the Ocean City Clerk's Office and shall be published on one (1) occasion in the Ocean City Sentinel.

BE IT FURTHER RESOLVED by the City Council of the City of Ocean City that the Purchasing Manager is authorized to enter into a contract agreement with any of the qualified municipal prosecutors as listed in this resolution.

The Director of Financial Management certifies that funds are available and shall be charged to the appropriate accounts as Purchase Orders are issued.

CERTIFICATION OF FUNDS

Frank Donato III, CMFO
Director of Financial Management

Michael J. Allegretto
Council President

Files: RES 2013 Substitute Municipal Prosecutors.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#6

**APPROVING A SPECIAL EVENT PERMIT
FOR A FIREWORKS DISPLAY FOR THE 4TH OF JULY WEEKEND**

WHEREAS, the City of Ocean City has made application to the Mayor and City Council under the provisions of the Revised General Ordinances of the City of Ocean City, Ordinance No. 95-05, Section 5-17 (1-10) et. seq. for a special event permit for a Fireworks Display to be held on Wednesday, July 4, 2013 with rain dates to be determined at the time of need by the City of Ocean City; and

WHEREAS, the City of Ocean City shall submit all required documentation related to the event, including complete information regarding the fireworks display, the vendor responsible for the fireworks display and appropriate required insurance coverage's and hold harmless agreements; and

WHEREAS, said documentation shall be reviewed by the appropriate City officials, including the Fire Chief; and

WHEREAS, the City of Ocean City has successfully sponsored a safe fireworks display on the 4th of July in Ocean City for the past twenty-eight (28) years; and

WHEREAS, S. Vitale Pyrotechnic Industries, Inc., d/b/a Pyrotechnico the vendor responsible for the fireworks display, has produced similar events in the City of Ocean City and the Philadelphia - New Jersey metropolitan area; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Ocean City, that the Mayor is authorized to issue a special event permit to the City for a 4th of July Fireworks Display, in accordance with Section 5-17 of the Revised General Ordinances of the City of Ocean City, Ordinance No. 95-05, Section 5-17 (1-10) et. seq.

Jay A. Gillian
Mayor

Michael J. Allegretto
Council President

FILES: RES 2013 Special Event Permit 4th of July Fireworks Display.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#7

**APPROVING A SPECIAL EVENT PERMIT
FOR A FIREWORKS DISPLAY FOR COLUMBUS DAY WEEKEND**

WHEREAS, the City of Ocean City has made application to the Mayor and City Council under the provisions of the Revised General Ordinances of the City of Ocean City, Ordinance No. 95-05, Section 5-17 (1-10) et. seq. for a special event permit for a Fireworks Display to be held on Saturday, October 12, 2013 with rain dates to be determined at the time of need by the City of Ocean City; and

WHEREAS, the City of Ocean City shall submit all required documentation related to the event, including complete information regarding the fireworks display, the vendor responsible for the fireworks display and appropriate required insurance coverage and hold harmless agreements; and

WHEREAS, said documentation shall be reviewed by the appropriate City officials, including the Fire Chief; and

WHEREAS, the City of Ocean City has successfully held and sponsored a safe fireworks display at various locations within Ocean City for the past twenty-eight (28) years; and

WHEREAS, S. Vitale Pyrotechnic Industries, Inc., d/b/a Pyrotechnico the vendor responsible for the fireworks display, has produced similar events in the City of Ocean City and the Philadelphia - New Jersey metropolitan area; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Ocean City, that the Mayor is authorized to issue a special event permit to the City of Ocean City for a Columbus Day Weekend Fireworks Display, in accordance with Section 5-17 of the Revised General Ordinances of the City of Ocean City, Ordinance No. 95-05, Section 5-17 (1-10) et. seq.

Jay A. Gillian
Mayor

Michael J. Allegretto
Council President

FILES: RES 2013 Special Event Permit Columbus Day Weekend.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

8

**APPROVING A SPECIAL EVENT PERMIT
FOR A FIREWORKS DISPLAY FOR FIRST NIGHT OCEAN CITY, INC. ON JANUARY 1, 2014**

WHEREAS, First Night Ocean City, Inc. has made application to the Mayor and City Council under the provisions of the Revised General Ordinances of the City of Ocean City Ordinance No. 95-05, Section 5-17 (1-10) et. seq. for a special event permit for a Fireworks Display to be held on January 1, 2014; and

WHEREAS, First Night Ocean City, Inc. shall submit all required documentation related to the event, including complete information regarding the fireworks display, the vendor responsible for the fireworks display and appropriate required insurance coverage's and hold harmless agreements; and

WHEREAS, said documentation shall be reviewed by the appropriate City officials, including the Fire Chief; and

WHEREAS, First Night Ocean City, Inc. has successfully sponsored a safe fireworks display on New Year's Eve in Ocean City for the past nineteen (19) years; and

WHEREAS, S. Vitale Pyrotechnic Industries, Inc., d/b/a Pyrotechnico, the vendor responsible for the fireworks display, has produced similar events in Philadelphia New Jersey area; and

NOW THEREFORE, BE IT RESOLVED by the City Council of Ocean City, that the Mayor is authorized to issue a special event permit to the First Night Ocean City, Inc. for a New Year's Eve Fireworks Display, in accordance with Section 5-17 of the Revised General Ordinances of the City of Ocean City, Ordinance No. 95-05, Section 5-17 (1-10) et. seq.

