

ORDINANCE NO. 13-32

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV, ZONING AND LAND DEVELOPMENT OF THE REVISED ORDINANCES OF THE CITY OF OCEAN CITY (Retaining walls; R-1 and R-2 Corner lots Fronting on Boardwalk)

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 25-1700.8.9 (e), "Lot Grading" 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:

Retaining walls installed in slope control areas shall be constructed of reinforced concrete, other reinforced masonry or of other construction materials acceptable to the Planning Board Engineer and detailed on the final plat to carry all earth pressures, including any surcharges. The height of retaining walls shall not exceed **one-half (1/2)** of the horizontal distance from the foundation wall of any building **on the subject property to the face of the retaining wall, not to exceed thirty (30) inches measured from grade on the adjacent property.** Should the City adopt, subsequently to this Ordinance, standard details for such construction, the same shall govern.

Section 2

Section 25-1700.14.1, "Fences and Hedges, Height Requirements" 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:

k. Retaining walls installed in slope control areas shall be constructed of reinforced concrete, other reinforced masonry or of other construction materials acceptable to the Planning Board Engineer and detailed on the final plat to carry all earth pressures, including any surcharges. The height of retaining walls shall not exceed **one-half (1/2)** of the horizontal distance from the foundation wall of any building **on the subject property to the face of the retaining wall, not to exceed thirty (30) inches measured from grade on the adjacent property.** Should the City adopt, subsequently to this Ordinance, standard details for such construction, the same shall govern.

Section 3

Section 25-300.1(a)(3), "Encroachments in Front Yards, Rear Yards and Side Yards" 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:

(q) Retaining walls built in accordance with Section 25-1700.8.9(e). and 14.1.

Section 4

Section 25-107, "Definitions" of the Revised General Ordinances of the City of Ocean City is amended as follows:

Impervious Surface shall mean any natural or manmade surface that does not permit the infiltration of water, including all principal and accessory buildings, decks, porches, swimming pools, driveways, sidewalks, patios and parking areas, constructed of gravel, crushed stone or crushed shells, pavers, asphalt or concrete, areas underlain with plastic sheeting, and other materials determined by the City Engineer. Permeable landscaped areas in a natural state, vegetated, mulched or landscaped with stone such as river rock over a porous weed barrier, shall not be counted as impervious surface. **Impervious Surface does not include retaining walls eight (8) inches or fewer in width below cap width.**

Impervious Surface (as applied to all single-family detached dwelling units in the Gardens R-1 Neighborhood Zones) shall mean any natural or manmade surface that does not permit the infiltration of water, including all principal and accessory buildings, decks at the same and below the elevation of the first finished floor in the rear yard of waterfront lots, porches, swimming pools, driveways, sidewalks, patios and parking areas, constructed of gravel, crushed stone or crushed shells, pavers, asphalt or concrete, areas underlain with plastic sheeting, and other materials determined by the City Engineer. Permeable landscaped areas in a natural state, vegetated, mulched or landscaped with stone such as river rock over a porous weed barrier, shall not be counted as impervious surface. **Impervious Surface does not include retaining walls eight (8) inches or fewer in width below cap width.**

Section 5

Section 25-204.1.5, “Non-Discrete Residential R-1 Zones—Schedule of District Regulations” of the Revised General Ordinances of the City of Ocean City is amended to add the following footnote to the column for “Minimum Lot Area (Square Feet)” and to the column for “Minimum Lot Width and Lot Frontage:

(9) For lots with Boardwalk frontage, the minimum Lot Area, Lot Width and Lot Frontage for corner lots shall be the same as for interior lots.

Section 25-204.2.5, “Non-Discrete Residential R-2 Zones—Schedule of District Regulations” of the Revised General Ordinances of the City of Ocean City is amended to add the following footnote to the column for “Minimum Lot Area (Square Feet)” and to the column for “Minimum Lot Width and Lot Frontage:

(9) For lots with Boardwalk frontage, the minimum Lot Area, Lot Width and Lot Frontage for corner lots shall be the same as for interior lots.

Section 6

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

Section 7

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

Jay A. Gillian, Mayor

Anthony P. Wilson, Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the **x** day of **October, 2013**, and will be taken up for a second reading and final passage at a meeting of said Council held on the **x** day of **x**, in Council Chambers, Ocean City, New Jersey, at 7:00 o'clock in the evening.

Linda P. MacIntyre, City Clerk



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF LAW

Memo

DATE: October 7, 2013
TO: City Council
FROM: Dorothy F. McCrosson, Esquire
RE: Residential Mechanical Ordinance: Retaining Walls and R-1 and R-2 Corner Lots on Boardwalk

The Administration is recommending a revision and clarification of the requirements for the construction of retaining walls.

Sections 1 and 2 would change the permitted height of retaining walls from one-third (1/3) to one-half (1/2) of the horizontal distance from the foundation wall of the building on the subject property to the face of the retaining wall, but no higher than thirty (30) inches.

Section 3 would permit retaining walls within the rear yard setback. This would enable an owner to have a conforming retaining wall run all the way to the rear property line.

Section 4 clarifies the long-standing practice of not including retaining walls in the impervious surface coverage calculation.

In Section 5, the proposed language would eliminate the requirement that corner lots which front on the Boardwalk in the R-1 and R-2 zones be 10 feet wider than interior lots.

In the non-discrete zones, many, if not most, of the City is laid out with corner lots which are 10 feet wider than the interior lots in the same half-block. The zoning ordinance recognizes this pattern and requires the corner lots in R-1 and R-2 non-discrete zones to be larger.

However, this pattern is not evident in the area between 16th Street and 23rd Street along the Boardwalk.

This section of the ordinance would recognize that nearly all of the existing corner lots in this area are the same size as the interior lots in the same half block, and eliminate the need for a variance to redevelop these corner properties.



ORDINANCE NO. 13 –33

**ORDINANCE OF THE CITY OF OCEAN CITY, COUNTY OF CAPE MAY,
STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN
INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE,
CONDEMNATION OR EMINENT DOMAIN, SAID PROPERTIES BEING
IDENTIFIED ON THE ANNEXED SCHEDULE AND PARCEL MAPS**

WHEREAS, Superstorm Sandy caused significant and widespread damages to public and private property along the oceanfront and has greatly diminished pre-existing flood hazard risk reduction measures, making the Ocean City ("Municipality") extremely vulnerable to future storms; and

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

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

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

WHEREAS, the Mayor and Governing Body of the Municipality have concluded that it is necessary, desirable, and appropriate for the Municipality to undertake project for flood hazard risk reduction measures; and

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

WHEREAS, by adoption of this Ordinance the Municipality authorizes the taking of each identified privately owned property, or an easement in such property in cases in which there is a residence or commercial structure on the said property, by condemnation/ eminent domain so that the Municipality and other entities or agents acting on behalf of the Municipality shall have access onto, over, and through said privately owned real property for the purpose of taking any and all actions necessary for completing said flood hazard risk reduction measures; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Governing Body of the City of Ocean City in the County of Cape May and State of New Jersey as follows:

1. **RECITALS INCORPORATED**: The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **SPECIFIC FINDINGS**: The Mayor and Governing Body of the Municipality find that the flood hazard risk reduction measures will promote and protect the health, safety, and welfare of residents of the Municipality, and will prevent property damage and loss due to flooding, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.

3. **AUTHORIZE CONDEMNATION:** The Mayor and Governing Body of the Municipality specially authorize any and all necessary and appropriate actions by Municipality officials including the Mayor, Municipal Clerk, Municipal Attorney, and/or Special Condemnation Attorney, in conjunction with the Office of Flood Hazard Risk Reduction Measures within the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property interests in the properties as set forth herein through negotiation, purchase, or condemnation/ eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Municipality to the property owner(s) in the full amount of the appraised value of the property interest that the Municipality seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.
4. **IDENTIFICATION OF PROPERTY:** The properties for which a taking of property interests is authorized by negotiation, purchase, or condemnation/ eminent domain pursuant to this Ordinance are located in the Municipality and listed on the Municipality tax map, the legal descriptions of which are attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements in the properties identified herein.
5. **OFFICIALS AUTHORIZED:** All appropriate officials of the Municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.
6. **PURCHASE OF PROPERTY:** If a determination is made by a majority vote of the Governing Body of the Municipality that the purchase of the property, or an easement therein where there is a residence or commercial structure on the said property, is more appropriate than the obtaining said property interest through condemnation/ eminent domain, then all appropriate officials of the Municipality, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Municipality.
7. **REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
8. **SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.
9. **EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

Jay A. Gillian, Mayor

Anthony P. Wilson, Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the day of **October**, 2013, and will be taken up for a second reading and final passage at a meeting of said Council held on the day of , 2013, in Council Chambers, Ocean City, New Jersey, at 7:00 o'clock in the evening.

Linda P. MacIntyre, City Clerk



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF LAW

Memo

DATE: October 7, 2013
TO: City Council
FROM: Dorothy F. McCrosson, Esquire
RE: Ordinance Authorizing the Acquisition of Properties/Easements For Flood Hazard Risk Reduction

The Administration has been actively engaged in efforts to obtain easements from owners of privately-owned beach parcels so as to position Ocean City for a beach nourishment and dune-building project from 34th Street to Corson's Inlet State Park, as well as in other areas which are susceptible to storm damage where no easement is in place.

Many owners have cooperated with these efforts by signing the Deed of Dedication and Perpetual Storm Damage Reduction Easement which the U.S. Army Corps of Engineers and the N.J. Department of Environmental Protection have mandated be used for this purpose.

This ordinance would authorize all actions necessary to acquire the properties of the owners who have not signed the mandated document where the property is a separate, unimproved lot; and, to acquire an easement in properties where the property is improved with a residential or commercial structure.



EXHIBIT TO ORDINANCE 13 -33

34th Street South - Great Egg Harbor Inlet to Townsends Inlet

3400 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
3400 611.11	5-C1 122-C1, 131-C1	3420 Wesley Ave	Hughes, Daniel & Phyllis
3400 611.11	5-C2 122-C2, 131-C	3422 Wesley Ave	The Family Trust Created Under the Veronica P. Talotta Revocable Trust Agreement Dated November 13, 2008, Nicholas J. Talotta, Trustee
3400 611.11	6-C1 123-C1, 132-C1	3427A Wesley Ave	Ratigan, Brendan & Elizabeth
3400 611.11	7-C1 124-C1, 133-C1	3428 Wesley Ave	Colletti, Benjamin & Kathleen
3400 611.11	7-C2 124-C2, 133-C2	3430 Wesley Ave	Frizlen, William & Joan
3400 611.11	8 124, 126, 135, & 136	3433 Wesley Ave	Hammond, Linda
611.11	129-C1	3412 Wesley Ave	Eivich, Joseph & Edna

3500 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
611.11	147-C3504	3504 Wesley Ave	Balkovec, Joseph & Pamela
611.11	147-C3506	3506 Wesley Ave	Valko, George & Cindy
611.11	148	3508 Wesley Ave	Patricia F. Connell, Trustee, OPH Qualified Personal Residence Trust
611.11	151-C3520 151-C3522	3520-22 Wesley Ave	Carpenter, Jeffrey & Judith
611.11	152	3524 Wesley Ave	Raymond R. Martino, Trustee of the Raymond R. Martino Irrevocable Trust, and Rosemary Martino, Trustee of the Rosemary Martino Irrevocable Trust
611.11	153	3528-30 Wesley Ave	Costella, Theodore Q. (Estate)

3600 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
611.11	168	3602 Wesley Ave	Dougherty, Dennis & Shirley
611.11	169-C2	3606 Wesley Ave	Henry, David & Ellen
611.11	174-C1	3620 Wesley Ave	Clark-Dougherty, Michele
611.11	174-C2	3622 Wesley Ave	Grace B. Conway, Trustee of the Trust Agreement Dated October 1, 1997
611.11	175-C1	3624 Wesley Ave	3624 Wesley, LLC
611.11	175-C2	3626 Wesley Ave	Thum, William & Kristine

3700 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
611.11	197	3720-22 Wesley Ave	Amoroso, Daniel & Edwina
611.11	198-C1	3724 Wesley Ave	Walters, Margaret
611.11	198-C2	3726 Wesley Ave	Rotko, Michael & Denise
611.11	199-C1	3728 Wesley Ave	Radnor 1, Inc.
611.11	199-C2	3730 Wesley Ave	Wenonah Holdings, Inc.

