

ORDINANCE NO. 18-16

**AN ORDINANCE AUTHORIZING THE CITY OF OCEAN CITY
TO ACQUIRE BLOCK 611.11, LOT 169
OCEAN CITY, NEW JERSEY**

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

Section 1.

The City of Ocean City is hereby authorized to acquire, for public purposes, at no consideration, by gift, property known as Block 611.11, Lot 169, Ocean City, New Jersey from Beverly H. Jernee, Executrix of the Estate of Jack G. Jernee, Jr., deceased pursuant to *N.J.S.A. 40A:12-5*.

Section 2.

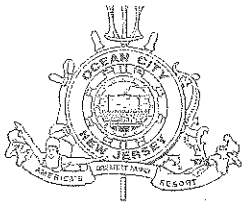
All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 3.

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

Section 4.

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



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF LAW

Memo

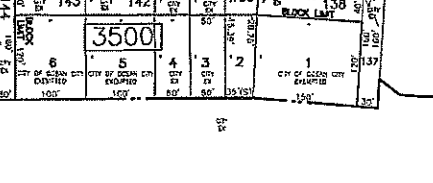
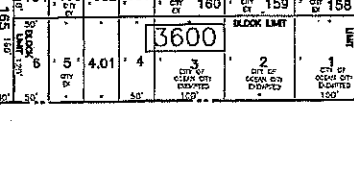
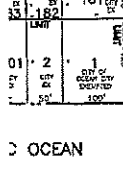
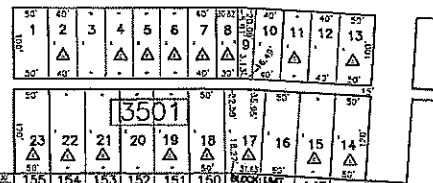
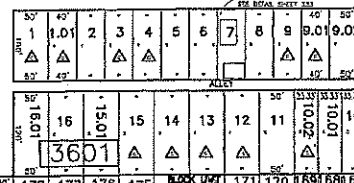
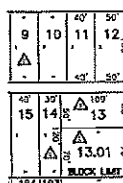
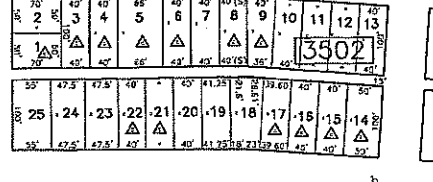
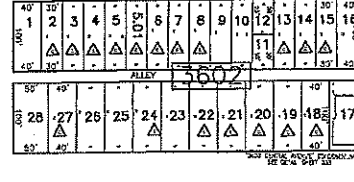
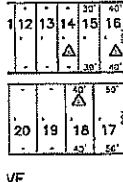
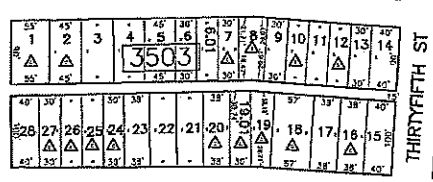
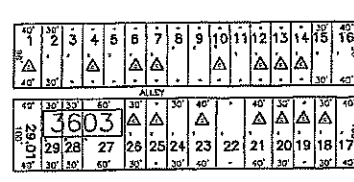
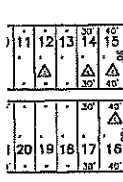
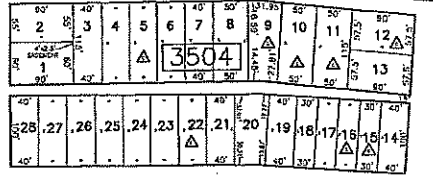
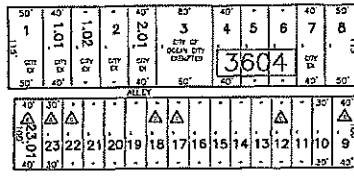
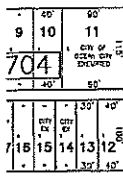
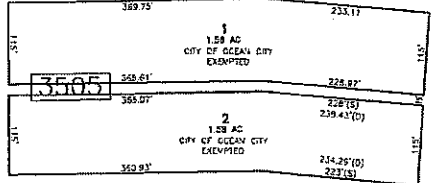
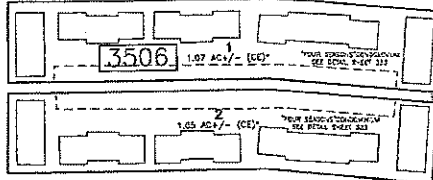
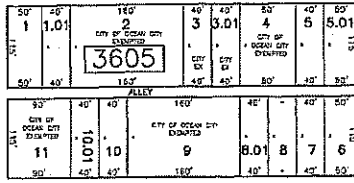
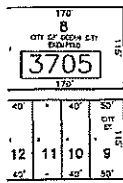
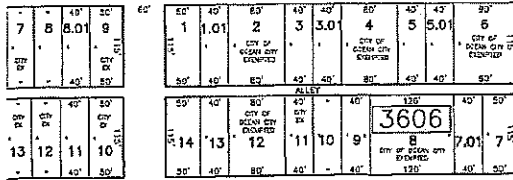
DATE: October 29, 2018
TO: City Council
FROM: Dorothy F. McCrosson, Esquire
RE: Block 611.11, Lot 169

Periodically, the City is approached by owners of property which cannot be developed with an offer to convey the property to the City. New Jersey law permits a municipality to accept a gift of real property by adopting an ordinance authorizing the acquisition.

The property to be affected by this Ordinance is a beach/dune lot located oceanward of 3604-06 Wesley Avenue. The dimensions of the lot are 33.33' x 40'. The property is a portion of the former Wesley Avenue, which the City vacated in 1973, thus vesting title of the former street in the owners of land which adjoined Wesley Avenue.

Joseph Elliott, the City's Tax Assessor, recently discovered that the adjoining owner of this property in 1973 was Jack G. Jernee, Jr., and that title to the property had never been transferred from Jack G. Jernee, Jr. to the assessed owners. When he notified the estate of Mr. Jernee that it owned the property and that he would be correcting the City's records accordingly, the executrix of the estate advised that the estate had no need for the property and did not wish to pay the taxes associated with it. She has already executed a quit claim deed to the City, which can be recorded upon final passage of the attached Ordinance.

Attached hereto is a portion of the tax map with the property highlighted.



OCEAN

△ DENOTES TWO UNIT CONDOMINIUMS

NEW JERSEY DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION
APPROVED AS A TAX MAP PRESENTED TO THE AUTHORITY OF
THE CITY OF OCEAN CITY FOR THE PURPOSE OF
RECORDING THE SAME IN THE PUBLIC RECORDS OF THE CITY OF OCEAN CITY
DATE: OCT. 2005
FILE NO. 003

ORDINANCE NO. 18 - 19

AMENDING, REVISING AND SUPPLEMENTING XXV, ZONING AND LAND DEVELOPMENT ORDINANCE OF THE REVISED ORDINANCES OF THE CITY OF OCEAN CITY TO PROVIDE FOR A MINIMUM SET ASIDE OF AFFORDABLE HOUSING UNITS TO MEET THE CITY OF OCEAN CITY'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH.

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

WHEREAS, the purpose of this section of the City of Ocean City's Zoning Ordinance is to establish a minimum required set aside of affordable housing units in any multifamily residential development or redevelopment in the City of Ocean City. It is the City of Ocean City's intention that this Ordinance is being adopted expressly for the purpose of assisting the City of Ocean City in meeting its affordable housing obligation.

BE IT ORDAINED by the Council of the City of Ocean City as follows:

SECTION 1

Chapter XXV, the Ocean City Zoning and Land Development Ordinance, be and hereby is amended to add the following new section as **ARTICLE 1901 AFFORDABLE HOUSING SET ASIDE**:

- a. Any multifamily residential development or redevelopment, that will contain five or more dwelling units shall comply with the following:
- b. A minimum of 15 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5 then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
- c. A minimum of 20 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction of greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
- d. The provisions of this Ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
- e. At least half of all affordable units shall be affordable to low income households, and the remainder may be affordable to moderate income households. Within rental developments, at least 13 percent of the affordable units shall be affordable to very low-income households, with the very low-income units counted as part of the low-income requirement.

SECTION 2:

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4:

This Ordinance shall take effect upon passage and publication as provided by law.

Jay A. Gillian
Mayor

Peter V. Madden
Council President

ORDINANCE NO. 18-20

**AN ORDINANCE AMENDING CHAPTER XXV, ARTICLE 100, SECTION 25-107 OF THE
OCEAN CITY ZONING AND LAND DEVELOPMENT ORDINANCE TO
REVISE THE DEFINITION OF "MUNICIPAL USES" TO INCLUDE
CITY-SPONSORED AFFORDABLE HOUSING**

WHEREAS, the City of Ocean City has an obligation to create affordable housing units; and,

WHEREAS, a cost-effective way to create affordable housing units is to utilize land already owned by the City; and,

WHEREAS, revising the definition of "Municipal Uses" to include City-sponsored affordable housing would provide the City with the flexibility to utilize any land owned by the City for the construction of affordable housing units wherever it owns land;

NOW, THEREFORE, it is hereby ORDAINED by the Mayor and Council of the City of Ocean City, County of Cape May, State of New Jersey, as follows:

SECTION 1

The recitals set forth above are incorporated herein as if set forth at length.

SECTION 2

Section 25-107, "Definitions", is hereby revised to include the following definition:

Municipal Uses shall include, but not be limited to, city sponsored affordable housing.

SECTION 3

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

SECTION 4

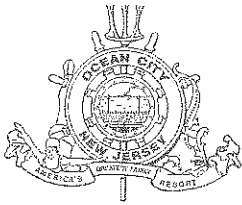
If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.

SECTION 5

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

Jay A. Gillian, Mayor

Peter V. Madden, Council President



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF LAW

Memo

DATE: November 26, 2018
TO: City Council
FROM: Dorothy F. McCrosson, Esquire
RE: Ordinance Including City-Sponsored Affordable Housing in the Definition of "Municipal Uses"

This ordinance is offered as part of Ocean City's strategy to satisfy its constitutional obligation to provide affordable housing.

In the Settlement Agreement between Ocean City and Fair Share Housing Center ("FSHC"), approved by City Council on July 12, 2018, the City committed to constructing ten (10) affordable family units. This ordinance would make City-sponsored construction of this type a "municipal use" and, therefore, a permitted use in all zones.

ORDINANCE NO. 18-21

**AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING FAIR SHARE ORDINANCE OF THE REVISED ORDINANCES OF OCEAN CITY, CAPE MAY COUNTY, NEW JERSEY (ARTICLE 2000 OF THE OCEAN CITY ZONING AND LAND DEVELOPMENT ORDINANCE) TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.
("Affordable Housing Ordinance")**

BE IT ORDAINED by the Council of the City of Ocean City, County of Cape May and State of New Jersey, that Article 2000 of the Ocean City Zoning and Land Development Ordinance is hereby deleted, replaced and superseded hereby to include provisions addressing Ocean City's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Ocean City Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

On the first anniversary of the entry of the Order granting Ocean City a Final Judgment of Compliance and Repose in IMO Application of the City of Ocean City, Docket No. CPM-L-305-15 and every anniversary thereafter through the end of the Repose period, the City shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

On the first anniversary of the entry of the Order granting Ocean City a Final Judgment of Compliance and Repose in IMO Application of the City of Ocean City, Docket No. CPM-L-305-15 and every anniversary thereafter through the end of the Repose period, the City shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center.

For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the City shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be

replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting Ocean City a Final Judgment of Compliance and Repose in IMO Application of the City of Ocean City, Docket No. CPM-L-305-15, and every third year thereafter, the City will post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, on the issue of whether the municipality has complied with its very low-income housing obligation.

SECTION 1:

25-2000.1 Purpose.

The purpose of this ordinance is to provide for and regulate affordable housing in the City.

25-2000.2 Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Sub code, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity designated by the City to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the City's fair share obligation, and includes, but is not limited to, rehabilitation, a Market Affordable Program and a municipal construction project or a 100 percent affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE

A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50 percent or less of the **regional** median household income **by household size**.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the **regional** median household income **by household size**.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

MULTIFAMILY UNIT

A structure containing five or more dwelling units.

NON-EXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub code, N.J.A.C. 5:23-6.

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30 percent or less of the **regional** median household income **by household size**.

VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

25-2000.3 Applicability.

The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the City of Ocean City pursuant to the City's most recently adopted Housing Element and Fair Share Plan.

25-2000.4 Alternative Living Arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - 1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court.
 - 2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

- C. Unless otherwise specified by agreement or ordinance the service provider operating the alternative living arrangement shall be the administrative agent for the alternative living arrangement.

25-2000.5 Zoning

Ocean City is constitutionally obligated to provide a realistic opportunity to comply with its affordable housing obligation. Creating two new affordable housing zones creates a realistic opportunity for the construction of affordable housing. The zones shall be as follows:

Inclusionary R-2 Zone Districts Assemblage Incentive Overlay Zone

25-204.2 Non-Discrete Residential Two-Family Zones.

R-2-30, R-2-40, R-2-50, R-2-60. (Ord. #00-05, §3; Ord. #00-06, §4; Ord. #02-19)

25-204.2.1 Purpose.

The Non-Discrete Residential Two-Family Zones established in subsection 25-201.1.1 of this Ordinance are intended to provide and maintain residential areas for detached two (2) family dwellings in those areas in Ocean City where this type of housing has either traditionally developed or is currently the predominant land use type. (Ord. #02-19) In an effort to increase housing diversity and provide realistic opportunities for affordable housing, development of two-family and multi-family at increased densities will be permitted in accord with Section 25-204.26.

25-204.2.2 Permitted Uses.

- a. One (1) family dwellings;
- b. Two (2) family dwellings;
- c. Two (2) family dwellings subject to Inclusionary Incentive Overlay Zone pursuant to §25-204.26;
- d. Multi-family dwellings subject to Inclusionary Incentive Overlay Zone pursuant to §25-204.26;
- e. Essential services.

(Ord. #02-19)

25-204.2.3 Conditional Uses. [NO CHANGE TO THIS SECTION]

25-204.2.4 Permitted Accessory Uses. [NO CHANGE TO THIS SECTION]

25-204.2.5 Bulk Requirements. [NO CHANGE TO THIS SECTION]

25-204.2.6 Rear Yard. [NO CHANGE TO THIS SECTION]

NEW SECTION

25-204.26

Inclusionary Incentive Overlay Zone

25-204.26.1 Purpose.

The Inclusionary Incentive Overlay Zone is intended to increase the diversity of housing and provide realistic opportunities for affordable housing as defined at NJAC 5:97-1.4. Development of two-family dwellings and multi-family dwellings in accord

with this ordinance are required to set aside a percentage of the total dwelling units as affordable units. Incentives to utilize the Inclusionary Incentive Overlay Zone include increased density and building height.

25-204.26.2 Bulk Requirements.

Inclusionary Incentive Overlay Zone—Schedule of District Regulations

Minimum Tract Size	Minimum Yard Requirements (Feet)			Min. Lot Depth (Feet) (4)	Maximum Building Height		Maximum Density (dwelling units per acre)	Maximum Building Coverage (percent)	Maximum Impervious Coverage (percent)
	Front (1)	Rear (2)	Side (3)		Flat Pitched Roof	Habitable Stories			
25% of a Block	Schedule B	20% of lot depth	Schedule C	100	29 FT 34 FT	3	30	60	90

NOTES TO SCHEDULE –

- (1) In all zone districts, the minimum front yard setback shall be as indicated on Schedule B, "Schedule of Front Yard Setback Depths by Street." Where development is proposed on lots adjacent to a street not listed on Schedule B, the front yard shall be the average setback of the adjacent buildings on the entire block, as determined from a certified survey provided by the applicant/owner.
- (2) For lagoon-front, bay-front and oceanfront lots, the front yard shall be the street side and the rear yard shall be the waterside of the lot.
- (3) On corner lots, the minimum side yard setback shall be provided for the interior side yard and the larger setback shall be provided for the side yard adjoining the street.
- (4) The minimum required lot depth indicated shall be provided, except that lots existing at the time of adoption of this Ordinance with less than the required depth shall be deemed to be conforming for purposes of lot depth.

SCHEDULE B—Schedule of Front Yard Setback Depths by Street (Section 25-209.2)
SCHEDULE C—Schedule of Side Yard Setbacks (Section 25-209.3)

***Editor's Note:** Schedules B and C referred to herein may be found in Section 25-209.

25-204.26.3 Maximum Affordable Housing Set-aside

- a. Sale Units - The maximum affordable housing set-aside applied to sale units is twenty (20) percent of the total number of units in the development.
- b. Rental Units - The maximum affordable housing set-aside applied to rental units is fifteen (15) percent of the total number of units in the development.

25-204.26.4 Construction of Affordable Housing Units

Developers shall construct the affordable units required by this ordinance as follows:

- a. On the subject site;
- b. Elsewhere in the municipality as approved by the Planning Board or Zoning Board of Adjustment;
- c. Payment in lieu of construction providing the whole or fractional affordable units required, subject to the following:

- (1) Payments in lieu of constructing affordable units may represent fractional affordable units. The affordable housing requirement shall not be rounded.
- (2) The zoning ordinance may include specific criteria to be met for a development to be eligible to provide a payment in lieu. Examples of such criteria include, but are not limited to, minimum development size thresholds or environmental or site configuration concerns. Once criteria are established by ordinance, exercising the option shall be at the developer's discretion.
- (3) The amount of payments in lieu of constructing affordable units on site shall be \$182,859.
- (4) Payments in lieu of constructing affordable units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:97-8.4 and subject to the provisions thereof.
- (5) Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Zoning that does not require an affordable housing set-aside or permit a corresponding payment in lieu may be subject to a development fee ordinance pursuant to N.J.A.C. 5:97-8.3.

d. Affordable housing units shall be built in accordance with the following schedule:

Percentage of Market-rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25 + 1 unit	10
50	50
75	75
90	10

- e. To the extent feasible, developers shall fully integrate the low- and moderate-income units with the market units.
- f. Affordable units shall utilize the same heating source as market-rate units within the inclusionary development and have access to all community amenities available to market-rate units and subsidized in whole by association fees.
- g. The first floor of all townhouse dwelling units and all other multistory dwelling units comply with N.J.A.C. 5:97-3.14.
- h. The affordable units shall comply with N.J.A.C. 5:97-9 and UHAC.

Inclusionary Housing Option in Business Zone Districts

25-208.2.5 Residential Dwelling Units.

Editor's Note: Former subsection 25-208.2.5, Hotels and Motels, previously codified herein and containing portions of Ordinance No. 06-33, was repealed in its entirety by Ordinance No. 07-37.

Residential dwelling units may be permitted as a conditional use within those zones specified, subject to the following:

- a. Residential dwelling units shall not occupy any part of the first (grade-level) floor of any building, except where specifically permitted by this Ordinance.
- b. Eating establishments including but not limited to cafes, coffee shops, luncheonettes, pizzerias, restaurants and snack shops, candy, nut, confectionery stores, and bakeries shall not be prohibited or limited at any time or by any means including, but not limited to conditions contained within a master deed, deed restriction, Certificate of Occupancy, Mercantile License, Certificate of Zoning Compliance or other instrument.

This requirement shall be memorialized in the decision and resolution approving the site plan and shall be promptly recorded thereafter.

c. *Density.* The maximum permitted Base density, Inclusionary density, Inclusionary Building Height and Habitable Stories within the Neighborhood Business Zone and 34th Street Gateway Zone shall be as follows:

<i>Lot Area</i>	<i>Base Density</i>	<i>Inclusionary Density (Dwelling Units/Acre)¹</i>	<i>Maximum Inclusionary Building Height, Habitable Stories</i>
Up to 3,999 sf	1 dwelling unit	NA	NA
4,000 sf and greater	1 dwelling unit/each 2,000 sf of lot area	16	34 FT 3

d. *Density in the Central Business (CB) Zone, Central Business-1 (CB-1 Zone) and Drive-in Business (DB) Zone.* The maximum permitted Base density, Inclusionary density, Inclusionary Building Height and Habitable Stories in the Central Business (CB) Zone, Central Business-1 (CB-1) Zone and Drive-in Business (DB) Zone shall be as follows:

<i>Zone District</i>	<i>Base Density (Dwelling Units/Acre)</i>	<i>Inclusionary Density (Dwelling Units/Acre)²</i>	<i>Maximum Inclusionary Building Height, Habitable Stories</i>
Central Business (CB)	30	40	40 FT 4
Central Business (CB-1)	30 33 (West Avenue only)	40	40 FT 4
Drive-in Business (DB)	30	40	40 FT 4

e. Off-street parking spaces shall be provided as required by the Residential Site Improvement Standards (NJAC 5:21 et seq.).

(6) Inclusionary Housing Requirements.

a. **Maximum Affordable Housing Set-aside**

- i. Sale Units - The maximum affordable housing set-aside applied to sale units is twenty (20) percent of the total number of units in the development.
- ii. Rental Units - The maximum affordable housing set-aside applied to rental units is fifteen (15) percent of the total number of units in the development.

b. **Construction of Affordable Housing Units**

Developers shall construct the affordable units required by this ordinance as follows:

1

¹ Development utilizing the Inclusionary Density shall comply with Section 25-208.2.5f.

2

¹ Development utilizing the Inclusionary Density shall comply with Section 25-208.2.5f.

- i. On the subject site;
- j. Elsewhere in the municipality as approved by the Planning Board or Zoning Board of Adjustment;
- k. Payment in lieu of construction providing the whole or fractional affordable units required, subject to the following:
 - a. Payments in lieu of constructing affordable units may represent fractional affordable units. The affordable housing requirement shall not be rounded.
 - b. The zoning ordinance may include specific criteria to be met for a development to be eligible to provide a payment in lieu. Examples of such criteria include, but are not limited to, minimum development size thresholds or environmental or site configuration concerns. Once criteria are established by ordinance, exercising the option shall be at the developer's discretion.
 - c. The amount of payments in lieu of constructing affordable units on site shall be \$182,859.
 - d. Payments in lieu of constructing affordable units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:97-8.4 and subject to the provisions thereof.
 - e. Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Zoning that does not require an affordable housing set-aside or permit a corresponding payment in lieu may be subject to a development fee ordinance pursuant to N.J.A.C. 5:97-8.3.
- l. Affordable housing units shall be built in accordance with the following schedule:

Percentage of Market-rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25 + 1 unit	10
50	50
75	75
90	10

- m. To the extent feasible, developers shall fully integrate the low- and moderate-income units with the market units.
- n. Affordable units shall utilize the same heating source as market-rate units within the inclusionary development and have access to all community amenities available to market-rate units and subsidized in whole by association fees.
- o. The first floor of all townhouse dwelling units and all other multistory dwelling units comply with N.J.A.C. 5:97-3.14.
- p. The affordable units shall comply with N.J.A.C. 5:97-9 and UHAC.

(Ord. #07-37, §3; Ord. #07-31, §3; Ord. #08-01, §2; Ord. #10-09, §6; Ord. #14-31; Ord. #2016-15 §5)

Mandatory Set Aside Overlay Ordinance

ARTICLE 1901 AFFORDABLE HOUSING SET ASIDE:

- a. Any multifamily residential development or redevelopment, that will contain five or more dwelling units shall comply with the following:
- b. A minimum of 15 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5 then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
- c. A minimum of 20 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction of greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
- d. The provisions of this Ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
- e. At least half of all affordable units shall be affordable to low income households, and the remainder may be affordable to moderate income households. Within rental developments, at least 13 percent of the affordable units shall be affordable to very low-income households, with the very low- income units counted as part of the low-income requirement.