Jay A. Gillian
Mayor

Michael J Allegretto
Council President

Files: RES 2013 Special Events Permit for the First Night Fireworks Display.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

#9

**DECLARING AN EMERGENT CONDITION EXISTS AND AUTHORIZING THE AWARD OF A
CONTRACT AND PAYMENT FOR THE HURRICANE SANDY DISASTER RECOVERY
ASSISTANCE WITH BYRD BROTHERS EMERGENCY SERVICES, LLC**

WHEREAS, the City Counsel of the City of Ocean City awarded City Contract #11-23, Post-event Disaster Recovery Assistance following a Natural or Manmade Disaster to Byrd Brothers Emergency Services, LLC on October 25, 2011 through adoption of Resolution No. 11-48-089; and

WHEREAS, Frank Donato III, Director of Emergency Management; Scott Morgan, Deputy Director of Emergency Management; Michael A. Dattilo, Business Administrator; Michael Rossbach, Director of Public Works and Joseph S. Clark, QPA, Purchasing Manager notified Byrd Brothers Emergency Services, LLC on October 25, 2012 that a storm event with potential disaster was forecast by the National Weather Service for the City of Ocean City, NJ; and

WHEREAS, an emergent condition was declared by Governor Chris Christie on Saturday, October 27, 2012 by Executive Order #104 in anticipation of Hurricane Sandy's landfall; and

WHEREAS, Mayor Jay Gillian; Frank Donato III, Director of Emergency Management; Scott Morgan, Deputy Director of Emergency Management; Chief Chad C. Callahan, Police Department; Chief Christopher J. Breunig, Department of Fire & Rescue Services; Michael A. Dattilo, Business Administrator and James V. Mallon, Director of Community Services issued mandatory evacuation orders ahead of Hurricane Sandy; and

WHEREAS, Michael Rossbach, Director of Public Works; Steven Longo, Manager of Public Buildings & Property; Arthur J. Chew, PE, City Engineer; Roger Rinck, Manager of Engineering and Joseph S. Clark, QPA, Purchasing Manager conducted inspections and meetings on the condition of the City roadways, bridges & buildings once Hurricane Sandy had passed; and

WHEREAS, Frank Donato, III, Director of Emergency Management; Michael Rossbach, Director of Public Works; Steven Longo, Manager of Public Buildings & Property; Arthur J. Chew, PE, City Engineer; Michael A. Dattilo, Business Administrator and Joseph S. Clark, QPA, Purchasing reviewed the submitted a data & reports and determined that time was of the essence in order to prevent further damage to the City and issued an initial work order with Byrd Brothers Emergency Services, LLC to abate the damage and clear debris from roadways, public property & right of ways so that City, State & Federal personnel, utility crews and homeowners could access the City safely; and

WHEREAS, on October 31, 2012 a work order was issued to **Byrd Brothers Emergency Services, LLC, 5164 Lamm Road, Wilson, NC 27893** for the initial 85 work hours in compliance with FEMA rules and regulations in the amount of \$827,453.19; and

WHEREAS, Michael A. Dattilo, Business Administrator; Frank Donato, III, Director of Financial Management; Michael Rossbach, Director of Public Works; Steven Longo, Manager of Public Buildings & Property and Joseph S. Clark, QPA, Purchasing Manager reviewed and approved one (1) additional invoice in the amount of \$279,053.57; and

WHEREAS, Michael A. Dattilo, Business Administrator; Frank Donato, III, Director of Financial Management; Michael Rossbach, Director of Public Works; Steven Longo, Manager of Public Buildings & Property and Joseph S. Clark, QPA, Purchasing Manager have reviewed and have determined that all submitted invoices for a total amount of **\$1,106,506.76** for the Disaster Recovery Assistance for the City of Ocean City, NJ to be in proper order; and

WHEREAS, all invoices for work performed to date have been submitted in the amount of **\$1,106,506.76** and subsequently additional invoices will follow in the coming weeks to complete the total contract; and

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

WHEREAS, Byrd Brothers Emergency Services, LLC was awarded a City Contract #11-23, Post-event Disaster Recovery Assistance following a Natural or Manmade Disaster for a twenty-four (24) month period, October 1, 2011 through September 30, 2013 as provided by New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 and N.J.S.A. 40:37-146.3; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City that it hereby authorizes the City Purchasing Manager to issue Purchase Orders as required to **Byrd Brothers Emergency Services, LLC, 5164 Lamm Road, Wilson, NC 27893** for Disaster Recovery Assistance for the City of Ocean City, NJ as listed and in accordance with this resolution and submitted invoices.

