

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS APRIL 20, 2007
Flag Salute

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

Clerk called the roll: Mayor DiAnne C. Gove PRESENT
Commissioner Robert A. Palmer PRESENT
Commissioner Ralph H. Bayard PRESENT

Also in attendance: Bonnie M. Leonetti, Municipal Clerk
Katharine M. Shackleton, Esq.
William Antonides, Auditor
Elizabeth Jones, CFO

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES on December 6, 2006; the PRESS OF ATLANTIC CITY on December 8, 2006; the ASBURY PARK PRESS on January 4, 2007; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting and to approve the same as recorded in the minute book:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

AGENDA

PROCLAIM:

Municipal Clerks Week: April 29th through May 5th 2007

Safe Kids Week: April 28th through May 6th 2007

Older Americans Month: May 2007

Mayor Gove individually noted the importance of each of these proclamations.

PROCLAMATION

**Proclaim Municipal Clerks Week
April 29 through May 5, 2007**

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach do recognize the week of April 29 through May 5, 2007, as Municipal Clerks' Week, and further extend appreciation to our Municipal Clerk, Bonnie M. Leonetti, RMC, CMC, Deputy Municipal Clerk Lynda J. Wilkie, RMC, and Assistant Municipal Clerk Teresa S. Purpuri, RMC, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

PROCLAMATION

Safe Kids Week

April 28 through May 6, 2007

WHEREAS, unintentional injury is the number one killer of children 14 and under; and

WHEREAS, each year, more than 5,000 children 14 and under die from unintentional injuries; and

WHEREAS, emergency rooms experience nearly 2.4 million visits from children 14 and under each summer; and

WHEREAS, 90% of these injuries and deaths are preventable; and

WHEREAS, 41% of these deaths occur during "trauma season", the months of May, June, July, and August; and

WHEREAS, the risk areas that show the greatest seasonal surge in deaths and injuries are between May and August compared to the rest of the year are biking, drowning, pedestrian, motor vehicle occupants, and falls; and

WHEREAS, Safe Kids Worldwide and Safe Kids New Jersey, led by the New Jersey State Safety Council promote childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology, and raising awareness through the media; and

WHEREAS, Safe Kids Worldwide, with the support of founding sponsor Johnson & Johnson, launches Safe Kids Week 2007, "Make it a Safe Kids Summer", which focuses on five of the deadliest warm-weather risk areas of motor vehicles, drowning, pedestrian, biking and falls; and

WHEREAS, Safe Kids New Jersey has planned special childhood injury prevention activities and community-based events for Safe Kids Week 2007 in an effort to inform families about summer safety.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach do hereby proclaim the week of April 28th through May 6th 2007, as National Safe Kids Week, and call upon all the residents of this municipality to support the efforts and activities of Safe Kids New Jersey to prevent childhood injury.

PROCLAMATION

OLDER AMERICAN'S MONTH: MAY 2007

WHEREAS, the month of May 2007 has been designated throughout the nation as "Older Americans Month"; and

WHEREAS, the Board of Commissioners of the Township of Long Beach desires to recognize the Retired and Senior Volunteer Program (RSVP), and various other programs administered by the Ocean County Board of Social Services to assist older Americans; and

WHEREAS, the focus of this recognition identifies the involvement of the older population in their communities through volunteer work in health and nutrition services, in agricultural and food bank programs, in knowledge and skills programs, in economic development programs, in housing and homeless prevention programs, in energy conservation programs, in social service programs, and in criminal justice programs; and

WHEREAS, this recognition further encourages the sharing of talents, wisdom, and the lifetime experience of the older population through their involvement with others; and

WHEREAS, the Township of Long Beach recognizes the contributions of the Ocean County Retired and Senior Volunteer Program that sponsors the Special Response Services to the Elderly Program, the Senior Housing Security and Transportation Program, and various other programs for seniors; and

WHEREAS, the Retired and Senior Volunteer Program of Ocean County endeavors to recruit senior volunteers to encourage such involvement with others and to provide volunteer services to its ninety (90) non-profit agencies and proprietary health care facilities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that it proclaims the month of May as "Older Americans' Month" and honors and endorses all programs in Ocean County which encourage the sharing of talents, wisdom, and lifetime experiences of the older population; and

BE IT FINALLY RESOLVED that the written memorialization of this Board resolution may be immediately released prior to formal approval of the minutes.