3800 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
3801	13-C1	3800 Wesley Ave	Leonard, Marilyn
3801 611.11	14 214	3804-06 Wesley Ave	Sykora, Richard & Esther
3801	17-C1	3816 Wesley Ave	Carron, Lawrence & Catherine
3801 611.11	17-C2 217-C2	3818 Wesley Ave	Kahn, Eli & Jean

3900 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
3901 611.11	12 227, 228	3900-02 Wesley Ave	Kazanjan, Jr., Leon & Peggy Lou
3901 611.11	13-C1 229-C1	3905 Central Ave	Possumato, Riccardo & Joanne and Manzi, Jr., John & Beth
3901 611.11	14.01 231	3913-15 Central Ave	Pepe, Richard & Virginia

4000 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
4001 611.11	14, 15 247, 248	4020-26 Wesley Ave	Conroy, Joseph & Beverly
4001 611.11	16-C2 249-C2	4043 Central Ave	Wiley, John & Eva

4100 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
4101 611.11	13 262	4116-18 Wesley Ave	DeYoung, Virginia (Estate) Joanne Sellers, Executrix
4101	17	4132-34 Wesley Ave	Mumma, Elva (Estate)

4800 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
4801 611.11	13 330	4808-10 Wesley Ave	James E. McDonnell, II, Trustee Under Revocable Trust Agreement of James E. McDonnell, II Dated 1/26/1996

5700 Block

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
611.11	426	5647 Central Ave	Tedeschi, Anthony & Lois

Great Egg Harbor Inlet and Pecks Beach

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Owner</u>
70.41	2	9 Beach Road	Hubach, Vince & Jeanie
70.41	3	13 Beach Road	Hubach, Vince & Jeanie

ORDINANCE NO. 13-30

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV,
ZONING AND LAND DEVELOPMENT, OF THE REVISED GENERAL
ORDINANCES OF THE CITY OF OCEAN CITY REGULATING
ZONING FLOOD ELEVATION IN X FLOOD ZONES

(Offered by the Administration)

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 25-107 Definitions of Chapter XXV "Zoning and Land Development" of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

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 three (3) feet above *Finished Grade* within FEMA "A Zones" where *Base Flood Elevation* is less than two (2) feet 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 front-loaded-garage dwellings located on non-alley lots less than forty-five (45) feet wide where the lowest habitable floor is above the garage, the elevation of the lowest floor shall be nine (9) feet above *Finished Grade* unless the above provisions result in a higher elevation requirement, in which case the higher elevation requirement applies.

Zoning Flood Elevation within FEMA "X" Zones shall be two (2) feet above the Base Flood Elevation of the highest adjacent FEMA "A" Zone.

SECTION 2.

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

SECTION 3.

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

Jay A. Gillian, Mayor

Anthony P. Wilson, Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the 12th day of **September, 2013**, and was taken up for a second reading and final passage at a meeting of said Council held on the 10th day of **October, 2013** in Council Chambers, Ocean City, New Jersey, at 7:00 o'clock in the evening.

Linda P. MacIntyre, City Clerk

CITY OF OCEAN CITY
ORDINANCE NO. 13-30

Master Plan Consistency Report

Introduction – Ordinance 13-30 – “An Ordinance Amending and Supplementing Chapter XXV Zoning and Land Development of the Revised General Ordinances of the City of Ocean City Regulating Zoning Flood Elevation in X Flood Zones” was introduced and adopted on first reading by City Council on September 12, 2013. According to the September 13, 2013 referral from the City Clerk, Ordinance 13-30 will be advertised according to law and is scheduled to have second reading and public hearing at the October 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 13-30 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” adopted and filed pursuant to the Municipal Land Use Law 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, as subsequently amended by the Planning Board, and including master plan amendments identified in the Master Plan Reexamination Report adopted by the Planning Board on October 17, 2012.

Ordinance Summary – Ordinance 13-30 revises the definition of *Zoning Flood Elevation* (ZFE) by adding the following clarification:

Zoning Flood Elevation within FEMA "X" Zones shall be two (2) feet above the Base Flood Elevation of the highest adjacent FEMA "A" Zones.

Summary and Findings – As noted above the Planning Board's responsibility regarding the master plan consistency review is to identify any provisions 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 13-30 proposes a revision to the definition of *Zoning Flood Elevation*. The proposed definition specifically addresses the absence of a Base Flood Elevation in "X" Zones as identified in FEMA's Preliminary Work Maps. FEMA describes X Zones as a Non-Special Flood Hazard Area that is in a moderate-to-low risk flood zone, and is not in any immediate danger from flooding caused by overflowing rivers or hard rains. However, structures within a NSFHA are still at risk and historically, according to FEMA, one-in-five claims come from these moderate-to-low risk areas.

Ordinance 13-30 addresses the following goals from the Ocean City Master Plan:

- *encourage the coordination of regulations and activities influencing development*
- *secure safety from floods*

For the reasons cited herein, it is my professional opinion that Ordinance 13-30 is substantially consistent with the Ocean City Master Plan.



Randall E. Scheule, PP/AICP

New Jersey Professional Planner License No. LI003666

September 23, 2013

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#1

**AUTHORIZING THE AWARD OF A CONTRACT TO GYM SOURCE, INC. FOR SUPPLY,
MAINTENANCE & REPAIR OF FITNESS EQUIPMENT FOR THE CALENDAR YEAR 2013**

WHEREAS, the City of Ocean City has various fitness equipment in the Aquatic & Fitness Center, Department of Public Safety & Department of Fire & Rescue Services that requires occasional repair & maintenance to perform efficiently; and

WHEREAS, it is determined in the best interest for the City of Ocean City to have the equipment maintained and repaired by an authorized service professional; and

WHEREAS, Joseph S. Clark, QPA, City Purchasing Manager has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, Gym Source, Inc. has repaired and maintained the City's fitness products in the past; and

WHEREAS, Roger D. McLarnon, P.E., P.P., C.M.E., C.F.M., C.P.W.M., Director of Community Operations; Chief Christopher Breunig, Director of Fire & Rescue Services; Steven Longo, Management Specialist; Wendy Moyle, Manager of the Aquatic & Fitness Center; Dorothy F. McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the submitted proposal for the supply, maintenance & repair of fitness equipment for the Aquatic & Fitness Center and Fire Headquarters and recommend that Gym Source, Inc., 29 Lavender Drive, Sewell, NJ 08080 be awarded an alternative non-advertised method contract for the supply, maintenance & repair of fitness equipment for the Aquatic & Fitness Center and Fire Headquarters; and

WHEREAS, the vendor has been advised that this award does not guarantee that all of the services listed will be required during the contract period and are subject to the actual need as established by the City of Ocean City. As services are required, the City Purchasing Manager shall issue Purchase Orders for those services. No services shall be performed for the City without first obtaining a Purchase Order for said services; and

WHEREAS, Gym Source, Inc. has submitted a Business Entity Disclosure Certification which certifies that Gym Source, Inc. has not made any contributions to a political or candidate committee for an elected office in the City of Ocean City, County of Cape May, New Jersey in the previous one (1) year period, and that the contract will prohibit Gym Source, Inc. from making any contributions through the term of the contract; and

WHEREAS, the City of Ocean City may enter into an alternative non-advertised method contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that an alternative non-advertised method contract with **Gym Source, Inc., 29 Lavender Drive, Sewell, NJ 08080** be awarded as follows:

1. Supply, Maintenance & Repair of Various Fitness Equipment (Elliptical, Steppers, Extertube) on an as needed basis as determined by the Department of Community Operations & the Department of Fire & Rescue Services for the calendar year 2013.

Expended to Date..... \$ 18,580.71

Total to Date \$ 18,580.71

2. A copy of the Business Entity Certification, the Determination of Value and Business Registration Certificate (BRC) for Gym Source, Inc. has been submitted and shall be placed on file in the City's Purchasing Division Office.
3. 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.

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

BE IT FURTHER RESOLVED by the City Council of the City of Ocean City that the Purchasing Manager is authorized to execute a purchase order with **Gym Source, Inc., 29 Lavender Drive, Sewell, NJ 08080** in accordance with 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

Anthony P. Wilson
Council President

Files: RAW 13 Purchase Non-Advertised Contract Gym Source, Inc.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	_____	_____	_____	_____	
Guinasso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____ City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#2

**AUTHORIZING THE AWARD OF A CONTRACT TO MAINLINE COMMERCIAL POOLS, INC.
FOR REPAIR, MAINTENANCE, & LEASE OF THE TRIOGEN UV RAY 210 PURIFICATION
SYSTEM FOR THE NATATORIUM AT THE AQUATIC & FITNESS CENTER FOR THE
CALENDAR YEAR 2013**

WHEREAS, the City of Ocean City has a water sanitation system for the pool in the Natatorium at the Aquatic & Fitness Center which includes a ChlorKing chlorine generation and Triogen UV ray system to provide water purification; and

WHEREAS, it is determined in the best interest for the City of Ocean City to have the equipment maintained and repaired by an authorized service professional; and

WHEREAS, Joseph S. Clark, QPA, City Purchasing Manager has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, Mainline Commercial Pools, Inc. is an authorized ChlorKing & Triogen service professional and has repaired and maintained the Aquatic & Fitness Center's water sanitation system for the pool in the Natatorium; and

WHEREAS, Roger D. McLarnon, P.E., P.P., C.M.E., C.F.M., C.P.W.M., Director of Community Operations; Steven Longo, Management Specialist; Wendy Moyle, Manager of the Aquatic & Fitness Center; Dorothy F. McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the submitted proposal for the maintenance, repair & lease of the ChlorKing chlorination and the Trigen UV ray systems for the pool in the Natatorium at the Aquatic & Fitness Center and recommend that Mainline Commercial Pools, Inc., 441 Fehleley drive, King of Prussia, PA 19406 be awarded an alternative non-advertised method contract for the maintenance, repair & lease of the ChlorKing and Trigen UV purification systems for the pool Natatorium at the Aquatic & Fitness Center; and

WHEREAS, the vendor has been advised that this award does not guarantee that all of the services listed will be required during the contract period and are subject to the actual need as established by the City of Ocean City. As services are required, the City Purchasing Manager shall issue Purchase Orders for those services. No services shall be performed for the City without first obtaining a Purchase Order for said services; and

WHEREAS, Mainline Commercial Pools, Inc. has submitted a Business Entity Disclosure Certification which certifies that Mainline Commercial Pools, Inc. has not made any contributions to a political or candidate committee for an elected office in the City of Ocean City, County of Cape May, New Jersey in the previous one (1) year period, and that the contract will prohibit Gym Source, Inc. from making any contributions through the term of the contract; and

WHEREAS, the City of Ocean City may enter into an alternative non-advertised method contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that an alternative non-advertised method contract with Mainline Commercial Pools, Inc, 441 Fehleley drive, King of Prussia, PA 19406 be awarded as follows:

1. Maintenance, Repair & Lease of the Trigen UV Ray210 & ChlorKing water sanitation systems for the pool on an as needed basis as determined by the Department of Community Operations, Aquatic & Fitness Center the calendar year 2013.

Expended to Date..... \$ 31,351.00

Total to Date **\$ 31,351.00**

2. A copy of the Business Entity Certification, the Determination of Value and Business Registration Certificate (BRC) for Mainline Commercial Pools, Inc. has been submitted and shall be placed on file in the City's Purchasing Division Office.

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

3. 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 execute a purchase order with **Mainline Commercial Pools, Inc, 441 Fehleley drive, King of Prussia, PA 19406** in accordance with 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

Anthony P. Wilson
Council President

Files: RAW 13 Purchase Non-Advertised Contract Mainline Commercial Pools.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	_____	_____	_____	_____
Guinasso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#3

AUTHORIZING THE AWARD OF A CONTRACT TO SHOEMAKER LUMBER COMPANY, INC.
FOR SUPPLY OF LUMBER & HARDWARE FOR THE CALENDAR YEAR 2013

WHEREAS, the City of Ocean City has a need for different sizes and small quantities of lumber or hardware on occasion to complete a project or repair; and

WHEREAS, it is determined in the best interest for the City of Ocean City to have the necessary supplies in timely fashion so as to not delay the project or repair; and

WHEREAS, Joseph S. Clark, QPA, City Purchasing Manager has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, Shoemaker Lumber Company, Inc. has supplied the City of Ocean City with needed materials in the past; and

WHEREAS, Roger D. McLarnon, P.E., P.P., C.M.E., C.F.M., C.P.W.M., Director of Community Operations; Roger Rink, Management Specialist; Dorothy F. McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the submitted proposals for the supply of lumber & related hardware and recommend that Shoemaker Lumber Company, Inc., 1200 West Avenue, Po Box 357, Ocean City, NJ 08226 be awarded an alternative non-advertised method contract for the supply of lumber & hardware on an as needed basis; and

WHEREAS, the vendor has been advised that this award does not guarantee that all of the services listed will be required during the contract period and are subject to the actual need as established by the City of Ocean City. As services are required, the City Purchasing Manager shall issue Purchase Orders for those services. No services shall be performed for the City without first obtaining a Purchase Order for said services; and

WHEREAS, Shoemaker Lumber Company, Inc. has submitted a Business Entity Disclosure Certification which certifies that Shoemaker Lumber Company, Inc. has not made any contributions to a political or candidate committee for an elected office in the City of Ocean City, County of Cape May, New Jersey in the previous one (1) year period, and that the contract will prohibit Gym Source, Inc. from making any contributions through the term of the contract; and

WHEREAS, the City of Ocean City may enter into an alternative non-advertised method contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that an alternative non-advertised method contract with **Shoemaker Lumber Company, Inc., 1200 West Avenue, Po Box 357, Ocean City, NJ 08226** be awarded as follows:

1. Supply of Lumber & Hardware on an as needed basis as determined by the Department of Community Operations for the calendar year 2013.