25-2000.6 Phasing Schedule for Inclusionary Zoning.

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

25-2000.7 New Construction.

A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13 percent of all restricted rental units shall be very low-income units (affordable to a household earning 30 percent or less of median income). The very low-income units shall be counted as part of the required number of low-income units within the development.
2. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.
3. A maximum of 25 percent of the City's obligation may be met with age restricted units. At least half of all affordable units in the City's plan shall be available to families.
4. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

5. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

- a. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
- b. At least 30 percent of all low- and moderate-income units shall be two-bedroom units;
- c. At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
- d. The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.

6. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements

The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

1. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- a. An adaptable toilet and bathing facility on the first floor; and
- b. An adaptable kitchen on the first floor; and
- c. An interior accessible route of travel on the first floor; and
- d. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- e. If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Sub Code, N.J.A.C. 5:23-7, or evidence that Ocean City has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - i. Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - ii. To this end, the builder of restricted units shall deposit funds within the City of Ocean City's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

- iii. The funds deposited under paragraph 6) b) above shall be used by the City of Ocean City for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- iv. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the City of Ocean City for the conversion of adaptable to accessible entrances.
- v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the City's Affordable Housing Trust Fund in care of the City Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- vi. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

C. Design:

- 1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- 2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices:

- 1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.
- 4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one- and one-half-person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one- and one-half-person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by **HUD** for its Section 8 program.

25-2000.9 Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

25-2000.10 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Ocean City takes action to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

25-2000.11 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

25-2000.12 Buyer Income Eligibility.

A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

B. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the City Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

25-2000.13 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

25-2000.14 Capital Improvements to Ownership Units.

A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

25-2000.15 Control Periods for Restricted Rental Units.

A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Ocean City takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Cape May. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low- or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

1. Sublease or assignment of the lease of the unit;
2. Sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

25-2000.16 Rent Restrictions for Rental Units; Leases.

A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

25-2000.17 Tenant Income Eligibility.

A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.

Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

2. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16,

as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

25-2000.18 Municipal Housing Liaison.

A. The City of Ocean City shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Ocean City shall adopt an Ordinance creating the position of Municipal Housing Liaison. Ocean City shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Ocean City, including the following responsibilities which may not be contracted out to the Administrative Agent:

1. Serving as Ocean City's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
2. Monitoring the status of all restricted units in Ocean City's Fair Share Plan;
3. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
4. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

C. Subject to the approval of the Court, the City of Ocean City shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the City Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

25-2000.19 Administrative Agent.

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an

Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

A. Affirmative Marketing:

1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the City of Ocean City and the provisions of N.J.A.C. 5:80-26.15; and
2. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

1. Soliciting, scheduling, conducting and following up on interviews with interested households;
2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
6. Employing a random selection process as provided in the Affirmative Marketing Plan of the City of Ocean City when referring households for certification to affordable units.

C. Affordability Controls:

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Cape May County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
4. Communicating with lenders regarding foreclosures; and
5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Re-rentals:

1. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
2. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
3. Notifying the municipality of an owner's intent to sell a restricted unit; and
4. Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

1. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
3. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
5. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
6. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the City Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

1. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

2. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
3. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

25-2000.20 Affirmative Marketing Requirements.

- A. The City of Ocean City shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Settlement Agreement with FSHC, the Affirmative Marketing Plan shall require the notification of the New Jersey State Conference of the NAACP, the Mainland/Pleasantville Mizpah, the Supportive Housing Association, the NAACP Atlantic City and Cape May Branch, FSHC and the Latino Action Network of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 6 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 6, comprised of Cape May, Cape May, Cumberland and Salem Counties.
- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the City of Ocean City shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

25-2000.21 Enforcement of Affordable Housing Regulations.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - a. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the City of Ocean City Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - b. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
2. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - a. The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such

deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- c. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- e. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- f. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

25-2000.22 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

SECTION 2:

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4:

This Ordinance shall take effect upon passage and publication as provided by law.

Jay A. Gillian, Mayor

Peter V. Madden, Council President

ORDINANCE NO. 18-22

**AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS
GOVERNING THE ZONING OF LAND WITH THE CITY OF OCEAN CITY,
COUNTY OF CAPE MAY, PURSUANT TO THE AUTHORITY SET FORTH AS
CHAPTER 55 OF TITLE 40 OF THE REVISED STATUTES AND
AMENDMENTS AND SUPPLEMENTS THERETO, SETTING FORTH A
DEVELOPMENT FEE TO BE APPLIED BY THE PLANNING BOARD, ZONING
BOARD AND THE GOVERNING BODY IN THE DEVELOPMENT OF LAND**

BE IT ORDAINED by the Council of the City of Ocean City, County of Cape May and State of New Jersey, that Article 1900 of the Ocean City Zoning and Land Development Ordinance is hereby deleted, replaced and superseded by the following:

SECTION 1

25-1900 AFFORDABLE HOUSING DEVELOPMENT FEES.

Prior Ordinance history includes portions of Ordinance No. 99-14, -6-30 and 11-28.

25-1900.1 Title.

This ordinance shall be known and may be cited as:

DEVELOPMENT FEE ORDINANCE OF CITY OF OCEAN CITY

25-1900.2 Purpose.

- a. In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

25-1900.3 Basic Requirements.

- a. This ordinance shall not be effective until approved by the Court.
- b. The City of Ocean City shall not spend development fees until the Court has approved a plan for spending such fees.

25-1900.4 Definitions.

The following terms, as used in this ordinance, shall have the following meanings:

Affordable Housing Development means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

COAH or the *Council* means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

Development Fee means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.

Developer means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Equalized Assessed Value means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

Green Building Strategies means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community service.

25-1900.5 Residential Development Fees.

a. Imposed Fees.

1. Within the City of Ocean City residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one- and one-half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers is required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one- and one-half percent (1.5%) of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development.

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, developments where the developer has made a payment in lieu of on-site construction of affordable units, nonprofit institutions and other tax-exempt entities shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall

be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

3. Development fees shall be imposed and collected when an existing structure, other than a detached single-family dwelling, is constructed, demolished and replaced, or expanded (if the expansion is not otherwise exempt from the development fee requirement). The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
4. Existing detached single-family dwellings that are reconstructed, renovated or expanded shall be exempt from development fees.
5. Developers of existing lots that result in the construction of a detached single-family home shall be exempt from paying a development fee provided the single-family home is not the result of a subdivision. If the single-family home is the result of a subdivision, a development fee shall apply to all single-family homes which are a net increase over the number of homes on the site prior to the subdivision.
6. For the demolition of an existing residential structure with a replacement of two or more residential structures, the development fee shall be calculated by subtracting the equalized assessed value at the time of the structure demolition from the equalized assessed value of the new residential replacements.
7. Owner occupied residential structures demolished and replaced as a result of a fire, flood or natural disaster shall be exempt from paying a development fee.

25-1900.6 Non-Residential Development Fees.

a. Imposed Fees.

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b. Eligible Exactions, Ineligible Exactions and Exemptions for Non-Residential Development.

1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
2. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
5. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the City of Ocean City as a lien against the real property of the owner.

25-1900.7 Collection Procedures.

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the City of Ocean City fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- h. The developer shall pay 100 percent of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.
- i. *Appeal of Development Fees.*

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the City of Ocean City. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the City of Ocean City. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

25-1900.8 Affordable Housing Trust Fund.

- a. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. Payments in lieu of on-site construction of affordable units;
 2. Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. Rental income from municipally operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with the City of Ocean City's affordable housing program.
- c. Within seven days from the opening of the trust fund account, the City of Ocean City provided COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

25-1900.9 Use of Funds.

- a. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the City of Ocean City's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and

related costs, accessory apartments, market to affordable, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted by the Court and specified in the approved spending plan.

- b. Funds shall not be expended to reimburse the City of Ocean City for past housing activities.
- c. At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, and assistance with emergency repairs.
 - 2. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - 3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. The City of Ocean City may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e. No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

25-1900.10 Monitoring.

The City of Ocean City shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, the Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on

site(if permitted by Ordinance or by an Agreement with the City), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Ocean City's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

25-1900.11 Ongoing Collection of Fees.

The ability of the City of Ocean City to impose, collect and expend development fees shall expire with its Judgement of Compliance unless the City of Ocean City has filed an adopted Housing Element and Fair Share Plan with the Court or a designated State administrative agency, has petitioned for a Judgement of Compliance from the Court and has received approval of its development fee ordinance. If the City of Ocean City fails to renew its ability to impose and collect development fees prior to the expiration of the Judgement of Compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (N.J.S.A. 52:27D-320). The City of Ocean City shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgement of Compliance, nor shall the City of Ocean City retroactively impose a development fee on such a development. The City of Ocean City shall not expend development fees after the expiration of its Judgement of Compliance.

SECTION 2

Severability.

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

SECTION 3

Repealer.

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

SECTION 4

Effective date.

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

Jay A. Gillian, Mayor

Peter V. Madden, Council President

Summary -

The adoption of this ordinance is part of Ocean City's Affordable Housing strategy.

This ordinance replaces and updates existing Article 1900, which is the City's Development Fee Ordinance, and which requires fees to be paid into the City's affordable housing trust fund by developers of certain new constructions projects.

The major substantive changes to the existing ordinance are as follow:

- References the Council on Affordable Housing (COAH) are replaced with the Court in recognition of the Court's role in providing oversight over the City's use of fees in its affordable housing trust fund.
- The Residential Development Fee is increased from 1% to 1.5%.
- Owner-occupied residential structures demolished and replaced as a result of fire, flood or other natural disaster are exempted from paying a development fee.
- The monitoring requirements are revised to reflect the monitoring to which the City agreed in the Settlement Agreement between the City and Fair Share Housing Center, approved by City Council on July 12, 2018.

ORDINANCE NO. 18-23

**AN ORDINANCE AMENDING CHAPTER II, PART I, ARTICLE I,
SECTION 2-1, ADMINISTRATIVE CODE,
OF THE REVISED GENERAL ORDINANCES OF THE CITY OF OCEAN CITY
(Repeal Term Limits on Boards, Authorities and Commissions)**

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

WHEREAS, qualified volunteer citizen leaders who serve on the City's Boards, Authorities and Commissions constitute an integral part of good government in Ocean City; and,

WHEREAS, limiting the term of volunteer citizen leaders can have the effect of depriving the municipality of experienced, qualified individuals still willing to serve the city;

NOW, THEREFORE, in order to allow the Mayor and City Council to draw on the talents of members of Ocean City Boards, Authorities and Commissions for more than two (2) terms in appropriate situations, it is hereby ordained:

SECTION 1

Section 2-8, "TERM LIMITATIONS," of the Revised General Ordinances of the City of Ocean City is hereby deleted.

SECTION 2

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

SECTION 3

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

SECTION 4

This Ordinance shall take effect in the time and manner prescribed by law and shall be automatically repealed if not readopted on or before December 13, 2021.

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

1

**INTRODUCING AND APPROVING THE 2019 BUDGET OF THE
SPECIAL IMPROVEMENT DISTRICT OF THE CITY OF OCEAN CITY**

WHEREAS, as required by N.J.S.A. 40:56-84, the District Management Corporation shall submit a detailed annual budget for the approval by resolution of the governing body in an amount of \$491,598.00; and

WHEREAS, Business and Neighborhood Development Association, Inc. is designated as the District Management Corporation; and

WHEREAS, proper notice will be given by public advertising and posting in public places, regarding the time, place and the date of public hearing on the Special Improvement District Budget.

NOW THEREFORE BE IT RESOLVED, that the attached statements of revenues and appropriations shall constitute the Special Improvement District Budget for year 2019. Said budget shall be published in the Ocean City Sentinel Ledger in the issue of December 26, 2018. A hearing on the Special Improvement Budget will be held in the Ocean City Council Chambers on January 10, 2019 at 7:00 p.m.

CERTIFIED BY:



Frank Donato III
Chief Financial Officer

Peter V. Madden
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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

2019 SPECIAL IMPROVEMENT DISTRICT

	SID ZONES			
	Boardwalk	Ninth Street	Asbury Avenue	TOTAL
	47.73%	6.43%	43.83%	
REVENUES				
Total Levy by District	\$ 87,495	\$ 15,460	\$ 80,343	\$ 183,298
Tourism Partnerships	\$ 41,800		\$ 31,500	\$ 73,300
Fund Raising Activities/Sponsorships	\$ 50,000		140,000	190,000
Utilization of Prior Year Reserve	\$ 25,000		20,000	45,000
TOTAL REVENUES	\$ 204,295	\$ 15,460	\$ 271,843	\$ 491,598
APPROPRIATIONS				
Overhead Expenses	\$ 12,000	\$ -	\$ 64,000	\$ 76,000
Office Supplies				-
Administrative Assistance				-
Promotion Administration	\$ 12,000		\$ 64,000	76,000
Conferences/Other Meetings				-
State Fees/Payments				-
subtotal to top	\$ 12,000	\$ -	\$ 64,000	76,000
Salaries+Benefits	\$ -	\$ -	\$ -	\$ -
Executive Director				-
Accountant				-
Maintenance Worker				-
Payroll Taxes+ Benefits				-
subtotal to top	-	-	-	-
Audit + Insurances	\$ 5,489	\$ 970	\$ 5,041	\$ 11,500
Promotions	\$ 179,876	\$ -	\$ 170,347	\$ 364,713
Advertising	11,000		50,000	61,000
Promotions	168,876	14,490	120,347	303,713
subtotal to top	179,876	14,490	170,347	364,713
Design & Maintenance Expenses	3,000	-	15,000	18,000
Debt Service:State Loan Payable	\$ 3,930	\$ -	\$ 17,455	\$ 21,385
Reserved				-
Total Appropriations	\$ 204,295	\$ 15,460	\$ 271,843	\$ 491,598

Introduction: 12/13/2018
 Advertisement 12/26/2018
 Public Hearing 1/10/2019
 Final Adoption 1/10/2019

BAND President

Frank Donato CFO #N0651

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

2

**ESTABLISHING DATES FOR REGULAR COUNCIL MEETINGS
FOR THE CITY OF OCEAN CITY FOR
CALENDAR YEAR 2019**

WHEREAS, the Council of the City of Ocean City pursuant to the Administrative Code of the City of Ocean City sets its regular Council meeting dates from year to year by resolution; and

WHEREAS, the Council of the City of Ocean City wishes to post the dates for its Council meetings for the 2019 calendar year; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ocean City that the following Council dates are hereby established for Calendar Year 2019 to be held in City Council Chambers, City Hall, 861 Asbury Avenue, Ocean City, New Jersey; and

BE IT FURTHER RESOLVED that formal action may be taken at all meetings listed below.

Regular Council Meetings held on Thursday's Unless Otherwise Noted – 7:00 PM

January	10	January	24
February	14	February	28
March	14	March	28
April	11	April	25
May	9	May	23
June	13	June	27
July	1 (Monday, Reorg: 12:00 noon)	July	11
July	25		
August	8	August	22
September	12	September	26
October	10	October	24
November	14	November	26 (Tuesday)
December	12	December	30 (1:00 PM)

Peter V. Madden, 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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED City Clerk
Barr	_____	_____	_____	_____	
Bergman	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
Madden	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

3

**AUTHORIZING THE AWARD OF CITY CONTRACT #18-11,
2018 ROAD IMPROVEMENT PROGRAM – PHASE 3**

WHEREAS, specifications were authorized for advertisement by Resolution #18-55-001 on Thursday, October 23, 2018 for City Contract #18-11, 2018 Road Improvement Program – Phase 3; and

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, October 31, 2018, the Notice to Bidders and the specifications were posted on the City of Ocean City's website, www.ocnj.us and the Invitation for Bid Proposals was distributed to fourteen (14) prospective bidder(s) for City Contract #18-11, 2018 Road Improvement Program – Phase 3; and

WHEREAS, bid proposals were opened for City Contract #18-11, 2018 Road Improvement Program - Phase 3 on Tuesday, November 27, 2018 and four (4) bid proposals were received per the attached Summary of Bid Proposals; and

WHEREAS, George J. Savastano PE, City Engineer; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the bid proposals and specifications and recommended that City Contract #18-11, 2018 Road Improvement Program - Phase 3 awarded to Landberg Construction, LLC, 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 #18-11, 2018 Road Improvement Program - Phase 3 be and is hereby awarded to the following lowest responsible bidder:

**Landberg Construction, LLC
82 Tuckahoe Road
Dorothy, NJ 08317**

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Total Amount</u>
Roadway Improvements				
1.	Maintenance & Protection of Traffic	1 Lump Sum	\$ 28,000.00	\$ 28,000.00
2.	Soil Erosion & Sediment Control	1 Lump Sum	\$ 500.00	\$ 500.00
3.	Excavation, Unclassified	260 CY	\$ 6.00	\$ 1,560.00
4.	I-8 Soil Aggregate	175 CY	\$ 0.01	\$ 1.75
5.	Dense Graded Aggregate Base Course, 6" Thick	1,700 SY	\$ 4.00	\$ 6,800.00
6.	HMA Profile Milling	11,500 SY	\$ 6.50	\$ 74,750.00
7.	HMA Milling, 3" To 6"	150 SY	\$ 6.50	\$ 975.00
8.	Hot Mix Asphalt Base Course, Mix 19M64, 3" Thick	1,300 SY	\$ 13.00	\$ 16,900.00
9.	Hot Mix Asphalt Leveling Course, Mix 9.5M64	170 Ton	\$ 70.00	\$ 11,900.00
10.	Hot Mix Asphalt Surface Course, Mix 9.5M64, 1½ " Thick	12,000 SY	\$ 12.00	\$ 144,000.00
11.	Open Graded Friction Course, 4" Thick	800 LF	\$ 30.00	\$ 24,000.00
12.	12" High Density Polypropylene Culvert Pipe	1,000 LF	\$ 90.00	\$ 90,000.00
13.	8" Ductile Iron Culvert Pipe, Class 52	100 LF	\$ 100.00	\$ 10,000.00
14.	12" Ductile Iron Culvert Pipe, Class 52	100 LF	\$ 100.00	\$ 10,000.00
15.	Utility Crossing	10 Unit	\$ 0.01	\$ 0.10
16.	Connect to the Existing Storm Sewer	1 Unit	\$ 500.00	\$ 500.00
17.	Storm Sewer Manholes	4 Unit	\$ 4,000.00	\$ 16,000.00
18.	Inlets, Type "A"	7 Unit	\$ 3,000.00	\$ 21,000.00
19.	Reset Existing Casting	6 Unit	\$ 350.00	\$ 2,100.00
20.	Concrete Sidewalk, 4" Thick	100 SY	\$ 80.00	\$ 8,000.00
21.	Concrete Driveway, 6" Thick	160 SY	\$ 125.00	\$ 20,000.00
22.	8"x18" Concrete Vertical Curb	50 LF	\$ 40.00	\$ 2,000.00
23.	Turf Repair Strip	500 LF	\$ 6.00	\$ 3,000.00
24.	Asphalt Price Adjustment	1 Lump Sum	\$ 0.00	\$ 0.00
Total Amount Bid, Base Bid, Items 1 - 24:				\$ 491,986.85

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

BE IT FURTHER RESOLVED that the Mayor and City Purchasing Manager are hereby authorized to enter into a formal contract with Landberg Construction, LLC, 82 Tuckahoe Road, Dorothy, NJ 08317 for City Contract #18-11, 2018 Road Improvement Program - Phase 3 as listed and in accordance with the specifications and the submitted bid proposal.

The Director of Financial Management certifies that funds are available and shall be charged to the following Capital Account # C-04-55-307-010.

CERTIFICATION OF FUNDS



Frank Donato III, CMFO
Director of Financial Management

Peter V. Madden
Council President

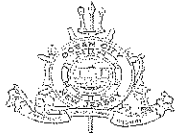
Files: RAW 18-11, 2018 Road Improvement Program - Phase 3.doc

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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
Melissa G. Rasner, City Clerk



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

PURCHASING DIVISION
SUMMARY OF BID PROPOSALS

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

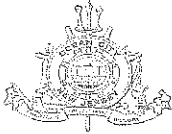
DATE RECEIVED: Tuesday, November 27, 2018
CITY CONTRACT #: 18-11
PROPOSAL NAME: 2018 Road Improvement Program - Phase 3

NAME, ADDRESS &
BID OF EACH BIDDER
Engineer's Estimate: \$576,995.00

Key: Apparent Low Bidder
Disqualified Bidder-Material Defect

Lafayette Utility Construction Co.,	Landberg Construction, LLC	Paving Plus, LLC
David Powell, Jr.	Kenneth Landberg	Joy Putz
9 Atlantic Avenue	82 Tuckahoe Road	P.O. Box 508
Egg Harbor Twp., NJ 08234	Dorothy, NJ 08317	Franklinville, NJ 08322
P: 609.645.2600	P: 609.829.2131	P: 856.404.9166
lafayetteutil@comcast.net	ken@lcx1.com	jputz@pavingplusllc.com