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 07-11C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTER 180 AS THE SAME APPLIES TO SWIMMING POOLS.**

Mayor Gove stated this clarified when and how in ground swimming pools may be constructed so as not to include lot coverage for the purpose of calculating lot coverage.

Passed as on first reading at a regular meeting held on March 2, 2007 advertised in the BEACH HAVEN TIMES, issue of March 7, 2007.

ORDINANCE 07-11C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTER 180 AS THE SAME APPLIES TO SWIMMING POOLS.

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

STATEMENT OF PURPOSE

This ordinance clarifies when in ground swimming pools may be constructed and how they may be constructed so as not to include lot coverage for purpose of calculating lot coverage under the Zoning Ordinance of Long Beach Township.

SECTION I

§180-4D. of an ordinance entitled, "Code of the Township of Long Beach, County of Ocean, State of New Jersey, 1997" is hereby repealed in its entirety and in lieu and instead thereof the following is hereby adopted:

"D. Is located with the highest point of its coping higher than one foot above the average level of the lot measured five feet away from the highest point of the coping. If the said highest point of the coping exceeds by a height of one foot the average level of the lot measured five feet from the highest point of the coping, the pool may not be constructed without the area of the pool and of the deck, pavers, concrete, wood or other material and the coping being counted in lot coverage for purposes of calculating lot coverage pursuant to the zoning ordinance of the Township of Long Beach."

"E. In no event may the pool, coping, deck, pavers, concrete, wood or other material be exempt from being counted as 'impervious lot coverage' pursuant to Section 205-56 of this Code."

SECTION II

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION IV

This ordinance shall take effect after the first publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday, March 2, 2007 at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday, April 20, 2007 at 2:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

CERTIFICATION

I, **Bonnie M. Leonetti**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 07-011C was duly adopted by the Board of Commissioners at their meeting held on Friday, April 20, 2007 at 2:00 p.m.

OPEN PUBLIC HEARING
No Comment
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-11C on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

2. Second Reading Ordinance 07-12C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN SECTION 123-6B RESTRICTS THE USE OF NOISE PRODUCING MACHINERY AND EQUIPMENT.**

Mayor Gove explained this regulated the time during which emergency electrical generators may be operated for purposes of maintenance, and that it did not restrict the hours of operation of emergency electrical generators for the purpose of generating electricity during an emergency but only during regular required routine weekly or periodic operations.

Passed as on first reading at a regular meeting held on March 16, 2007 advertised in the BEACH HAVEN TIMES, issue of March 21, 2007.

ORDINANCE 07-12C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN SECTION 123-6B RESTRICTS THE USE OF NOISE PRODUCING MACHINERY AND EQUIPMENT.

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

STATEMENT OF PURPOSE

This Ordinance regulates the time during which emergency electrical generators may be operated for purposes of maintenance. It does not restrict the hours of operation of emergency electrical generators for the purpose of generating electricity during an emergent period but only during regular required routine weekly or periodic operations.

SECTION I

Section 123-6B of an Ordinance entitled "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" is hereby amended by the addition of a new sub-paragraph (9) as follows:

(9). The operation of emergency electrical generators for routine maintenance and routine regular operations is limited to between the hours of 11:00 a.m. and 4:00 p.m. local time prevailing. This time limitation shall not apply when electrical power serving the property on which the emergency electrical generator is located fails and the operation of the emergency electrical generator is required to provide power for any structures on the lot which such emergency generators serve.

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday March 16, 2007 at 2:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday April 20, 2007 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

CERTIFICATION

I, **Bonnie M. Leonetti**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 07-012C was duly adopted by the Board of Commissioners at their meeting held on Friday, April 20, 2007 at 2:00 p.m.

OPEN PUBLIC HEARING
No Comment
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-12C on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

3. Second Reading Ordinance 07-13C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN SECTION 205-05 AS THE SAME PERTAINS TO ZONING.**

Mayor Gove advised this added two exceptions regarding accessory buildings in residential districts; and defined dimensions for pool equipment, generator platforms, and air conditioner compressors.

Passed as on first reading at a regular meeting held on March 16, 2007 advertised in the BEACH HAVEN TIMES, issue of March 21, 2007.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Mayor Gove noted that the Land Use Board had reviewed the Ordinance and submitted a recommendation to change some language. After careful consideration, the Commissioners unanimously decided not to follow the suggestion.