Expended to Date..... \$ 21,239.85

Total to Date **\$ 21,239.85**

2. A copy of the Business Entity Certification, the Determination of Value and Business Registration Certificate (BRC) for Shoemaker Lumber Company, Inc. has been submitted and shall be placed on file in the City's Purchasing Division Office.

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

3. 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 execute a purchase order with **Shoemaker Lumber Company, Inc., 1200 West Avenue, Po Box 357, Ocean City, NJ 08226** in accordance with 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

Anthony P. Wilson
Council President

Files: RAW 13 Purchase Non-Advertised Contract Shoemaker.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	_____	_____	_____	_____
Guinasso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#4

**AUTHORIZING THE AWARD OF CITY CONTRACT #13-60,
SUPPLY & INSTALLATION OF DOWNTOWN POLE FOUNDATIONS**

WHEREAS, specifications were authorized for advertisement by Resolution No. 13-49-300 on September 12, 2013 for City Contract #13-60, Supply & Installation of Downtown Pole Foundations; and

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, September 18, 2013, the Notice to Bidders was posted on the City of Ocean City's website, www.ocnj.us and the Invitation to Bid was distributed to eleven (11) prospective bidder(s); and

WHEREAS, bid proposals were opened for City Contract #13-60, Supply & Installation of Downtown Pole Foundations on Thursday, October 3, 2013 and eight (8) bid proposals were received per the attached Summary of Bids; and

WHEREAS, Roger D. McLarnon, P.E., P.P., C.M.E., C.F.M., C.P.W.M., Director of Community Operation; Arthur Chew, Assistant City Engineer; Georgia Arnold, Manager; Dorothy F. McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the bid proposals and specifications and recommended that the contract be awarded to Kline Construction Co., 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 #13-60, Supply & Installation of Downtown Pole Foundations be and is hereby awarded to the following lowest responsible bidder as follows:

Kline Construction Company, Inc. 240 Waveland Avenue Galloway, NJ 08205
--

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
Base Bid 1				
1	Maintenance and Protection of Traffic	1 LS	\$ 1,585.00	\$ 1,585.00
2	Foundations	24 Units	\$ 897.00	\$ 21,528.00
Total Amount of Base Bid Items 1-2, Inclusive				\$ 23,113.00

BE IT FURTHER RESOLVED that the Mayor and the City Purchasing Manager are hereby authorized to enter into a contract with Kline Construction Company, Inc., 240 Waverly Avenue, Galloway, NJ 08205 for City Contract #13-60, Supply & Installation of Downtown Pole Foundations 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: C-04-55-219-011 - \$16,567.35; C-04-55-275-603 - \$6,545.65.

CERTIFICATION OF FUNDS

Frank Donato III, CMFO
Director of Financial Management

Anthony P. Wilson
Council President

Files: RAW 13-60 Supply & Installation of Downtown Decorative Pole Foundations.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

DEPARTMENT OF COMMUNITY OPERATIONS

Code Enforcement • Construction • Engineering • Environmental Management • Parks and Recreation • Planning • Zoning

Memo

To: Joseph Clark, QPA, Purchasing Manager

From: Arthur J. Chew, PE, PP, CFM, CME, CPWM

CC:

Date: October 4, 2013

Re: Recommendation of Award - Contract 13-060 - Job # 6-13-060

I have reviewed the qualifications and bid prices of Kline Construction, and find them acceptable. The company has recently worked on similar projects within the City of Ocean City for Atlantic City Electric. Their previous work has been generally acceptable and I have no objection with the contract being awarded to Kline Construction.

This project consists of the supply and installation of reinforced concrete foundations to support temporary poles to affix holiday decorations that will hang over Asbury Avenue. Two poles will be installed at the middle of each block and two poles will be installed near each intersection for a total of six (6) poles and foundations per block. The foundations will be installed in the 600, 700, 900, and 1000 blocks of Asbury Avenue. Foundations have previously been installed in the 800 block of Asbury Avenue. Contractor is not required to set the poles as this will be completed at a later date by City staff.

AJC

Z:\Planning and Engineering\Engineering\6-Downtown-Parking-Cultural-Historic\6-13-060 Supply and Installation of Downtown Decorative Pole Foundations\Letters\13-60 Recommendation to Award 13-10-03.doc



PURCHASING DIVISION
SUMMARY OF BIDS

CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

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

DATE RECEIVED: Thursday, October 3, 2013 @ 2:00 PM, EDT
CITY CONTRACT #: 13-60
PROPOSAL NAME: Supply & Installation of Downtown Decorative Pole Foundations

NAME, ADDRESS & BID OF EACH BIDDER			Bayside Construction Services, LLC		Command Co., Inc.		G. M. White Electrical Contractor, Inc.		J. Fletcher Creamer & Son, Inc.		Kline Construction Co., Inc.		Landberg Construction LLC	
Engineer's Estimate: \$75,000.00			1903 Glenwood Drive Ocean City, NJ 08226		1318 Antwerp Avenue Egg Harbor City, NJ 08215		2554 N. Delsea Drive Vineland, NJ 08360		101 E. Broadway Hackensack, NJ 07601		240 Waveland Avenue Galloway, NJ 08205		466 Clarkstown Road Mays Landing, NJ 08330	
			Glenn Watson, Managing Partner		Douglas E. Marienski, President		Mike Vizzard, President		Dale A. Creamer, Executive VP		Glenn Smith, Estimator		Kenneth Landberg, Owner	
			Ph: (609) 399-6031		Ph: (609) 965-0399		Ph: (856) 691-4499		Ph: (201) 488-9800		Ph: (609) 652-3000		Ph: (609) 829-2131	
			Fx: n/a		Fx: (609) 965-0441		Fx: (856) 691-9401		Fx: (201) 488-0587		Fx: (609) 652-2573		Fx: (609) 909-1647	
			email: ocbaysidelc@gmail.com		email: office@commandcoinc.com		email: mike@gmwhite.net		email: bascheetz@jfcson.com		email: gsmith@klineconstruction.net		email: Ken@LCX1.com	
DESCRIPTION			UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
BASE BID														
1	Maintenance and Protection of Traffic	1 LS	\$ 124.14	\$ 124.14	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00	\$ 6,000.00	\$ 2,867.00	\$ 2,867.00	\$ 1,585.00	\$ 1,585.00	\$ 8,000.00	\$ 8,000.00
2	Foundations	24 UNITS	\$ 2,358.61	\$ 56,606.64	\$ 3,700.00	\$ 88,800.00	\$ 2,300.00	\$ 55,200.00	\$ 3,200.00	\$ 76,800.00	\$ 897.00	\$ 21,528.00	\$ 1,650.00	\$ 39,600.00
TOTAL AMOUNT OF BASE BID ITEMS 1-2, INCLUSIVE			\$ 59,586.00	\$ 56,730.78		\$ 91,800.00		\$ 61,200.00		\$ 79,667.00		\$ 23,113.00		\$ 47,600.00
REQUIRED INFORMATION														
BID DEPOSIT/BOND:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
CONSENT OF SURETY:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
RIGHT TO EXTEND-TIME FOR AWARD:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
STOCKHOLDER DISCLOSURE STATEMENT:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
NON-COLLUSION AFFIDAVIT:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
NJ MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
NJ AFFIRMATIVE ACTION REGULATION COMPLIANCE NOTICE:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
REQUIRED SUB-CONTRACTOR'S LIST:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
ACKNOWLEDGMENT OF RECEIPT OF ADDENDA & CLARIFICATIONS:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
NJ BUSINESS REGISTRATION CERTIFICATE (BRC) SUBMITTED:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
PUBLIC WORKS REGISTRATION CERTIFICATE SUBMITTED:			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y
NUMBER OF COPIES (2)			YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y	YES/NO	Y

KEY

Calculation Error
Apparent Low Bidder



PURCHASING DIVISION
SUMMARY OF BIDS

CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

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

DATE RECEIVED: Thursday, October 3, 2013 @ 2:00 PM, EDT
CITY CONTRACT #: 13-60
PROPOSAL NAME: Supply & Installation of Downtown Decorative Pole Foundations

NAME, ADDRESS & BID OF EACH BIDDER		R. A. Walters & Son, Inc.		West Bay Construction, Inc.									
Engineer's Estimate: \$75,000.00		18 Hoffman Drive		133 Pleasant Avenue									
		Cape May Court House, NJ 08210		Absecon, NJ 08201									
		Richard A. Walters, Vice President		Frank L. Corradetti, PE, President									
		Ph: (609) 861-5955		Ph: (609) 380-7065									
		Fx: (609) 861-5839		Fx: (609) 573-5955									
		email: RichardAWalters@comcast.net		email: Info@westbayinc.net									
DESCRIPTION		UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
BASE BID													
1	Maintenance and Protection of Traffic	1 LS	\$ 5,000.00 \$ 5,000.00	\$ 2,000.00 \$ 2,000.00	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -
2	Foundations	24 UNITS	\$ 2,900.00 \$ 69,600.00	\$ 1,350.00 \$ 32,400.00	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -	\$ - \$ -
TOTAL AMOUNT OF BASE BID ITEMS 1-2, INCLUSIVE			\$ 74,600.00	\$ 34,400.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
REQUIRED INFORMATION													
BID DEPOSIT/BOND:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
CONSENT OF SURETY:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
RIGHT TO EXTEND-TIME FOR AWARD:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
STOCKHOLDER DISCLOSURE STATEMENT:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
NON-COLLUSION AFFIDAVIT:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
NJ MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
NJ AFFIRMATIVE ACTION REGULATION COMPLIANCE NOTICE:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
REQUIRED SUB-CONTRACTOR'S LIST:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
ACKNOWLEDGMENT OF RECEIPT OF ADDENDA & CLARIFICATIONS:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
NJ BUSINESS REGISTRATION CERTIFICATE (BRC) SUBMITTED:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
PUBLIC WORKS REGISTRATION CERTIFICATE SUBMITTED:		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	
NUMBER OF COPIES (2)		YES/NO	Y	YES/NO	Y	YES/NO		YES/NO		YES/NO		YES/NO	

KEY

Calculation Error
Apparent Low Bidder

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#5

**AUTHORIZING CHANGE ORDER NO 1 TO CITY CONTRACT #12-63,
SUPPLY, INSTALLATION, REMOVAL & STORAGE OF HOLIDAY DECORATIONS**

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, August 29, 2012, the Notice to Bidders was posted on the City of Ocean City's website, www.ocnj.us and the Invitation to Bid was distributed to five (5) prospective bidder(s); and

WHEREAS, bid proposals were opened for City Contract #12-63, Supply, Installation, Removal and Storage of Holiday Decorations on Tuesday, September 11, 2012 and one (1) bid proposal was received; and

WHEREAS, Arthur Chew, P.E. Assistant City Engineer; Michael Rossbach, Manager Specialist; Steven Longo, Manager of Buildings & Grounds; Roger Rink, Manager Specialist; Georgia C. Arnold, Manager; Dorothy 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 Downtown Decorations, Inc., the lowest responsible bidder; and

WHEREAS, the City Council of Ocean City, New Jersey awarded City Contract #12-63, Supply, Installation, Removal and Storage of Holiday Decorations on September 13, 2012 by Resolution No. 12-49-392 to Downtown Decorations, Inc., 6604 Deere Road, Syracuse, NY 13206; and

WHEREAS, Roger D. McLarnon, P.E., P.P., C.M.E., C.F.M., C.P.W.M., Director of Community Operation; Arthur Chew, P.E. Assistant City Engineer; Michael Rossbach, Manager Specialist; Steven Longo, Manager of Buildings & Grounds; Roger Rink, Manager Specialist; Georgia C. Arnold, Manager; Dorothy McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed and certified that Change Orders No. 1 to City Contract #12-63, Supply, Installation, Removal and Storage of Holiday Decorations is correct as follows:

Change Order No. 1
Increases to Contract

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Information/Welcome Center				
1.	F Plug	20 Each	\$ 1.45	\$ 29.00
2.	Double Sided Adhesive	1,100FT	\$.75	\$ 823.84
3.	M Plug	20 Each	\$ 1.45	\$ 29.00
4.	Lead Line	75 FT	\$ 2.00	\$ 150.00
5.	60' Lift 2 Days	2 Each	\$ 665.00	\$ 1,330.00
6.	Installation PW rate Labor	85 Hours	\$ 66.79	\$ 5,677.15
Park-Gazebo – 9th Street				
1.	C9 LED Light Line w/ Shingle Clips & Connectors	100 FT	\$ 374.00	\$ 374.00
Additional Downtown Streets				
1.	4 additional Blocks of the Downtown Area Holiday Decorations (12 total @ \$1,683.00/each)	1 Lump Sum	\$ 20,196.00	\$ 20,196.00
2.	Additional 3D Bows for the Above (66 total @ \$61.00/each)	1 Lump Sum	\$ 4,026.00	\$ 4,026.00
Total Amount of Increases for Change Order No. 1				\$ 32,634.99
Total Amount of Change Orders No. 1 Increases to City Contract #12-63, Supply, Installation, Removal and Storage of Holiday Decorations.....				\$ 32,634.99
Total Amount of City Contract #12-63, Supply, Installation, Removal and Storage of Holiday Decorations To Date including Change Order #1.....				\$ 172,264.73

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

WHEREAS, the new adjusted contract cost including Change Orders No. 1 is \$172,264.73 which represents a the total cost to date for City Contract #12-63, Supply, Installation, Removal and Storage of Holiday Decorations; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, NJ that it authorizes Change Orders No. 1 to City Contract #12-63, Supply, Installation, Removal and Storage of Holiday Decorations; and

BE IT FURTHER RESOLVED that the Director of Financial Management certifies that funds are available and will process Change Orders No. 1 to Downtown Decorations, Inc. in the amount of \$32,634.99 to be charged to the following Capital Account No. C-04-55-275-603.