ITEM	DESCRIPTION	QTY	UNIT	EST Unit \$	EST Total \$	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
BASE BID											
ROADWAY IMPROVEMENTS											
1	MAINTENANCE AND PROTECTION OF TRAFFIC	1	Lump Sum	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 28,000.00	\$ 28,000.00	\$ 125,000.00	\$ 125,000.00
2	SOIL EROSION AND SEDIMENT CONTROL	1	Lump Sum	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 2,000.00
3	EXCAVATION, UNCLASSIFIED	260	CY	\$ 7.00	\$ 1,820.00	\$ 35.00	\$ 9,100.00	\$ 6.00	\$ 1,560.00	\$ 45.00	\$ 11,700.00
4	I-8 SOIL AGGREGATE	175	CY	\$ 5.00	\$ 875.00	\$ 68.00	\$ 11,900.00	\$ 0.01	\$ 1.75	\$ 25.00	\$ 4,375.00
5	DENSE GRADED AGGREGATE BASE COURSE, 6" THICK	1,700	SY	\$ 15.00	\$ 25,500.00	\$ 19.50	\$ 33,150.00	\$ 4.00	\$ 6,800.00	\$ 18.00	\$ 30,600.00
6	HMA PROFILE MILLING	11,500	SY	\$ 6.00	\$ 69,000.00	\$ 10.00	\$ 115,000.00	\$ 6.50	\$ 74,750.00	\$ 5.70	\$ 65,550.00
7	HMA MILLING, 3" TO 6"	150	SY	\$ 9.00	\$ 1,350.00	\$ 19.00	\$ 2,850.00	\$ 6.50	\$ 975.00	\$ 20.00	\$ 3,000.00
8	HOT MIX ASPHALT BASE COURSE, MIX 19M64, 3" THICK	1,300	SY	\$ 16.00	\$ 20,800.00	\$ 30.00	\$ 39,000.00	\$ 13.00	\$ 16,900.00	\$ 24.00	\$ 31,200.00
9	HOT MIX ASPHALT LEVELING COURSE, MIX 9.5M64	170	Ton	\$ 95.00	\$ 16,150.00	\$ 139.00	\$ 23,630.00	\$ 70.00	\$ 11,900.00	\$ 120.00	\$ 20,400.00
10	HOT MIX ASPHALT SURFACE COURSE, MIX 9.5M64, 1 1/2" THICK	12,000	SY	\$ 10.00	\$ 120,000.00	\$ 15.00	\$ 180,000.00	\$ 12.00	\$ 144,000.00	\$ 13.50	\$ 162,000.00
11	OPEN GRADED FRICTION COURSE, 4" THICK	800	LF	\$ 100.00	\$ 80,000.00	\$ 45.00	\$ 36,000.00	\$ 30.00	\$ 24,000.00	\$ 34.00	\$ 27,200.00
12	12" HIGH DENSITY POLYPROPYLENE CULVERT PIPE	1,000	LF	\$ 100.00	\$ 100,000.00	\$ 150.00	\$ 150,000.00	\$ 90.00	\$ 90,000.00	\$ 90.00	\$ 90,000.00
13	8" DUCTILE IRON CULVERT PIPE, CLASS 52	100	LF	\$ 100.00	\$ 10,000.00	\$ 150.00	\$ 15,000.00	\$ 100.00	\$ 10,000.00	\$ 95.00	\$ 9,500.00
14	12" DUCTILE IRON CULVERT PIPE, CLASS 52	100	LF	\$ 100.00	\$ 10,000.00	\$ 175.00	\$ 17,500.00	\$ 100.00	\$ 10,000.00	\$ 150.00	\$ 15,000.00
15	UTILITY CROSSING	10	Unit	\$ 2,000.00	\$ 20,000.00	\$ 0.01	\$ 0.10	\$ 0.01	\$ 0.10	\$ 500.00	\$ 5,000.00
16	CONNECT TO EXISTING STORM SEWER	1	Unit	\$ 3,000.00	\$ 3,000.00	\$ 1,500.00	\$ 1,500.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
17	STORM SEWER MANHOLES	4	Unit	\$10,000.00	\$ 40,000.00	\$ 4,900.00	\$ 19,600.00	\$ 4,000.00	\$ 16,000.00	\$ 7,500.00	\$ 30,000.00
18	INLETS, TYPE "A"	7	Unit	\$ 3,000.00	\$ 21,000.00	\$ 4,200.00	\$ 29,400.00	\$ 3,000.00	\$ 21,000.00	\$ 4,600.00	\$ 32,200.00
19	RESET EXISTING CASTING	6	Unit	\$ 350.00	\$ 2,100.00	\$ 1,200.00	\$ 7,200.00	\$ 350.00	\$ 2,100.00	\$ 150.00	\$ 900.00
20	CONCRETE SIDEWALK, 4" THICK	100	SY	\$ 70.00	\$ 7,000.00	\$ 59.00	\$ 5,900.00	\$ 80.00	\$ 8,000.00	\$ 78.00	\$ 7,800.00
21	CONCRETE DRIVEWAY, 6" THICK	160	SY	\$ 90.00	\$ 14,400.00	\$ 68.00	\$ 10,880.00	\$ 125.00	\$ 20,000.00	\$ 84.00	\$ 13,440.00
22	8"x18" CONCRETE VERTICAL CURB	50	LF	\$ 30.00	\$ 1,500.00	\$ 39.00	\$ 1,950.00	\$ 40.00	\$ 2,000.00	\$ 55.00	\$ 2,750.00
23	TURF REPAIR STRIP	500	LF	\$ 5.00	\$ 2,500.00	\$ 10.00	\$ 5,000.00	\$ 6.00	\$ 3,000.00	\$ 10.00	\$ 5,000.00
24	ASPHALT PRICE ADJUSTMENT	1	Lump Sum	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Amount Bid, Base Bid, Items 1 - 24:				\$ 576,995.00		\$ 737,060.10		\$ 491,986.85		\$ 695,615.00	



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

PURCHASING DIVISION

SUMMARY OF BID PROPOSALS

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

DATE RECEIVED: Tuesday, November 27, 2018

CITY CONTRACT #: 18-11

PROPOSAL NAME: 2018 Road Improvement Program - Phase 3

NAME, ADDRESS &
BID OF EACH BIDDER
Engineer's Estimate: \$576,995.00

Lafayette Utility Construction Co.,	Landberg Construction, LLC	Paving Plus, LLC
David Powell, Jr.	Kenneth Landberg	Joy Putz
9 Atlantic Avenue	82 Tuckahoe Road	P.O. Box 508
Egg Harbor Twp., NJ 08234	Dorothy, NJ 08317	Franklinville, NJ 08322
P: 609.645.2600	P: 609.829.2131	P: 856.404.9166
lafayetteutil@comcast.net	ken@lcx1.com	jputz@pavingplusllc.com

Key: Apparent Low Bidder
Disqualified Bidder-Material Defect

REQUIRED INFORMATION

Required Number of Copies (2):	Y/N	Y	Y/N	Y	Y/N	Y
Bid Deposit/Bond:	Y/N	Y	Y/N	Y	Y/N	Y
Consent of Surety:	Y/N	Y	Y/N	Y	Y/N	Y
Buy American Certification/American Recovery & Reinvestment Act 2009:	Y/N	Y	Y/N	Y	Y/N	Y
Right-to-Extend - Time for Award:	Y/N	Y	Y/N	Y	Y/N	Y
Statement of Ownership Disclosure:	Y/N	Y	Y/N	Y	Y/N	Y
Non-Collusion Affidavit:	Y/N	Y	Y/N	Y	Y/N	Y
Mandatory Equal Employment Opportunity Language:	Y/N	Y	Y/N	Y	Y/N	Y
NJ Affirmative Action Regulation Compliance Notice:	Y/N	Y	Y/N	Y	Y/N	Y
Required Subcontractors Listing:	Y/N	Y - None	Y/N	Y - None	Y/N	Y - None
Electrical, Power Plants, Tele-Data, Fire Alarm, or Security System:						
Plumbing & Gas Fitting:						
Steam Power Plants, Steam & Hot Water Heating & HVAC:						
Structural Steel & Ornamental Iron Work:						
Acknowledge of Receipt of Addenda:	None issued	Y - None	None issued	Y - None	None issued	Y - None
Disclosure of Investment Activities in Iran Statement - 2 Part Form:	Y/N	Y	Y/N	Y	Y/N	Y
NJ Business Registration Certificate (BRC):	Y/N	Y	Y/N	Y	Y/N	Y
NJ Business Registration Certificate for Subcontractors (BRC):	Y/N	Y	Y/N	Y	Y/N	Y
NJ Public Works Contractors Registration Act Certificate:	Y/N	Y	Y/N	Y	Y/N	Y
NJ Public Works Contractors Registration Act Certificate for Subcontractors:	Y/N	Y	Y/N	Y	Y/N	Y
Statement of Authority:	Y/N	Y	Y/N	Y	Y/N	Y
W-9:	Y/N	Y	Y/N	Y	Y/N	Y

PURCHASING DIVISION
SUMMARY OF BID PROPOSALS

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

DATE RECEIVED: Tuesday, November 27, 2018
CITY CONTRACT #: 18-11
PROPOSAL NAME: 2018 Road Improvement Program
PH 3

NAME, ADDRESS & BID OF EACH BIDDER					South State, Inc.				
Engineer's Estimate: \$576,995.00					Robert Bryan				
					PO Box 68				
					Bridgeton, NJ, 08302				
					P: 856.451.5300				
					bbryan@southstateinc.com				
Key: Apparent Low Bidder									
Disqualified Bidder-Material Defect									
ITEM	DESCRIPTION	QTY	UNIT	EST Unit \$	EST Total \$	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
BASE BID									
ROADWAY IMPROVEMENTS									
1	MAINTENANCE AND PROTECTION OF TRAFFIC	1	Lump Sum	\$ 5,000.00	\$ 5,000.00	\$ 30,000.00	\$ 30,000.00		\$ -
2	SOIL EROSION AND SEDIMENT CONTROL	1	Lump Sum	\$ 5,000.00	\$ 5,000.00	\$ 1.00	\$ 1.00		\$ -
3	EXCAVATION, UNCLASSIFIED	260	CY	\$ 7.00	\$ 1,820.00	\$ 30.00	\$ 7,800.00		\$ -
4	I-8 SOIL AGGREGATE	175	CY	\$ 5.00	\$ 875.00	\$ 25.00	\$ 4,375.00		\$ -
5	DENSE GRADED AGGREGATE BASE COURSE, 6" THICK	1,700	SY	\$ 15.00	\$ 25,500.00	\$ 6.00	\$ 10,200.00		\$ -
6	HMA PROFILE MILLING	11,500	SY	\$ 6.00	\$ 69,000.00	\$ 12.00	\$ 138,000.00		\$ -
7	HMA MILLING, 3" TO 6"	150	SY	\$ 9.00	\$ 1,350.00	\$ 30.00	\$ 4,500.00		\$ -
8	HOT MIX ASPHALT BASE COURSE, MIX 19M64, 3" THICK	1,300	SY	\$ 16.00	\$ 20,800.00	\$ 16.00	\$ 20,800.00		\$ -
9	HOT MIX ASPHALT LEVELING COURSE, MIX 9.5M64	170	Ton	\$ 95.00	\$ 16,150.00	\$ 125.00	\$ 21,250.00		\$ -
10	HOT MIX ASPHALT SURFACE COURSE, MIX 9.5M64, 1 1/2" THICK	12,000	SY	\$ 10.00	\$ 120,000.00	\$ 14.00	\$ 168,000.00		\$ -
11	OPEN GRADED FRICTION COURSE, 4" THICK	800	LF	\$ 100.00	\$ 80,000.00	\$ 30.00	\$ 24,000.00		\$ -
12	12" HIGH DENSITY POLYPROPYLENE CULVERT PIPE	1,000	LF	\$ 100.00	\$ 100,000.00	\$ 100.00	\$ 100,000.00		\$ -
13	8" DUCTILE IRON CULVERT PIPE, CLASS 52	100	LF	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00		\$ -
14	12" DUCTILE IRON CULVERT PIPE, CLASS 52	100	LF	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00		\$ -
15	UTILITY CROSSING	10	Unit	\$ 2,000.00	\$ 20,000.00	\$ 1.00	\$ 10.00		\$ -
16	CONNECT TO EXISTING STORM SEWER	1	Unit	\$ 3,000.00	\$ 3,000.00	\$ 500.00	\$ 500.00		\$ -
17	STORM SEWER MANHOLES	4	Unit	\$10,000.00	\$ 40,000.00	\$ 5,000.00	\$ 20,000.00		\$ -
18	INLETS, TYPE "A"	7	Unit	\$ 3,000.00	\$ 21,000.00	\$ 4,000.00	\$ 28,000.00		\$ -
19	RESET EXISTING CASTING	6	Unit	\$ 350.00	\$ 2,100.00	\$ 400.00	\$ 2,400.00		\$ -
20	CONCRETE SIDEWALK, 4" THICK	100	SY	\$ 70.00	\$ 7,000.00	\$ 100.00	\$ 10,000.00		\$ -
21	CONCRETE DRIVEWAY, 6" THICK	160	SY	\$ 90.00	\$ 14,400.00	\$ 125.00	\$ 20,000.00		\$ -
22	8"x18" CONCRETE VERTICAL CURB	50	LF	\$ 30.00	\$ 1,500.00	\$ 80.00	\$ 4,000.00		\$ -
23	TURF REPAIR STRIP	500	LF	\$ 5.00	\$ 2,500.00	\$ 2.00	\$ 1,000.00		\$ -
24	ASPHALT PRICE ADJUSTMENT	1	Lump Sum	\$ -	\$ -	\$ -	\$ -		\$ -
Total Amount Bid, Base Bid, Items 1 - 24:				\$ 576,995.00		\$ 634,836.00		\$ -	
REQUIRED INFORMATION									

PURCHASING DIVISION
SUMMARY OF BID PROPOSALS

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

DATE RECEIVED: Tuesday, November 27, 2018
CITY CONTRACT #: 18-11
PROPOSAL NAME: 2018 Road Improvement Program
PH 3

NAME, ADDRESS & BID OF EACH BIDDER		South State, Inc.			
Engineer's Estimate: \$576,995.00		Robert Bryan			
		PO Box 68			
		Bridgeton, NJ, 08302			
		P: 856.451.5300			
		bbryan@southstateinc.com			
Key: Apparent Low Bidder					
Disqualified Bidder-Material Defect					
		Required Number of Copies (2):	Y/N	Y	Y/N
		Bid Deposit/Bond:	Y/N	Y	Y/N
		Consent of Surety:	Y/N	Y	Y/N
Buy American Certification/American Recovery & Reinvestment Act 2009:		Y/N	Y	Y/N	
Right to Extend - Time for Award:		Y/N	Y	Y/N	
Statement of Ownership Disclosure:		Y/N	Y	Y/N	
Non-Collusion Affidavit:		Y/N	Y	Y/N	
Mandatory Equal Employment Opportunity Language:		Y/N	Y	Y/N	
NJ Affirmative Action Regulation Compliance Notice:		Y/N	Y	Y/N	
Required Subcontractors Listing:		Y/N	Y - None	Y/N	
Electrical, Power Plants, Tele-Data, Fire Alarm, or Security System:					
Plumbing & Gas Fitting:					
Steam Power Plants, Steam & Hot Water Heating & HVAC:					
Structural Steel & Ornamental Iron Work:					
Acknowledge of Receipt of Addenda:		None issued	Y- None	None issued	
Disclosure of Investment Activities in Iran Statement-Two Part Form:		Y/N	Y	Y/N	
NJ Business Registration Certificate (BRC):		Y/N	Y	Y/N	
NJ Business Registration Certificate for Subcontractors (BRC):		Y/N	Y	Y/N	
NJ Public Works Contractors Registration Act Certificate:		Y/N	Y	Y/N	
NJ Public Works Contractors Registration Act Certificate for Subcontractors:		Y/N	Y	Y/N	
Statement of Authority:		Y/N	Y	Y/N	
W-9:		Y/N	Y	Y/N	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

4

**AUTHORIZING THE AWARD OF CITY CONTRACT #19-02,
CITYWIDE CUSTODIAL CLEANING SERVICES FOR THE PLAYGROUNDS & SPORTS
COMPLEX RESTROOM FACILITIES**

WHEREAS, specifications were authorized for advertisement by Resolution #18-55-001 on Thursday, October 23, 2018 for City Contract #19-02, Citywide Custodial Services for the Playgrounds & Sports Complex Restroom Facilities per Resolution No. 18-55-004 dated Tuesday, October 23, 2018; and

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, October 31, 2018, the Notice to Bidders and the specifications were posted on the City of Ocean City's website, www.ocnj.us and the Invitation for Bid Proposals were distributed to twelve (12) prospective bidder(s) for City Contract #19-02, Citywide Custodial Services for the Playgrounds & Sports Complex Restroom Facilities; and

WHEREAS, bid proposals were opened for City Contract #19-02, Citywide Custodial Services for the Playgrounds & Sports Complex Restroom Facilities on Tuesday, December 4, 2018 and four (4) bid proposals were received per the attached Summary of Bid Proposals; and

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

WHEREAS, Joseph P. Berenato, Director of Public Works; Michael Rossbach, Manager Specialist; Charlotte Moyer, Administrative Assistant; Darleen 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 CNS Cleaning Company, Inc., the lowest responsible bidder; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City that City Contract #19-02, Citywide Custodial Services for the Playgrounds & Sports Complex Restroom Facilities be and is hereby awarded to the following lowest responsible bidder:

CNS Cleaning Company, Inc. 501 Cambria Avenue, Suite 131 Bensalem, PA 19020
--

<u>Item</u>	<u>Description</u>	<u>Weeks/Month Term</u>	<u>Weekly/Monthly Cost</u>	<u>Total Cost</u>
1.	Henry S. Knight Warehouse Unisex Restroom	Months 12	\$ 140.00	\$ 1,680.00
2.	Vehicle Maintenance -Two (02) Unisex Restrooms	Months 12	\$ 140.00	\$ 1,680.00
3.	Transportation Center Lobby & Two (02) Restrooms	Months 12	\$ 350.00	\$ 4,200.00
4.	Shelter Road Soccer Field Concession & Two (02) Unisex Restrooms	Months 9	\$ 140.00	\$ 1,260.00
5.	Golf Course Modular -Two (02) Restrooms	Months 9	\$ 210.00	\$ 1,890.00
6.	Shelter Road Recycling Center Unisex Restroom	Months 12	\$ 140.00	\$ 1,680.00
7.	North Street Playground -Two (02) Unisex Restrooms	Months 8	\$ 140.00	\$ 1,120.00
8.	Fire Headquarters -Two (02) Restrooms	Months 12	\$ 350.00	\$ 4,200.00
9.	5 th Street Ballfield -Two (02) Restrooms	Months 8	\$ 140.00	\$ 1,120.00
10.	6 th Street Recreation Concession Stand Three (03) Restrooms	Months 9	\$ 210.00	\$ 1,890.00
11.	5 th Street Tennis Court -Two (02) Unisex Restrooms	Months 8	\$ 140.00	\$ 1,120.00

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

CNS Cleaning Company, Inc. (Continued)

Item	Description	Weeks/Month Term	Weekly/Monthly Cost	Total Cost
12.	5 th Street Shuffleboard -Two (02) Restrooms	Months 8	\$ 140.00	\$ 1,120.00
13.	6 th Street Civic Center -Two (02) Restrooms	Months 6	\$ 625.00	\$ 3,750.00
14.	8 th Street Recreation Center -Two (02) Unisex Restrooms & Common Areas	Months 6	\$ 625.00	\$ 3,750.00
15.	15 th Street & Bay Avenue -Two (02) Unisex Restrooms	Months 8	\$ 485.00	\$ 3,880.00
16.	Ocean City Municipal Airport -Two (02) Restrooms	Months 12	\$ 520.00	\$ 6,240.00
17.	34 th Street Playground -Three (03) Restrooms	Weeks 38	\$ 115.00	\$ 4,370.00
18.	35 th OCYAA Athletic Baseball Field -Two (02) Restrooms	Months 8	\$ 140.00	\$ 1,120.00
19.	34 th Street Information Center Common Area & Restroom	Weeks 22	\$ 50.00	\$ 1,100.00
20.	46 th Street Post Office Area & Restroom	Months 12	\$ 210.00	\$ 2,520.00
21.	46 th Street Beach Fee Office Area & Restroom	Weeks 13	\$ 50.00	\$ 650.00
22.	52 nd Street Playground -Two (02) Unisex Restrooms	Weeks 14	\$ 50.00	\$ 700.00
23.	12 th Street -Two (02) Restrooms & Family Restroom	Weeks 24	\$ 175.00	\$ 4,200.00
24.	6 th Street -Two (02) Restrooms & Family Restroom	Weeks 27	\$ 340.00	\$ 9,180.00
Total Amount of City Contract #19-02, Citywide Custodial Services for the Playgrounds & Sports Complex Restroom Facilities				\$ 64,420.00

BE IT FURTHER RESOLVED that the Mayor and City Purchasing Manager are hereby authorized to enter into a formal contract with CNS Cleaning Company, Inc., 501 Cambria Avenue, Suite 131, Bensalem, PA 19020-7213 beginning on January 1, 2019 and continuing through December 31, 2019 for City Contract #19-02, Citywide Custodial Services for the Playgrounds & Sports Complex Restroom Facilities as listed and in accordance with the specifications and the submitted bid proposal.

The Director of Financial Management certifies that funds are contingent upon adoption of the 2019 Local Municipal Budget and shall be charged to Operating Account #9-01-26-825-211 as Purchase Orders are issued.

CERTIFICATION OF FUNDS



Frank Donato III, CMFO
Director of Financial Management

Peter V. Madden
Council President

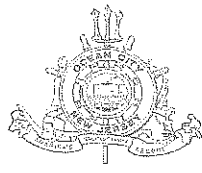
Files: RAW 19-02 Citywide Custodial Services.doc

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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
Melissa G. Rasner, City Clerk



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

PURCHASING DIVISION SUMMARY OF BID PROPOSALS

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

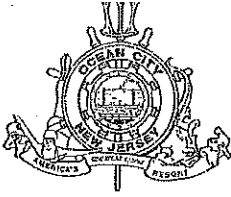
DATE RECEIVED: Tuesday, December 4, 2018 @ 2:00 PM, EDT

CITY CONTRACT #: 19-02

PROPOSAL NAME: Citywide Custodial Cleaning Services for the
Playgrounds & Sports Complex Restroom Facilities

NAME, ADDRESS & BID OF EACH BIDDER					ACB Services, Inc.		Action Janitorial Incorporated		CNS Cleaning Company		Quality Facility Solutions	
Key: Math Error Apparent Low Bidder					Joseph Manfredo, Jr.		Evelyn Pino		Audrey Smith		Burton Louissaint	
					37 Schoolhouse Road		210 E. Black Horse Pike		501 Cambria Avenue - Suite 131		199 Lee Avenue, #297	
					Cream Ridge, NJ 08514		Pleasantville, NJ 08232		Bensalem, PA 19020		Brooklyn, NY 11211	
					P: 609.638.0593		P: 609.272.8600		P: 856.488.8883		P: 718.935.9923	
					E: joejr@allcleaninc.com		E: epino8600@aol.com		E: cnscleaningco@aol.com		E: burton@qfs.net	
Item	Description	Weeks/Months	Term	Estimated Cost	Weekly/Monthly Cost	Annual Cost	Weekly/Monthly Cost	Annual Cost	Weekly/Monthly Cost	Annual Cost	Weekly/Monthly Cost	Annual Cost
BASE BID CONTRACT												
1.	Henry S. Knight Warehouse Unisex Restroom	Months	12		\$316.09	\$ 3,793.08	\$500.00	\$6,000.00	\$140.00	\$1,680.00	\$80.79	\$969.48
2.	Vehicle Maintenance Two (02) Unisex Restrooms	Months	12		\$316.09	\$ 3,793.08	\$650.00	\$7,800.00	\$140.00	\$1,680.00	\$163.37	\$1,960.44
3.	Transportation Center Lobby & Two (02) Restrooms	Months	12		\$679.81	\$ 8,157.72	\$1,300.00	\$15,600.00	\$350.00	\$4,200.00	\$681.39	\$8,176.68
4.	Shelter Road Soccer Field Concession & Two (02) Unisex Restrooms	Months	9		\$954.00	\$ 8,586.00	\$1,000.00	\$9,000.00	\$140.00	\$1,260.00	\$199.74	\$1,797.66
5.	Golf Course Modular Two (02) Restrooms	Months	9		\$954.00	\$ 8,586.00	\$812.50	\$7,312.50	\$210.00	\$1,890.00	\$115.58	\$1,040.22
6.	Shelter Road Recycling Center Unisex Restroom	Months	12		\$506.61	\$ 6,079.32	\$650.00	\$7,800.00	\$140.00	\$1,680.00	\$80.79	\$969.48
7.	North Street Playground Two (02) Unisex Restrooms	Months	8		\$330.48	\$ 2,643.84	\$650.00	\$5,200.00	\$140.00	\$1,120.00	\$146.39	\$1,171.12
8.	Fire Headquarters Two (02) Restrooms	Months	12		\$523.93	\$ 6,287.16	\$1,200.00	\$14,400.00	\$350.00	\$4,200.00	\$357.35	\$4,288.20
9.	5th Street Ballfield Two (02) Restrooms	Months	8		\$329.08	\$ 2,632.64	\$600.00	\$4,800.00	\$140.00	\$1,120.00	\$146.39	\$1,171.12
10.	6th Street Recreation Concession Stand Three (03) Restrooms	Months	9		\$458.98	\$ 4,130.82	\$900.00	\$8,100.00	\$210.00	\$1,890.00	\$427.17	\$3,844.53
11.	5th Street Tennis Court Two (02) Unisex Restrooms	Months	8		\$329.08	\$ 2,632.64	\$650.00	\$5,200.00	\$140.00	\$1,120.00	\$146.39	\$1,171.12
12.	5th Street Shuffleboard Two (02) Restrooms	Months	8		\$329.08	\$ 2,632.64	\$600.00	\$4,800.00	\$140.00	\$1,120.00	\$73.88	\$591.04
13.	6th Street Civic Center Two (02) Restrooms	Months	6		\$1,160.44	\$ 6,962.64	\$3,120.00	\$18,720.00	\$625.00	\$3,750.00	\$1,791.30	\$10,747.80
14.	8th Street Recreation Center Two (02) Unisex Restrooms & Common Areas	Months	6		\$1,004.56	\$ 6,027.36	\$2,000.00	\$12,000.00	\$625.00	\$3,750.00	\$836.57	\$5,019.42
15.	15th Street & Bay Avenue Two (02) Unisex Restrooms	Months	8		\$1,164.77	\$ 9,318.16	\$2,275.00	\$18,200.00	\$485.00	\$3,880.00	\$494.00	\$3,952.00
16.	Ocean City Municipal Airport Two (02) Restrooms	Months	12		\$502.28	\$ 6,027.36	\$1,300.00	\$15,600.00	\$520.00	\$6,240.00	\$359.84	\$4,318.08
17.	34th Street Playground Three (03) Restrooms	Weeks	38		\$213.00	\$ 8,094.00	\$300.00	\$11,400.00	\$115.00	\$4,370.00	\$139.92	\$5,316.96
18.	35th OCYAA Athletic Baseball Field Two (02) Restrooms	Months	8		\$329.08	\$ 2,632.64	\$650.00	\$5,200.00	\$140.00	\$1,120.00	\$147.32	\$1,178.56
19.	34th Street Information Center Common Area & Restroom	Weeks	22		\$102.27	\$ 2,249.94	\$125.00	\$2,750.00	\$50.00	\$1,100.00	\$35.48	\$780.56
20.	46th Street Post Office Area & Restroom	Months	12		\$183.19	\$ 2,198.28	\$975.00	\$11,700.00	\$210.00	\$2,520.00	\$442.07	\$5,304.84
21.	46th Street Beach Fee Office Area & Restroom	Weeks	13		\$169.23	\$ 2,199.99	\$200.00	\$2,600.00	\$50.00	\$650.00	\$25.65	\$333.45
22.	52nd Street Playground Two (02) Unisex Restrooms	Weeks	14		\$101.00	\$ 1,414.00	\$150.00	\$2,100.00	\$50.00	\$700.00	\$36.98	\$517.72
23.	12th Street Two (02) Restrooms & Family Restroom	Weeks	24		\$146.00	\$ 3,504.00	\$750.00	\$18,000.00	\$175.00	\$4,200.00	\$257.11	\$6,170.64