Motion to override recommendation submitted by the Land Use Board regarding Ordinance 07-13C.

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

Motion to adopt Ordinance 07-13C on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

4. Second Reading Ordinance 07-14C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" AS THE SAME IN CHAPTER 189, SECTION 189-30 DESIGNATES THROUGH STREETS.**

Mayor Gove noted this provided for the correction of typographical errors and/or omissions that occurred in Chapter 189-30 as a result of the adoption of Ordinance 04-08C on April 2, 2004.

Passed as on first reading at a regular meeting held on April 5, 2007 advertised in the BEACH HAVEN TIMES, issue of April 11, 2007.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-14C on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

5. Second Reading Ordinance 07-15: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR THE LONG BEACH TOWNSHIP BEACH PATROL AND PROVIDING FOR THE APPROPRIATION OF FUNDS AND AUTHORIZING ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES TO FINANCE THE COSTS THEREOF.**

Mayor Gove stated this provided funding for the acquisition of equipment for the Long Beach Township Beach Patrol in the amount of \$100,000.00.

Passed as on first reading at a regular meeting held on April 5, 2007 advertised in the BEACH HAVEN TIMES, issue of April 11, 2007.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-15 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

6. First Reading Ordinance 07-16C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 189 RESTRICTS PARKING.**

Mayor Gove explained this regulated the parking on certain portions of East 44th Street in Brant Beach, the westerly end of East Wyoming Avenue a/k/a East 117th Street, the Westerly end of East Mississippi Avenue a/k/a East 116th Street and East 58th Street.

Motion to approve Ordinance 07-16C on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

7. First Reading Ordinance 07-17C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN SECTION 172-19 SETS SPECIFICATIONS FOR SIDEWALKS.**

Mayor Gove stated this provided that where curbs and sidewalks were being installed they must be lowered where fire hydrants were in existence, in order to ensure the operability of fire hydrants.

Motion to approve Ordinance 07-17C on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

8. First Reading Ordinance 07-18C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 205 DEFINES FRONT YARD.**

Mayor Gove noted this specified that for an Oceanfront Lot Owner, a Bay Front Lot Owner or a Lagoon Front Lot Owner to consider the area fronting on the ocean, bay or lagoon as the front yard, frontage on such body of water must be a minimum of 30% of the required width of the lot, as the term lot width was defined in this Ordinance.

Motion to approve Ordinance 07-18C on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove
Second: Bayard Nays:

9. First Reading Ordinance 07-19C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN SECTION 5-12 ESTABLISHES HIRING PRACTICES AND PROCEDURES.**

Mayor Gove advised this governed Hiring Practices and Procedures to include new permanent employees undergo physical examinations and background checks after having been offered a position, and further provided that any Township employee working with minors be required to pass a police background check.

Motion to approve Ordinance 07-19C on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

ADOPTIONS, APPROVALS, SUPPORT, OPPOSITIONS

10. Resolution 07-0420.01: Support Category 1 designation for the Toms River and its tributaries
Mayor Gove stated Category 1 designation would guard against any measurable deterioration in water quality and establish 300' riparian buffer zones within open spaces along the river, thereby placing limits on new, large scale development projects along its banks.

Resolution 07-0420.01

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN SUPPORT OF CATEGORY ONE DESIGNATION FOR THE TOMS RIVER AND ITS TRIBUTARIES

WHEREAS, the Toms River is a pristine water way of exceptional value for the County of Ocean and the State of New Jersey; and

WEHERAS, the Toms River contains critical habitat for threatened and endangered species and serves as an important byway for fish and wildlife movement and dispersal between the coastal Barnegat Bay and interior Pinelands habitats; and

WHEREAS, the Toms River is an extraordinary recreational resource that hosts fishers, canoeists, and kayakers; and

WHEREAS, the Toms River provides water that recharges and aquifers that supply much of this region's drinking water; and

WHEREAS, the Toms River faces serious threats to its water quality because of increasing development in the watershed; and

WHEREAS, designating the Toms River as a Category One waterway from the headwaters in Millstone Township, Monmouth County, to the crossing of the Garden State Parkway in Toms River Township, Ocean County, would guard against any measurable deterioration in water quality and establish 300' riparian buffer zones within open spaces along the river, thereby placing limits on new, large scale development projects along its banks.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach supports upgrading the protections of the Toms River and its tributaries to the Category One designation.