CERTIFICATION OF FUNDS

Frank Donato, III, CMFO
Director of Financial Management

Anthony P. Wilson
Council President

Files: RESCO1 12-63 Downtown Decorations.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	_____	_____	_____	_____
Guinasso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#6

**AWARDING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF OCEAN CITY &
RUDERMAN & GLICKMAN, P.C. FOR LABOR COUNSEL SERVICES**

WHEREAS, the City of Ocean City requires specialized legal counsel to act as a labor negotiator for the City of Ocean City; and

WHEREAS, Joseph S. Clark, QPA, City Purchasing Manager has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, the Requests for Proposal (RFP's), City RFP #Q-11-018, Labor Counsel Services for the City of Ocean City was advertised in the Ocean City Sentinel on Wednesday, September 14, 2011, the specifications were posted on the City of Ocean City's website www.ocnj.us and the invitation to quote was sent to eight (8) prospective legal firms specializing in labor negotiations; and

WHEREAS, proposals were received & opened for City RFP #Q-11-018, Labor Counsel Services for the City of Ocean City on Tuesday, October 4, 2011 and four (4) proposals were received; and

WHEREAS, based on the review and evaluations conducted in accordance with New Jersey State Local Public Contract Law by Michael A. Dattilo, Business Administrator; Dorothy F. McCrosson, Esq., Director of Law; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager of the received proposals for City RFP #Q-11-018, Labor Counsel Services for the City of Ocean City it was recommended that a contract be awarded to Ruderman & Glickman, P.C.; and

WHEREAS, City Council awarded the original professional services contract for City RFP #Q-11-018, Labor Counsel Services for the City of Ocean City for a one (1) year duration beginning on November 1, 2011 and continuing through October 31, 2012 on October 25th 2011 through the passage of Resolution No. 11-47-090; and

WHEREAS, City Council awarded the second year pricing of the professional services contract for City RFP #Q-11-018, Labor Counsel Services for the City of Ocean City for a one (1) year duration beginning on November 1, 2012 and continuing through October 31, 2013 on October 11th 2012 through the passage of Resolution No. 12-49-004; and

WHEREAS, Ruderman & Glickman, P.C. have been determined to have the necessary expertise and ability to perform the required legal counsel services; and

WHEREAS, this contract is awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Ruderman & Glickman, P.C. have completed and submitted a Business Entity Disclosure Certification which certifies that each entity or individual named above has not made any contributions to a political or candidate committee for an elected office in the City of Ocean City, New Jersey in the previous one (1) year period, and that the contract will prohibit these same entities and individuals from making any contributions through the term of the contract; and

WHEREAS, the vendor has been advised that this award does not guarantee that all of the services listed will be required during the contract period and are subject to the actual need as established by the City of Ocean City. As services are required, the City Purchasing Manager shall issue Purchase Orders for those services. No services shall be performed for the City without first obtaining a Purchase Order for said services; and

WHEREAS, Ruderman & Glickman, P.C. has agreed to the fees that were proposed in City RFP #Q-11-018, Labor Counsel Services for the City of Ocean City for a third one (1) year duration beginning on November 1, 2013 and continuing through October 31, 2014; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that it does hereby award a contract to **Ruderman & Glickman, P.C., 675 Morris Avenue, Springfield, NJ 07081** for Labor Counsel Services for a second one (1) year duration beginning on November 1, 2013 and continuing through October 31, 2014 as follows:

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

Item Description

3rd Year Rates

The scope and established fees for this contract shall be as follows:

1. Partner (Per Hour Fee) for the City of Ocean City.....\$ 175.00/per hour
2. Counsel & Associates (Per Hour Fee) for the City of Ocean City..... \$ 150.00/per hour
3. Law Clerks (Per Hour Fee) for the City of Ocean City..... \$ 75.00/per hour
4. The above per hour fees includes the following:
 - a. Review of existing agreements for changes or modifications and make recommendations
 - b. Serve as general labor counsel for the City
 - c. Serve as lead negotiator as requested
 - d. Travel time, delivery courier charges, facsimile charges, telephone charges, photocopies & postage except for litigation cases
5. The term of the contract shall be for a period of one (1) year commencing on November 1, 2013 and continuing through October 31, 2014.
6. A copy of the Business Entity Certification and Business Registration Certificate (BRC) shall be on placed on file in the Purchasing Division
7. 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 Mayor and the City Purchasing Manager are hereby authorized to enter into a formal contract agreement with Ruderman & Glickman, P.C., 675 Morris Avenue, Springfield, NJ 07081 beginning on November 1, 2013 and continuing through October 31, 2014 for Labor Counsel Services for the City of Ocean City as listed and in accordance with this resolution and submitted proposal.

The Director of Financial Management certifies that funds are available for the 2013 Municipal Budget year and shall be charged to the appropriate Operating/Capital Accounts as the purchase orders are issued. The funds for 2014 are contingent upon the adoption of the 2014 Local Municipal Budget and will be charged to the appropriate Operating/Capital Accounts as the 2014 purchase orders are issued.

CERTIFICATION OF FUNDS

Frank Donato III, CMFO
Director of Financial Management

Anthony P. Wilson
Council President

Files: RPS 2013-2014 Ruderman & Glickman Labor Counsel.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	_____	_____	_____	_____
Guinasso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DATE RECEIVED: Tuesday, October 4, 2011 @ 2:00 pm EDT
CITY RFP# 0-11-018
PROPOSAL NAME: Labor Counsel Services for the City of Ocean City

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

NAME, ADDRESS & BID OF EACH VENDOR	APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C. 25 Independence Boulevard Warren, NJ 07059 Frederick T. Danser, Vice President Ph: (908) 580-1776 Fax: (908) 647-1497 email: danser@amtm.com			Capehart & Scatchard, P.A. 8000 Midlantic Drive, Suite #300 South Mount Laurel, NJ 08054 Joseph F. Betley, Esq., Shareholder Ph: (856) 234-6800 Fax: (856) 235-2786 email: jbetley@capehart.com			Gruccio, Pepper, DeSanto & Ruth, P.A. 817 E. Landis Avenue Vineland, NJ 08360 Lawrence A. Pepper, Jr., Secretary/Partner Ph: (856) 691-0100 Fax: (856) 691-3302 email: n/a			Ruderman & Glickman, P.C. 675 Morris Avenue Springfield, NJ 07081 Mark S. Ruderman, President Ph: (973) 467-5111 Fax: (973) 467-8893 email: mruderman@rnlaborlaw.com		
DESCRIPTION	YEAR #1 Nov. 1, 2011-Oct. 31, 2013	YEAR #2 Nov. 1, 2012-Oct. 31, 2013	YEAR #3 Nov. 1, 2013-Oct. 31, 2014	YEAR #1 Nov. 1, 2011-Oct. 31, 2013	YEAR #2 Nov. 1, 2012-Oct. 31, 2013	YEAR #3 Nov. 1, 2013-Oct. 31, 2014	YEAR #1 Nov. 1, 2011-Oct. 31, 2013	YEAR #2 Nov. 1, 2012-Oct. 31, 2013	YEAR #3 Nov. 1, 2013-Oct. 31, 2014	YEAR #1 Nov. 1, 2011-Oct. 31, 2013	YEAR #2 Nov. 1, 2012-Oct. 31, 2013	YEAR #3 Nov. 1, 2013-Oct. 31, 2014
Proposed Hourly Rates / Fee Schedule												
Partner or Supervising Attorney	\$ 195.00 per hr.	\$ 195.00 per hr.	\$ 195.00 per hr.	\$ 150.00 per hr.	\$ 190.00 per hr.	\$ 195.00 per hr.	\$ 170.00 per hr.	\$ 170.00 per hr.	\$ 170.00 per hr.	\$ 175.00 per hr.	\$ 175.00 per hr.	\$ 175.00 per hr.
Associate Representative	\$ 175.00 per hr.	\$ 175.00 per hr.	\$ 175.00 per hr.	\$ 150.00 per hr.	\$ 150.00 per hr.	\$ 155.00 per hr.	\$ 170.00 per hr.	\$ 170.00 per hr.	\$ 170.00 per hr.	\$ 150.00 per hr.	\$ 150.00 per hr.	\$ 150.00 per hr.
Law Clerks	N/A per hr.	N/A per hr.	N/A per hr.	N/A per hr.	N/A per hr.	N/A per hr.	\$ 0.00 per hr.	\$ 0.00 per hr.	\$ 0.00 per hr.	\$ 70.00 per hr.	\$ 75.00 per hr.	\$ 75.00 per hr.
Paralegal(s)	\$ 110.00 per hr.	\$ 110.00 per hr.	\$ 110.00 per hr.	\$ 100.00 per hr.	\$ 105.00 per hr.	\$ 110.00 per hr.	\$ 0.00 per hr.	\$ 0.00 per hr.	\$ 0.00 per hr.	N/A per hr.	N/A per hr.	N/A per hr.
General Clerical	N/A per hr.	N/A per hr.	N/A per hr.	N/A per hr.	N/A per hr.	N/A per hr.	\$ 0.00 per hr.	\$ 0.00 per hr.	\$ 0.00 per hr.	N/A per hr.	N/A per hr.	N/A per hr.
Misc. Out of Pocket Fee Schedule (If Applicable)												
Delivery Courier Charges	Depends on Destination	Depends on Destination	Depends on Destination	At Cost	At Cost	At Cost	At Cost	At Cost	At Cost	As needed	As needed	As needed
Facsimile Charges	\$ 1.00 per page	\$ 1.00 per page	\$ 1.00 per page	At Cost	At Cost	At Cost	\$ 1.00 per page	\$ 1.00 per page	\$ 1.00 per page	\$ 0.00 per page	\$ 0.00 per page	\$ 0.00 per page
Telephone Charges	N/A	N/A	N/A	At Cost	At Cost	At Cost	No Bid	No Bid	No Bid	\$ 0.00	\$ 0.00	\$ 0.00
Photocopies	\$ 0.25 per page	\$ 0.25 per page	\$ 0.25 per page	At Cost	At Cost	At Cost	\$ 0.25 per page	\$ 0.25 per page	\$ 0.25 per page	\$ 0.00 per page	\$ 0.00 per page	\$ 0.00 per page
Postage	Depends on Destination	Depends on Destination	Depends on Destination	At Cost	At Cost	At Cost	At Cost	At Cost	At Cost	\$ 0.00	\$ 0.00	\$ 0.00
Scanning	\$1.00 per page, Fees and Expenses as	\$1.00 per page, Fees and Expenses as	\$1.00 per page, Fees and Expenses as									
Other - Note: There shall be no reimbursement for computerized legal research charges and/or travel time.				At Cost	At Cost	At Cost	No Bid	No Bid	No Bid	N/A	N/A	N/A
Required Information												
SWORN STATEMENT BY PROFESSIONAL SERVICES PROVIDER:	YES/NO	Y		YES/NO	Y		YES/NO	Y		YES/NO	Y	
STOCKHOLDER DISCLOSURE STATEMENT:	YES/NO	Y		YES/NO	Y		YES/NO	Y		YES/NO	Y	
NON-COLLUSION AFFIDAVIT:	YES/NO	Y		YES/NO	Y		YES/NO	Y		YES/NO	Y	
NJ MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE:	YES/NO	Y		YES/NO	Y		YES/NO	Y		YES/NO	Y	
NJ AFFIRMATIVE ACTION REGULATION COMPLIANCE NOTICE:	YES/NO	Y		YES/NO	Y		YES/NO	Y		YES/NO	Y	
NJ BUSINESS REGISTRATION CERTIFICATE (BRC) SUBMITTED:	YES/NO	Y		YES/NO	Y		YES/NO	Y		YES/NO	Y	
NUMBER OF COPIES REQUIRED:		3			3			3			3	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#7