NAME, ADDRESS & BID OF EACH BIDDER					ACB Services, Inc. Joseph Manfredo, Jr. 37 Schoolhouse Road Cream Ridge, NJ 08514 P: 609.638.0593 E: joejr@alldcleaninc.com		Action Janitorial Incorporated Evelyn Pino 210 E. Black Horse Pike Pleasantville, NJ 08232 P: 609.272.8600 E: epino8600@aol.com		CNS Cleaning Company Audrey Smith 501 Cambria Avenue - Suite 131 Bensalem, PA 19020 P: 856.488.8883 E: cnscleaningco@aol.com		Quality Facility Solutions Burton Louissaint 199 Lee Avenue, #297 Brooklyn, NY 11211 P: 718.935.9923 E: burton@qfs.net	
Key: Math Error Apparent Low Bidder												
Item	Description	Weeks/Months	Term	Estimated Cost	Weekly/Monthly Cost	Annual Cost	Weekly/Monthly Cost	Annual Cost	Weekly/Monthly Cost	Annual Cost	Weekly/Monthly Cost	Annual Cost
24	6th Street Two (02) Restrooms & Family Restroom	Weeks	27		\$391.85	\$ 10,579.95	\$1,050.00	\$28,350.00	\$340.00	\$9,180.00	\$842.83	\$22,756.41
TOTAL FOR BASE BID CONTRACT 2019:						\$121,163.26		\$242,632.50		\$64,420.00		\$93,547.53
Required Information												
		Required Number of Copies (2):			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		Bid Deposit/Bond:			NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED
		Consent of Surety:			NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED
		Buy American Certification/American Recovery & Reinvestment Act 2009:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		Right-to-Extend - Time for Award:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		Statement of Ownership Disclosure:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		Non-Collusion Affidavit:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		Mandatory Equal Employment Opportunity Language:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		NJ Affirmative Action Regulation Compliance Notice:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		Required Subcontractors Listing:			NOT REQUIRED		NOT REQUIRED		NOT REQUIRED		NOT REQUIRED	
		Electrical,Power Plants, Tele-Data, Fire Alarm, or Security System:			NOT REQUIRED		NOT REQUIRED		NOT REQUIRED		NOT REQUIRED	
		Plumbing & Gas Fitting:			NOT REQUIRED		NOT REQUIRED		NOT REQUIRED		NOT REQUIRED	
		Steam Power Plants, Steam & Hot Water Heating & HVAC:			NOT REQUIRED		NOT REQUIRED		NOT REQUIRED		NOT REQUIRED	
		Structural Steel & Ornanmental Iron Work:			NOT REQUIRED		NOT REQUIRED		NOT REQUIRED		NOT REQUIRED	
		Acknowledge of Receipt of Addenda:			YES - 1	Y	YES - 1	Y	YES - 1	Y	YES - 1	Y
		Disclosure of Investment Activites in Iran Statement - 2 Part Form:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		NJ Business Registration Certificate (BRC):			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		NJ Business Registration Certificate for Subcontractors (BRC):			Y/N	NOT REQUIRED	Y/N	NOT REQUIRED	Y/N	NOT REQUIRED	Y/N	NOT REQUIRED
		NJ Public Works Contractors Registration Act Certificate:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		NJ Public Works Contractors Registration Act Certificate for Subcontractors:			Y/N	NOT REQUIRED	Y/N	NOT REQUIRED	Y/N	NOT REQUIRED	Y/N	NOT REQUIRED
		Statement of Authority:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y
		W-9:			Y/N	Y	Y/N	Y	Y/N	Y	Y/N	Y



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DEPARTMENT OF PUBLIC WORKS

Memo

To: Joseph Clark, Purchasing Agent
From: Michael Rossbach, Public Works
CC: George Savastano, Joseph Berenato, Frank Donato
Date: December 5, 2018
Re: Citywide Custodial Cleaning Services for the Playgrounds & Sports Complex Restrooms Facilities

Reference contract 19-02 "Citywide Custodial Cleaning Services for the Playgrounds & Sports Complex Restroom Facilities", please accept the bid from CNS Cleaning Co. Inc. as they are the lowest responsible bidder.

If you have any questions or need more supporting information, please don't hesitate to contact me.

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

5

AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OCEAN CITY & TONIO BURGOS AND ASSOCIATES OF NEW JERSEY, LLC FOR THE 2019 BACK BAY AND LAGOON DREDGING PROGRAM

WHEREAS, the City of Ocean City requires professional engineering services to develop a back bay and lagoon dredging program to maintain the back bays and lagoons surrounding the City of Ocean City; and

WHEREAS, it is determined to be in the best interests of the City of Ocean City to have a plan to support the waterways and Tonio Burgos and Associates of New Jersey, LLC have provided these services for other communities and municipalities in the State of New Jersey; and

WHEREAS, Tonio Burgos and Associates of New Jersey, LLC has previously performed similar services for similar municipalities and has been determined to have the necessary expertise to perform these services; and

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

WHEREAS, a contract for Professional Services with Tonio Burgos and Associates of New Jersey, LLC may be entered into without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) & N.J.S.A. 19:44A-20.5; and

WHEREAS, Tonio Burgos and Associates of New Jersey, LLC has agreed to provide services to develop an ongoing dredging plan for the City of Ocean City's back bays and lagoons; and

WHEREAS, Tonio Burgos and Associates of New Jersey, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that neither Tonio Burgos and Associates of New Jersey, LLC nor any member thereof has made any contribution to a political or candidate committee for an elected office in the City of Ocean City, NJ in the previous one (1) year period, and that the contract will prohibit the said parties from making any contributions through the term of the contract; and

WHEREAS, the City of Ocean City is desirous of entering into a Professional Services Contract with Tonio Burgos and Associates of New Jersey, LLC to develop a 2019 Back Bay and Lagoon Dredging Program for the City of Ocean City's surrounding back bays and lagoons; and

WHEREAS, Tonio Burgos and Associates of New Jersey has been advised that this award does not guarantee that the services described 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, George J. Savastano, Business Administrator; Darleen Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the terms and conditions of the contract and recommend award of a professional service contract Tonio Burgos and Associates of New Jersey, LLC for the a 2019 Back Bay and Lagoon Dredging Program; 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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that it does hereby award a professional services contract to **Tonio Burgos and Associates of New Jersey, LLC, 200 West State Street, Trenton, NJ 08608** for the 2019 Back Bay and Lagoon Dredging Program proposal as follows:

1. 2019 Back Bay and Lagoon Dredging Program Monthly Fee \$ 5,000.00
Total amount for Twelve (12) Months (1/1/19-12/31/19) **\$ 60,000.00**
2. A copy of Business Entity Certification, Determination of Value and the Business Registration Certification (BRC) 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 Mayor and the City Purchasing Manager are hereby authorized to enter into a formal contract agreement with **Tonio Burgos and Associates of New Jersey, LLC, 200 West State Street, Trenton, NJ 08608** for the 2019 Back Bay and Lagoon Dredging Program as listed in accordance with this resolution and submitted proposal.

The Director of Financial Management certifies that funds are available and shall be charged Capital Account # C-04-55-307-101.

CERTIFICATION OF FUNDS



Frank Donato, III, CMFO
Director of Financial Management

Peter V. Madden
Council President

Files: RPS Tonio Burgos Assc 2019 BB & Lagoon DSP.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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

Melissa G. Rasner, City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

6

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OCEAN CITY & THE MCMAHON AGENCY, INC. FOR RISK MANAGEMENT CONSULTANT (RMC) SERVICES FOR THE CITY OF OCEAN CITY FOR THE CALENDAR YEAR 2019

WHEREAS, the City of Ocean City requires certain professional Risk Management Consultant (RMC) Services for the calendar year 2019; 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 Council of the City of Ocean City has resolved to join the Atlantic County Municipal Joint Insurance Fund, a self-insurance pooling fund, following a detailed analysis; and

WHEREAS, the bylaws of said fund require that each municipality appoint a Risk Management Consultant (RMC) to perform various professional risk management service as detailed in the bylaws; and

WHEREAS, the bylaws of the fund indicate a fee not to exceed six (6%) percent of the municipal assessment which expenditure represents reasonable compensation for the services required and is included in the cost considered by the governing body; and

WHEREAS, the Request for Proposal, RFP # Q-18-003, Risk Management Consultant (RMC) Services for the City of Ocean City was advertised on the City of Ocean City's website, www.ocnj.us; and

WHEREAS, City RFP # Q-18-003, Risk Management Consultant (RMC) Services for the City of Ocean City was publicly opened on Tuesday, Tuesday, October 31, 2017 and one (1) proposal was received Tuesday, October 31, 2017; and

WHEREAS, based on the review and evaluations conducted in accordance with New Jersey State Local Public Contract Law by James V. Mallon, Business Administrator; Dorothy F. McCrosson, Esq., City Solicitor; Elizabeth M. Woods, Director of Human Resources; Darleen H. Korup, Purchasing Assistant; Allison L. Hansen, Assistant Purchasing Agent and Joseph S. Clark, QPA, City Purchasing Manager recommend that the contract be awarded to the McMahon Agency, Inc., 901 Simpson Avenue, Ocean City, NJ 08226; and

WHEREAS, City Council awarded the original professional services contract with the McMahon Agency, Inc. as the Risk Management Consultant (RMC) Services for the City of Ocean City for the calendar year 2018 on November 18, 2017 through the passage of Resolution No. 17-53-330; and

WHEREAS, the McMahon Agency, Inc. has been determined to have the necessary expertise and ability to perform said services; and

WHEREAS, the McMahon Agency, Inc. has agreed to serve as the Ocean City's Risk Management Consultant (RMC) for the calendar year 2019; and

WHEREAS, George J. Savastano, Business Administrator; Dorothy F. McCrosson, Esq., City Solicitor; Elizabeth Woods, Director of Human Resources; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager reviewed and recommend the 2019 Risk Management Consultant (RMC) contract be awarded to the **McMahon Agency, Inc., 901 Simpson Avenue, Ocean City, NJ 08226**; and

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

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

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ocean City, New Jersey, that it does hereby appoint the McMahon Agency, Inc., 901 Simpson Avenue, Ocean City, NJ 08226 as the Risk Management Consultant (RMC) in conjunction with the Atlantic County Municipal Joint Insurance Fund for the calendar year 2019 as follows:

1. That the McMahon Agency, Inc. is hereby engaged through the calendar year of 2019 in order to provide Risk Management Consultant (RMC) Services for the City in accordance with the requirements of the Atlantic County Municipal Joint Insurance Fund.
2. The City authorizes the Atlantic County Joint Insurance Fund to compensate the McMahon Agency, Inc. for Risk Management Consulting (RMC) Services at **2.4% percent** of the municipality's annual assessment.
3. The term of the contract shall be for a period of one (1) year, commencing on January 1, 2019 and continuing through December 31, 2019.
4. A copy of the Business Registration Certification (BRC), a Business Entity Certification and the Determination of Value shall be on placed on file in the Purchasing Division's Offices.
5. 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 City Purchasing Manager are hereby authorized to enter into a professional service contract with the McMahon Agency, Inc., 901 Simpson Avenue, Ocean City, NJ 08226 for Risk Management Consultant (RMC) Services for the City of Ocean City, as listed and in accordance with this resolution and submitted proposal.

Peter V. Madden
Council President

Files: RPS Q18-003 2019 RMC Services-2nd year.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 2016

NAME	AYE	NAY	ABSENT	ABSTAINED	
Barr	_____	_____	_____	_____	
Bergman	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
Madden	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____ Melissa G. Bovera, City Clerk



PURCHASING DIVISION
SUMMARY OF QUOTES

CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DATE RECEIVED: Tuesday, October 31, 2017 @ 2:00 PM, EST
CITY QUOTE #: Q-18-003
PROPOSAL NAME: Risk Management Consultant (RMC) Services
for the City of Ocean City

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

NAME, ADDRESS & BID OF EACH BIDDER		McMahon Agency Inc. 901 Simpson Avenue Ocean City, NJ 08226 William J. McMahon III, President P: 609-399-0060 F: 609-399-3178 billm@mcmahonagency.com							
ITEM	DESCRIPTION	Percent %	Percent %	Percent %	Percent %	Percent %	Percent %	Percent %	Percent %
	PROPOSED ANNUAL COMPENSATION PERCENTAGES FOR RISK MANAGEMENT CONSULTANT (RMC) SERVICES Years 2018-2020								
1.0	The Risk Management Consultant (RMC) proposes that they will be compensated and will accept a rate not to exceed _____ % of the City's annual assessment levied by Atlantic County Municipal Joint Insurance Fund for the calendar year 2018. (Maximum Allowable Percent is 6%)	2.40%	%	%	%	%	%	%	%
2.0	The Risk Management Consultant (RMC) proposes that they will be compensated and will accept a rate not to exceed _____ % of the City's annual assessment levied by Atlantic County Municipal Joint Insurance Fund for the calendar year 2019. (Maximum Allowable Percent is 6%)	2.40%	%	%	%	%	%	%	%
3.0	The Risk Management Consultant (RMC) proposes that they will be compensated and will accept a rate not to exceed _____ % of the City's annual assessment levied by Atlantic County Municipal Joint Insurance Fund for the calendar year 2020. (Maximum Allowable Percent is 6%)	2.40%	%	%	%	%	%	%	%
Required Information									
RIGHT TO EXTEND-TIME OF AWARD:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA (NONE):		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
STATEMENT OF OWNERSHIP DISCLOSURE:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
NON-COLLUSION AFFIDAVIT:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
NJ MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
NEW JERSEY AFFIRMATIVE ACTION REGULATION REQUIREMENTS:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
SWORN STATEMENT BY PROFESSIONAL SERVICES PROVIDER:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN STATEMENT -2 PART FORM:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
STATEMENT OF AUTHORITY:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
W-9:		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO
NUMBER OF COPIES (2):		YES/NO	Yes	YES/NO		YES/NO		YES/NO	YES/NO

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

7

AUTHORIZING PROFESSIONAL SERVICES CONTRACTS BETWEEN THE CITY OF OCEAN CITY AND LAW OFFICES OF BONNIE D. PUTTERMAN, BONNIE D. PUTTERMAN, ESQ.; BRIAN E. RUMPF P. C., BRIAN E. RUMPF, ESQ.; STEINER LAW OFFICE, P. C., JERRY H. STEINER, ESQ.; SWIFT LAW FIRM, LLC, CLAIRE S. SWIFT, ESQ. & TEITLER & TEITLER, LLC, AVERY S. TEITLER, ESQ FOR CONFLICT PUBLIC DEFENDER LEGAL SERVICES FOR THE CITY OF OCEAN CITY FOR CALENDAR YEAR 2019

WHEREAS, the Law Offices of Douglas K. Walker, P.C. is the duly contracted Ocean City Municipal Public Defender for the City of Ocean City; and

WHEREAS, it sometimes arises that Douglas K. Walker, P.C. is unable to serve as the municipal public defender in situations in which there exist a conflict of interest; and

WHEREAS, cases arise from time to time where more than one municipal public defender maybe required by Law to serve as a public defender in the Ocean City Municipal Court; and

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

WHEREAS, Joseph S. Clark, QPA, City Purchasing Manager has determined and certified that the total value of the contract(s) may exceed \$17,500; and

WHEREAS, the Request for Proposal, City RFP #Q-18-004, Conflict Public Defender Legal Counsel Services for the City of Ocean City was advertised in the Ocean City Sentinel on Wednesday, November 1, 2017, the specifications were posted on the City of Ocean City's website www.ocnj.us; and

WHEREAS, proposals were received & opened for City RFP #Q-18-004, Conflict Public Defender Legal Counsel Services for the City of Ocean City on Tuesday, November 21, 2017 and five (5) proposals were received; and

WHEREAS, based on the review and evaluations conducted in accordance with New Jersey State Local Public Contract Law by Dorothy F. McCrosson, Esq., Director of Law; Darleen H. Korup, Purchasing; Allison L. Hansen. Assistant Purchasing Agent and Joseph S. Clark, QPA, City Purchasing Manager of the received proposals for City RFP #Q-18-004, Conflict Public Defender Legal Counsel Services for the City of Ocean City it was recommended that a contracts be awarded to Law Offices of Bonnie D. Putterman, Bonnie D. Putterman, Esq.; Brian E. Rumpf P. C., Brian E. Rumpf, Esq.; Steiner Law Office, P. C., Jerry H. Steiner, Esq.; Swift Law Firm, LLC, Claire S. Swift, Esq. & Teitler & Teitler, LLC, Avery S. Teitler, Esq.; and

WHEREAS, City Council awarded the original professional services contract for City RFP # Q-18-004, Conflict Public Defender Legal Counsel Services for the City of Ocean City on December 14, 2017 through the passage of Resolution # 17-53-361; and

WHEREAS, the Law Offices of Bonnie D. Putterman, Bonnie D. Putterman, Esq.; Brian E. Rumpf P. C., Brian E. Rumpf, Esq.; Steiner Law Office, P. C., Jerry H. Steiner, Esq.; Swift Law Firm, LLC, Claire S. Swift, Esq. & Teitler & Teitler, LLC, Avery S. Teitler, Esq. has been determined to have the necessary expertise and ability to perform said services; and

WHEREAS, the Law firms of Bonnie D. Putterman, Esq.; Brian E. Rumpf, Esq.; Jerry H. Steiner, Esq.; Claire S. Swift, Esq. & Avery S. Teitler, Esq. have agreed to serve as the Ocean City's Conflict Public Defender Legal Counsel Services for the calendar year 2019; and

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

WHEREAS, the City of Ocean City has developed and established set fees for services that are required by the City on an annual basis; and

WHEREAS, the Law Offices of Bonnie D. Putterman; Brian E. Rumpf P. C.; Steiner Law Office, P. C.; Swift Law Firm, LLC & Teitler & Teitler, LLC have agreed to the fees that were proposed in City RFP # Q-18-004, Conflict Public Defender Legal Counsel Services for the City of Ocean City for a one (1) year duration beginning on January 1, 2019 and continuing through December 31, 2019; and

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

WHEREAS, Bonnie D. Putterman, Esq.; Brian E. Rumpf, Esq.; Jerry H. Steiner, Esq.; Claire S. Swift, Esq. & Avery S. Teitler, Esq. 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 vendors are 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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that it does hereby award professional service contracts to the **Law Offices of Bonnie D. Putterman, Bonnie D. Putterman Esq., 5916 Main Street, Mays Landing, NJ 08330; Brian E. Rumpf P. C., Brian E. Rumpf, Esq., 11 Leifried Lane, Tuckerton NJ 08087; Steiner Law Office, P. C., Jerry H. Steiner, Esq., 1210 S. Main Street, Pleasantville, NJ 08232; Swift Law Firm, LLC, Claire S. Swift, Esq., 1335 Tilton Road, Northfield, NJ 08225 & Teitler & Teitler, LLC, Avery S. Teitler, Esq, 618 West Avenue, Suite #201, Ocean City, NJ 08226** for Conflict Public Defender Legal Counsel Services for the City of Ocean City for a one (1) year duration beginning on January 1, 2019 and continuing through December 31, 2019 as follows:

<u>Item</u>	<u>Description</u>	<u>2nd Year Rate</u>
The scope and established fees for this contract shall be as follows:		
1.	Legal Services Provided as the Conflict Public Defender (per case fee) for the City of Ocean City.....	\$ 300.00/per case
2.	The term of the contract shall be for a period of one (1) year commencing on January 1, 2019 and continuing through December 31, 2019	

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 agreements the Law Offices of Bonnie D. Putterman, Bonnie D. Putterman Esq., 5916 Main Street, Mays Landing, NJ 08330; Brian E. Rumpf P. C., Brian E. Rumpf, Esq., 11 Leifried Lane, Tuckerton NJ 08087; Steiner Law Office, P. C., Jerry H. Steiner, Esq., 1210 S. Main Street, Pleasantville, NJ 08232; Swift Law Firm, LLC, Claire S. Swift, Esq., 1335 Tilton Road, Northfield, NJ 08225 & Teitler & Teitler, LLC, Avery S. Teitler, Esq, 618 West Avenue, Suite #201, Ocean City, NJ 08226 beginning on January 1, 2019 and continuing through December 31, 2019 for City RFP #Q-18-004, Conflict Public Defender Legal Counsel Services for the City of Ocean City as listed and in accordance with this resolution and submitted proposals.

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

The Director of Financial Management certifies that funds are contingent upon adoption of the 2019 Local Municipal Budget and shall be charged to the Operating account #9-01-20-615-282 as Purchase Orders are issued. The estimated annual contract value is \$5,000.00.