BE IT FURTHER RESOLVED that the clerk shall forward a certified copy of this resolution to the following.

- A. Long Beach Island Joint Environmental Commission
- B. Ocean County Board of Chosen Freeholders
- C. 9th, 10th and 30th Legislative Districts
- D. New Jersey Department of Environmental Protection
Commissioner Lisa P. Jackson
- E. All Ocean County Municipalities

11. Resolution 07-0420.02: Oppose directive by the NJ DEP requiring detailed printing associated with stormwater regulations amendments

Mayor Gove noted the directive required the reprinting, in their entirety, with any amendments or supplements to such regulations.

RESOLUTION 07-0420.02

OPPOSITION TO DETAILED PRINTING ASSOCIATED WITH STORMWATER REGULATIONS

WHEREAS, the New Jersey Department of Environmental Protection has promulgated storm water management regulations in accordance with the laws of the State of New Jersey; and

WEHERAS, these regulations are to be adopted by each municipality through the ordinance process as part of land use documents of the individual jurisdictions as a Storm water Management Plan; and

WHEREAS, the existing New Jersey Land Use Act NJSA 40:55D provides for the referencing by citation of all such regulations as New Jersey Administrative Code (NJAC); and

WHEREAS, the Department of Environmental Protection has determined and directed all individual jurisdictions must, to be compliant with the objectives of the Plan, print, not reference by citation, those regulations in their entirety; and

WHEREAS, this uncustomary directive would also require the reprinting in their entirety, of any future amendments or supplements to such regulations; and

WHEREAS, such detailed regulations are readily available to the public through the professional or internet access; and

WHEREAS, the cost to the property taxpayers of this directive, including printing and reprinting costs, has not been determined.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach:

1. That ever mindful of the property tax burden of local jurisdictions, the Board of Commissioners opposes and respectfully urges that the directive to print storm water regulations in their entirety as directed by the N.J. Department of Environmental Protection be rescinded as an acknowledgement and recognition of unwarranted, unnecessary and inefficient enforcement policy; and
2. That the Municipal Clerk shall forward a certified copy of this resolution to the following:
 - A. Lisa Jackson, Commissioner of the Department of Environmental Protection

- B. Richard Codey, Acting Governor of the State of New Jersey
- C. Joseph Roberts, Speakers of the N.J. General Assembly
- D. Ocean County Legislative Representatives
- E. Ocean County Board of Chosen Freeholders
- F. Ocean County Planning Board
- G. Ocean County Municipalities
- H. New Jersey League of Municipalities
- I. New Jersey Conference of Mayors

12. Resolution 07-0420.03: Create an "Adopt-a-Storm Drain" program & designate Lead Person and Assisting Agency

Mayor Gove explained the Township wished to utilize the assistance of the Jacques Cousteau National Estuarine Research Reserve to development and implement an Adopt-A-Storm Drain program.

RESOLUTION 07-0420.03

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH,
COUNTY OF OCEAN, STATE OF NEW JERSEY**

WHEREAS, the Jacques Cousteau National Estuarine Research Reserve is offering assistance with the development and implementation of an Adopt-A-Storm Drain program from the Township; and

WHEREAS, the Township of Long Beach has determined to utilize the assistance of the Jacques Cousteau National Estuarine Research Reserve; and

WHEREAS, one of the required steps in conjunction with the Adopt-A-Storm Drain Municipal Assistance Program is establishing an Adopt-A-Storm Drain program lead to guide the community through each step of the planning and implementation of the Adopt-A-Storm Drain program.

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

- F. That the governing body hereby establishes a lead as required for the Adopt-A-Storm Drain Technical Assistance Program.
- G. That the lead of the Adopt-A-Storm Drain program shall be JoAnne Tallon.
- H. A copy of this resolution shall be served to the above-mentioned lead and the Jacques Cousteau National Estuarine Research Reserve.

13. Resolution 07-0420.04: Approve personnel actions

Mayor Gove noted the various actions being taken.

RESOLUTION 07-0420.04

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

ASSESSOR

Acknowledge the end of a paid medical leave of absence and return to work for Andrew Lacey effective retro-active to April 17, 2007.

HEALTH

Accept and approve a PERS Service Retirement for Sue Ellen Fidler effective May 1, 2007.