The Director of Financial Management certifies that funds are available for 2012 services and shall be charged to Operating Account No. 2-01-55-901-311 as the Purchase Orders are issued.

CERTIFICATION OF FUNDS

Frank Donato, III, CMFO
Director of Financial Management

Michael J. Allegretto
Council President

FILES: RES Byrd Brother – Emergent Conditions.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED	
Allegretto	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#10

**AUTHORIZING PARTICIPATION IN THE NATIONAL COOPERATIVE CONTRACT WITH US
COMMUNITIES GOVERNMENT PURCHASING ALLIANCE VENDORS FOR THE
CALENDAR YEAR 2013**

WHEREAS, N.J.S.A. 52:34-6.2 (b) P.L. 2011, c.139 was enacted into law permitting agencies to use national purchasing cooperatives; and

WHEREAS, the City of Ocean City desires to participate in National Cooperative Contracts established by US Communities Government Purchasing Alliance in order to effect substantial economies in the purchase of materials, supplies and services; and

WHEREAS, US Communities Government Purchasing Alliance has contracted with the following vendors for various contracts:

Empire Today
Applied Industrial Technologies
The Home Depot

GraybaR

Zep Superior Solutions
Kone Elevator
Garland/DBS, Inc.,

Hertz Equipment Rental
Independent Stationers
HD Supply Facilities Maintenance

Haworth, Herman Miller, and Knoll
Fisher Science Education

Car Quest
AmSan Clean Source

Gametime

Kompani
BSN Sports
US Games
Cintas
Premier US Foods
Tech Depot
Insight

Carpet & Flooring
Industrial Supplies
Maintenance Repair, Building, &
Operating Supplies
Electrical & Lighting & Data
Communications
Janitorial Supplies
Escalators & Elevator Maintenance
Roofing Supplies, Related Products
& Services
Equipment & Tool Rental Service
Office Supplies
Industrial & Building Supplies &
Equipment
Office Furniture
Science Lab ware Supplies &
Equipment
Auto Parts & Accessories
Custodial & Janitorial Supplies &
Equipment
Recreational & Playground
Equipment
Park & Playground Equipment
Athletic supplies & Equipment
Athletic Equipment
Emergency Equipment, Apparel
Food Service Supplies & Equipment
IT Solutions & Products
IT Equipment & Supplies

WHEREAS, it is the City of Ocean City intent to utilize these contracts on as needed basis during the calendar year 2013; and

WHEREAS, the City of Ocean City may enter into contractual agreements with the above referenced US Communities Government Purchasing Alliance Vendors through this resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the current New Jersey Local State Public Contracts Law; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Ocean City, New Jersey authorizes the City Purchasing Manager to purchase certain goods or services from those approved US Communities Government Purchasing Alliance Vendors pursuant to all conditions of the individual contracts and in compliance with New Jersey State Public Contracts Law; and

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

BE IT FURTHER RESOLVED, that the named US Communities Government Purchasing Alliance vendors and their corresponding contracts may change during the timeframe indicated below and that the City Purchasing Manger is hereby authorized to make the necessary adjustments to the above list as may be required for the City to continue its routine procurement practices throughout the indicated timeframe; and

BE IT FURTHER RESOLVED, that the City Council of the City of Ocean City, pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds and that no contract amount shall be chargeable or certified until such times as the goods or services are ordered or otherwise called for prior to placing the order and a certification of availability of funds shall be made by the City's Chief Financial Officer; and

BE IT FURTHER RESOLVED that the duration of the contracts between the City of Ocean City and the referenced US Communities Government Purchasing Alliance Vendors shall be for the time period beginning on January 1, 2013 and continuing through December 31, 2013 or until the expiration of the referenced vendors' US Communities Government Purchasing Alliance Contract, whichever shall occur first.

Michael J. Allegretto
Council President

FILES: RES 2013 US Communities.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED	
Allegretto	_____	_____	_____	_____ City Clerk
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#11

AUTHORIZING THE PAYMENT OF CLAIMS

WHEREAS, N.J.S.A. 40A: 5-17 entitled “Approval and Payment of Claims and Required General Books of Account” generally sets forth the manner in which claims against municipalities are to be handled; and

WHEREAS, the attached bill list represent claims against the municipality for period including December 22, 2012 to January 4, 2013.

NOW, THEREFORE, BE IT RESOLVED that the attached bill list is approved for payment.