CERTIFICATION OF FUNDS



Frank Donato III, CMFO
Director of Financial Management

Peter V. Madden
Council President

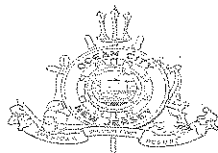
Files: RPS Q18-004 Conflict Public Defender 2019-2nd year.doc

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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

Melissa G. Rasner, City Clerk



PURCHASING DIVISION
SUMMARY OF QUOTES

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

CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

DATE RECEIVED: Tuesday, November 21, 2017 @ 2:00 PM, EST
CITY RFP# Q-18-004
PROPOSAL NAME: Conflict Public Defender Legal Counsel Service
for the City of Ocean City

NAME, ADDRESS & BID OF EACH VENDOR Recommended for Award		Law Office of Bonnie D. Putterman	Brian E. Rumpf P. C.	Steiner Law Office, P. C.	Swift Law Firm, LLC	Teitler & Teitler, LLC	
		5916 Main Street	11 Leifried Lane	1210 S. Main Street	1335 Tilton Road	618 West Avenue, Suite 201	
		Mays Landing, NJ 08330	Tuckerton NJ 08087	Pleasantville, NJ 08232	Northfield, NJ 08225	Ocean City, NJ 08226	
		Bonnie D. Putterman, Owner/Attorney at Law	Brian E. Rumpf, President	Jerry H. Steiner, Esq.	Claire S. Swift, Esquire	Avery S. Teitler, Owner/Manager Member	
		Ph: (609) 625-8383	P: 609-294-2227	P: 609-646-0067	Ph: (609) 484-3300	Ph: (609) 814-9995	
		Fx: (609) 6253325	F: 609-294-3354	F: 609-484-9242	Fx: (609) 484-3303	Fx: 9609) 398-4017	
		email: puttermanlaw@aol.com	Email: lawrumpf@gmail.com	Email: jhs@steinerlawoffice.comcastbiz.net	email: swiftclaire@yahoo.com	email: ateitler@teitlerlaw.com	
ITEM	DESCRIPTION						
1.0	Legal Services provided as the Conflict Public Defender (per case fee) for the City of Ocean City (\$300.00 per case for Years 2018, 2019 and 2020)						
		\$300.00 per case	\$300.00 per case	\$300.00 per case	\$300.00 per case	\$300.00 per case	
	Name of Attorney Proposed	Bonnie D. Putterman	Brian E. Rumpf	Jerry H. Steiner	Claire S. Swift	Avery S. Teitler	
Required Information							
Required Number of Copies (2):		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
Right to Extend - Time for Award:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
Statement of Ownership Disclosure:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
Non-Collusion Affidavit:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
Mandatory Equal Employment Opportunity Language:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
NJ Affirmative Action Regulation Compliance Notice:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
Sworn Statement by Professional Services Provider:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
Disclosure of Investment Activities in Iran Statement-Two Part Form:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
Acknowledge of Receipt of Addenda:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
NJ Business Registration Certificate (BRC):		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
Statement of Authority:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes
W-9:		YES/NO	Yes	YES/NO	Yes	YES/NO	Yes

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

8

**AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT BETWEEN
THE CITY OF OCEAN CITY & ACT ENGINEERS INC. FOR THE
RESILIENCY BERM CONCEPT STUDY PLAN**

WHEREAS, the City of Ocean City requires professional engineering services to develop a back bay management plan and long term resiliency and navigation solution plan to maintain the waterways, lagoons & harbors surrounding the City of Ocean City; and

WHEREAS, it is determined to be in the best interests of the City of Ocean City to have a plan to support the back bay management plan and long term resiliency and navigation solution for the waterways and ACT Engineers, Inc. has provided these services for the City of Ocean City, other communities and municipalities in the State of New Jersey; and

WHEREAS, ACT Engineers, Inc. has previously performed similar services for similar services for the City of Ocean City and has been determined to have the necessary expertise to perform these services; and

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

WHEREAS, a contract for Professional Services with ACT Engineers, Inc. may be entered into without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) & N.J.S.A. 19:44A-20.5; and

WHEREAS, ACT Engineers, Inc. has agreed to provide services to restore the former railroad embankment as a resiliency berm along the west side of the island to increase resiliency in the south end (36th St-52nd St) of the City of Ocean City; and

WHEREAS, ACT Engineers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that neither ACT Engineers, Inc. nor any member thereof has made any contribution to a political or candidate committee for an elected office in the City of Ocean City, NJ in the previous one (1) year period, and that the contract will prohibit the said parties from making any contributions through the term of the contract; and

WHEREAS, the City of Ocean City is desirous of entering into a Professional Services Contract with ACT Engineers, Inc. to develop a resiliency berm concept plan for increased resiliency in the south end of the City of Ocean City; and

WHEREAS, ACT Engineers, Inc. has been advised that this award does not guarantee that the services described 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, George A. Savastano, Business Administrator; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the terms and conditions of the contract and recommend award of a professional service contract ACT Engineers, Inc. for the Resiliency Berm Concept Plan & address the back bay tidal flooding in the south end of the City of Ocean City; 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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that it does hereby award a professional services contract to ACT Engineers, Inc., 1 Washington Boulevard, Suite 3, Robbinsville, NJ 08691 for the development of Resiliency Berm Concept Plan & to address the back bay tidal flooding in the south end of the City of Ocean City as follows:

Task 1	Concept Plan Development	\$	20,000.00
	Inspection of the embankment for identification of future access areas		
	identification of required studies along with surface topography from available sources		
	for inclusion in the existing hydrodynamic model		
Task 2	Agency Coordination/Public Outreach	\$	25,000.00
	Agency and stakeholder coordination to identify permitting requirements, potential		
	partnerships & funding sources. 6 Stakeholder meeting		
Total Amount of Resiliency Berm Concept Plan		\$	45,000.00

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

ACT Engineers, Inc. (Continued)

Schedule of Hourly Rates & Charges for Professional Services Year 2018

Classification	Hourly Rate
Principal (PIX)	\$ 192.00
Program Manager (PVIII)	\$ 185.00
Managing Professional (PVII)	\$ 172.00
Senior Project Professional (PVI)	\$ 140.00
Project Professional – P.E., L.S., P.P., and L.A. (PV)	\$ 130.00
Sr. Staff Technical Representative (PIV)	\$ 110.00
Staff Technical Representative (PIII)	\$ 95.00
Designer (PII)	\$ 85.00
Senior Technician (ETV)	\$ 105.00
Senior Construction Inspector (ETIV)	\$ 100.00

Classification	Hourly Rate
Construction Inspector (ETIII)	\$ 90.00
Technician (ETII)	\$ 70.00
Administrative Support (CL)	\$ 65.00

Other	
Survey Crew (1 or 2 person)	\$ 185.00
Survey Party Chief	\$ 100.00
Survey Technician	\$ 85.00
Surveying Aide	\$ 65.00

Compensation for expenses and other charges shall be as follows:	
Truck Charge	\$100/day (up to 100 mi then plus mileage)
Support Boat Charge	\$450/day
R/C Hydro Survey Vessel Charge	\$150/day
Mileage	Current Federal Rate
Rentals/Subcontractors/Bulk Reproduction	Cost + 15%

1. A copy of Business Entity Certification, Determination of Value and the Business Registration Certification (BRC) has been submitted and shall be placed on file in the City’s Purchasing Division Office.
2. A copy of this Resolution and Contract shall be available for inspection in the Ocean City Clerk's Office and shall be published on one (1) occasion in the Ocean City Sentinel.

BE IT FURTHER RESOLVED by the City Council of the City of Ocean City that the Mayor and the City Purchasing Manager are hereby authorized to enter into a formal contract agreement with **ACT Engineers, Inc., 1 Washington Boulevard, Suite 3, Robbinsville, NJ 08691** for the development of Resiliency Berm Concept Plan & to address the back bay tidal flooding in the south end of the City of Ocean City as listed in accordance with this resolution and submitted proposal.

The Director of Financial Management certifies that funds are available and shall be charged Capital Account No. C-04-55-307-101, the estimated value of this contract is \$45,000.00.

CERTIFICATION OF FUNDS

Frank Donato, III, CMFO
Director of Financial Management

Peter V. Madden
Council President

Files: RPS ACT Engineers Resiliency Berm Concept Study.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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Madden	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
Melissa G. Rasner, City Clerk

December 3, 2018

Mr. George Savastano
Business Administrator
861 Asbury Avenue
Ocean City, NJ 08226

**Re: Resiliency Berm Concept Study
Back Bay Tidal Flooding
Ocean City, Cape May County**

Dear Mr. Savastano:

As an essential part of Ocean City's back bay management plan the ACT Engineers team has been developing long term resiliency and navigation solutions for Ocean City. Restoration of the former railroad embankment as a resiliency berm along the west side of the island has been identified as a component to increase resiliency in the southern portion of the island (36-52nd streets). The railway berm has received significant interest by Ocean City residents and state and federal regulatory agencies. This proposal is to develop a concept plan for discussion and planning with regulators and stakeholders.

Task 1 Concept Plan Development

Included within this task is a detailed inspection of the embankment for identification of future access areas; identification of required studies (geotechnical, topographic survey, coastal wetland delineations, stormwater structure identification, etc.). In addition, surface topography from available sources will be incorporated into the existing hydrodynamic model to determine design goals and challenges.

Budget \$20,000

Task 2 Agency Coordination/Public Outreach

This task includes agency and stakeholder coordination to identify permitting requirements, potential partnerships and funding sources. ACT anticipates that up to 6 stakeholder meetings will be required. In addition, this task includes preliminary funding source identification.

Budget \$25,000

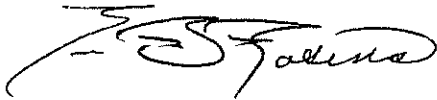
Should the results of this study indicate that the resiliency berm is a viable concept to protect Ocean City from back bay tidal flooding, additional feasibility/design, permitting, and cost estimates will be developed. ACT proposes to complete this project on a not to

*Resiliency Berm Concept Study
Ocean City, NJ
December 3, 2018*

Page 2 of 3

exceed time and materials basis in accordance with our Rate Schedule attached. Should you have any questions or require additional information, please do not hesitate to contact this office at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Rosina", with a stylized flourish at the end.

Eric Rosina
Vice President

Attachment

C: Dottie McCrosson, Solicitor
File P018239

SCHEDULE OF HOURLY RATES AND CHARGES FOR PROFESSIONAL SERVICES

YEAR 2018

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
• Principal (PIX)	\$ 192
• Program Manager (PVIII)	\$ 185
• Managing Professional (PVII)	\$ 172
• Senior Project Professional (PVI)	\$ 140
• Project Professional – P.E., L.S., P.P., and L.A. (PV)	\$ 130
• Sr. Staff Technical Representative (PIV)	\$ 110
• Staff Technical Representative (PIII)	\$ 95
• Designer (PII)	\$ 85
• Senior Technician (ETV)	\$ 105
• Senior Construction Inspector (ETIV)	\$ 100
• Construction Inspector (ETIII)	\$ 90
• Technician (ETII)	\$ 70
• Administrative Support (CL)	\$ 65
<u>OTHER</u>	
• Survey Crew (1 or 2 person)	\$ 185
• Survey Party Chief	\$ 100
• Survey Technician	\$ 85
• Surveying Aide	\$ 65

Compensation for expenses and other charges shall be as follows:

Truck Charge	\$100/day (up to 100 mi then plus mileage)
Support Boat Charge	\$450/day
Boat/R/C Hydro Survey Vessel Charge	\$150/day
Mileage	Current Federal Rate
Rentals/Subcontractors/Bulk Reproduction	Cost + 15%

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

9

**AUTHORIZING A SHARED SERVICES AGREEMENT
BETWEEN THE CITY OF OCEAN CITY AND THE TOWNSHIP OF UPPER, NEW JERSEY
FOR PUBLIC SAFETY ANSWERING AND DISPATCH SERVICES AND
ASSOCIATED COMPUTER AIDED DISPATCH SERVICE**

WHEREAS, the City of Ocean City desires to enter into a Shared Service Agreement with the Township of Upper for the shared services of public safety answering, dispatch and associated computer aided dispatch support; and

WHEREAS, the City of Ocean City and the Township of Upper have expressed a willingness to exchange certain services and equipment which will result in a cost savings to both municipalities; and

WHEREAS, it has been determined that the execution of an Shared Services Agreement between the City of Ocean City and the Township of Upper is in the mutual interest of such parties and in the public good and will promote the public health, safety and welfare; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes and empowers local units to enter into this agreement; and

WHEREAS, Frank Donato, CFO, Director of Financial Management & Emergency Management Coordinator; Chief John J. Prettyman, Acting Director of Police Services; William Campbell, Police Captain; Dorothy F. McCrosson, Esq., City Solicitor; Joseph S. Clark, QPA, City Purchasing Manager; Jay Newman, Marmora, Fire Chief; Jay Potter, Chief, Upper Township Rescue Squad; Daniel Young, Esq., Township of Upper Solicitor; Scott Morgan, Business Administrator and Emergency Management Coordinator, Upper Township; have reviewed the agreement and recommend that the agreement be authorized; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, New Jersey that it hereby authorizes a Shared Services Agreement with the Township of Upper and accept reimbursement as stated in the attached agreement.

BE IT FURTHER RESOLVED by the City Council of the City of Ocean City, County of Cape May, New Jersey that the Mayor and City Purchasing Manager are hereby authorized to execute a Shared Services Agreement with the Township of Upper for public safety answering, dispatch and associated computer aided dispatch support.

Peter V. Madden
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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

**A SHARED SERVICES AGREEMENT
FOR DISPATCH SERVICES BETWEEN THE CITY OF OCEAN CITY, NEW JERSEY
AND UPPER TOWNSHIP, NEW JERSEY**

THIS AGREEMENT made this ____ day of _____, 2018 between the City of Ocean City, a municipal corporation of the State of New Jersey, with principal offices at 861 Asbury Avenue, Ocean City, New Jersey, 08226 (hereinafter referred to as "Ocean City") and the Township of Upper, a municipal corporation of the State of New Jersey, with principal offices on 2100 Tuckahoe Road, Petersburg, New Jersey, 08250 and whose mailing address is P.O. Box 205, 2100 Tuckahoe, New Jersey 08250 (hereinafter referred to as "Upper").

WITNESSETH

WHEREAS, Upper desires Ocean City to provide Public Safety Answering and Dispatch Services and associated Computer Aided Dispatch (CAD) Support for fire, medical emergency, rescue and police service calls within Upper Township coverage areas as defined herein; and

WHEREAS, the aforesaid services shall be provided within the Tuckahoe, Marmora, Seaville and Strathmere Fire Companies and the Upper Township Rescue Squad coverage areas; and

WHEREAS, Ocean City is willing to provide said services under certain terms and conditions; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 *et seq.*) permits local units of government to enter into contracts with each other to provide services including the services described herein; and

NOW THEREFORE, for and in consideration of the mutual covenants and conditions and wishing to be bound, the parties agree as follows:

1. Services to be provided by the City of Ocean City

A. Fire, Medical Emergency and Rescue Dispatch Services:

Ocean City agrees to provide emergency radio and telephone dispatch services for the dispatching of all fire, medical emergency and rescue services occurring within the Tuckahoe, Marmora, Seaville and Strathmere Fire Companies and the Upper Township Rescue Squad coverage areas (Upper Township coverage areas).

B. Police Transfer Dispatch Services:

Ocean City shall provide transfer dispatch service on all incidents occurring within the Upper Township coverage area specified in Paragraph 1.A hereof. This will include any request for mutual aid from organizations outside the designated coverage areas. This service shall be accomplished through 911 calls for a one-button transfer to the New Jersey State Police, for as long as the New Jersey State Police provide law enforcement services to Upper Township.

Said services shall be rendered consistent with Upper's current 911 Plan as the same may be modified during the term of this Agreement. In the event of a discrepancy between this Contract

and the 911 Plan, the 911 Plan shall govern and this Contract shall be deemed amended accordingly provided that such change does not materially affect the scope of services to be provided by Ocean City.

In the event that such amendment should materially affect the scope of services, the parties shall utilize their best efforts to negotiate a fair and a reasonable adjustment to this Contract.

C. Central Communication Operations:

The fire, medical emergency, rescue services and police dispatch services described in Sections A. and B. above shall be accomplished through Ocean City's Central Communications Operations located at 835 Central Avenue, Ocean City, NJ. Ocean City shall be required to employ certified/trained 911 dispatchers in its Central Communications Center to provide the services to Upper set forth above. The services shall be provided twenty-four (24) hours a day, three hundred and sixty-five (365) days a year. Ocean City shall reserve the right to determine the level of staffing necessary to accomplish its responsibilities under this Agreement. The dispatchers performing the services set forth herein shall be under the control and direction of the Ocean City Police Department at all times.

The services to be provided by Ocean City shall be that of public safety answering and dispatch services for fire, medical emergency, rescue and police within the Upper Township coverage areas as defined herein. Such services shall be rendered consistent with the current 911 Plan as the same may be modified during the term of this Agreement. In the event of a discrepancy between this Contract and the 911 Plan, the 911 Plan shall govern and this Contract shall be deemed amended accordingly provided that such change does not materially effect the scope of services to be provided by Ocean City. In the event of a 911 Plan modification, all notification shall be addressed to the Ocean City Police Department, Police Administration, and the Office of the Chief of Police for review and general order issuance.

2. Fee Schedule for Dispatching Services

In consideration for the services to be provided by Ocean City, Upper agrees to pay Ocean City the following established dollar amounts during the term of the Agreement. Said amount shall be made quarterly and shall be payable on the 15th day of February, May, August and November for the calendar quarter.

Year (2019)	\$241,153.00
Year (2020)	\$245,976.00
Year (2021)	\$250,896.00
Year (2022)	\$255,914.00
Year (2023)	\$261,032.00

In the event that employees of Ocean City and/or service contractors are required for service, maintenance and to repair the equipment located in Upper. Ocean City shall make notification with the primary or secondary contact person in Upper for the required authorization. Upper shall reimburse Ocean City for all the authorized direct labor costs and fringe benefits for all Ocean City employees actually engaged in the rendering of such service. Upper shall pay said reimbursement within forty-five (45) calendar days of the receipt of an invoice from Ocean City.

3. Equipment Acquisition, Services and Repairs

A. To provide the dispatching services set forth in this Agreement, the parties recognize that equipment must be purchased and subsequently serviced and repaired and upgraded during the duration of the contract. It is the intention of the parties that all equipment acquisition and subsequent service, repairs and upgrades (that serve Upper and are approved by Upper) shall be the sole responsibility of Upper. It is agreed, therefore, as follows:

A.1 Upper shall be responsible for all direct costs associated with the re-design, purchase, installation and transfer of equipment, which shall be located in either Upper Township or Ocean City, to effectuate the dispatching services set forth herein. Upper shall retain ownership of all equipment purchased by them as the result of this Agreement. The parties agree that they shall cooperate with each other in determining the appropriate equipment to be purchased and installed.

A.2 Upper shall be responsible for all costs associated with the maintenance and repair of all equipment located in the township. In the event that employees of Ocean City are utilized to service, maintain or repair the equipment located in the township. Upper shall reimburse the City on an hourly basis as required. Additionally, Upper shall be responsible for all costs associated with parts needed to maintain, repair or service the equipment located in the township. The parties further agree that they shall cooperate with each other to determine the appropriate equipment to be maintained and/or repaired and/or serviced. Upper shall be required to provide Ocean City with an updated call list of equipment service contractors for Upper's equipment.

B. Upper shall be responsible for five percent (5%) of all capital costs, both direct and in-direct costs associated with the re-design, purchase, installation and transfer of equipment, which shall be located in Ocean City Communications Center, to effectuate dispatching services set forth herein.

C. In order to utilize the Computer Aided Dispatch System (CAD), Upper Township agrees to pay an amount of \$3,500.00 towards the annual service contract maintained by Ocean City for this system. Upper shall approve networks, upgrades and wireless office solutions that are a cost to Upper prior to purchase. This section does not preclude Ocean City from making necessary improvements to the Police Department computer system as required.

This cost shall be fixed during the life of the contract at \$3,500.00 per calendar year and shall be incorporated into the yearly fee schedule.

D. Upper has provided space as mutually agreed upon to Ocean City for a communications facility during a declared local, state and national emergency, which would cause the Ocean City's Communication Center to be evacuated. Ocean City is responsible for all direct and in-direct costs associated with the design, purchase, installation and the transfer of necessary equipment, to effectuate the dispatching services set forth herein. Ocean City agrees to pursue continued upgrades at the Upper backup dispatching location, including the addition of a recording device. Ocean City will also explore the possibility of adding access to the Cody system as well as a backup server in order to enhance the level and quality of the dispatching services that can be provided through the Upper location.

4. Method of Payment

Upper shall make payments to Ocean City as follows: As identified in Sections 2A, 2B & 3C.

Any other payments required to be made pursuant to this Agreement shall be paid by Upper within forty-five (45) days of receipt of an invoice and voucher from Ocean City.

5. Mutual Cooperation between the Parties

- A.** Ocean City and Upper shall utilize their best efforts to anticipate and deal with problems or difficulties, which arise during the term of the contract. To accomplish this, each party will be required to identify one (1) representative with appropriate knowledge of the dispatching services or need thereof, to be provided by Ocean City. Each party shall also name an alternate representative in the event that the primary designee is not available. The representatives shall meet as often as necessary to assure that the dispatching services are being provided in an effective and efficient manner. On or about the 1st of January, each year, Upper and Ocean City will send reciprocal letters of notification, which designate the primary and secondary representative with authority to make day to day operational decisions for effective and efficient dispatching services.
- B.** Dispatch procedures associated with this Agreement shall be set forth in a mutually agreed upon Standard Operating Procedure (SOP). Said Standard Operating Procedure (SOP) shall be reviewed and updated on or before April 15th of each calendar year.
- C.** In the event that a dispute arises under this Agreement, which the designated representatives of the parties are unable to resolve, the dispute shall be submitted to arbitration in accordance with the Rules of the American Arbitration Association. The decision of the arbitrator shall be binding upon both parties.
- D.** Upper further agrees to provide Ocean City's full and part time dispatchers with one day of in-service training on an annual basis.

6. Indemnification

The parties mentioned herein agree to submit a copy of this Interlocal Services Agreement to their respective insurance carriers prior to the execution of same. The parties agree that during the term of this Agreement, they shall keep in force a policy of general and comprehensive liability insurance that will insure each party against any claims for any actions or omissions charged against either or both parties during the term of this Agreement. Each party agrees to cooperate with the other in the defense of any claim or claims assessed against either or both parties arising out of the rendering or non-rendering of services contemplated by this Agreement.

7. Duration of the Contract

- A.** This Contract shall be for a term of five (5) years, commencing on January 1, 2019 and continue through December 31, 2023. Notwithstanding the term of this Agreement, either party shall have the right to terminate the Agreement. Such written notice shall not take place prior to July of each calendar year.
- B.** It is agreed by both parties to meet sometime **on or about July 1, 2023** to begin negotiations for a new Interlocal Service Agreement for said services.

8. Governing Law

The laws of the State of New Jersey shall govern this Agreement.

9. Severance of the Agreement

If any clause, sentence, paragraph or section of the Contract is adjudged invalid by a court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remaining portions hereof.

In witness whereof, the parties have set their hands and seals this ____ day of _____ 2018.