POLICE

Approve attendance of the following to the Ocean County Police Academy Satellite in Seaside Heights to become a Class I Special Law Enforcement Officer at the minimum wage rate of \$7.15 per hour to be paid from the Police Salary & Wage effective retro-active to April 11, 2007.

Joseph Stanziano

Approve a paid Medical Leave of Absence for Steven Melega using accumulated sick days effective retro-active to April 12, 2007.

PUBLIC WORKS

Approve a paid Medical Leave of Absence for Stephen Partridge using accumulated sick days effective retro-active to April 16, 2007.

Hire the following as Seasonal Part Time Laborers at the rate of \$12.00 per hour to be paid from Public Works Salary & Wage effective April 23, 2007.

Lois Ernst

William Ernst

Extend Gregg Meoni's Temporary Part Time status as a Laborer at the same rate of pay effective retro-active to April 5, 2007.

WATER/SEWER

Change/Correct Michael Ott's effective date as stated in Resolution 07-0316.04 from April 9, 2007 to April 5, 2007.

14. Resolution 07-0420.05: Authorize a grant application: Dep. Chief Houston regarding the Federal Bulletproof Vest Partnership for the Police Dept.

RESOLUTION 07-0420.05

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that, Leslie A. Houston, Deputy Chief of the Long Beach Township Police Department, be and she hereby is authorized and directed to apply for the Federal Bulletproof Vest Partnership Grant for the purchase of bulletproof vests.

15. Resolution 07-0420.06: Approve a change to a Sewer account

RESOLUTION 07-0420.06

WHEREAS, the following Sewer account requires a change in its billing and/or classification due to various reasons; and

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

Blk:	Lot:	Acct:	Year:	Cancel/change:	Amount:
11.12	19	3510-0 Sewer	2007	Remove Gar. Disp.	\$174.00

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

Motion to approve Items 10 - 15:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

LICENSES AND PERMITS

16. Resolution 07-0420.07: Approve various applications for Special Permits for Social Affairs: Special Alcohol permits for the LBI Arts Foundation on June 9, 10, 30; July 22; and August 5, 8, 10, 18, and 26th.

RESOLUTION 07-0420.07

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach grants the following SPECIAL PERMITS FOR A SOCIAL AFFAIR to the Long Beach Island Foundation of the Arts, to be held at 120 Long Beach Blvd, Loveladies, NJ. These permits will allow the Long Beach Island Foundation of the Arts to serve alcoholic beverages on the following dates and times:

- June 9, 2007 7:00 p.m. to 11:00 p.m.
- June 10, 2007 5:00 p.m. to 8:00 p.m.
- June 30, 2007 6:00 p.m. to 8:00 p.m.
- July 22, 2007 6:30 p.m. to 9:30 p.m.
- August 5, 2007 5:30 p.m. to 7:30 p.m.
- August 8, 2007 5:30 p.m. to 7:30 p.m.
- August 10, 2007 6:30 p.m. to 9:30 p.m.
- August 18, 2007 6:30 p.m. to 11:00 p.m.
- August 26, 2007 5:30 p.m. to 7:30 p.m.

Motion to approve Item 16:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

CONTRACTS AND AWARDS

17. Resolution 07-0420.08: Authorize an Interlocal Agreement with the Borough of Barnegat Light for water supply

RESOLUTION 07-0420.08

WHEREAS, the "Interlocal Services Act", N.J.S.A. 40:8A-1, *et. seq.*, permits local municipalities of this State to enter into a contract with any other local unit for the joint provision within their combined jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, Section 4 of P.L. 1973,c.208 (C40:8A-4) has been amended and approved as Chapter 356, on January 5, 1996 to authorize that such agreements can be adopted by Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, County of Ocean, and State of New Jersey, hereby authorize the execution of an Interlocal Services Agreement, a copy of which is attached hereto and marked as "Exhibit A", with the Borough of Barnegat Light, providing for the furnishing of a water supply by the Borough of Barnegat Light to the Township of Long Beach at the Southerly and Westerly boundary lines of the Borough of Barnegat Light.