AWARDING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OCEAN CITY & SZAFERMAN, LAKIND, BLUMSTEIN & BLADER, P.C. FOR SPECIAL LEGAL COUNSEL

WHEREAS, the City of Ocean City requires certain professional special legal counsel services; and

WHEREAS, it is determined to be in the best interests of the City of Ocean City to have said legal services performed by Szaferman, Lakind, Blumstein & Blader, P.C. for representation in the Shilling, *et als.* case; and

WHEREAS, it is determined in the best interest of the City of Ocean City to have said services performed; and

WHEREAS, Szaferman, Lakind, Blumstein & Blader P.C. has the required expertise and has agreed to serve as legal counsel for the City of Ocean City in this matter; and

WHEREAS, Joseph S. Clark, QPA, City Purchasing Manager has determined and certified in writing that the value of the contracts issued in the calendar year 2012 with said firm will exceed \$17,500.00; and

WHEREAS, Dorothy F. McCrosson, City Solicitor; Michael A. Dattilo, Business Administrator; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the said firm's proposal and recommended that **Szaferman, Lakind, Blumstein & Blader P.C., 101 Groves Mill Road, Suite 200, Lawrenceville, NJ 08648** be awarded an alternative-non-advertised professional service contract for the special legal service; and

WHEREAS, this contract is awarded through an alternative non-advertised process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Szaferman, Lakind, Blumstein & Blader P.C has completed and submitted a Business Entity Disclosure Certification which certifies that Szaferman, Lakind, Blumstein & Blader P.C has not made any contributions to a political or candidate committee for an elected office in the City of Ocean City, New Jersey in the previous one (1) year period, and that the contract will prohibit Szaferman, Lakind, Blumstein & Blader, P.C from making any contributions through the term of the contract; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that it does hereby award a professional service contract to **Szaferman, Lakind, Blumstein & Blader, P.C., 101 Groves Mill Road, Suite 200, Lawrenceville, NJ 08648** for professional special legal counsel services as follows:

<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>2013-2014 Year Rates</u>
1.	Partner Attorney	Per Hour	\$ 350.00
2.	Associate Attorney	Per Hour	\$ 225.00
3.	Paralegal	Per Hour	\$ 75.00
4.	Services during the contract period are subject to the actual needs as established by the City of Ocean City. As items are required, the City Purchasing Manager shall issue a purchase order for those items based on the availability of funds. No items shall be sent to the City without first obtaining a purchase order for said service.		
5.	A copy of the Pay-to-Play Certification & the Business Registration Certificate (BRC) for Szaferman, Lakind, Blumstein & Blader, P.C has been submitted and shall be placed on file in the City's Purchasing Division Office.		
6.	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.		

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

BE IT FURTHER RESOLVED by the City Council of the City of Ocean City that the Mayor and the City Purchasing Manager are hereby authorized to enter into a formal contract agreement with Szaferman, Lakind, Blumstein & Blader, P.C., 101 Groves Mill Road, Suite 200, Lawrenceville, NJ 08648 beginning on October 1, 2013 and continuing through September 30, 2014 for special legal counsel for the City of Ocean City in the Shilling matter as listed and in accordance with this resolution and submitted proposal form.

The Director of Financial Management certifies that funds are available for the 2013 Municipal Budget year and shall be charged to the appropriate Operating/Capital Accounts as the purchase orders are issued. The funds for 2014 are contingent upon the adoption of the 2014 Local Municipal Budget and will be charged to the appropriate Operating/Capital Accounts as the 2014 purchase orders are issued.

CERTIFICATION OF FUNDS

Frank Donato, III, CMFO
Director of Financial Management

Anthony P. Wilson
Council President

Files: RPS 2013-14 Szaferman Lakind.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

**AUTHORIZING PARTICIPATION IN THE NATIONAL COOPERATIVE CONTRACT WITH
KEYSTONE PURCHASING NETWORK VENDORS**

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 Keystone Purchasing Network in order to effect substantial economies in the purchase of materials, supplies and services; and

WHEREAS, Keystone Purchasing Network has contracted with the various vendors for various contracts:

- Artificial Turf
- Athletic Field & Parking Lighting
- Athletic Indoor Outdoor Surfaces
- Carpet/Flooring
- Industrial Supplies
- Document Management Services
- Food Service
- Furniture
- Janitorial Supplies
- Library
- Lockers HDPE
- Portable Modular Buildings
- Power Cleaning Service
- Sport Surfaces & Supplies
- Scoreboards
- Modular & Industrial Supplies
- Restroom Partition
- Vehicles

WHEREAS, it is the City of Ocean City intent to utilize these contracts on as needed basis during the calendar year 2013 & 2014; and

WHEREAS, the City of Ocean City may enter into contractual agreements with the above referenced Keystone Purchasing Network 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 Keystone Purchasing Network Vendors pursuant to all conditions of the individual contracts and in compliance with New Jersey State Public Contracts Law; and

BE IT FURTHER RESOLVED, that the named Keystone Purchasing Network vendors and their corresponding contracts may change during the timeframe indicated below and that the City Purchasing Manager 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

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

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 Keystone Purchasing Network Vendors shall be for the time period beginning on October 10, 2013 and continuing through December 31, 2014 or until the expiration of the referenced vendors' Keystone Purchasing Network Contract, whichever shall occur first.

Anthony P. Wilson
Council President

FILES: RES 2013-2014 KPN.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	_____	_____	_____	_____
Quinasso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

#9

APPROVING TAX OVERPAYMENT REFUND
2013-47-48

WHEREAS, the Tax Collector has certified and issued a refund voucher to the following tax payers who overpaid their taxes; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Ocean City that authorization for refund be approved as per the attached schedule.

DESCRIPTION

VOUCHER	NAME	BLOCK	LOT	AMOUNT	YEAR
13-47	Smith, J Garrett III & Judith	2703	22 C2754	\$ 122.24	2013
13-48	Setley, Michael & Yvonne	2703	22 C2756	2,933.90	2013
Total				\$3,056.14	

Anthony P. Wilson
Council President

13Refund7

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	_____	_____	_____	_____	
Guinasso	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Ping	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DIVISION OF TAX COLLECTION

Memo

To: Frank Donato, Director of Financial Management

From: Gary M. Hink, Tax Collector

Date: October 1, 2013

Re: Refund of Tax Overpayments

Attached, please find a Resolution authorizing refunds of tax overpayments to be placed on the agenda for the City Council meeting of October 10, 2013. The refund is for an over-payments due to the taxpayer for the reason stated below.

If you have any questions, please contact me.

DESCRIPTION

<u>VOUCHER</u>	<u>NAME</u>	<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>REASON</u>
13-47	J. Garrett III & Judith Smith	2703	22 C2754	Overpayment
13-48	Michael & Yvonne Setley	2703	22 C2756	Overpayment

N:\Tax Collection\MEGAN\Resolutions\REFUND\13 RefundMemo7.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

#10

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 September 20, 2013 to October 4, 2013.

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

Frank Donato III
Chief Financial Officer

Anthony P. Wilson
Council President

FILES/AUTHORIZING THE PAYMENT OF CLAIMS - 09.20.13 TO 10.04.13.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	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Guinasso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

October 7, 2013
09:00 AM

CITY OF OCEAN CITY
Bill List By P.O. Number

Page No: 1

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
Range: First to Last Rcvd: Y Held: Y Aprv: N
Format: Condensed Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
11-01021	04/28/11	ADAMSREH	ADAMS, REHMANN, & HEGGAN ASSOC, IN	RES 11-47-309-UNDERGROUND TANK	Open	660.00	0.00 B
12-00613	03/06/12	WATSN	WATSON & HENRY ASSOCIATES	RES. 11-48-141-ENG. & CONST.	Open	1,845.00	0.00
12-01788	07/11/12	ARS	AMBULANCE REIMBURSEMENT SYSTEM	RESOLUTION 11-48-001	Open	7,080.55	0.00 B
13-00033	01/18/13	HESSCORP	HESS CORPORATION	SJPC Contract A-28	Open	13,872.65	0.00 B
13-00034	01/18/13	SJGAS	SOUTH JERSEY GAS COMPANY		Open	3,380.71	0.00 B
13-00035	01/18/13	AC ELECT	ATLANTIC CITY ELECTRIC	2013 CITYWIDE ELECTRIC	Open	48,915.98	0.00 B
13-00036	01/18/13	NJAM3	NEW JERSEY-AMERICAN WATER CO.	2013 WATER/SEWER CHARGES	Open	89,152.97	0.00 B
13-00037	01/18/13	VERIZONL	VERIZON ONLINE		Open	699.88	0.00 B
13-00092	01/18/13	NJSFL	NEW JERSEY STATE FLOORING INC.		Open	300.00	0.00 B
13-00141	01/28/13	KARABASH	KARABASHIAN EDDINGTON PLANNING	PROFESSIONAL SERVICES 2013	Open	1,548.75	0.00
13-00145	01/28/13	STEIN	MARK H. STEIN, ESQUIRE	PROFESSIONAL SERVICES FOR 2013	Open	1,648.00	0.00
13-00156	01/28/13	SPINN	SPINNING WHEEL FLORIST INC.		Open	187.00	0.00 B
13-00157	01/28/13	TIX COM	TIX, INC.		Open	872.75	0.00 B
13-00158	01/28/13	SCRATCH	SCRATCH THE SURFACE		Open	52.35	0.00 B
13-00175	01/28/13	TEIT	TEITLER & TEITLER, LLC	CONFLICT PUBLIC DEFENDER	Open	300.00	0.00 B
13-00179	01/28/13	SAM 1	SAM'S CLUB/GEMB	2013 CHARGES FOR SAMS CLUB	Open	203.24	0.00
13-00191	01/28/13	STETS	B. W. STETSON & CO.		Open	275.00	0.00 B
13-00238	02/07/13	FEDEX	FEDERAL EXPRESS CORPORATION	2013 FEDEX CHARGES	Open	682.68	0.00
13-00244	02/09/13	SCHID	SCHINDLER ELEVATOR CORPORATION		Open	658.17	0.00 B
13-00260	02/09/13	SCHID	SCHINDLER ELEVATOR CORPORATION		Open	953.00	0.00 B
13-00262	02/09/13	LINCS	LINWOOD CLOCK SHOP		Open	285.00	0.00 B
13-00264	02/09/13	BLAST	APM BLAST PEST CONTROL		Open	70.00	0.00 B
13-00265	02/09/13	STETS	B. W. STETSON & CO.		Open	74.00	0.00 B
13-00289	02/20/13	POGUE	POGUE INC.		Open	58.00	0.00 B
13-00301	02/20/13	ACTIO	ACTION SUPPLY, INC.		Open	50.00	0.00 B
13-00321	02/22/13	RIGGI	RIGGINS, INC.	Gasoline T-0083 SC	Open	27,775.44	0.00 B
13-00330	02/22/13	CHLORKIN	Chlorking Innovations LLC		Open	1,200.00	0.00 B
13-00336	02/22/13	NAUTILUS	NAUTILUS SOLAR ENERGY	MONTHLY PPA CHARGES--SOLAR#2	Open	1,841.30	0.00 B
13-00337	02/22/13	OCONELLC	NAUTILUS SOLAR ENERGY -	MONTHLY PPA CHARGES -- SOLAR#1	Open	818.98	0.00 B
13-00478	03/01/13	ATLPHYSI	ATLANTICARE PHYSICIAN GROUP, PA		Open	6,990.00	0.00 B
13-00500	03/05/13	BLUEDIAM	BLUE DIAMOND DISPOSAL, INC.	CITY CONTRACT #13-19	Open	115,600.00	0.00 B
13-00501	03/05/13	BLUEDIAM	BLUE DIAMOND DISPOSAL, INC.	CITY CONTRACT #13-21	Open	32,250.00	0.00 B
13-00503	03/05/13	BLUEDIAM	BLUE DIAMOND DISPOSAL, INC.	CITY CONTRACT #13-20	Open	4,438.95	0.00 B
13-00505	03/05/13	BLUEDIAM	BLUE DIAMOND DISPOSAL, INC.	CITY CONTRACT #13-21	Open	11,000.00	0.00 B
13-00513	03/08/13	MCCROSS	MCCROSSON AND STANTON P.C.	RES# 12-48-289	Open	14,041.66	0.00 B
13-00514	03/08/13	ALLCLEAN	ALL CLEAN BUILDING SERVICES	CITY CONTRACT #11-03	Open	5,405.48	0.00 B
13-00605	03/20/13	JUSTR	JUST RIGHT TV PRODUCTIONS LLC		Open	651.00	0.00 B
13-00663	04/01/13	CROSSFIR	CROSSFIRE TECHNOLOGIES LLC		Open	1,300.00	0.00 B
13-00684	04/01/13	OCNJ-COM	OCEAN CITY NJ.COM		Open	2,300.00	0.00 B
13-00808	04/03/13	CILIBERT	MARGARET CILIBERTO		Open	109.93	0.00 B
13-01083	04/29/13	DFFLM	DFFLM LLC-ATTN: STEVEN TREBLE	RES. 13-49-213; SC#83577	Open	27,623.70	0.00
13-01098	05/02/13	FORDS	FORD, SCOTT & ASSOCIATES, LLC	RES# 12-49-059	Open	8,000.00	0.00 B
13-01107	05/10/13	LAWME	LAWMEN SUPPLY CO. OF NJ INC.	SC# 81295	Open	4,684.16	0.00
13-01129	05/10/13	SEASHORE	SEASHORE ASPHALT CORP.		Open	1,283.15	0.00 B
13-01170	05/15/13	RUDERMAN	RUDERMAN AND GLICKMAN, PC.	RES# 12-49-004	Open	1,732.50	0.00 B
13-01171	05/15/13	ENTERPRI	ENTERPRISE LEASING COMPANY		Open	2,354.00	0.00
13-01287	05/20/13	CZAR	LAMONT H. CZAR, P.E.	RES. 13-49-138; CH RENO	Open	10,517.50	0.00 B
13-01317	05/20/13	BROOKSJ	JAMES BROOKS	EMS REFUND	Open	8.29	0.00
13-01347	05/29/13	SCHIE	WILLIAM SCHEIBLE		Open	579.25	0.00 B
13-01456	06/04/13	TRI-STAT	TRI-STATE DIAGNOSTICS CORP.		Open	20.00	0.00