Attest:

Attest:

The City of Ocean City

The Township of Upper

Melissa G. Rasner, RMC
City Clerk

Barbara Young, RMC
City Clerk

Jay A. Gillian
Mayor

Richard Palombo
Mayor

Joseph S. Clark, QPA

Date: _____

Date: _____

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

10

**AUTHORIZING CHANGE ORDER #16 TO
CITY CONTRACT #17-53, NORTHEAST DRAINAGE IMPROVEMENTS**

WHEREAS, specifications were authorized for advertisement by Resolution #17-53-323 on Thursday, November 16, 2017 for City Contract #17-53, Northeast Drainage Improvements; and

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, November 15, 2017, the Notice to Bidders and the specifications were posted on the City of Ocean City's website, www.ocnj.us and the Invitation for Bid Proposals was distributed to twenty-seven (27) prospective bidder(s) for City Contract #17-53, Northeast Drainage Improvements; and

WHEREAS, bid proposals were opened for City Contract #17-53, Northeast Drainage Improvements on Tuesday, December 19, 2017 and eight (8) bid proposals were received; and

WHEREAS, Arthur J. Chew, PE, PP, CFM, CME, CPWM, Assistant City Engineer; Jason J. Sieira, Manager of Capital Planning; Darleen H. Korup, Purchasing Assistant; Allison L. Hansen, Assistant Purchasing Agent and Joseph S. Clark, QPA, City Purchasing Manager had reviewed the bid proposals and specifications and recommended that City Contract #17-53, Northeast Drainage Improvements awarded to L. Feriozzi Concrete Company, the lowest responsible bidder; and

WHEREAS, the City Council of Ocean City, New Jersey awarded City Contract #17-53, Northeast Drainage Improvements on December 28, 2017 by Resolution #17-54-002 to **L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401** in the amount of \$7,863,006.62; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #1 to City Contract #17-53, Northeast Drainage Improvements on June 14, 2018 by Resolution #18-54-221 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the amount of \$55,458.00; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #2 to City Contract #17-53, Northeast Drainage Improvements on July 12, 2018 by Resolution #18-54-265 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the amount of \$36,701.98; and

WHEREAS, the City Council of Ocean City, New Jersey authorized a Modification to Change Order #2 & Change Orders #3 & 4 to City Contract #17-53, Northeast Drainage Improvements on July 26, 2018 by Resolution #18-54-278 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the amount of \$41,224.20; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #5 to City Contract #17-53, Northeast Drainage Improvements on August 23, 2018 by Resolution #18-54-312 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the amount of (\$90,454.60); and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Orders #6 & 7 to City Contract #17-53, Northeast Drainage Improvements on September 13, 2018 by Resolution #18-54-331 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the amount of \$33,084.40; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Orders #8 & 9 to City Contract #17-53, Northeast Drainage Improvements on September 27, 2018 by Resolution #18-54-351 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the amount of \$1,632.68; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Orders #10, 11 & 12 to City Contract #17-53, Northeast Drainage Improvements on October 23, 2018 by Resolution #18-55-015 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the net amount of \$48,238.76; and

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Orders #13 & 14 to City Contract #17-53, Northend Drainage Improvements on November 8, 2018 by Resolution #18-55-036 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the net amount of \$63,446.00; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #15 to City Contract #17-53, Northend Drainage Improvements on November 29, 2018 by Resolution #18-55-061 to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 in the net amount of \$86,466.45; and

WHEREAS, George J. Savastano, P.E., City Engineer; Rachel N. Ballezzi, Clerk; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed and certified Change Orders #16 to City Contract #17-53, Northend Drainage Improvements is correct as follows:

Change Order #16

Increases – Extras

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
9.	12" High Density Polyethylene Pipe	8 L.F.	\$ 115.00	\$ 920.00
30.	Reconstructed Inlet, Type A	1 Unit	\$ 1,250.00	\$ 1,250.00
53.	Dense-Graded Aggregate Base Course	1,095 Tons	\$ 30.00	\$ 32,850.00
58.	Utility Conflicts (No Bid)	3 Units	\$ 2,000.00	\$ 6,000.00
24.	Inlet, Type A	1 Units	\$ 2,997.00	\$ 2,997.00
31.	Reconstructed Inlet, Type B	2 Units	\$ 1,250.00	\$ 2,500.00
Total Amount of Extras:				\$ 46,517.00

Total Amount of Increases for Change Order #16 \$ 46,517.00

Reductions

Decreases – Reductions

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
55	I-5 Soil Aggregate	1,450 C.Y.	\$ 30.00	(\$ 43,500.00)
Total Amount of Reductions:				(\$ 43,500.00)

Total Amount of Decrease for Change Order #16 (\$ 43,500.00)

Total Amount of Change Order #16 including Increase & Decrease..... \$ 3,017.00

Total Amount of City Contract #17-53, Northend Drainage Improvements
Including Change Order #16..... \$8,141,821.49

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the newly adjusted contract cost including Change Order #16 is \$8,141,821.49 an increase of \$278,814.87 to the original contract and a 3.55 (%) percent increase in the total for City Contract #17-53, Northend Drainage Improvements; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, NJ that it authorizes Change Order #16 to City Contract #17-53, Northend Drainage Improvements in the amount of \$3,017.00 (PO #18-00189); and

BE IT FURTHER RESOLVED that the Director of Financial Management is authorized to process Change Order #16 in the net amount of \$3,017.00 to City Contract #17-53, Northend Drainage Improvements (PO #18-00189) issued to L. Feriozzi Concrete Company, 3010 Sunset Avenue, Atlantic City, NJ 08401 to be charged to the following Capital Account #C-04-55-303-010.

CERTIFICATION OF FUNDS



Frank Donato III, CMFO
Director of Financial Management

Peter V. Madden
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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
Melissa G. Rasner, City Clerk



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Joseph Clark, Purchasing Manager
FROM: Rachel Ballezzi
DATE: November 28, 2018
RE: CHANGE ORDER NO. 16
NORTH END DRAINAGE IMPROVEMENTS
Project #: 3-2017-053

The above referenced contract is seeking Council's approval of CHANGE ORDER NO. 16
on the Thursday, December 13, 2018 City Council Agenda.
This request for change is to adjust contract quantities to as-builts quantities due to field conditions.

This change order includes the need for additional materials to reflect the as-builts and to make necessary improvements:

12" HIGH DENSITY POLYETHYLENE PIPE	8	L.F.
RECONSTRUCTED INLET, TYPE A	1	U
DENSE-GRADED AGGREGATE BASE COURSE	1095	TONS
UTILITY CONFLICTS (NO BID)	3	U
INLET, TYPE A	1	U
RECONSTRUCTED INLET, TYPE B	2	U

The changes also include the reduction of materials to reflect the as-builts
I-5 SOIL AGGREGATE 1450 C.Y.

This change order represents a total current contract amount net change of
\$3,017.00 or 3.55%



CITY OF OCEAN CITY, ENGINEERING DEPARTMENT
NORTH END DRAINAGE IMPROVEMENTS

PURCHASE ORDER #
18-00189

CHANGE ORDER NO. 16
FILE NO. 3-2017-053

CONTRACTOR:
L. FERIOZZI CONCRETE COMPANY
3010 SUNSET AVENUE
ATLANTIC CITY, NJ 08401

REASON FOR CHANGE:
TYPE REASON HERE

THE TIME PROVIDED FOR COMPLETION OF THIS PROJECT IS:
____ UNCHANGED, ____ INCREASED, ____ DECREASED, BY ____ CALENDAR DAYS.

UPON EXECUTION THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT.

TYPE OF CHANGE	ITEM #	DESCRIPTION	QTY	UNITS	UNIT PRICE	AMOUNT
SUPPLEMENTAL		0		0	\$0.00	
		0		0	\$0.00	
					SUBTOTAL:	\$0.00
EXTRA	9	12" HIGH DENSITY POLYETHYLENE PIPE	8	L.F.	\$115.00	\$920.00
	30	RECONSTRUCTED INLET, TYPE A	1	U	\$1,250.00	\$1,250.00
	53	DENSE-GRADED AGGREGATE BASE COURSE	1095	TONS	\$30.00	\$32,850.00
	58	UTILITY CONFLICTS (NO BID)	3	U	\$2,000.00	\$6,000.00
	24	INLET, TYPE A	1	U	\$2,997.00	\$2,997.00
	31	RECONSTRUCTED INLET, TYPE B	2	U	\$1,250.00	\$2,500.00
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
					SUBTOTAL:	\$46,517.00
REDUCTION	55	I-5 SOIL AGGREGATE	1450	C.Y.	\$30.00	\$43,500.00
		0		0	\$0.00	

						SUBTOTAL:	\$43,500.00
--	--	--	--	--	--	------------------	-------------

CHANGE ORDER SUMMARY

PREVIOUS CHANGE ORDERS			CURRENT CHANGE ORDER	
NO.	AMOUNT	REASON FOR CHANGE	TYPE OF CHANGE	TOTAL
1	\$55,458.00	MATERIALS NEEDED TO COMPLETE THE PROJECT		
2	\$59,297.68	CHANGES TO COMPLETE JOB MORE EFFICIENTLY		
3	\$15,558.50	MATERIALS NEEDED TO COMPLETE PROJECT	+ SUPPLEMENTAL	\$0.00
4	\$3,070.00	MATERIALS NEEDED TO COMPLETE THE PROJECT	+ EXTRA	\$46,517.00
5	(\$90,454.60)	MATERIALS NEEDED TO COMPLETE PROJECT		
6	(\$23,003.60)	MATERIALS NEEDED TO COMPLETE PROJECT	- REDUCTIONS	\$43,500.00
7	\$56,088.00	IMPROVEMENTS TO THE SURROUNDING AREA		
8	\$5,382.98	MATERIALS NEEDED RELATED TO THE PROJECT		
9	(\$3,750.30)	Materials needed to complete project	NET CONTRACT CHANGE	
10	\$6,847.76	CHECK VALVE REPAIR	THIS CHANGE ORDER	\$3,017.00
11	\$24,750.00	PHA LOT WORK		
12	\$16,641.00	Materials needed to complete project		
13	\$44,546.00	MATERIALS NEEDED TO COMPLETE PROJECT		
14	\$18,900.00	PAVERS		
15	\$86,466.45	MATERIALS NEEDED TO PROGRESS COMPLETION		
16	\$3,017.00	TYPE REASON HERE		

ORIGINAL CONTRACT AMOUNT	\$7,863,006.62
AMENDED CONTRACT AMOUNT	\$8,141,821.49
TOTAL CONTRACT CHANGE (AMOUNT)	\$278,814.87
TOTAL CONTRACT CHANGE (PERCENT)	3.55%

ACCEPTED BY:	_____	DATE
	L. FERIOZZI CONCRETE COMPANY	
APPROVED BY:	_____	DATE
	PROJECT MANAGER	
	_____	DATE
	ENGINEER	
	_____	DATE
	PURCHASING AGENT	
	_____	DATE
	CHIEF FINANCIAL OFFICER	
	_____	DATE

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

11

**AUTHORIZING CHANGE ORDER #7 CITY CONTRACT #17-13,
2017 ROAD IMPROVEMENT PROGRAM – PHASE 2**

WHEREAS, specifications were authorized for advertisement by Resolution #17-53-244 on Thursday, August 22, 2017 for City Contract #17-13, 2017 Road Improvement Program – Phase 2; and

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, October 22, 2017, the Notice to Bidders and the specifications were posted on the City of Ocean City's website, www.ocnj.us and the Invitation for Bid Proposals was distributed to twenty-four (24) prospective bidder(s) for City Contract #17-13, 2017 Road Improvement Program - Phase 2; and

WHEREAS, bid proposals were opened for City Contract #17-13, 2017 Road Improvements Program - Phase 2 on Thursday, November 2, 2017 and eight (8) bid proposals were received; and

WHEREAS, Arthur J. Chew, PE, PP, CFM, CME, CPWM, Assistant City Engineer; Jason J. Sieira, Manager of Capital Planning; Darleen H. Korup, Purchasing Assistant; Allison L. Hansen, Assistant Purchasing Agent and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the bid proposals and specifications and recommended that City Contract #17-13, 2017 Road Improvement Program - Phase 2 be awarded to **GWP Enterprises, Inc., P.O. Box #498, Franklinville, NJ 08322**, the lowest responsible bidder; and

WHEREAS, the City Council of Ocean City, New Jersey awarded City Contract #17-13, 2017 Road Improvement Program – Phase 2 on November 16, 2017 by Resolution #17-53-328 to GWP Enterprises, Inc. in the amount of \$2,145,888.00; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #1 to City Contract #17-13, 2017 Road Improvement Program – Phase 2 on January 11, 2018 by Resolution #18-54-046 in the amount of \$604.12 for a total adjusted contract amount of \$2,146,492.12; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #2 to City Contract #17-13, 2017 Road Improvement Program – Phase 2 on February 8, 2018 by Resolution #18-54-077 in the amount of \$16,265.13 for a total adjusted contract amount of \$2,162,757.25; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #3 to City Contract #17-13, 2017 Road Improvement Program – Phase 2 on April 12, 2018 by Resolution #18-54-149 in the amount of 22,705.66 for a total adjusted contract amount of \$2,185,462.91; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #4 to City Contract #17-13, 2017 Road Improvement Program – Phase 2 on June 28, 2018 by Resolution #18-54-241 in the amount of (\$5,999.20) for a total adjusted contract amount of \$2,179,463.71; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #5 to City Contract #17-13, 2017 Road Improvement Program – Phase 2 on October 23, 2018 by Resolution #18-55-013 in the amount of \$80,281.34 for a total adjusted contract amount of \$2,259,745.05; and

WHEREAS, the City Council of Ocean City, New Jersey authorized Change Order #6 to City Contract #17-13, 2017 Road Improvement Program – Phase 2 on November 29, 2018 by Resolution #18-55-062 in the amount of \$36,089.86 for a total adjusted contract amount of \$2,295,834.91; and

WHEREAS, George J. Savastano, PE, City Engineer; Roger Rinck, Manager of Engineering & Projects; Rachel N. Ballezzi, Clerk; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed and certified Change Order #7 to City Contract #17-13, 2017 Road Improvement Program – Phase 2 is correct as follows:

Change Order #7

Increase - Supplemental

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
S-12	Asphalt Price Adjustment	1 Lump Sum	\$ 14,878.75	\$ 14,878.75
Total Supplemental Increase:				\$ 14,878.75

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

Change Order #7 (Continued)

Increase - Extras

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
7.	HMA Profile Milling	4,017.53 S.Y.	\$ 2.00	\$ 8,035.06
Total Amount of Extras:				\$ 8,035.06
Total Amount of Increases for Change Order #7				\$ 22,913.81
Total Amount of Change Order #7 to City Contract #17-13, 2017 Road Improvement Program – Phase 2, including increases and decreases.....				\$ 22,913.81
Total Amount of City Contract #17-13, 2017 Road Improvement Program – Phase 2, including Change Order #7.....				\$ 2,318,748.72

WHEREAS, the newly adjusted contract cost including Change Order #7 is \$2,318,748.72 an increase of \$172,860.72 to the original contract which is a net 8.06 (%) percent increase in the total for City Contract #17-13, 2017 Road Improvement Program – Phase 2; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, NJ that it authorizes Change Order #7 to City Contract #17-13, 2017 Improvement Program – Phase 2 in the amount of \$22,913.81 (PO #17-03264); and

BE IT FURTHER RESOLVED that the Director of Financial Management is authorized to process Change Order #7 in the amount of \$22,913.81 to City Contract #17-13, 2017 Road Improvement Program – Phase 2 (PO #17-03264) issued to GWP Enterprises, Inc., P.O. Box #498, Franklinville, NJ 08322 to be charged to the Capital Account # C-04-55-303-010.

CERTIFICATION OF FUNDS



Frank Donato III, CMFO
Director of Financial Management

Peter V. Madden
Council President

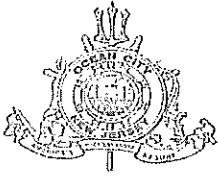
Files: RES CO#617-13 2017 Road Imprv Program - Phase 2.doc

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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
Melissa G. Rasner, City Clerk



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Joseph Clark, Purchasing Manager
FROM: Roger Rinck, Engineer Project & Construction Manager
DATE: November 27, 2018
RE: CHANGE ORDER NO. 7
ROAD IMPROVEMENTS PHASE 2
Project #: 17-13

The above referenced contract is seeking Council's approval of CHANGE ORDER NO. 7
on the Thursday, December 13, 2018 City Council Agenda.
This request for change is to adjust contract quantities to as-builts quantities due to field conditions.

This change order includes the need for additional materials to reflect the as-builts and to make necessary improvements:

ASPHALT PRICE ADJUSTMENT	1 LUMP SUM
HMA PROFILE MILLING	4017.53 S.Y.

This change order represents a total current contract amount net change of
\$22,913.81 or 8.06%

115 E. 12th Street, OCEAN CITY, NJ 08226
609-399-6111 www.ocnj.us



CITY OF OCEAN CITY, ENGINEERING DEPARTMENT
ROAD IMPROVEMENTS PHASE 2

PURCHASE ORDER #
17-03264

CHANGE ORDER NO. 7
FILE NO. 17-13

CONTRACTOR:
GWP
PO BOX 498
FRANKLINVILLE, NJ 08322

REASON FOR CHANGE:
TYPE REASON HERE

THE TIME PROVIDED FOR COMPLETION OF THIS PROJECT IS:
____ UNCHANGED, _____ INCREASED, ____ DECREASED, BY ____ CALENDAR DAYS.

UPON EXECUTION THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT.

TYPE OF CHANGE	ITEM #	DESCRIPTION	QTY	UNITS	UNIT PRICE	AMOUNT
SUPPLEMENTAL	S-12	ASPHALT PRICE ADJUSTMENT	1	LUMP SUM	\$14,878.75	\$14,878.75
		0		#N/A	\$0.00	
					SUBTOTAL:	\$14,878.75
EXTRA	7	HMA PROFILE MILLING	4017.53	S.Y.	\$2.00	\$8,035.06
		0		#N/A	\$0.00	
					SUBTOTAL:	\$8,035.06
REDUCTION		0		#N/A	\$0.00	
		0		#N/A	\$0.00	
					SUBTOTAL:	\$0.00

CHANGE ORDER SUMMARY

PREVIOUS CHANGE ORDERS			CURRENT CHANGE ORDER	
NO.	AMOUNT	REASON FOR CHANGE	TYPE OF CHANGE	TOTAL
1	\$604.12	JETTY ROCK		
2	\$16,265.13	14TH STREET		
3	\$22,705.66	SJG CONFLICT	+ SUPPLEMENTAL	\$14,878.75
4	(\$5,999.20)	MATERIALS NEEDED TO PROGRESS PROJECT	+ EXTRA	\$8,035.06
5	\$80,281.34	ASPHALT & PIPE ADJUSTMENT		
6	\$36,089.86	MATERIALS NEEDED TO COMPLETE JOB	- REDUCTIONS	\$0.00
7	\$22,913.81	TYPE REASON HERE		
8			NET CONTRACT CHANGE	
9			THIS CHANGE ORDER	\$22,913.81
10				

ORIGINAL CONTRACT AMOUNT	\$2,145,888.00
AMENDED CONTRACT AMOUNT	\$2,318,748.72
TOTAL CONTRACT CHANGE (AMOUNT)	\$172,860.72
TOTAL CONTRACT CHANGE (PERCENT)	8.06%

ACCEPTED BY: _____ DATE _____

APPROVED BY: _____ DATE _____

PROJECT MANAGER _____ DATE _____

ENGINEER _____ DATE _____

PURCHASING AGENT _____ DATE _____

CHIEF FINANCIAL OFFICER _____ DATE _____

DATE _____

PROJECT MANAGER

DATE _____

DATE _____

PURCHASING AGENT

DATE _____

CHIEF FINANCIAL OFFICER

DATE _____



Asphalt Services

GWP Enterprises, Inc.

PO Box 498
Franklinville, NJ 08322

Estimate

Date	Estimate No.
11/20/2018	6862

CUSTOMER:
The City of Ocean City 550 Asbury Avenue Ocean City, NJ 08226-3642
Project
2017 Road Improvement Program, Phase II

Ship To

Description	Qty	U/M	Price U/M	Total
CHANGE ORDER REQUEST				
Over Bid Quantity for Milling	4,017.53	SY	2.00	8,035.06
Asphalt Price Adjustment June thru November - Tonnage Used AC Index @ Bid = \$373.00	1	LS	16426.69	14,878.75
June AC = NO WORK July = NO WORK August = NO WORK				
September AC = \$551.00 - \$178.00 Inc @ 69.88 tons base x \$6.23 and 10.08 tons of top x \$8.90 = \$525.08				
October AC = \$551.00 - \$178.00 Inc. @ 83.78 tons base x \$6.23 and 1240.68 tons top x \$8.90 = \$11,564.01				
November AC = \$538.00 - \$165.00 Inc. @ 338.14 tons top x \$8.25 = \$2789.66				

Acceptance Signature : _____

Subtotal	\$22,913.81
Sales Tax (6.625%)	\$0.00
Total	\$22,913.81

Phone #	Fax #	E-mail	Web Site
856-694-4482	856-728-2895	gwpenterprises@comcast.net	www.gwpasphalt.com

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

12

**AUTHORIZING THE CHANGE ORDER #3 TO CITY CONTRACT #17-14,
2017 ROAD IMPROVEMENT PROGRAM – PHASE 3**

WHEREAS, specifications were authorized for advertisement by Resolution #18-54-024 on Thursday, January 11, 2018 for City Contract #17-14, 2017 Road Improvements Program – Phase 3; and

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, January 17, 2018, the Notice to Bidders and the specifications were posted on the City of Ocean City's website, www.ocnj.us and the Invitation for Bid Proposals were distributed to sixteen (16) prospective bidder(s) for City Contract #17-14, 2017 Road Improvements Program - Phase 3; and

WHEREAS, bid proposals were opened for City Contract #17-14, 2017 Road Improvements Program - Phase 3 on Tuesday, February 6, 2018 and seven (7) bid proposals were received; and

WHEREAS, Arthur J. Chew, PE, PP, CFM, CME, CPWM, Assistant City Engineer; Dorothy F. McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant; Allison L. Hansen, Assistant Purchasing Agent and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the bid proposals and specifications and determined that the apparent low bidder, Charles Marandino, LLC was disqualified for a fatal defect in the bid proposal for failure to submit proper surety as required by N.J.S.A. 40A:11-22; and

WHEREAS, Arthur J. Chew, PE, PP, CFM, CME, CPWM, Assistant City Engineer; Jason J. Sieira, Manager of Capital Planning; Dorothy F. McCrosson, Esq., City Solicitor; Darleen H. Korup, Purchasing Assistant; Allison L. Hansen, Assistant Purchasing Agent and Joseph S. Clark, QPA, City Purchasing Manager have reviewed the bid proposals and specifications and recommended that City Contract #17-14, 2017 Road Improvements Program - Phase 3 be awarded to Lexa Concrete, LLC, the lowest responsible bidder; and

WHEREAS, the City Council of Ocean City, New Jersey awarded City Contract #17-14, 2017 Road Improvements Program - Phase 3 on March 8 2018 by Resolution #18-54-103 to **Lexa Concrete, LLC, 11 Commerce Way Drive, Hammonton, NJ 08037** in the amount of \$1,220,918.10; and

WHEREAS, the City Council of Ocean City, New Jersey awarded Change Order #1 to City Contract #17-14, 2017 Road Improvements Program - Phase 3 on May 24, 2018 by Resolution #18-54-204 in the amount of \$11,652.50 for a total adjusted contract amount of \$1,232,570.60; and

WHEREAS, the City Council of Ocean City, New Jersey awarded Change Order #2 to City Contract #17-14, 2017 Road Improvements Program - Phase 3 on September 27, 2018 by Resolution #18-54-349 in the amount of \$161,000.26 for a total adjusted contract amount of \$1,393,570.86; and

WHEREAS, Arthur J. Chew, PE, PP, CFM, CME, CPWM, Assistant City Engineer; Rachel N. Ballezzi, Clerk; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed and certified Change Order #3 to City Contract #17-14, 2017 Road Improvements Program - Phase 3 is correct as follows:

Change Order #3

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
<u>Extra Work</u>				
13.	36" High Density Polyethylene Culvert Pipe	1 LF	\$ 150.00	\$ 150.00
25.	Reset Existing Casing	1 Unit	\$ 275.00	\$ 275.00
26.	Concrete Gutter 8" Thick	183 S.Y.	\$ 130.00	\$ 23,790.00
29.	Concrete Sidewalk 4" Thick	120 S.Y.	\$ 80.00	\$ 9,600.00
30.	Concrete Driveway 6" Thick	98.87 S.Y.	\$ 78.00	\$ 7,711.86
32.	8"x18" Concrete	956 L.F.	\$ 30.50	\$ 29,158.00
Total Amount of Extra Work:				\$ 70,684.86

Total Amount of Increases for Change Order #3 **\$ 70,684.86**

Total Amount of City Contract #17-14, 2017 Road Improvements Program - Phase 3

Including Change Order #3..... **\$ 1,464,255.72**

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the newly adjusted contract cost including Change Order #3 is \$1,464,255.72 an increase of \$243,337.62 to the original contract and a 19.93 (%) percent increase the total for City Contract #17-14, 2017 Road Improvements Program - Phase 3; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, NJ that it authorizes Change Order #3 to City Contract #17-14, 2017 Road Improvements Program - Phase 3 in the amount of \$70,684.86 (PO #18-00710); and

BE IT FURTHER RESOLVED that the Director of Financial Management is authorized to process Change Order #3 in the amount of \$70,684.86 to City Contract #17-14, 2017 Road Improvements Program - Phase 3 (PO #18-00710) issued to Lexa Concrete, LLC, 11 Commerce Way Drive, Hammonton, NJ 08037 to be charged to the following Capital Account #C-04-55-303-010.