Frank Donato III
Chief Financial Officer

Michael J. Allegretto
Council President

FILES/AUTHORIZING THE PAYMENT OF CLAIMS – 12.22.12 TO 01.04.13.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____	City Clerk
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

City of Ocean City
Bill List Report - JANUARY 10, 2013

Vendor Name	Description	Amount
OCPAYROLL 1/10/13	PYRLL #1 2013	883,635.22
OCSPE 1/10/13	SS/MED PYRLL #1 2013	41,377.44
OCBOE: 1/11/13	SCHOOL TAXES PAYABLE	2,000,000.00
DEPOST.: 1/15/13	DESPOSITORY TRUST - DEBT SERVICE	2,132,750.00
OCPET	OCEAN CITY PETTY CASH 2013	800.00
BILL LIST 2013 ITEMS:		<u>5,058,562.66</u>
PENDING APPROVAL OF 2013 TEMPORARY BUDGET		

2012 BILLS

81MOYER	REIMBURSEMENT #1 2012	327.56
AC ELECTRIC	DECEMBER 2012 ELECTRIC BILL	57,472.40
HESSCORP	DECEMBER 2012 ELECTRIC BILL	988.36
NJAMW	DECEMBER 2012 WATER BILL	56,802.50
NJ AVIATION FUEL TAX	DECEMBER SALES TAX	12.22
NJ SALES TAX	DECEMBER SALES TAX	6.13
SJGAS	DECEMBER 2012 GAS BILL	10,841.42
BILL LIST 2012 ITEMS:		<u>126,450.59</u>
TOTAL BILL LIST 2013:		<u><u>5,185,013.25</u></u>

PO	VENDOR	AMT. RECD
12-00046	ACUA	\$47,270.92
12-00048	CMCMUA	\$36,650.92
12-00048	CMCMUA	\$60,000.00
12-00048	CMCMUA	\$455,182.24
<u>12-00049</u>	BW STETSON	\$36.00
<u>12-00375</u>	BLUE DIAMOND	\$82,672.11
12-00375	BLUE DIAMOND	\$163,879.25
12-00439	ALL CLEAN	\$5,927.43
12-00573	EARTHTECH	\$10,090.81
12-00573	EARTHTECH	\$59,656.87
12-02965	LUMBERMAN	\$2,592.00
12-03071	TUCKAHOE TURF	\$4,372.00
12-03176	ATLANTIC CO RENTAL	\$3,975.00
12-03177	THE TREE MAN	\$1,582.50
12-03184	CROSSFIRE	\$52,866.00
	Total Bill List for 1/10/13	<u>\$986,754.05</u>

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#12

**PROVIDING FOR A TEMPORARY BUDGET FOR THE
CITY OF OCEAN CITY, NEW JERSEY FOR FISCAL YEAR 2013**

WHEREAS, New Jersey Statutes Title 40A: 4-19, provides that the governing body of municipalities may by resolution adopted prior to January 31 of the fiscal year, make appropriations to provide for the period between the beginning of the fiscal year and the adoption of a full year budget; and

WHEREAS, the total of such appropriations so made shall not exceed twenty-six and a quarter percent (26.25%) of the total of the appropriations made for all such purposes excluding debt service, capital improvement fund, and for public assistance appropriations; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ocean City, Cape May County, that a Temporary Budget be established for the City of Ocean City for the fiscal year 2013; and

BE IT FURTHER RESOLVED that such appropriations be made in accordance with the descriptions and amounts as represented on the attached sheets that so follows.

Michael J. Allegretto, Council President

FILES/PROVIDING FOR A TEMPORARY BUDGET FOR YEAR 2013

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____	City Clerk
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