18. Resolution 07-0420.09: Approve a contract for ammunition for the Police Dept., per state contract: Eagle Point Gun Shop \$5,952.00

RESOLUTION 07-0420.09

AUTHORIZE A CONTRACT WITH EAGLE POINT GUN FOR THE PURCHASE AMMUNITION FOR THE POLICE DEPARTMENT, PER STATE CONTRACT

WHEREAS, the Township of Long Beach wishes to purchase from an authorized vendor under the State of New Jersey Cooperative Purchasing Services Program INJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Eagle Point Gun, T.J. Morris & Son, 1707 Third Street, Thorofare, NJ 08086 has been awarded New Jersey State Contract No. 67873 for Police & Homeland Security Equipment and Supplies for the period February 4, 2007 to February 3, 2009; and

WHEREAS, the Commissioner of Public Safety recommends the utilization of this contract on the grounds that it represents the most cost effective method for the needs of the Township; and

WHEREAS, the actual cost of various ammunition is Five Thousand Nine Hundred Fifty Two Dollars (\$5,952.00); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in the appropriation created by: Police Other Expenses

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Eagle Point Gun be awarded a contract for the purchase of various ammunition for the Police Department in an amount not to exceed Five Thousand Nine Hundred Fifty Two Dollars (\$5,952.00).

19. Resolution 07-0420.10: Approve a contract for various fire hydrant supplies, per quotation: Continental Fire & Safety \$11,647.50

RESOLUTION 07-0420.10

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF VARIOUS FIRE HYDRANT SUPPLIES FOR THE LONG BEACH TOWNSHIP WATER/SEWER DEPARTMENT, PER QUOTE

WHEREAS, the Township of Long Beach has solicited quotes for various fire hydrant supplies for the Water/Sewer Department; and

WHEREAS, in response to the invitation for solicitation two (2) quotations were received; and

WHEREAS, it is in the opinion of the Township that the lowest qualified quote be accepted for same; and

WHEREAS, Continental Fire & Safety, Inc. gave the lowest qualified quote in an amount not to exceed Eleven Thousand Six Hundred Forty Seven Dollars and Fifty Cents (\$11,647.50).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 20th day of April 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Continental Fire & Safety, Inc.
180 Volusia Avenue
Trenton, NJ 08610-0405

for various fire hydrant supplies for the Water/Sewer Department in an amount not to exceed Eleven Thousand Six Hundred Forty Seven Dollars and Fifty Cents (\$11,647.50) as per quote received April 3, 2007.

20. Resolution 07-0420.11(a-c): Approve various contracts, per bid:

- a. Alpine Painting: Paint the Long Beach Twp. Municipal Complex \$63,750.00
- b. Shore Connection, Inc.: Ocean Blvd drainage project \$139,700.00
- c. US Tank Painting, Inc.: Paint the Peahala Park Water Tower \$79,200.00

RESOLUTION 07-0420.11(a)

A RESOLUTION AWARDING A CONTRACT FOR THE PAINTING OF THE LONG BEACH TOWNSHIP MUNICIPAL COMPLEX, PER BID

WHEREAS, the Township of Long Beach has solicited bids for the painting of the Long Beach Township Municipal Complex; and

WHEREAS, it is in the opinion of the Township that the lowest qualified bid be accepted for same; and

WHEREAS, Scaturro Brothers, t/a Alpine Painting & Sandblasting, gave the lowest qualified bid as per the municipal attorney's review and approval; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Ordinance 07-04: Improvements to the Municipal Building.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 20th day of April 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Scaturro Brothers, t/a Alpine Painting & Sandblasting
17 Florida Avenue
Paterson, NJ 07503

for the painting of the Long Beach Township Municipal Complex in an amount not to exceed Sixty Three Thousand Seven Hundred Fifty Dollars (\$63,750.00) as per the bid received April 12, 2007.

RESOLUTION 07-0420.11(b)

A RESOLUTION AWARDING A CONTRACT FOR THE 2007 OCEAN BOULEVARD DRAINAGE PROJECT IN THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach has solicited bids for the 2007 Ocean Boulevard Drainage Project; and

WHEREAS, it is in the opinion of the Township that the lowest qualified bid be accepted for same; and

WHEREAS, Shore Connection, Inc., gave the lowest qualified bid as per the municipal attorney's review and approval; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Ordinance 05-21: Replace Storm Drains, and 07-07: Drainage Project Ocean Blvd.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 20th day of April 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Shore Connection, Inc.
304 Forge Road, Unit 10
West Creek, NJ 08092

for the 2007 Ocean Boulevard Drainage Project in an amount not to exceed One Hundred Thirty Nine Thousand Seven Hundred Dollars (\$139,700.00) as per the bid received April 18, 2007.