CERTIFICATION OF FUNDS



Frank Donato III, CMFO
Director of Financial Management

Peter V. Madden
Council President

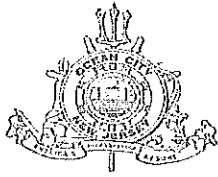
Files: RESCO#3 17-14 2017 Road Improvement Program - Ph3.doc

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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
Melissa G. Rasner, City Clerk



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MEMORANDUM

TO: Joseph Clark, Purchasing Manager
FROM:
DATE: November 21, 2018
RE: CHANGE ORDER NO. 3
2017 ROAD IMPROVEMENT PROGRAM - PHASE III
Project #: 3-17-014

The above referenced contract is seeking Council's approval of CHANGE ORDER NO. 3
on the 13-Dec-18 City Council Agenda.
This request for change is to adjust contract quantities to as-builts quantities due to field conditions.

This change order includes the need for additional materials to reflect the as-builts and to make necessary improvements:

36" HIGH DENSITY POLYETHYLENE CULVERT PIPE	1 L.F.
RESET EXISTING CASTING	1 UNIT
CONCRETE GUTTER, 8" THICK	183 S.Y.
CONCRETE SIDEWALK, 4" THICK	120 S.Y.
CONCRETE DRIVEWAY, 6" THICK	98.87 S.Y.
8"x18" CONCRETE VERTICAL CURB	956 L.F.

This change order represents a total current contract amount net change of
\$70,684.86 or 19.93%

OCRP Phase III

CO #3

<u>Item #</u>	<u>Description</u>	<u>Qty</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Due</u>
13	36" HDPC	1	LF	\$150.00	\$150.00
25	Reset Existing Castings	1	UN	\$275.00	\$275.00
26	8" Concrete Gutter	183	SY	\$130.00	\$23,790.00
29	4" Concrete Sidewalks	120	SY	\$80.00	\$9,600.00
30	6" Concrete Driveways	98.87	SY	\$78.00	\$7,711.86
32	8x18 Concrete Curb	956	LF	\$30.50	\$29,158.00
TOTAL					\$70,684.86



CITY OF OCEAN CITY, ENGINEERING DEPARTMENT
2017 ROAD IMPROVEMENT PROGRAM - PHASE III

CHANGE ORDER NO. 3
FILE NO. 3-17-014

PURCHASE ORDER #
18-00710

CONTRACTOR:
LEXA CONCRETE
11 Commerce Way Drive
Hammononton, NJ 08037

REASON FOR CHANGE:

co 3

THE TIME PROVIDED FOR COMPLETION OF THIS PROJECT IS:

___ UNCHANGED, ___ INCREASED, ___ DECREASED, BY ___ CALENDAR DAYS.

UPON EXECUTION THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT.

TYPE OF CHANGE	ITEM #	DESCRIPTION	QTY	UNITS	UNIT PRICE	AMOUNT
SUPPLEMENTAL		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
					SUBTOTAL:	\$0.00
EXTRA	13	36" HIGH DENSITY POLYETHYLENE CULVERT PIPE	1	L.F.	\$150.00	\$150.00
	25	RESET EXISTING CASTING	1	UNIT	\$275.00	\$275.00
	26	CONCRETE GUTTER, 8" THICK	183	S.Y.	\$130.00	\$23,790.00
	29	CONCRETE SIDEWALK, 4" THICK	120	S.Y.	\$80.00	\$9,600.00
	30	CONCRETE DRIVEWAY, 6" THICK	98.87	S.Y.	\$78.00	\$7,711.86
	32	8"x18" CONCRETE VERTICAL CURB	956	L.F.	\$30.50	\$29,158.00
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
					SUBTOTAL:	\$70,684.86
REDUCTION		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
		0		0	\$0.00	
					SUBTOTAL:	\$0.00

CHANGE ORDER SUMMARY

PREVIOUS CHANGE ORDERS			CURRENT CHANGE ORDER	
NO.	AMOUNT	REASON FOR CHANGE	TYPE OF CHANGE	TOTAL
1	\$11,652.50	MATERIALS NEEDED TO COMPLETE THE PROJECT	+ SUPPLEMENTAL	\$0.00
2	\$161,000.26	MATERIALS NEEDED TO COMPLETE THE PROJECT		
3	\$70,684.86	co 3		
4			+ EXTRA	\$70,684.86
5				
6			- REDUCTIONS	\$0.00
7				
8			NET CONTRACT CHANGE	
9			THIS CHANGE ORDER	\$70,684.86
10				

ORIGINAL CONTRACT AMOUNT	\$1,220,918.10
AMENDED CONTRACT AMOUNT	\$1,464,255.72
TOTAL CONTRACT CHANGE (AMOUNT)	\$243,337.62
TOTAL CONTRACT CHANGE (PERCENT)	19.93%

ACCEPTED BY:

LEXA CONCRETE

DATE

APPROVED BY:

PROJECT MANAGER

DATE

ENGINEER

DATE

PURCHASING AGENT

DATE

CHIEF FINANCIAL OFFICER

DATE

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

13

**AUTHORIZING THE CHANGE ORDER #1 TO CITY CONTRACT #18-30,
2018 BACK BAY HYDRAULIC DREDGING**

WHEREAS, specifications were authorized for advertisement by Resolution #17-53-186 on Thursday, June 14, 2018 for City Contract #18-30, 2018 Back Bay Hydraulic Dredging; and

WHEREAS, the Notice to Bidders was advertised in the Ocean City Sentinel on Wednesday, June 20, 2018, the Notice to Bidders and the specifications were posted on the City of Ocean City's website, www.ocnj.us; and the Invitation for Bid Proposals were distributed to twenty six (26) prospective bidder(s) for City Contract #18-30, 2018 Back Bay Hydraulic Dredging; and

WHEREAS, bid proposals were opened for City Contract #18-30, 2018 Back Bay Hydraulic Dredging on Tuesday, July 17, 2018 and four (4) bid proposals were received; and

WHEREAS, Robert Korkuch, PE, PP, Senior Project Engineer, Act Engineers; Eric Rosina, Project Manager, Act Engineers; Dorothy F. McCrosson, Esquire, 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 City Contract #18-30, 2018 Back Bay Hydraulic Dredging be awarded to Southwind Construction Corporation, the lowest responsible bidder; and

WHEREAS, the City Council of Ocean City, New Jersey awarded City Contract #18-30, 2018 Back Bay Hydraulic Dredging on July 26, 2018 by Resolution #18-54-275 to **Southwind Construction Corporation, 146449 Highway 41 North Suite 100, Evansville, Indiana 47725-9357** in the amount of \$2,132,405.37; and

WHEREAS, Robert Korkuch, PE, PP, Senior Project Engineer, Act Engineers; Eric Rosina, Project Manager, Act Engineers; Rachel N. Ballezzi, Clerk; Darleen H. Korup, Purchasing Assistant and Joseph S. Clark, QPA, City Purchasing Manager have reviewed and certified Change Order #1 to City Contract #18-30, 2018 Back Bay Hydraulic Dredging is correct as follows:

Change Order #1

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
<u>Increase - Supplemental</u>				
1.	Standby Time & Work Associated with Site 83 CDF Abandoned Pipe Failure	1 Lump Sum	\$ 3,166.65	\$ 3,166.65
Total Amount of Supplemental:				\$ 3,166.65
Total Amount of Increases for Change Order #1				\$ 3,166.65
Total Amount of City Contract #18-30, 2018 Back Bay Hydraulic Dredging Including Change Order #1.....				\$ 2,135,572.02

WHEREAS, the newly adjusted contract cost including Change Order #1 is \$2,135,572.02 an increase of \$3,166.65 to the original contract and a 00.01(%) percent increase the total for City Contract #18-30, 2018 Back Bay Hydraulic Dredging; and

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, NJ that it authorizes Change Order #3 to City Contract #18-30, 2018 Back Bay Hydraulic Dredging in the amount of \$3,166.65 (PO #18-02402); and

BE IT FURTHER RESOLVED that the Director of Financial Management is authorized to process Change Order #1 in the amount of \$3,166.65 to City Contract #18-30, 2018 Back Bay Hydraulic Dredging (PO #18-02402) issued to Southwind Construction Corporation, 146449 Highway 41 North Suite 100, Evansville, Indiana 47725-9357 to be charged to the following Capital Account #C-04-55-307-101.

CERTIFICATION OF FUNDS



Frank Donato III, CMFO
Director of Financial Management

Peter V. Madden
Council President

Files: RESCO#1 CC#18-30 2018 Back Bay Dredging.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 2018

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
Melissa G. Rasner, City Clerk



October 5, 2018

Mr. Vladimir Odarchenko
Senior Project Manager
ACT Engineers
1 Washington Boulevard, Suite 3
Robbinsville, New Jersey 08691

Re: Contract #18-30 - Back Bay Hydraulic Dredging
Serial Letter H-0006 – (Site 83 CDF – Abandoned Pipe Repair)

Dear Mr. Odarchenko:

This correspondence is to provide you with pricing associated with repairs to an abandoned pipe that failed at Site 83 (CDF) on September 22, 2018.

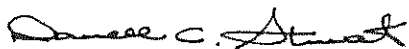
On this date, it was observed by quality assurance personnel, Derek Wagner, that a 24" pipe, previously abandoned at the Site 83 CDF, developed minor leakage along the outfall invert. Because of this, we were directed to cease dredging operations until corrective actions could be made. Subsequently, our plant and personnel were idled at 1415 hrs. At such time, we initiated corrective actions to lower the pool level within the CDF and construct a diversion dike along the upstream invert of the pipe to isolate the pipe from the rest of the pond. Corrective actions were completed successfully, and dredging resumed at 1645 hours.

Due to the nature of this occurrence, we view this as a Differing Site Condition to the contract and are requesting an equitable adjustment to the contract for all costs associated with the downtime of our plant, and labor during repairs to the structure. The lump sum amount requested for this differing condition is **\$3,166.65.**

In closing, I have included a worksheet and supporting documentation all labor and equipment costs associated with the standby and repair work. Labor costs are submitted on an overtime basis for Saturday work and are all inclusive of wages, fringes, taxes, and insurance. Please let me know if you need any additional information to allow you to move forward with initiating a Change Order for this work.

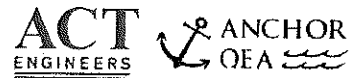
Thank you for your consideration in this matter and we look forward to the continuing efforts in completing this project.

Regards,



Darrell C. Stewart
Project Manager

CHANGE ORDER REQUEST NO. CO# 1



C.O. TITLE: Site 83 CDF – Abandoned Pipeline Repair **DATE:** 11/19/2018
PROJECT NAME: 2018 Back Bay Dredging (City Contract 18-30)
CONTRACTOR: Southwind Construction, Corp. **PROJECT NO:** 18-30
OWNER: City of Ocean City

Change Order Description:

On September 22, 2018, an abandoned 24-inch discharge pipe located in CDF 83 was observed by the project's construction inspector (CI) to be discharging water. The CI directed hydraulic dredging operations to cease until the unpermitted discharge was stopped. Corrective actions to construct a diversion dike along the upstream invert of the pipe successfully terminated the discharge. This incident resulted in 2.5 hours of downtime for the dredging operations, as well as additional labor to repair and prevent additional discharge.

The Contract is Modified as Follows:

Due to differing site condition encountered, the contractor, Southwind Construction Corp., has requested an equitable adjustment to the contract to recuperate costs associated with the downtime, and labor to repair the discharge. ACT-Anchor has reviewed the attached request and supporting documentation, and recommends payment of Change Order #1, with the Contract 18-30 contract value to be adjusted as follows:

Original Contract Amount:	\$2,132,405.37
Current Contract Amount:	\$2,132,405.37
Amount of this Change:	\$3,166.65
Revised Contract Amount:	\$ 2,135,572.02

Contract time is: ☒ Unchanged ☐ Increased ☐ Decreased by +/- days ☐ Work Days ☐ Cal. Days
New In-Water Contract Deadline: N/A

Approved By (Not valid until signed by Owner)

Approval Recommended - Project Engineer

Vlad Odarchenko
(Print name)

Signature

11/26/2018
Date

Approved by Owner

(Print name & title)

Signature

Date

Contractor

Darrell Stewart
(Print name & title)

Signature

11/26/2018
Date

Attachments: None

Job No./Description: Contract 18-30 Back Bay Hydraulic Dredging Invoice Number: Date: September 22, 2018

Date: September 22, 2018

Comments: _____

SWC Representative: David C. Stuart

Owner Representative: _____

Daniel C. Stewart

100% 99% 98% 97% 96% 95% 94% 93% 92% 91% 90% 89% 88% 87% 86% 85% 84% 83% 82% 81% 80% 79% 78% 77% 76% 75% 74% 73% 72% 71% 70% 69% 68% 67% 66% 65% 64% 63% 62% 61% 60% 59% 58% 57% 56% 55% 54% 53% 52% 51% 50% 49% 48% 47% 46% 45% 44% 43% 42% 41% 40% 39% 38% 37% 36% 35% 34% 33% 32% 31% 30% 29% 28% 27% 26% 25% 24% 23% 22% 21% 20% 19% 18% 17% 16% 15% 14% 13% 12% 11% 10% 9% 8% 7% 6% 5% 4% 3% 2% 1% 0%

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

14

**APPROVING TAX OVERPAYMENT REFUND
2018-29 THRU 2018-32**

WHEREAS, the Tax Collector has certified and issued refund vouchers to the following tax payers who overpaid their taxes.

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

<u>VOUCHER</u>	<u>NAME</u>	<u>BLOCK/LOT/QUAL.</u>	<u>AMOUNT</u>	<u>YEAR</u>
2018-29	LERETA TAX SERVICES	1205/26/C3	\$1,108.00	2018
2018-30	CORELOGIC TAX SERVICES	1102/28	\$1,501.82	2018
2018-31	CORELOGIC TAX SERVICES	2501/5	\$1,535.69	2018
2018-32	CORELOGIC TAX SERVICES	2604/21/C1	\$1,364.38	2018
2018-33	FENICHEL, STEFAN & GEORGINA	2106/4	\$1,419.04	2018

Total \$6,928.93

Peter V. Madden
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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED City Clerk
Barr	_____	_____	_____	_____	
Bergman	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
Madden	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

15

**AUTHORIZING THE RELEASE OF A MAINTENANCE
GUARANTEE FOR A CONSTRUCTION PROJECT AT 34 CORINTHIAN AVENUE
BLOCK 6, LOT 28.05, PROJECT #13-031PMSP**

WHEREAS, Robert and Karen Graham, have posted a performance guarantee for construction of an approved site plan at 34 Corinthian Avenue, Ocean City Block 6, Lot 28.05 Ocean City in accordance with Section 25-1600 of Ordinance #88-17, Volume II, the City's zoning ordinance, also known as application number 13-031PMSP.

WHEREAS, this application was submitted for approval to the Planning Board on November 6, 2013; and

WHEREAS, Resolution #16-52-300 adopted on October 25, 2016 authorized the release of the performance guarantee and the establishment of a maintenance guarantee in the amount of \$7,321.20; and

WHEREAS, the Planning Board Office has issued a final inspection approval report dated November 5, 2018, indicating that the above mentioned project has been installed in compliance with the approved site plan; and

NOW, THEREFORE, BE IT RESOLVED that the Director of Finance is authorized to release the maintenance guarantee in the amount of \$732.12, plus two-thirds of the interest earned on the account.

Frank Donato III,
Chief Financial Officer

Peter V. Madden,
Council President

Files//Robert and Karen Graham Maintenance Guarantee Release 13-031PMNSP

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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

16

**AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR A
CONSTRUCTION PROJECT AT 920 DELANCEY PLACE
BLOCK 202, LOT(S) 6 & 7, PROJECT #15-046ZC**

WHEREAS, Louis Bolanos, has posted a performance guarantee bond(#2202505) for construction of an approved site plan at 920 Delancey Place, Block 202 Lot(s) 6 &7 Ocean City in accordance with Section 25-1600.1 of Ordinance #88-17, Volume II, the City's zoning ordinance, also known as application number also known as application number 15-046ZC. This application was submitted for approval by the Zoning Board on December 16, 2015; and

WHEREAS, the Zoning Board Office has issued a final site plan inspection approval report dated November 11, 2018, indicating that the above mentioned project has been installed in compliance with the approved site plan; and

WHEREAS, the Zoning Board of the City of Ocean City has recommended the release of the performance guarantee bond (#2202505) in the amount of \$5,248.20; and

WHEREAS, the Zoning Board recommends that a cash portion of the performance guarantee in the amount of \$524.82 be held or a bond or other type of surety approved by the City Solicitor, in the amount of 10% of the performance guarantee be posted for a period of two (2) years from the date of the release of the performance guarantee; and

NOW, THEREFORE, BE IT RESOLVED that the Director of Finance is authorized to release the performance bond in the amount of 5,248.20

Frank Donato III,
Chief Financial Officer

Peter V. Madden,
Council President

Files//Louis Bolanos; Performance Guarantee Bond Release 15-046ZC

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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

17

**AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR A
CONSTRUCTION PROJECT AT 2708 CENTRAL AVENUE
BLOCK 2702, LOT 17, PROJECT #17-023PBA**

WHEREAS, Halliday Leonard Inc., has posted a performance guarantee for construction of an approved site plan at 2708 Central Avenue, Block 2702, Lot 17 Ocean City in accordance with Section 25-1600 of Ordinance #88-17, Volume II, the City's zoning ordinance, also known as application number 17-023PBA. This application was submitted for approval to the Planning Board on May 13, 2015; and

WHEREAS, the Planning Board Office has issued a final inspection approval report dated December 3, 2018, indicating that the above mentioned project has been installed in compliance with the approved site plan; and

WHEREAS, the Planning Board of the City of Ocean City has recommended the release of the performance guarantee in the amount of \$8,992.80; and

WHEREAS, the Planning Board recommends that a cash portion of the performance guarantee in the amount of \$899.28 be held or a bond or other type of surety approved by the City Solicitor, in the amount of 10% of the performance guarantee be posted for a period of two (2) years from the date of the release of the performance guarantee; and

NOW, THEREFORE, BE IT RESOLVED that the Director of Finance is authorized to release the performance bond in the amount of \$8,992.80.

Frank Donato III,
Chief Financial Officer

Peter V. Madden,
Council President

Files//Halliday Leonard Inc. Performance Guarantee Release 17-023PBA

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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED City Clerk
Barr	_____	_____	_____	_____	
Bergman	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
Madden	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

18

CONSENTING TO CITY COUNCIL’S REAPPOINTMENT OF ROBERT BARR AND
PATRICIA MILES JACKSON AS MEMBERS TO THE OCEAN CITY HOUSING AUTHORITY

BE IT RESOLVED, by the City Council of the City of Ocean City, New Jersey that the following persons are hereby appointed as members of the Ocean City Housing Authority in accordance with N.J.R.S. 55:14:A-4, for the following term:

<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRES</u>
Robert Barr	5 Years 1st Full Term	12/31/2023
Patricia Miles-Jackson	5 Years 2 nd Full Term	12/31/2023

Peter V. Madden
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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

.....
City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

19

**CONSENTING TO THE MAYOR'S REAPPOINTMENT OF J. RONALD DENNEY
AS A MEMBER TO THE OCEAN CITY LIBRARY BOARD OF TRUSTEES**

BE IT RESOLVED, by the Mayor and City Council of the City of Ocean City that the following member is hereby reappointed to the Ocean City Library Board of Trustees:

<u>NAME</u>	<u>TERM</u>	<u>EXPIRES</u>
J. Ronald Denney	5 Years 2 nd Full Term	11/21/2023

Peter V. Madden
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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

20

**CONSENTING TO THE MAYOR’S REAPPOINTMENT OF EDWARD KEENAN JR.
AS A MEMBER TO THE OCEAN CITY LIFEGUARD PENSION COMMISSION**

BE IT RESOLVED, by the Mayor and City Council of the City of Ocean City that the following person is hereby reappointed to serve on the Ocean City Lifeguard Pension Commission in accordance with Resolution No. 88-28-100.

<u>NAME</u>	<u>LENGTH OF TERM</u>	<u>TERM EXPIRES</u>
Edward Keenan Jr.	4 years *	12/31/2022

* 1st Full Term

Peter V. Madden
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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

21

**CONSENTING TO THE MAYOR'S REAPPOINTMENT OF
VICKI SCHEETZ AS A MEMBER TO THE LOCAL ASSISTANCE BOARD**

BE IT RESOLVED, by the Mayor and City Council of the City of Ocean City that the following person is hereby reappointed to the Local Assistance Board:

<u>NAME</u>	<u>TERM</u>	<u>EXPIRES</u>
Vicki Scheetz	4 Years * *	12/31/2022

* * 2nd Full Term

Peter V. Madden
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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED City Clerk
Barr	_____	_____	_____	_____	
Bergman	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
Madden	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

22

**CONSENTING TO THE MAYOR’S REAPPOINTMENT OF
JOSEPH M. LEHMAN, AS A MEMBER TO THE SHADE TREE COMMITTEE**

BE IT RESOLVED, by the Mayor and City Council of the City of Ocean City that the following individual is hereby reappointed to the Shade Tree Committee in accordance with Ordinance No. 2-80.

<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRES</u>
Joseph M. Lehman	4 Years * *	12/31/2018

** 2nd Full Term

Peter V. Madden
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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED City Clerk
Barr	_____	_____	_____	_____	
Bergman	_____	_____	_____	_____	
DeVlieger	_____	_____	_____	_____	
Hartzell	_____	_____	_____	_____	
Madden	_____	_____	_____	_____	
McClellan	_____	_____	_____	_____	
Wilson	_____	_____	_____	_____	

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

23

**CONSENTING TO THE MAYOR’S REAPPOINTING OF PATTY TALESE AND WILLIAM
McGINNITY AS MEMBERS TO THE TOURISM DEVELOPMENT COMMISSION**

BE IT RESOLVED by the Mayor and City Council of the City of Ocean City, New Jersey that the following individuals are hereby reappointed to the Tourism Development Commission in accordance with Ordinance #82-23.