October 7, 2013
09:00 AM

CITY OF OCEAN CITY
Bill List By P.O. Number

Page No: 2

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
13-01466	06/04/13	OCPET	OCEAN CITY PETTY CASH ACCOUNT	2013 PETTY CASH REIMBURSEMENTS	Open	239.03	0.00
13-01525	06/12/13	WEBPAGE	WEBPAGEFX, INC		Open	2,951.96	0.00 B
13-01571	06/19/13	SCHIAVON	FRED M. SCHIAVONE CONST., INC. RES. 13-49-247;CC 13-49		Open	45,539.42	0.00 B
13-01615	06/25/13	AUSTN	AUSTIN'S SPORTS		Open	2,280.90	0.00
13-01735	06/27/13	ENTERPRI	ENTERPRISE LEASING COMPANY		Open	362.08	0.00
13-01740	07/02/13	GYM SOUR	GYM SOURCE NORTHEAST LTD		Open	10,648.00	0.00
13-01831	07/16/13	PROFENCE	PROGRESSIVE FENCE &		Open	750.00	0.00
13-01845	07/18/13	ENTERPRI	ENTERPRISE LEASING COMPANY		Open	960.00	0.00
13-01995	07/31/13	HERTZ	HERTZ EQUIPMENT RENTAL CORP.		Open	3,938.00	0.00 B
13-02024	07/31/13	FRALING	FRALINGER ENGINEERING PA	Survey -- Merion Park	Open	20,409.75	0.00 B
13-02039	08/02/13	NJAFM	NEW JERSEY ASSOICATION FOR	MEMBERSHIP ROBERT PENROSE	Open	20.00	0.00
13-02040	08/02/13	KARABASH	KARABASHIAN EDDINGTON PLANNING	RESOLUTION #13-49-271	Open	4,272.50	0.00
13-02076	08/07/13	CATAMA	CATAMARAN MEDIA COMPANY		Open	325.00	0.00
13-02190	08/13/13	CONTP	CONTROL PAPERS COMPANY, INC.		Open	544.22	0.00
13-02211	08/13/13	BRINKS	BRINKS INC.	2013 METERED COIN PICKUP	Open	1,362.86	0.00 B
13-02232	08/16/13	DEROBIKE	DERO BIKE RACK COMPANY		Open	72.45	0.00
13-02241	08/16/13	BELLIA	GLOBAL		Open	364.29	0.00
13-02242	08/16/13	DARON	DARON WORLDWIDE TRADING, INC.		Open	515.00	0.00
13-02255	08/22/13	SPORH	SPORTSMITH		Open	680.03	0.00
13-02276	08/27/13	EXPRS	EXPRESS PRESS		Open	275.00	0.00
13-02307	08/30/13	DARON	DARON WORLDWIDE TRADING, INC.	RESALE ITEMS FOR O.C. AIRPORT	Open	610.50	0.00
13-02355	09/05/13	WIREL	WIRELESS ELECTRONICS INC.	invoice s50413140	Open	1,870.00	0.00
13-02357	09/05/13	WIREL	WIRELESS ELECTRONICS INC.	radios for storm trucks	Open	2,780.00	0.00
13-02370	09/06/13	AQUATREA	AQUA-TREAT INC WATER MGMT.		Open	375.00	0.00 B
13-02384	09/06/13	SHAFF	BEN SHAFFER & ASSOCIATES INC		Open	477.00	0.00
13-02385	09/06/13	RODIO	RODIO TRACTOR SALES, INC.		Open	574.00	0.00
13-02386	09/06/13	DECOFF	DAVID DECOFF PROMOTIONAL		Open	402.00	0.00
13-02388	09/06/13	DEPT	DEPTCOR		Open	207.00	0.00
13-02389	09/06/13	CENTRAL	CENTRAL JERSEY EQUIPMENT		Open	364.60	0.00
13-02406	09/12/13	BSN	BSN SPORTS, INC	gym equipment	Open	44.04	0.00
13-02407	09/12/13	R R	R & R RADAR, INC.		Open	97.65	0.00
13-02408	09/12/13	MARC	MARC PUBLISHING COMPANY		Open	973.70	0.00
13-02501	09/18/13	RUNTHEDA	RUN THE DAY		Open	3,100.00	0.00
13-02503	09/18/13	PERCHICK	CAROL PERCHICK		Open	30.00	0.00
13-02504	09/18/13	LUKASJ	JEROME LUKAS		Open	150.00	0.00
13-02505	09/18/13	SPINN	SPINNING WHEEL FLORIST INC.		Open	556.00	0.00
13-02508	09/18/13	SENTI	SENTINEL LEDGER		Open	680.00	0.00
13-02512	09/18/13	PENDE	PENDEGAST SAFETY EQUIPMENT CO.		Open	1,954.83	0.00
13-02513	09/18/13	QUANT	QUANTUM INC.		Open	432.00	0.00
13-02518	09/18/13	PATCARR	SHAMROCK LASER ENGRAVING &		Open	2,279.00	0.00
13-02520	09/18/13	SPORH	SPORTSMITH		Open	173.39	0.00
13-02525	09/18/13	PENGUINC	PENGUIN COMMUNICATIONS, LLC	renewal of dispatch service	Open	1,074.00	0.00
13-02526	09/18/13	SNEAK	SNEAKER SHOP		Open	935.96	0.00
13-02530	09/19/13	LORENZM	MICHAEL R LORENZ	ESCROW REFUND	Open	532.56	0.00
13-02561	09/23/13	NJSLOM	NJ STATE LEAGUE OF	NJSLOM CONFERENCE 2013	Open	495.00	0.00
13-02562	09/23/13	GOFF	GOFF	LACASSE 5 DRAWER LATERAL FILE	Open	1,190.00	0.00
13-02567	09/23/13	EASTERNS	EASTERNS SURPLUS & EQUIP., CO	water fording kit	Open	366.00	0.00
13-02569	09/23/13	VITAL	VITAL COMMUNICATIONS, INC	2014 ESTIMATED POSTAGE	Open	6,383.19	0.00
13-02573	09/26/13	IFETOLUW	IFETOLUWA OLUWAJANA	REFUND FOR GOVDEALS AUCTION	Open	12.00	0.00
13-02574	09/26/13	NJSLOM	NJ STATE LEAGUE OF	REGISTRATION NOV. 19TH-21ST	Open	330.00	0.00
13-02575	09/26/13	SPECIAL	SPECIALTY TECHNICAL PUBLISHER		Open	625.00	0.00
13-02576	09/26/13	CINTA	CINTAS FIRST AID, CORP		Open	272.05	0.00
13-02577	09/26/13	EASTS	EASTERN SIGN CO		Open	125.00	0.00
13-02580	09/26/13	JUSTR	JUST RIGHT TV PRODUCTIONS LLC		Open	2,200.00	0.00

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
13-02582	09/26/13	BROWN	BROWN'S AWNING CO.	Open	263.00	0.00	
13-02584	09/26/13	COMMB	TD BANK	Open	300.00	0.00	
13-02585	09/26/13	PRIME	PRIME EVENTS	Open	300.00	0.00	
13-02586	09/26/13	PUTTERMA	BONNIE D. PUTTERMAN, ESQ.	Open	300.00	0.00	B
13-02587	09/26/13	PRESS	THE PRESS	Open	10.20	0.00	
13-02593	09/26/13	CLEARCOM	CLEAR COMMUNICATION	Open	420.00	0.00	
13-02597	09/26/13	NJDT2	N.J. DEPT. OF TRANSPORTATION	Open	150.00	0.00	
13-02604	09/26/13	NJSLOM	NJ STATE LEAGUE OF	Open	395.00	0.00	
13-02606	09/27/13	NJSLOM	NJ STATE LEAGUE OF REGISTRATION -NOV. 19TH-21ST	Open	165.00	0.00	
13-02609	09/27/13	AUSTN	AUSTIN'S SPORTS	Open	593.30	0.00	
13-02612	09/27/13	ARSEN	ARSENAL SOUND, L.L.C.	Open	565.00	0.00	
13-02617	10/01/13	01SMITHJ	SMITH, J GARRETT III & JUDITH	Open	122.24	0.00	
13-02618	10/01/13	01SETLEY	SETLEY, MICHAEL & YVONNE	Open	2,933.90	0.00	
13-02619	10/03/13	SHOEM	SHOEMAKER LUMBER COMPANY, INC	Open	55.19	0.00	
13-02620	10/03/13	SHERW	SHERWIN WILLIAMS #3760	Open	0.00	0.00	
13-02621	10/03/13	ADVAG	ADVANTAGE RENTAL & SALES	Open	139.93	0.00	
13-02622	10/03/13	21CHEW	ARTHUR CHEW	Open	30.00	0.00	
13-02623	10/03/13	SHORH	SHORE HARDWARE	Open	74.65	0.00	
13-02624	10/03/13	06MCLARN	ROGER D. MCLARNON	Open	81.39	0.00	
13-02625	10/03/13	SHORH	SHORE HARDWARE	Open	24.29	0.00	
13-02626	10/03/13	WALLA	WALLACE HARDWARE INC.	Open	81.59	0.00	
13-02627	10/03/13	SJSHOREM	SJSHORE MARKETING, LLC	Open	152.03	0.00	
13-02628	10/03/13	NAPAAUTO	SEAVILLE NAPA AUTO PARTS	Open	303.75	0.00	
13-02629	10/03/13	NAPAAUTO	SEAVILLE NAPA AUTO PARTS	Open	195.80	0.00	
13-02630	10/03/13	NAPAAUTO	SEAVILLE NAPA AUTO PARTS	Open	385.75	0.00	
13-02631	10/03/13	PERRY	PERRY-EGAN CHEVROLET, INC.	Open	11.96	0.00	
13-02632	10/03/13	SNIGP	SOUTHERN NJ CHAPTER OF NIGP	Open	20.00	0.00	
13-02633	10/03/13	CARES	CAR CARESS	Open	130.00	0.00	
13-02635	10/04/13	OCCBOSTR	OCEAN CITY CREW BOOSTERS, INC.	Open	6,963.75	0.00	
13-02637	10/07/13	JUROSC	CHAD JUROS	Open	250.00	0.00	
13-02685	10/07/13	TOTOJ	JAMES TOTO REIMBURSEMENT FOR EXPENSES	Open	1,408.36	0.00	
<hr/>							
Total Purchase Orders:	136	Total P.O. Line Items:	332	Total List Amount:	602,359.01	Total Void Amount:	0.00

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

11

AMENDING THE 2013 BUDGET OF THE CITY OF OCEAN CITY TO INCLUDE ADDITIONAL
REVENUE FROM THE UNITED STATES TENNIS ASSOCIATION, INC., HURRICANE SANDY
RELIEF PROGRAM

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

WHEREAS, said director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the City of Ocean City has received notification of a grant in the amount of \$20,000.00 from the United States Tennis Association, Inc., Hurricane Sandy Relief Program, and wishes to amend its 2013 Budget to include this amount as a revenue; and

NOW, THEREFORE, BE IT RESOLVED that the City of Ocean City hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$20,000.00 which item is now available as a revenue from:

GENERAL REVENUES

Miscellaneous Revenue-Section F
Special Items of General Revenue Anticipate with
Prior Written Consent of the Director of Local
Government Services:
Public and Private Revenue Offset with Appropriations
United States Tennis Association, Inc.....\$20,000.00
pursuant to the provisions of Statute; and

BE IT FURTHER RESOLVED that a like sum of \$20,000.00 be and the same is hereby appropriated under the caption of:

8. GENERAL APPROPRIATIONS

(A) Operations-Excluded from "CAPS"
Public and Private Programs Offset by Revenues
United States Tennis Association, Inc.....\$20,000.00

BE IT FURTHER RESOLVED that one (1) copy of this resolution be certified and submitted to the Director of Local Government Services for approval; and

BE IT FINALLY RESOLVED that this amendment be published in the Sentinel Ledger in the issue of October 16, 2013.