RESOLUTION 07-0420.11(c)

A RESOLUTION AWARDING A CONTRACT FOR THE PAINTING OF THE PEAHALA PARK WATER TOWER IN THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach has solicited bids for the Painting of the Peahala Park Water Tower; and

WHEREAS, it is in the opinion of the Township that the lowest qualified bid be accepted for same; and

WHEREAS, U.S. Tank Painting, Inc., gave the lowest qualified bid as per the municipal attorney's review and approval; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Ordinance 06-28: Repainting of the Peahala Park Water Tower.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 20th day of April 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

U.S. Tank Painting, Inc.
P.O. Box 5671
Hillside, NJ 07205

for the Painting of the Peahala Park Water Tower in an amount not to exceed Seventy Nine Thousand Two Hundred Dollars (\$79,200.00) as per the bid received March 30, 2007.

21. Resolution 07-0420.12(a&b): Approve various proprietary contracts:

- a. Tower Optical: Observation Deck Viewer renewal Proceeds benefit LBT Police Explorer Post
- b. Trico Equipment: Dozer undercarriage \$19,976.40

RESOLUTION 07-0420.12(a)

A RESOLUTION AUTHORIZING A RENEWAL CONTRACT FOR THE COIN OPERATED VIEWER IN LONG BEACH TOWNSHIP

WHEREAS, the Township of Long Beach desires to authorize The Tower Optical Company Inc. located at 275 East Avenue, Norwalk, CT 06855 to continue provision and services for the coin operated viewer in the Township of Long Beach; and

WHEREAS, it is in the opinion of the Board of Commissioners of the Township of Long Beach that in doing so the views from Township shores can be shared by the community.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 20th day of April 2007, for the reasons aforesaid, that authorization is hereby given to the Mayor and Municipal Clerk to execute and enter into a renewal agreement on behalf of the Township with:

The Tower Optical Company, Inc.
275 East Avenue
Norwalk, CT 06855

for the continued services regarding the coin operated viewer within the Township of Long Beach; and

BE IT FURTHER RESOLVED that the Township shall receive Thirty Three and one third percent (33 1/3%) of the monies collected by The Tower Optical Company Inc. where upon such sum shall be passed on to Explorer Post #170 for their assistance in locating and having the viewer placed on Township property.

RESOLUTION 07-0420.12(b)

A RESOLUTION AUTHORIZING A PROPRIETARY CONTRACT FOR THE PURCHASE OF ONE BULLDOZER UNDERCARRIAGE FOR THE PUBLIC WORKS DEPARTMENT IN THE TOWNSHIP OF LONG BEACH

WHEREAS, the Brant Beach, Beach Haven Terrace and Holgate Water Treatment Plants located in Long Beach Township provide potable water to residents of the township and their efficient operation is detrimental to the public health and safety; and

WHEREAS, chlorinator parts are currently required for these Long Beach Township Water Treatment Plants; and

WHEREAS, the provision or performance of goods or services for the purchase of chlorinator parts for the abovementioned Water Treatment Plants in the Township of Long Beach is specifically exempted from bidding requirements under the Local Public Contracts Law pursuant to N.J.S.A. 40A: 11 - 5(1)(dd); and

WHEREAS, Loc Pump & Equipment, P.O. Box 2225, So. Hackensack, NJ 07606 is able to provide the necessary parts in an amount not to exceed Four Thousand Six Hundred Fifty Five Dollars (\$4,655.00); and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Water/Sewer Other Expenses.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Loc Pump & Equipment be awarded a contract to provide the necessary chlorinator parts in an amount not to exceed Four Thousand Six Hundred Fifty Five Dollars (\$4,655.00).

22. Resolution 07-0420.13: Amend a contract for the purchase of furniture for the Tax Assessor's Department awarded pursuant to Resolution 07-0405.09:
Total recorded as \$12,892.02, correct total is \$9,878.93

RESOLUTION 07-0420.13

WHEREAS, due to a clerical error on Resolution 07-0405.09, the total amount of the contract awarded to Kimball International c/o Executive Business Solutions for the purchase of furniture for the Tax Assessor's Department, per State Contract #A56331, was recorded incorrectly as \$12,892.02; and

WHEREAS, the actual amount of said contract was \$9,878.93.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, hereby amends Resolution 07-0405.09 in order to correct the amount of the contract awarded to Kimball International c/o Executive Business Solutions for the purchase of furniture for the Tax Assessor's Department, per State Contract #A56331, to \$9,878.93.