control	Description	Classification	2012 ADOPTED	2013
			BUDGET	TEMPORARY BUDGET
1	MAYOR'S OFFICE	S&W	-	-
2	MAYOR'S OFFICE	OE	3,000.00	800.00
3	CITY ADMINISTRATOR	S&W	242,000.00	75,500.00
4	CITY ADMINISTRATOR	OE	2,000.00	500.00
5	ECONOMIC DEVELOPMENT + ENVIRONMENTAL	S&W	20,000.00	6,200.00
6	ECONOMIC DEVELOPMENT + ENVIRONMENTAL	OE	3,000.00	800.00
7	HUMAN RESOURCES	S&W	495,500.00	152,500.00
8	HUMAN RESOURCES	OE	136,975.00	36,000.00
9	PURCHASING	S&W	263,000.00	81,000.00
10	PURCHASING	OE	7,150.00	1,900.00
11	INFORMATION TECHNOLOGY	S&W	299,000.00	92,000.00
12	INFORMATION TECHNOLOGY	OE	186,400.00	49,000.00
13	EMERGENCY MGT	S&W	10,000.00	5,000.00
14	EMERGENCY MGT	OE	14,500.00	3,800.00
15	ENGINEERING & PROJECT MANAGEMENT	S&W	146,000.00	45,000.00
16	ENGINEERING & PROJECT MANAGEMENT	OE	2,130.00	600.00
17	COMMUNITY SERVICE-DIRECTOR	S&W	383,000.00	118,000.00
18	COMMUNITY SERVICE-DIRECTOR	OE	1,500.00	400.00
19	PUBLIC RELATIONS	S&W	188,000.00	58,000.00
20	PUBLIC RELATIONS	OE	145,000.00	38,000.00
21	RECREATION PROGRAMS	S&W	658,000.00	202,500.00
22	RECREATION PROGRAMS	OE	22,900.00	6,000.00
23	RECREATION OPERATIONS	S&W	548,000.00	169,000.00
24	RECREATION OPERATIONS	OE	37,050.00	10,000.00
25	AQUATIC & FITNESS CENTER	S&W	882,000.00	271,500.00
26	AQUATIC & FITNESS CENTER	OE	114,600.00	30,000.00
27	PUBLIC ASSISTANCE	S&W	90,000.00	28,000.00
28	PUBLIC ASSISTANCE	OE	2,000.00	600.00
40	MUNICIPAL CODE & LICENSING	S&W	412,000.00	127,000.00
41	MUNICIPAL CODE & LICENSING	OE	19,300.00	5,000.00
31	PLANNING & ZONING DIVISIONS	S&W	249,000.00	77,000.00
32	PLANNING & ZONING DIVISIONS	OE	71,900.00	19,000.00
33	PLANNING BOARD	OE	21,650.00	5,700.00
36	ZONING BOARD	OE	10,800.00	2,900.00
37	HISTORICAL COMMISSION	OE	2,950.00	800.00
38	CODE CONSTRUCTION	S&W	531,000.00	163,500.00
39	CODE CONSTRUCTION	OE	15,400.00	4,000.00
42	LEGAL DIVISION	S&W	147,000.00	45,500.00
43	LEGAL DIVISION:	OE	332,500.00	87,000.00
44	LEGAL DIVISION:Public Defender	OE	43,000.00	11,000.00
45	CITY CLERK	S&W	241,000.00	74,500.00
46	CITY CLERK	OE	76,625.00	20,000.00
47	CITY COUNCIL	S&W	73,600.00	19,000.00
48	CITY COUNCIL	OE	11,535.00	3,000.00
49	CITY COUNCIL:AUDIT	OE	38,000.00	10,000.00
50	MUNICIPAL COURT	S&W	602,000.00	185,500.00
51	MUNICIPAL COURT	OE	36,000.00	10,000.00
52	ACCOUNTING DIVISION	S&W	450,000.00	118,000.00
53	ACCOUNTING DIVISION	OE	88,600.00	27,500.00
54	OFFICE OF PARKING REGULATIONS	S&W	198,000.00	-
55	OFFICE OF PARKING REGULATIONS	OE	41,750.00	11,000.00
56	TAX ASSESSEMENT	S&W	313,000.00	96,500.00
57	TAX ASSESSMENT	OE	125,050.00	33,000.00
58	BEACH FEE	S&W	320,000.00	-
59	BEACH FEE	OE	57,500.00	18,000.00
60	TAX COLLECTION	S&W	283,000.00	87,000.00
61	TAX COLLECTION	OE	9,200.00	3,000.00
62	REVENUE COLLECTION	S&W	334,000.00	103,000.00
63	REVENUE COLLECTION	OE	165,000.00	43,000.00
64	POLICE PROTECTION	S&W	7,383,000.00	2,300,000.00
65	POLICE PROTECTION	OE	171,600.00	45,000.00
66	POLICE PROTECTION:VEHICLES	OE	67,500.00	-