Anthony P. Wilson
Council President

FILES/Chapter United States Tennis Association, Inc.

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	_____	_____	_____	_____
DeVliegcr	_____	_____	_____	_____
Guinasso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McCiellian	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

#12

**CERTIFYING THE GOVERNING BODY
HAS REVIEWED THE 2012 ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the section of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report the Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52-27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon Conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ocean City, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Anthony P. Wilson
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	_____	_____	_____	_____
Guinasso	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Ping	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

#13

CERTIFYING THE GOVERNING BODY HAS REVIEWED THE
BEST PRACTICES INVENTORY QUESTIONNAIRE

WHEREAS, the State of New Jersey 2012 Appropriations Act (P.L. 2012, c.18) requires the Division of Local Government Services to determine how much of each municipality's final 5% allocation of state aid will be disbursed based upon the results of a Best Practices Inventory; and

WHEREAS, this Inventory is a constructive way for the City to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, the Best Practices Inventory Questionnaire was prepared by the Chief Financial Officer of the City,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that Council has reviewed the 2012 Best Practices Inventory Questionnaire and requests the Municipal Clerk to submit the Best Practices Public Meeting Certification Form to the New Jersey Department of Community Affairs, Division of Local Government Services.

Anthony P. Wilson
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

Best Practices Worksheet CY 2013/SFY2014

Ocean City City (Cape May)			
0508	Please see Color Key at bottom of sheet for limits on answers		
	Answer	Question	Comments
		General Management - GM	
1	Yes	Sharing services has been promoted for many years as a means to control costs. In addition to sharing resources such as labor, facilities and equipment with a county or with neighboring communities, shared services include similar agreements with school boards, Independent authorities and fire districts. Shared services do not include cooperative purchasing, cooperative pricing or commodity resale agreements. Did your municipality actively negotiate (i.e. meet with representatives from a neighboring town, your county or another local unit) and/or enter into at least one new shared service agreement in the preceding year?	
2	Yes	Has your municipality reviewed its policies and staffing requirements for providing traffic safety around utility and construction work, and implemented policies to assure that the most efficient and cost-effective approach is taken? Traffic safety policies for utility and construction work should balance the interests of public safety with those of controlling costs. For example, uniformed police officers controlling a cul-de-sac may be excessive; while parking a policeman in a patrol car on a major highway to act in lieu of a "crash truck" may be insufficient and could endanger the officer. An appropriate traffic safety plan should include parameters governing when police officers, flag men and safety apparatus are used in different circumstances.	
3	Yes	Has your municipality adopted a vehicle use policy prohibiting personal use of municipal vehicles, and providing that employees authorized to use such vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)?	
4	Yes	Has the appropriate administrative official reviewed the <u>State Comptroller's June 25, 2013 Report</u> with respect to local government legal fees, and does your municipality follow the best practices outlined in the checklist annexed as an Appendix to the report?	

Best Practices Worksheet CY 2013/SFY2014

Ocean City City (Cape May)			
0508		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
5	Yes	Municipalities and their agencies are allowed to prohibit the award of public contracts to business entities that have made certain campaign contributions exceeding \$300 and to limit the contributions that the holders of a contract can make during the term of a contract to \$300. A model ordinance concerning pay-to-play can be found at http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc . Has your municipality adopted a pay-to-play ordinance pursuant to N.J.S.A. 40A:11-51 that is more restrictive than state statutory requirements?	
6	Yes	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year's proposed budget including the full adopted budget for current year when approved by governing body; most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; easily accessible contact information for elected and appointed officials, municipal administrator or manager, municipal clerk, police chief, municipal court administrator and all department heads; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	
7	No	Does your municipality require its elected officials to attend on an annual basis at least one instructional course, approved for continuing education credit by DLGS, covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology etcetera)? This item may also be satisfied through in-house education provided by a professional, vendor or staff member provided they have significant expertise in their profession and routinely prepare public presentations.	
8	Yes	Are ordinances codified on an annual basis, with both the code and any uncoded ordinances (including salary ordinances) made available online?	

Best Practices Worksheet CY 2013/SFY2014

		Ocean City City (Cape May)	
0508		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
9	Yes	With regard to your municipality's collective bargaining agreements that replaced contracts expiring on or after 1/1/11, is the overall impact of the aggregate economic costs limited to an average increase of 2% or less per year over the contract term? An example of such analysis can be found on the " <u>PERC Summary Form; Public Sector; Non-Police and Non-Fire; Section V Impact of Settlement</u> " and " <u>PERC Summary Form; Police and Fire; Section VII Impact of Settlement</u> "	
		Financial Standards & Procurement - FS	
10	Yes	Internal accounting control processes, procedures and authorizations are designed to safeguard assets and to limit the risk of loss or misstatement. Does your CFO evaluate and discuss this risk assessment annually with your governing body or an appropriate subcommittee of the governing body (such as the Audit or Finance Committee) with a focus on developing accounting control processes, procedures and authorizations designed to limit the risk of loss or misstatement?	
11	Yes	An accounting policy manual documenting all internal accounting control processes, procedures and authorizations is of great value for staff to understand these safeguards. Are internal accounting control processes, procedures and authorizations documented and communicated to staff?	

Best Practices Worksheet CY 2013/SFY2014

Ocean City City (Cape May)			
0508		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
12	Yes	With respect to note sales, proper disclosure and communication with potential bidders can yield optimal results for a municipality. Knowing when to sell on a negotiated or competitive basis, aggregating note sales as much as possible, along with casting a "wide net" to attract the maximum number of bidders for a competitive note sale, is critical to achieving the lowest possible interest rate. Is your municipality doing all of the following: 1) comparing any negotiated proposals with actual market data to assess whether a competitive sale is more optimal; 2) marketing note sales beyond publishing the notice required by N.J.S.A. 40A:2-30 and beyond displaying a notice on your municipal website; 3) consolidating note sales to a single sale per year, unless unexpected circumstances lead to an unavoidable need for a second sale; 4) issuing a prospectus, official statement or other document to potential lenders disclosing all material financial and budget information; and 5) refraining from conducting competitive note sales around the time of major holidays (such as, but not limited to, the period between Christmas and New Year's	
13	Yes	Changes in energy markets could potentially offer substantial savings for local governments. <u>Local Finance Notice 2012-12</u> provides important guidance on the competitive procurement of energy. Has your CFO, head purchasing official or other appropriate municipal official evaluated and discussed with your governing body (or an appropriate subcommittee thereof) whether the cooperative or competitive procurement of energy would benefit your municipality?	
14	Prospective	Having a Finance Committee can provide an efficient means to represent the governing body by performing in depth research, plans and reviews in fiscal areas such as audit, budget and accounting workflow rules, as well as evaluating vendor, professional and labor contracts. Does your municipality have a Finance Committee made up of at least one governing body member, the chief administrative officer, CFO, head purchasing agent and other appropriate personnel, as may be needed, that meets at least monthly and discusses all significant financial issues?	Although it's not referred to as a "Finance Committee", the BA, CFO, QPA, and 2 to 3 Council members meet twice monthly to discuss meeting agendas where all of the referenced topics are covered.

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Ocean City City (Cape May)			
0508		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question		Comments
15	Yes	Audit findings address areas needing improvement. Ignoring these findings devalues the process; therefore, municipalities should correct noted deficiencies. Have all audit findings from the 2011 audit been 1) identified in the corrective action plan and 2) addressed such that they are not repeated in the 2012 audit? If the answer is no, please list the repeat findings in the comments section and, upon appeal by the municipality, the Director shall determine based on the comment(s) whether the finding(s) is/are sufficiently material to warrant a "no" answer.	
16	Yes	The CFO should be capable of preparing the annual financial statement, annual debt statement and budget schedules. Excessive auditor assistance on these documents could create a perception that the auditor is not truly independent of the client in auditing the client's financial statements. At a minimum, each CFO should prepare balanced and reconciled financial records including books of original entry, general ledgers, subsidiary ledgers and other computer reports that accurately analyze and reflect the municipality's financial position. These records should have sufficient detail for an accountant with sufficient knowledge of New Jersey's municipal accounting system to extract information necessary to prepare financial and debt statements. This requires that, within acceptable tolerance, all financial transactions (cash and non-cash) be posted in the general ledger and that all general ledger accounts be supported by subsidiary ledgers, reports, reconciliations or are otherwise analyzed. <u>A "yes" answer is appropriate for this question if 1) your CFO prepares the annual financial statement, annual debt statement and annual budget, or 2) your CFO presents balanced and reconciled financial records, or 3) you are retaining outside assistance to do so from an individual or entity separate from your municipality's audit firm.</u> Please note that item #2 cannot count as a "yes" answer if the Report of Audit contains comments and recommendations regarding the General Ledger or Cash Account balances not reconciled.	

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	Answer	Question	Comments
17	Yes	The Local Finance Board recently adopted new rules, outlined in <u>Local Finance Notice 2013-17</u> , expanding municipalities' ability to purchase goods and services with procurement cards. The most significant change is the elimination of the prior per-transaction monetary limitation on P-Cards (15% of local unit's bid threshold) where a Qualified Purchasing Agent manages a local unit's P-Card program. Has your CFO, head purchasing official or other appropriate municipal official evaluated and discussed with your governing body (or an appropriate subcommittee thereof) how and whether a procurement card program could benefit the municipality or, if a procurement card program already exists, whether the program complies with the new regulations?	
18	Yes	Grant programs can create a significant burden on a municipality's cash flow if program expenses are either not timely reimbursed or are charged to other operating accounts instead of to the grant. Are all grant revenues, along with their corresponding appropriations, reviewed at least quarterly to determine that all program expenses have 1) been filed for reimbursement and 2) have been properly charged to the grant, with follow up communication to grantor agencies in instances where payments are delayed?	
Budget Preparation and Presentation - BP			
19	Yes	Has your municipality fully and accurately disclosed in the "Budget Message" section of your CY2013/SFY 2014 budget the following: Revenues at Risk; Non-Recurring Cost Reductions; Anticipated CY2014/SFY 2015 Appropriation Increases; and Structural Balance Offsets as detailed in <u>Local Finance Notice 2011-377</u> ?	
20	No	In preparing your annual budget it is important for both the governing body and public to understand the concept of surplus and how it accumulates (or declines) over the years. A formal policy regarding surplus serves as a basis for decisions concerning future financial solvency, and the lack of a policy could lead bond rating agencies to downgrade your municipality's credit rating. In developing said surplus policy your CFO should analyze and explain at least a five-year trend of surplus; illustrating the factors causing each annual increase or decrease. A surplus policy with realistic and sustainable goals can then be determined. Does your municipality have a written policy goal for the amount of surplus available in support of municipal operations, and is this goal evaluated annually?	