NAME	<u>TERM</u>	<u>EXPIRES</u>
Patty Talese	2 Years *	12/31/2020
William McGinnity	2 Years *	12/31/2020

* 1st Full Term

Melissa Rasner, City Clerk

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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION

24

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 November 24, 2018 to December 7, 2018.

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

Frank Donato III
Chief Financial Officer

Peter V. Madden,
Council President

FILES/AUTHORIZING THE PAYMENT OF CLAIMS – 11.24.18 TO 12.07.18.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 2018.

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	_____	_____	_____	_____
Bergman	_____	_____	_____	_____
DeVlieger	_____	_____	_____	_____
Hartzell	_____	_____	_____	_____
Madden	_____	_____	_____	_____
McClellan	_____	_____	_____	_____
Wilson	_____	_____	_____	_____

City Clerk

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
16-01727	07/20/16	CALAFATI MICHAEL CALAFATI ARCHITECT,LLC	RESOLUTION 16-52-203	Open	1,385.82	0.00	B
17-00032	01/20/17	CALAFATI MICHAEL CALAFATI ARCHITECT,LLC	RESOLUTION 17-53-007	Open	3,565.96	0.00	
17-01425	06/09/17	CONCOENG CONCORD ENGINEERING GROUP, INC	RES 17-53-145 PROFESSIONAL ENG	Open	750.00	0.00	
18-00013	01/17/18	NJAM3 NEW JERSEY-AMERICAN WATER CO.	2018 WATER/SEWER CHARGES	Open	20,539.76	0.00	B
18-00014	01/17/18	AC ELECT ATLANTIC CITY ELECTRIC	2018 CITYWIDE ELECTRIC	Open	60,000.00	0.00	B
18-00015	01/17/18	SJGAS SOUTH JERSEY GAS COMPANY		Open	9,000.00	0.00	B
18-00016	01/17/18	VERIZ VERIZON	2018 PHONE CHARGES	Open	5,175.42	0.00	B
18-00017	01/17/18	VERIZONL VERIZON ONLINE		Open	1,000.00	0.00	B
18-00020	01/17/18	WALKD DOUGLAS K. WALKER, PC	RESOLUTION# 17-53-169	Open	3,290.26	0.00	B
18-00032	01/17/18	SPINN SPINNING WHEEL FLORIST INC.		Open	430.00	0.00	B
18-00037	01/17/18	T BURGOS TONIO BURGOS & ASSOC OF NJ LLC	RESOLUTION 17-53-355	Open	5,000.00	0.00	B
18-00039	01/17/18	CAPRI CAPRIONI PORTABLE TOILETS, INC		Open	50.00	0.00	
18-00130	01/19/18	SJENERG SOUTH JERSEY ENERGY	2018 GAS SUPPLIER CHARGES	Open	6,100.00	0.00	B
18-00159	01/19/18	GEESE GEESE CHASERS SOUTH JERSEY	Professional Service-Attached	Open	2,158.00	0.00	
18-00160	01/19/18	JUSTR JUST RIGHT TV PRODUCTIONS LLC	City Contract #15-08	Open	660.00	0.00	B
18-00161	01/19/18	ACCESS RETRIEVE HOLDINGS CORP		Open	813.98	0.00	B
18-00183	01/24/18	CAPRI CAPRIONI PORTABLE TOILETS, INC		Open	728.00	0.00	
18-00188	01/24/18	SAM 1 SAM'S CLUB/GEMB	2018 SAMS CLUB CHARGES	Open	504.16	0.00	
18-00189	01/24/18	FERIOZZI L. FERIOZZI CONCRETE COMPANY	RES#17-54-002 NORTH END DRAIN.	Open	457,676.99	0.00	
18-00221	01/29/18	KEEN KEEN COMPRESSED GAS COMPANY	Compressed gas services	Open	20.70	0.00	B
18-00232	01/29/18	STEIN MARK H. STEIN, ESQUIRE	PROFESSIONAL SERVICES FOR 2018	Open	1,292.00	0.00	
18-00233	01/29/18	BATTISTI BATTISTINI CONSULTING SERVICES	PROFESSIONAL SERVICES FOR 2018	Open	1,885.00	0.00	
18-00238	01/29/18	FARNWOR FARNSWORTH & SEMPTIMHELTER, L	EMERGENCY MEDICAL SERVICES	Open	2,486.44	0.00	B
18-00239	01/29/18	NJTRS NJ TRANSIT	2018 BUS CARD TICKET SALES	Open	6,109.09	0.00	
18-00255	02/01/18	EFMLEASE ENTERPRISE FLEET MANAGEMENT	Leasing of Vehicles	Open	2,362.83	0.00	
18-00291	02/05/18	STETS B. W. STETSON & CO.		Open	74.00	0.00	B
18-00292	02/05/18	MODERGRO MODERN GROUP POWER SYSTEMS		Open	1,312.50	0.00	B
18-00309	02/05/18	WISERLIN WISER LINK ADVERTISING, INC		Open	556.39	0.00	B
18-00314	02/07/18	ACUA ATLANTIC COUNTY UTILITY AUTHOR		Open	1,488.78	0.00	B
18-00317	02/07/18	STETS B. W. STETSON & CO.	COFFEE SUPPLIES FOR 2018	Open	38.50	0.00	B
18-00362	02/07/18	STETS B. W. STETSON & CO.		Open	63.50	0.00	B
18-00365	02/09/18	SCHID SCHINDLER ELEVATOR CORPORATION		Open	1,620.48	0.00	B
18-00391	02/13/18	TIX COM TIX, INC.		Open	1,578.75	0.00	B
18-00427	02/16/18	THOMSONR THOMSON REUTERS		Open	328.34	0.00	B
18-00443	02/16/18	EARTT EARTHTECH CONTRACTING, INC	RES#12-49-023 RES#17-53-353	Open	4,544.00	0.00	
18-00447	02/16/18	RIGGI RIGGINS, INC.	RES #18-54-035	Open	20,255.31	0.00	B
18-00463	02/22/18	CNS CNS CLEANING CO., INC.	RESOLUTION# 17-54-009 CC#17-04	Open	7,494.00	0.00	B
18-00469	02/22/18	PRESS THE PRESS	2018 ADVERTISING	Open	48.26	0.00	
18-00567	03/01/18	RUDERMAN RUDERMAN, HORN & ESMERADO PC	RESOLUTION# 18-54-031	Open	4,510.00	0.00	B
18-00571	03/01/18	OCFAM OCEAN CITY FAMILY PRACTICE, PA		Open	7,680.00	0.00	B
18-00575	03/01/18	ATLPHYSI ATLANTICARE PHYSICIAN GROUP,PA		Open	540.00	0.00	B
18-00617	03/12/18	EARTT EARTHTECH CONTRACTING, INC	17-53-353	Open	5,292.70	0.00	B
18-00631	03/12/18	AGUZZO A. GUZZO LANDSCAPING LLC	Reso #18-54-030 CC #17-18	Open	5,129.67	0.00	
18-00641	03/14/18	CHOICE CHOICE ENVIR. SER. OF NJ, INC.		Open	2,707.80	0.00	B
18-00642	03/14/18	CHOICE CHOICE ENVIR. SER. OF NJ, INC.	RESOLUTION # 17-53-352	Open	59,079.68	0.00	B
18-00643	03/14/18	CHOICE CHOICE ENVIR. SER. OF NJ, INC.	RESOLUTION# 17-53-351	Open	59,079.68	0.00	B
18-00644	03/14/18	WASTM WASTE MANAGEMENT OF NJ INC.	RES #17-53-352	Open	3,833.00	0.00	B
18-00672	03/15/18	CALAFATI MICHAEL CALAFATI ARCHITECT,LLC	Bayside Ctr Architectural Srv	Open	3,530.63	0.00	
18-00718	03/26/18	DTOAL DONALD A. TOAL JR		Open	24.00	0.00	B
18-00744	03/26/18	LONGPORT LONGPORT MEDIA LLC		Open	600.00	0.00	

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-00842	04/18/18	MAINL	MAIN LINE COMMERCIAL POOLS,INC	Open	950.00	0.00	B
18-01077	04/23/18	WEBPAGE	WEBPAGEFX, INC	Open	4,375.47	0.00	B
18-01082	04/23/18	ACCENFFE	ACCENT FENCE INC.	Open	43,000.00	0.00	
18-01090	04/23/18	PIER4	PIER 4, L.L.C.	Open	2,494.80	0.00	
18-01092	04/23/18	BELCHERE	ERIC GEOFFREY BELCHER	Open	1,800.00	0.00	
18-01193	05/08/18	TAPCOINC	TRAFFIC&PARKING CONTROL CO.INC	Open	22,864.96	0.00	
18-01214	05/08/18	NJDEP	TREAS, STATE OF NJ/1989 GT	Open	6,917.88	0.00	
18-01235	05/09/18	CHLORKIN	CHLORKING INNOVATIONS, LLC	Open	1,485.00	0.00	B
18-01290	05/18/18	GREASEB	THE GREASEBAND, INC	Open	12,000.00	0.00	
18-01607	06/05/18	YIANNIS	YIANNI'S CAFE	Open	250.00	0.00	
18-01616	06/05/18	JERSE	JERSEY CAPE DIAGNOSTIC CENTER	Open	328.04	0.00	B
18-01720	06/08/18	BUSTEDKN	BUSTED KNUCKLE AUTO & TIRE LLC	Open	25.00	0.00	
18-01742	06/21/18	BENSHAFF	BEN SHAFFER RECREATION INC	Open	26,331.40	0.00	
18-01825	07/03/18	GFIENTER	GFI ENTERTAINMENT LLC	Open	5,000.00	0.00	
18-01855	07/03/18	LGB MECH	LGB MECHANICAL INC.	Open	74,970.00	0.00	B
18-02088	07/27/18	PUREAIRE	PURE AIRE	Open	33,700.00	0.00	
18-02101	07/31/18	ROCKEYMO	ROCKY MOUNTAIN TRACKING	Open	1,795.50	0.00	B
18-02256	08/14/18	SPARKELE	SPARK ELECTRIC SERVICE, INC	Open	1,866.61	0.00	
18-02257	08/14/18	SPARKELE	SPARK ELECTRIC SERVICE, INC	Open	3,000.00	0.00	
18-02266	08/15/18	CAPEHOR	CAPE SHORE CHORALE	Open	550.00	0.00	
18-02268	08/15/18	GROSSR	ROBERT J GROSS	Open	550.00	0.00	
18-02399	08/22/18	HAMRADIO	HAM RADIO OUTLET (H.R.O,INC)	Open	4,105.90	0.00	
18-02402	08/24/18	SOUTHWIN	SOUTHWIND CONSTRUCTION CORP	Open	632,740.81	0.00	
18-02544	09/05/18	CENTERST	CENTER STAGE ARTISTS	Open	4,250.00	0.00	
18-02579	09/10/18	DEPT	DEPTCOR	Open	1,142.50	0.00	
18-02581	09/10/18	DEPT	DEPTCOR	Open	78.00	0.00	
18-02590	09/12/18	TRIDENTM	TRIDENT PILING COMPANY, LLC	Open	248,503.50	0.00	B
18-02612	09/19/18	CENTERS	CENTER STAGE ENTERTAINMENT,INC	Open	16,775.00	0.00	
18-02616	09/19/18	ENTERIDO	I DO ENTERTAINMENT	Open	2,500.00	0.00	
18-02623	09/19/18	SALAZARA	ANTHONY SALAZAR	Open	2,000.00	0.00	
18-02625	09/19/18	CAPTIVAT	CAPTIVATE ENTERTAINMENT LLC	Open	1,000.00	0.00	
18-02637	09/19/18	IMPAL	IMPALA ISLAND INN	Open	440.00	0.00	
18-02685	09/24/18	DCAPRODU	DCA PRODUCTIONS PLUS, INC.	Open	1,750.00	0.00	
18-02687	09/24/18	PHILLYKE	PHILLY KEYS LLC	Open	1,500.00	0.00	
18-02688	09/24/18	SHOWSTOP	SHOW STOPPERS UNLIMITED	Open	2,350.00	0.00	
18-02695	09/24/18	ACADEMY	ACADEMY BUS COMPANY	Open	3,590.00	0.00	
18-02827	10/04/18	BISCA	BISCAYNE SUITES CONDO. ASSOC.	Open	507.48	0.00	
18-02838	10/04/18	OCTHEATR	OCEAN CITY THEATRE COMPANY	Open	11,452.00	0.00	B
18-02846	10/05/18	OCTHEATR	OCEAN CITY THEATRE COMPANY	Open	8,500.00	0.00	
18-02864	10/12/18	INSTIFRA	THE FRANKLIN INSTITUTE	Open	830.00	0.00	
18-02872	10/12/18	JPZENTER	JPZ ENTERTAINMENT, INC.	Open	2,750.00	0.00	
18-02910	10/18/18	DUBRU	MICHAEL DUBRUILLE	Open	850.00	0.00	
18-02911	10/18/18	NJAMERIC	NJ AMERICAN WATER COMPANY	Open	133.86	0.00	
18-03038	10/25/18	CAPEENVI	CAPE ENVIRONMENTAL TESTING LAB	Open	180.00	0.00	
18-03041	10/25/18	ODB	ODB	Open	1,830.00	0.00	
18-03044	10/26/18	SPOT-ON	SPOT-ON ENTERTAINMENT	Open	11,000.00	0.00	
18-03062	10/31/18	VITAL	VITAL COMMUNICATIONS, INC	Open	6,900.00	0.00	
18-03086	10/31/18	PETROCHO	PETROCHOICE LUBRICATION	Open	2,853.51	0.00	
18-03094	11/05/18	EMERJEAR	EMERJE ARTIST DEVELOPMENT	Open	500.00	0.00	
18-03097	11/05/18	MUNIW	MUNICIPAL WELFARE ASSOCIATION	Open	200.00	0.00	
18-03098	11/05/18	DEPT	DEPTCOR	Open	123.00	0.00	
18-03101	11/05/18	MDG	MDG ENVIRONMENTAL, LLC	Open	2,264.50	0.00	
18-03104	11/05/18	SCHOP	WILLIAM SCHOPPY TROPHY COMPANY	Open	67.15	0.00	
18-03105	11/05/18	DOWNTOWN	DOWNTOWN DECORATONS, INC.	Open	98,959.00	0.00	

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-03109	11/05/18	CONSTELL	CONSTELLATION NEWENERGY, INC	2018 NEW ENERGY SUPPLIER	Open	761.86	0.00 B
18-03115	11/05/18	REGIT	REGISTRARS' ASSOCIATION OF NJ	MEMBERSHIP RENEWAL - 2019	Open	75.00	0.00
18-03128	11/14/18	SCHOP	WILLIAM SCHOPPY TROPHY COMPANY		Open	1,204.17	0.00
18-03131	11/14/18	INNOL	INNOVATIVE LEADERSHIP, LLC		Open	1,692.50	0.00
18-03134	11/14/18	NJRPA	NJRPA	MEMBERSHIP	Open	400.00	0.00
18-03135	11/14/18	PRAETORI	PRAETORIAN DIGITAL		Open	2,500.00	0.00
18-03136	11/14/18	TIRIAD	TRIAD ASSOCIATES	RESOLUTION 18-54-277	Open	1,532.50	0.00
18-03138	11/20/18	KUBIA	GARY KUBIAK & SON ELECTRIC INC	RUNWAY LIGHTS REPAIR AT THE AP	Open	4,446.63	0.00
18-03140	11/20/18	FIRSS	FIRE & SAFETY SERVICES, LTD.	18-54-026	Open	1,861.93	0.00
18-03142	11/20/18	77MEY	CHRISTOPHER MEYER		Open	75.50	0.00
18-03147	11/20/18	SENTI	SENTINEL LEDGER		Open	558.60	0.00
18-03148	11/20/18	CATAMA	CATAMARAN MEDIA COMPANY		Open	132.05	0.00
18-03150	11/20/18	FOYINVEN	FOYINVENTERPRISES, INC		Open	1,556.79	0.00
18-03152	11/20/18	WEMAKEIT	WE MAKE IT PERSONAL		Open	24.00	0.00
18-03153	11/20/18	JESCO	JESCO EQUIPMENT CO.	Parts Blanket	Open	91.42	0.00 B
18-03157	11/20/18	NAPAAUTO	SEAVILLE NAPA AUTO PARTS	Resolution18-54-035	Open	1,996.29	0.00 B
18-03158	11/20/18	FIRSS	FIRE & SAFETY SERVICES, LTD.	18-54-026	Open	2,978.14	0.00
18-03160	11/20/18	COPIE	COPIERS PLUS, INC.		Open	8.00	0.00
18-03161	11/20/18	FUNKL	LEROY FUNK	REIMBURESMENT FOR PEST. LIC.	Open	30.00	0.00
18-03162	11/20/18	POGUE	POGUE INC.		Open	2,378.00	0.00
18-03164	11/20/18	THOMSONR	THOMSON REUTERS		Open	303.00	0.00
18-03167	11/20/18	STAND	STANDARD & POOR'S CORPORATION		Open	7,000.00	0.00
18-03170	11/20/18	AWILLIAM	AMANDA WILLIAMS	BEACH TAG REFUND 2018	Open	50.00	0.00
18-03175	11/20/18	OPTICALS	OPTICAL SCIENTIFIC INC	AWOS WX SYSTEM COMMISSIONING	Open	2,559.89	0.00
18-03181	11/20/18	JOSEPHDE	JOSEPH DESILVIO III		Open	69.31	0.00
18-03182	11/20/18	MALIA	MALIA'S RUBBER STAMP COMPANY		Open	85.40	0.00
18-03196	11/26/18	BEASLEY	JAMES & ELIZABETH BEASLEY	ESCROW REFUND 14-0181 ZC	Open	385.60	0.00
18-03197	11/26/18	01KA2	KAZMARCK JR. ALEXANDER W. &	ESCROW REFUND 13-015 PMISC	Open	500.00	0.00
18-03198	11/26/18	NOWICKI	ALFRED C JUR & RAE NOWICKI	ESCROW REFUND 13-03114 PM	Open	769.94	0.00
18-03199	11/27/18	LILLYTHO	THOMAS LILLY	ESCROW REFUND 14-0121 ZD	Open	228.28	0.00
18-03200	11/27/18	01LERETA	LERETA LLC	TAX OVERPAYMENT REFUND 2018-29	Open	1,108.00	0.00
18-03201	11/27/18	01CORELO	CORELOGIC TAX SERVICES	TAX OVERPAYMENT REFUND 2018-30	Open	1,501.82	0.00
18-03202	11/27/18	01CORELO	CORELOGIC TAX SERVICES	TAX OVERPAYMENT REFUND 2018-31	Open	1,535.69	0.00
18-03203	11/27/18	01CORELO	CORELOGIC TAX SERVICES	TAX OVERPAYMENT REFUND 2018-32	Open	1,364.38	0.00
18-03208	11/28/18	CROSSFIR	CROSSFIRE TECHNOLOGIES LLC	Reso #18-54-238	Open	18,038.00	0.00
18-03213	11/28/18	MARYBRID	MARYBRIDGET ENTERPRISES, INC		Open	1,847.38	0.00
18-03214	11/28/18	RUTG1	RUTGERS, THE STATE UNIV. OF NJ		Open	125.00	0.00
18-03215	11/28/18	SONJ5	TREASURER STATE OF NEW JERSEY		Open	339.00	0.00
18-03224	11/28/18	REINHARD	REINHARD INC		Open	2,411.00	0.00
18-03225	11/28/18	HECKSSPR	HECKS SPRAY PAINT CRAFT PAINT		Open	9,969.90	0.00
18-03226	11/28/18	ZIMMERMA	THERESA HOOKS		Open	56.79	0.00
18-03227	11/28/18	HARTMAN	MICHAEL J. HARTMAN		Open	235.87	0.00
18-03228	11/28/18	KERSHNER	TARA KERSHNER		Open	340.00	0.00
18-03232	11/28/18	KD PRODU	KD PRODUCTIONS & EVENTS		Open	1,975.75	0.00
18-03234	11/28/18	CENTERST	CENTER STAGE ARTISTS		Open	450.00	0.00
18-03238	11/28/18	BERNICKD	BERNICK DR LLC	ESCROW REFUND 13-022 PMS	Open	637.92	0.00
18-03239	11/29/18	01FENICH	FENICHEL, STEFAN & GEORGINA	TAX OVERPAYMENT REFUND 2018-33	Open	1,419.04	0.00
18-03242	11/30/18	GRAN	GRAN TURK EQUIPMENT CO. INC.		Open	1,608.58	0.00 B
18-03246	11/30/18	TREA9	TREAS-STATE OF NEW JERSEY	QPA RENEWAL CERTIFICATION	Open	35.00	0.00
18-03254	12/03/18	COSTERIA	COSTERIA COTTAGE LLC	ESCROW REFUND 13-033 PMSS	Open	700.00	0.00
18-03256	12/05/18	SJSHOREM	SJShore MARKETING, LLC		Open	1,075.56	0.00
18-03257	12/05/18	CENTERS	CENTER STAGE ENTERTAINMENT, INC		Open	2,450.00	0.00
18-03263	12/05/18	GUZZO BD	GUZZO BUILDERS/DEVELOPERS INC.		Open	516.00	0.00
18-03264	12/05/18	HUBER	HUBER LOCKSMITHS, INC	Reso #18-54-258	Open	2,415.00	0.00

December 10, 2018
10:49 AM

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

Page No: 4

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-03265	12/05/18	FASTENAL	FASTENAL COMPANY	Open	572.92	0.00	
18-03266	12/05/18	CALAFATI	MICHAEL CALAFATI ARCHITECT, LLC	Open	822.27	0.00	
18-03273	12/05/18	WEIGH	WEIGHTS & MEASURE FUND	Open	15.00	0.00	
18-03275	12/05/18	RUTG1	RUTGERS, THE STATE UNIV. OF NJ	Open	125.00	0.00	
18-03276	12/05/18	660LORD	ROBIN LORD REIMBURSEMENT FOR OFFICE SUPPL	Open	91.81	0.00	
18-03277	12/05/18	SENTI	SENTINEL LEDGER	Open	294.00	0.00	
18-03278	12/05/18	GRAHAMRO	ROBERT AND KAREN GRAHAM ESCROW 13-031PMSP	Open	737.58	0.00	
18-03285	12/07/18	090ALLEG	MICHAEL ALLEGRETTO	Open	51.09	0.00	
18-03291	12/07/18	DWYERT	TODD DWYER REIMBURSEMENT FOR AP SUPPLIES	Open	76.26	0.00	
18-03295	12/07/18	TROILOCR	CRAIG TROILO REFUND OF UNCLAIMED FUNDS	Open	100.00	0.00	
18-03300	12/10/18	HUBER	HUBER LOCKSMITHS, INC	Open	71.90	0.00	
18-03301	12/10/18	SHERW	SHERWIN WILLIAMS #3760	Open	186.55	0.00	
18-03302	12/10/18	GARDE	GARDEN STATE HIGHWAY PROD. INC	Open	492.00	0.00	
18-03303	12/10/18	JMCKERNA	JOHN MCKERNAN	Open	16.50	0.00	
<hr/>							
Total Purchase Orders:		172	Total P.O. Line Items:	0	Total List Amount:	2,193,338.61	Total Void Amount: 0.00