			2012 ADOPTED	2013
control	Description	Classification	BUDGET	TEMPORARY
				BUDGET
67	RESCUE SERVICES	S&W	286,000.00	88,000.00
68	RESCUE SERVICES	OE	83,300.00	22,000.00
69	LIFEGUARDS	S&W	1,325,000.00	-
70	LIFEGUARDS	OE	61,000.00	16,000.00
71	FIRE PROTECTION	S&W	6,352,000.00	1,950,000.00
72	FIRE PROTECTION	OE	129,100.00	34,000.00
73	PW:ADMINISTRATION & MANAGEMENT	S&W	480,000.00	148,000.00
74	PW:ADMINISTRATION & MANAGEMENT	OE	25,505.00	7,000.00
75	PW:SANITATION + RECEIVING OPERATIONS	S&W	806,000.00	248,000.00
76	PW:SANITATION + RECEIVING OPERATIONS	OE	46,150.00	12,000.00
77	PW:SANITATION + RECEIVING OPERATIONS- ALL TRAS	OE	2,706,000.00	710,000.00
78	PW:FIELD OPERATIONS	S&W	1,245,000.00	383,500.00
79	PW:FIELD OPERATIONS	OE	60,600.00	15,000.00
80	PW:FLEET MAINTENANCE	S&W	264,000.00	81,500.00
81	PW:FLEET MAINTENANCE	OE	174,400.00	50,000.00
82	PW:FACILITY MAINTENANCE	S&W	858,000.00	264,000.00
83	PW:FACILITY MAINTENANCE	OE	227,900.00	60,000.00
84	HUMAN RESOURCES	OE:HEALTH INS.	6,570,500.00	1,700,000.00
85	HUMAN RESOURCES	OE:INSURANCE	2,088,700.00	600,000.00
86	CITY WIDE OPERATIONS:625:FINANCE	OE	384,900.00	101,000.00
87	CITY WIDE OPERATIONS:825:PUBLIC WORKS	OE	307,300.00	85,000.00
88	CITY WIDE OPERATIONS:626:220:ELECTRIC	OE	696,000.00	185,000.00
89	CITY WIDE OPERATIONS:626:225:GAS	OE	408,000.00	110,000.00
90	CITY WIDE OPERATIONS:626:226:WATER	OE	864,000.00	230,000.00
91	CITY WIDE OPERATIONS:626:227:STREET LIGHTING	OE	312,000.00	85,000.00
92	CITY WIDE OPERATIONS:626:228"SJGAS	OE	240,000.00	65,000.00
93	CITY WIDE OPERATIONS:020:200:TELEPHONE	OE	262,000.00	69,000.00
94	SPECIAL IMPROVEMENT DISTRICT/LOAN PAYOFF	OE	22,000.00	-
95	MANDATED: PENSIONS:PERS	OE:PENSIONS	1,337,245.00	
96	MANDATED: PENSIONS:DCRP	OE:PENSIONS	10,000.00	2,600.00
97	MANDATED: FICA	OE	1,385,000.00	400,000.00
98	MANDATED: PENSIONS:CPFRS	OE:PENSIONS	9,645.07	8,977.16
99	MANDATED: PENSIONS:PFRS	OE:PENSIONS	2,695,260.00	
100	LOCAL:LIFEGUARD PENSION FUND	OE	100,000.00	
101	MANDATED: UNEMPLOYMENT	OE	109,000.00	40,000.00
102	LOCAL:ETHICS BOARD	OE	20,000.00	
	SUBTOTAL OF IN THE CAP ITEMS		50,796,670.07	13,008,577.16
103	MATCHING FUNDS FOR GRANTS	OE:GRANTS	5,343.00	
104	GRANTS IN BUDGET	OE:GRANTS	1,841,720.75	
	BULLET PROOF VEST: DOJ	OE:GRANTS		10,820.06
	RECYCLING TONNAGE GRANT	OE:GRANTS		2,673.97
	DWI	OE:GRANTS		6,458.13
	NJSP EMERGENCY MGT.	OE:GRANTS		10,000.00
	MUNICIPAL ALLIANCE	OE:GRANTS		3,839.80
105	MANDATED: OC LIBRARY	OE:LIBRARY	4,079,200.00	969,725.25
106	CIF-DOWNPAYMENT	OE:CIF	730,000.00	250,000.00
107	DEBT SERVICE: PRINCIPAL	OE:DEBT	5,980,000.00	6,915,000.00
	DEBT SERVICE: PAYMENT OF NOTES	OE:DEBT	1,450,000.00	
108	DEBT SERVICE: INTEREST BONDS	OE:DEBT	1,942,940.00	2,080,100.00
109	DEBT SERVICE: INTEREST NOTES	OE:DEBT	332,125.00	560,562.50
110	DEBT SERVICE: PAYMENT:DCFT:CAPITAL	OE:DEBT:DCFT	-	
111	DEBT SERVICE: GREEN ACRES	OE:DEBT	65,155.87	70,936.52
112	RESERVE FOR UNCOLLECTED TAXES	OE:RUT	1,485,000.00	
113	SPECIAL EMERG APPRO-REVALUATION	OE:EMER.	-	
	SUBTOTAL OF OUTSIDE THE CAP ITEMS		17,911,484.62	10,880,116.23
	TOTAL FINAL ADOPTED BUDGET:		68,708,154.69	23,888,693.39

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#13

**ESTABLISHING INTEREST RATES FOR DELINQUENT
TAX PAYMENTS AND OTHER MUNICIPAL CHARGES**

WHEREAS, New Jersey Statutes Annotated 54:4-67, as revised by Assembly Bill 3170, permits the governing body of a municipality to affix the rate of interest to be charged for the non-payment of taxes or assessments on or before the date when they would come delinquent; and

WHEREAS, NJSA 54:7-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows and additional penalty of 6% be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year; and

WHEREAS, the governing body of the City of Ocean City desires to establish appropriate and just interest rates for delinquent taxes so as to ensure the prompt payment of City taxes and to therefore so properly and fairly legislate the fiscal affairs of the City of Ocean City for the benefit of all its citizens and taxpayers; and

WHEREAS, the City Council of the City of Ocean City authorizes a grace period of ten (10) days before the taxes become delinquent, however, if payment is made after the grace period, the delinquency reverts back to the original due date; and

NOW, THEREFORE, BE IT RESOLVED the governing body of the City of Ocean City, County of Cape May, State of New Jersey, does hereby resolve as follows

1. The City shall charge no interest if payment of any tax installment is made within ten (10) days after the date upon which the tax becomes payable.
2. The rate of interest charged upon the first \$1,500.00 of the delinquency shall be set at eight per cent (8%) per annum and eighteen per cent (18%) per annum on any amount in excess of \$1,500.00 and if the total delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency, said interest calculation reverts back to the date of the tax payment.
3. The effective date of said rates shall be January 1, 2013.
4. This resolution shall also apply to assessments within the Special Improvement District (SID). The February 2013 S.I.D. payment will be due (25) days from the date the Tax Collector certifies the mailing of the 2013 S.I.D. billing. All subsequent quarterly tax installments will be due and payable as stated on the S.I.D. bill.
5. This Resolution shall also apply to all municipal charges.
6. A copy of this resolution shall be available for inspection in the Ocean City Clerk's Office. A copy of this resolution shall be published on two occasions in the Ocean City Sentinel Ledger.