Best Practices Worksheet CY 2013/SFY2014

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	Answer	Question	Comments
21	Yes	In preparing your annual budget for the current year it is important that the impact that these decisions may have on future years' budgets be presented, evaluated and considered before final action is taken. Long term plans concerning revenue, appropriations, tax levy, tax levy cap and surplus are critical toward sustaining (or achieving) a solid fiscal condition. Are projections calculated and discussed in sufficient detail so that the governing body understands the impact that the current year's budget may have on the future tax levy (as restricted by the levy cap) and future surplus balances for at least two (2) future year's budgets?	
22	N/A	Certain municipalities have indirectly pledged prompt payment (i.e. issued a guarantee) of debt service with respect to debt issued by counties, independent authorities or developers. Bond Rating Agencies (e.g. Moody's, Fitch, Standard & Poor's) have downgraded certain municipalities' bond ratings to below investment grade for lack of preparation in the event a lender calls in a debt guarantee. If your municipality guarantees any debt, are direct service revenues that may be pledged against debt repayment monitored by the municipal CFO; and to the extent that cash flow from pledged revenue will not satisfy the debt repayment, are sufficient funds held in reserve to satisfy the guarantee or is an existing authorization in place to issue debt (e.g. a bond ordinance) in	
23	Yes	Do elected officials receive status reports at least quarterly on all budget revenues and appropriations as they correspond to the annual adopted budget?	
24	Yes	Given the potential fiscal impact of property tax appeals on municipalities, the Tax Assessor and CFO should review the status of filed appeals on a regular basis to determine their effect on future budgets and plan accordingly. With input and approval from the governing body, this plan should include an evaluation of current assessment values and should consider setting aside an adequate estimated reserve to fund potentially successful state tax court appeals. <u>Has your municipality considered a property reassessment/revaluation to counter the effect of successful residential tax appeals?</u> In answering this question, a yes answer indicates that the municipality either 1) determined after reviewing assessed values that a reassessment/revaluation is unnecessary due to assessed values accurately reflecting market values (resulting in a small number of successful appeals); or 2) if the impact of appeals is significant, a revaluation plan has been filed with your County Board of Taxation.	

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Ocean City City (Cape May)			
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	Answer	Question	Comments
25	Yes	In developing your multi-year capital plan, is your municipality dedicating sufficient revenues to fund maintenance, repair and eventual replacement of infrastructure such as roads, storm sewers, sanitary sewers and water systems?	
26	Yes	N.J.S.A. 40A:4-62.1 allows for the creation of a dedicated trust fund to reserve funds budgeted during years with relatively little snowfall for use in future years when excessive snowfalls may exceed budgeted funds. In your 2013 Budget, has your municipality appropriated at least the average of snow removal expenses incurred over a minimum of 3 years?	
Health Insurance - HI			
27	Yes	Does your municipality exclude from healthcare coverage part-time elected and appointed officials (less than 35 hours per week)?	
28	Yes	Does your municipality conduct a monthly review of health benefit covered lives itemized on health insurance invoices to determine that health insurance invoices do not include employees, former employees, spouses or dependents who should no longer be receiving coverage?	
29	Yes	As explained in Local Finance Notices <u>2011-20R</u> and <u>2011-34</u> , P.L. 2011 c. 78 requires employees to contribute toward healthcare based on a percentage of total premium cost, subject to a four-year phase-in. Has your municipality implemented the employee healthcare contribution provisions contained in P.L. 2011 c. 78?	
30	Prospective	Municipalities frequently contract with or designate insurance brokers to secure healthcare coverage from insurance carriers. Brokers are typically paid by third-party administrators (TPA's) hired to collect, review and pay healthcare bills. The municipality pays the TPA, who in turn pays the broker. Broker fees are often directly related to the amount of insurance premiums or fees paid by the municipality (i.e. the higher the premium, the larger the broker's commission). Thus, the municipality-broker-TPA arrangement is vulnerable to abuse because brokers could face conflicting incentives in seeking lower-cost insurance alternatives. <u>If your municipality contracts with or otherwise designates an insurance broker, is the structure for broker payments set at a flat-fee rather than on a commission basis</u> (so as to mitigate the risk of brokers recommending more expensive insurance coverage to earn higher fees)?	The successful bidder in our most recent RFP is paid by commission if the City is covered by a private plan, and by flat fee if the City re-enters SHB.

Best Practices Worksheet CY 2013/SFY2014

		Ocean City City (Cape May)	
0508		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
31	Yes	The State Health Benefits Program (SHBP) offers medical, prescription and dental coverage options for more than 850,000 participants, including employees, dependents and retirees. All plans have substantial networks of healthcare providers, and provide services nationwide. 62% of municipalities, and 33% of counties, within New Jersey participate in SHBP. If your municipality has non-SHBP coverage, as your collective bargaining agreements come up for renegotiation, do your municipality's negotiation proposals seek contract provisions allowing its employees to be switched to SHBP or another non-SHBP plan of insurance?	
32	Yes	If your municipality does not participate in the State Health Benefits Program (SHBP), have competitive proposals for health insurance been solicited in the last three years (including from the Division of Pensions and Benefits for SHBP health insurance coverage)?	

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Ocean City City (Cape May)			
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	Answer	Question	Comments
		Personnel - PE:	
33	Yes	N.J.S.A. 43:15A-7.2 and 43:15C-2(b)(4) preclude independent contractors and individuals performing professional services for any municipality or agency (e.g. municipal attorney, auditor, planner) under a professional services contract awarded pursuant to the Local Public Contracts Law from membership in the Public Employees' Retirement System (PERS) and Defined Contribution Retirement Program (DCRP). This is discussed further in <u>Local Finance Notice 2007-28</u> . Has your municipality reviewed the status of your independent contractors and professional services providers to ensure they are not deemed eligible for PERS and/or DCRP?	
34	Yes	The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The law requires that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, municipal managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and are not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (you should consult with your labor counsel for more detailed guidance). <u>Does your municipality refrain from paying overtime to employees who are classified as exempt under the FLSA?</u> In answering this question, be aware that exempt status would also preclude overtime pay for time worked during emergencies, attendance at night meetings, participation in training	
35	Yes	N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us . Has your municipality filed all current contracts with PERC?	

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		Ocean City City (Cape May)	
0508		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
36	No	Does your municipality make available to the public free of charge, either through an internet posting or on-site review, documents that show the current salaries of all personnel and additional documents that would allow the public to view how your municipality's salaries have changed over a three year period?	
37	Yes	Accurate records of employee time are critical not only for financial accountability but also effective management of your workforce. Is your municipality ensuring that 1) employees complete and file standardized forms, either electronically or by paper, to verify all employee time worked (e.g. time cards, electronic time keeping); 2) your personnel/human resources office maintains records accounting for all employee leave time earned and used; and 3) supervisors are reviewing and approving/denying employee time and attendance documentation before those records are submitted to management and, in the case of department heads, is such documentation reviewed and verified independently?	
38	No	Has your municipality instituted a policy to not compensate employees for sick leave accumulated after a certain date?	
39	Yes	Does your municipality limit the carry forward of accrued vacation time to no more than the amount earned in the previous year (meaning no employee hired after the effective date of the limitation policy can keep in any given year more vacation time that they earned in the prior year)?	
40	Yes	Does the municipal governing body approve all payments for accumulated absences pursuant to the requirements of <u>N.J.A.C. 5:30-15.4</u> , as discussed in <u>Local Finance Notice CFO-2002-1?</u>	
41	Yes	Does your municipality provide annual employment practice liability training for elected officials, managers, administrators, department heads and supervisors?	

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Ocean City City (Cape May)			
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	Answer	Question	Comments
42	Yes	Does your municipality have a transitional duty program (light duty) to encourage employees out on workers compensation to return to work?	
43	Yes	The State Workers Compensation Law provides that, when an employee receives a work-related injury producing temporary disability, the employee is entitled to wage-continuation equal to 70% of the employee's weekly wages, subject to a maximum compensation as determined by the Commissioner of Labor. <u>Does your municipality limit benefits for work-related injuries to the above statutory benefit?</u> The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	
44	Yes	The weekly benefit rate provided under the State Temporary Disability Law for a non-work-related injury is calculated on the basis of claimant's average weekly wage. Each claimant is paid 2/3 of their average weekly wage up to the maximum amount payable, which is \$584 for disabilities beginning on or after 1/1/13. <u>Does your municipality refrain from supplementing the Temporary Disability benefit?</u> The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	
45	No	Has your municipality adopted an ordinance, resolution, regulation or policy eliminating longevity awards, bonuses or payments for non-union employees?	
46	Yes	For any employees covered by a collective bargaining agreement, has your municipality eliminated longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing longevity awards, bonuses or payments for employees hired before a specified date? The answer to this question can be "prospective" if such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	

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Ocean City City (Cape May)			
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	Answer	Question	Comments
		Disaster Preparedness/Resiliency - DP	
47	Yes	Has your municipality 1) reviewed within the past year its master plan and zoning ordinances and, if changes are recommended by your engineer, planner or land use board to ensure greater resiliency in the face of flooding and storm damage, with a plan to implement such changes; and 2) amended your zoning ordinances as necessary to allow homeowners to raise conforming structures to the Base Flood Elevation (BFE) set by the new FEMA map ?	
48	Yes	Has your municipality within the past year reviewed and updated as necessary its emergency management plan, taking into account lessons learned from the impact of <u>Superstorm Sandy</u> and other recent natural disasters?	
49	Yes	P.L. 2013, c. 37, known as the "Sandy Integrity Monitor Law", requires the State Treasurer to assign monitors to recovery and rebuilding-related contracts \$5 million or above, and grants the Treasurer discretion to assign monitors on contracts below \$5 million. Pursuant to authority granted under the law, all Sandy-related recovery and rebuilding contracts over \$2 million awarded by local governments must be reported to the State Department of Treasury. Please access Treasury's Sandy website at http://www.state.nj.us/treasury/news-sandy.shtml for more information on your municipality's responsibilities under the Sandy Integrity Monitor Law. Has your municipality reported all Sandy-related contracts over \$2 million to the State Treasurer?	
50	Yes	A municipality's participation in FEMA's <u>National Flood Insurance Program Community Rating System</u> can lead to significant flood insurance premium reductions for its homeowners. An explanation of the program may be found on FEMA's website at http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system , and more information on how the NJDEP's statewide CRS coordinator can assist with improving your rating can be found at http://www.nj.gov/dep/floodcontrol/about.htm . Does your municipality have a Community Rating System ranking of at least Class 9?	

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Answer	Question	Comments																						
	Linda P. MacIntyre	10/10/2013																						
Red	Repeat Question; Prospective answers not permitted																							
Blue	Questions where neither "not applicable" nor "N/A" answers are permitted																							
Green	Repeat questions where neither "Prospective" nor "Not Applicable" are permitted																							
No Color	"Yes"; "No"; "Prospective" and "Not Applicable" are all permissible answers																							
<table border="1"> <thead> <tr> <th># of Questions scored yes, prospective, or "not applicable"</th> <th>Amount of Aid Disbursed</th> <th>Impact on final 5% aid payment/Impact on total aid</th> </tr> </thead> <tbody> <tr> <td>41-50</td> <td>100%</td> <td>No penalty</td> </tr> <tr> <td>33-40</td> <td>80%</td> <td>Lose 20% which equals 1% of total aid</td> </tr> <tr> <td>25-32</td> <td>60%</td> <td>Lose 40% which equals 2% of total aid</td> </tr> <tr> <td>17-24</td> <td>40%</td> <td>Lose 60% which equals 3% of total aid</td> </tr> <tr> <td>9-16</td> <td>20%</td> <td>Lose 80% which equals 4% of total aid</td> </tr> <tr> <td>0-8</td> <td>0%</td> <td>Lose 100% which equals 5% of total aid</td> </tr> </tbody> </table>				# of Questions scored yes, prospective, or "not applicable"	Amount of Aid Disbursed	Impact on final 5% aid payment/Impact on total aid	41-50	100%	No penalty	33-40	80%	Lose 20% which equals 1% of total aid	25-32	60%	Lose 40% which equals 2% of total aid	17-24	40%	Lose 60% which equals 3% of total aid	9-16	20%	Lose 80% which equals 4% of total aid	0-8	0%	Lose 100% which equals 5% of total aid
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4	http://nj.gov/comptroller/news/docs/press_local_government_legal_fees.pdf																							
5	http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc																							
9	http://www.state.nj.us/perc/Collective_Bargaining_Agreement_Summary_Form_Police_and_Fire_2012.04.02_Instructions_and_Example.pdf																							
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13	http://www.nj.gov/dca/divisions/dlgs/lfns/12/2012-12.pdf																							
17	http://www.nj.gov/dca/divisions/dlgs/lfns/13/2013-17.pdf																							
19	http://nj.gov/dca/divisions/dlgs/lfns/11/2011-37.doc																							
29	http://nj.gov/dca/divisions/dlgs/lfns/11/2011-20R.doc																							
29	http://nj.gov/dca/divisions/dlgs/lfns/11/2011-34.doc																							
33	http://nj.gov/dca/divisions/dlgs/lfns/07/2007-28.doc																							
40	http://www.nj.gov/dca/divisions/dlgs/lfns/02/cfo-2002-1.pdf																							
50	http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system																							
50	http://www.nj.gov/dep/floodcontrol/about.htm																							