Files/2013 Interest Rates

Michael J. Allegretto, Council President

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____	City Clerk
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DIVISION OF TAX COLLECTION

MEMORANDUM TO: Frank Donato
Director of Financial Management

FROM: Gary M. Hink
Tax Collector

SUBJECT: Annual resolution establishing interest rates

DATE: January 2, 2013

Attached please find the annual resolution establishing interest rates for the 2013 tax year. As you are aware NJSA 54:4-67 permits a municipality to set interest rates of 8% per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount in excess of \$1,500.00. In addition a 6% year end penalty would apply for delinquent amounts in excess of \$10,000.00.

The resolution also permits a 10 day grace period for the quarterly taxes due and this resolution also applies to the Special Improvement District (S.I.D.) quarterly billings as well as all municipal charges. Language pertaining to the 2013 S.I.D. billing is stated in this resolution.

The annual resolution is an important part of the enforcement and collection of taxes and the overall collection rate of taxes.

Please contact me if you have any questions.

N:\Tax Collection\MEGAN\Memos\annual resol estab interest rates.docx

PO BOX 208, OCEAN CITY, NJ 08226
609-525-9379 FAX: 609-399-5047

Printed on Recycled Paper

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#14

DEFERRING SCHOOL TAX TO 2013

WHEREAS, by statute, when a municipality raises school taxes on a school year basis, an amount of not more than 50% of the levy may be deferred to the following year; and

WHEREAS, 50% of the school tax levy of the City of Ocean City school district is **\$12,136,292.00** and

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Ocean City desires to defer school taxes to the year 2013 in the amount of **\$12,136,292.00**.

Frank Donato III
Chief Financial Officer

Michael J. Allegretto
Council President

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinosso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#15

**AUTHORIZING THE TAX ASSESSOR TO FILE TAX APPEALS
ON BEHALF OF THE CITY OF OCEAN CITY**

WHEREAS, by directive of the County Board of Taxation, under Resolution 18:12A 1.6 (C), that any and all tax appeals for the increase or decrease of assessments submitted to this Board by the Tax Collector and/or Tax Assessor on behalf of the City of Ocean City for the year 2013 are hereby authorized by this governing body for disposition by the County Board of Taxation; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Ocean City, County of Cape May and State of New Jersey, that the Tax Assessor is authorized to submit increase or decreased assessment to the County Board of Taxation; and

BE IT FURTHER RESOLVED that the City of Ocean City Clerk be instructed to submit a certified copy of this Resolution to the City Tax Assessor, Tax Collector and Cape May County Board of Taxation.

Michael J. Allegretto, Council President

FILES/TAX ASSESSOR TO FILE TAX APPEALS FOR YEAR 2013

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of
said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____	City Clerk
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

**CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY**

RESOLUTION

#16

**DECLARING THAT AN EMERGENT CONDITION EXISTS AND AUTHORIZING AN AWARD OF
A CONTRACT TO BROADLEY'S MECHANICAL CONTRACTING, INC. FOR THE REPAIR &
RESTORATION OF PECK'S BEACH VILLAGE**

WHEREAS, an emergent condition was declared by Governor Chris Christie on Saturday, October 27, 2012 by Executive Order #104 in anticipation of Hurricane Sandy's landfall; and

WHEREAS, Mayor Jay Gillian; Frank Donato III, Director of Emergency Management; Scott Morgan, Deputy Director of Emergency Management; Chief Chad C. Callahan, Police Department; Chief Christopher J. Breunig, Department of Fire & Rescue Services; Michael A. Dattilo, Business Administrator and James V. Mallon, Director of Community Services issued mandatory evacuation orders ahead of Hurricane Sandy; and

WHEREAS, Michael Rossbach, Director of Public Works; Steven Longo, Manager of Public Buildings & Property; Arthur J. Chew, PE, City Engineer; Roger Rinck, Manager of Engineering and Joseph S. Clark, QPA, Purchasing Manager conducted inspections and meetings on the condition of the City once Hurricane Sandy had passed; and

WHEREAS, Mayor Jay Gillian; Michael A. Dattilo, Business Administrator; Frank Donato, III, CMFO, Director of Financial Management; Georgia Arnold, Manager; Arthur J. Chew, PE, City Engineer; Michael Rossbach, Director of Public Works; James V. Mallon, Director of Community Services and Joseph S. Clark, QPA, Purchasing Manager reviewed the submitted reports and data and determined that the Peck's Beach Village, a public housing facility within the City of Ocean City, NJ operated by the Ocean City Housing Authority had been damaged requiring the residents to be relocated in alternative housing and was in need of immediate repair; and

WHEREAS, Nicholas Thompson, Executive Director of the Ocean City Housing Authority; Mayor Jay Gillian; Michael A. Dattilo, Business Administrator; Frank Donato, III, CMFO, Director of Financial Management; James V. Mallon, Director of Community Services; Georgia Arnold, Manager; Arthur J. Chew, PE, City Engineer and Joseph S. Clark, QPA, Purchasing Manager determined that time was of the essence in order to resolve residents being displaced and to prevent further damage to Peck's Beach Village and entered into an initial contract with Broadley's Mechanical Contracting, Inc. in accordance with N.J.S.A. 40A:11-6; and

WHEREAS, the City of Ocean City and the Ocean City Housing Authority have partnered in the past for various projects at Peck's Beach Village; and

WHEREAS, the City of Ocean City has acted as the lead agency for the procurement of the contractor, related materials and project administration for the repair & restoration of Pecks Beach Village; and

WHEREAS, the Ocean City Housing Authority shall reimburse the City of Ocean City with federally approved monies and insurance reimbursements for repair & restoration of Peck's Beach Village; and

WHEREAS, the New Jersey Public Contract Law, N.J.S.A. 40A:11-6 permits municipalities to make required purchases without public bidding or advertising, when situations of emergency affecting public health, safety, or welfare have been declared and when immediate remediation of said article is required to rectify the emergent conditions; and

WHEREAS, on November 16, 2012 an initial proposal was received and a work order was issued to **Broadley's Mechanical Contracting, Inc., 501 Bay Avenue, Suite 108, Somers Point, NJ 08244** in an amount of **\$321,000.00**; and

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

WHEREAS, Michael A. Dattilo, Business Administrator; Nicholas Thompson, Executive Director of the Ocean City Housing Authority; Michael Rossbach, Director of Public Works; James V. Mallon, Director of Community Services; Georgia Arnold, Manager; Arthur J. Chew, PE, City Engineer and Joseph S. Clark, QPA, Purchasing Manager have reviewed the initial proposal and the work order in the amount of \$321,000.00 for the repair or restoration of the furnaces, hot water heaters and associated items for Peck’s Beach Village in proper order; and

WHEREAS, all invoices for work performed to date have been submitted in the amount of **\$127,000.00** and subsequently additional invoices will follow in the coming weeks to complete the total contract; and

WHEREAS, Broadley’s Mechanical Contracting, Inc. has submitted all required paperwork as well as a copy of the Business Entity Certification, a Sworn Statement by a Professional Provider, Determination of Value and Business Registration Certificate (BRC) which shall be on placed on file in the Purchasing Division; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City that it authorizes a contract for repair or restoration of Peck’s Beach Village to **Broadley’s Mechanical Contracting, Inc., 501 Bay Avenue, Suite 108, Somers Pont, NJ 08244**; and

BE IT FURTHER RESOLVED by the City Council of the City of Ocean City that the City Purchasing Manager is hereby authorized to enter into a formal contract and issue Purchase Orders as required to **Broadley’s Mechanical Contracting, Inc., 501 Bay Avenue, Suite 108, Somers Pont, NJ 08244** for repair & restoration of Peck’s Beach Village as listed and in accordance with this resolution and submitted proposal.

The Director of Financial Management certifies that funds are available and shall be COAH Account No. T-12-56-175-026 as the Purchase Order is issued.

CERTIFICATION OF FUNDS

Frank Donato, III, CMFO
Director of Financial Management

Michael J. Allegretto
Council President

FILES: RES Emergent Condition Broadley’s Mechanical - PBV.doc

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED City Clerk
Allegretto	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#17

**CONSENTING TO THE MAYOR’S APPOINTMENT OF CHUCK BANGLE
AND FRANK SHOEMAKER AS MEMBERS TO THE
TOURIST DEVELOPMENT COMMISSION**

BE IT RESOLVED, by the Mayor and City Council of the City of Ocean City that the following individuals are hereby Appointed to the Tourist Development Commission in accordance with Ordinance #83-23.

<u>Name</u>	<u>Term</u>	<u>Expires</u>
Chuck Bangle	2 Years *	12/31/2014
Frank Shoemaker	2 Years *	12/31/2014

* 1st Full Term

Michael J. Allegretto
Council President

File name: bd appt – tourist 2013 Shoemaker Bangle

Offered by Seconded by

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the day of 20

NAME	AYE	NAY	ABSENT	ABSTAINED
Allegretto	_____	_____	_____	_____	City Clerk
DeVlieger	_____	_____	_____	_____	
Guinosso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	