Motion to approve Items 17 - 22:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

FINANCIAL APPROVALS

23. Resolution 07-0420.14: Approve Bills & Payroll

Bills in the amount of:	\$351,690.47
Payrolls in the amount of:	\$368,861.79

RESOLUTION 07-0420.14

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS

WHEREAS, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

WHEREAS, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$368,861.79.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach as follows:

1. The said approved vouchers amounting to the sum of \$351,690.47 be and the same are hereby authorized to be paid on April 20, 2007.

2. The said approved payroll amounting to the sum of \$368,861.79 be and the same are hereby authorized to be paid on April 20, 2007.

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

Motion to approve Item 23:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Mayor Gove abstained from the Southern Ocean County Hospital voucher.

Mayor Gove stated the Tax Collector's Report for the month of March 2007 was on file in the Municipal Clerk's Office.

24. Resolution 07-0420.15: Authorize reading of the 2007 Amended Municipal Budget by title only

RESOLUTION 07-0420.15

WHEREAS, N.J.S.A.40A:4-8 provides that the 2007 Budget as amended be read by title only at the time of the Public Hearing if a Resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved 2007 Budget as amended and advertised has been posted in the Municipal Building and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the Budget shall be read by title only.

Motion to approve Item 24:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Motion to open public hearing on the amendment to the 2007 Municipal Budget:

(approved pursuant to Resolution 07-0405.18)

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Public Hearing on the amendment to the 2007 Municipal Budget

Bob Irvine / Beach Haven Crest asked for an explanation of the amendment.

William Antonides, Auditor explained there was a technical correction required regarding debt service, and the Public Employee Retirement System needed an additional contribution funded by miscellaneous revenue. He stated these changes did not affect the overall total of the introduced 2007 Municipal Budget.

Motion to close public hearing on the amendment to the 2007 Municipal Budget:

(approved pursuant to Resolution 07-0405.18)

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Motion to adopt the amendment to the 2007 Municipal Budget:

(approved pursuant to Resolution 07-0405.18)

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

25. Resolution 07-0420.16: Adopt the 2007 Municipal Budget as amended

RESOLUTION 07-0420.16

BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean that the amended budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$14,820,000.00 for municipal purposes, and certification to the County Board of Taxation of the following summary of general revenues and appropriations on this 20th day of April 2007.

(Summary annexed hereto)

Motion to approve Item 25: Adopt the 2007 Municipal Budget as amended

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

COMMISSIONERS' REPORTS

Commissioner Bayard noted Township beaches had been impacted by the recent nor'easter storm. He planned to redistribute sand in the near future. He thanked Preston Godschall, a Township employee and resident, for his thirty three years of service to the Board of Education. Mr. Godschall had not been re-elected to the Board at the April 17th school election.

Commissioner Palmer also thanked Mr. Godschall for his dedicated service to the Board of Education.

Mayor Gove announced the next meeting of the Board of Commissioners and the next meeting of the Land Use Board. She reminded the public that the second reading and public hearing for Ordinances 07-16C, 07-17C, and 07-19C would take place on May 4th at 4:00 p.m. and that the second reading and public hearing for Ordinance 07-18C would take place on May 18th at 4:00 p.m. She thanked Mr. Godschall for his years of service and for his great assistance in her own education and career.

OPEN PUBLIC SESSION

Bob Irvine / Beach Haven Crest and **Rick Jones / North Beach Haven** favored the placement of recycling containers on the beaches. Mr. Irvine read a statement promoting the importance of recycling which included supporting statistics. He volunteered members of the LBT10 Homeowners Association to aid in the placement of the containers.

Commissioner Bayard assured Mr. Irvine and Mr. Jones that recycling bins would be placed on various beaches and monitored for effective utilization.

Bill Kunz questioned Ordinances 07-15 and 07-19C, and then requested the Board of Commissioners not impose a municipal tax rate increase for 2007.

Lisa Jones, CFO stated short term notes were available in the Capital Budget for Ordinance 07-15.

Mayor Gove explained pursuant to Ordinance 07-19C all new and existing employees having contact with minors would be required to undergo a background check.

Dick Jeffries / Beach Haven Terrace was concerned that street garbage was being blown into the ocean and bay by the wind. He asked that the street ends be designed to block and trap windblown trash and debris.

Commissioner Bayard advised Mr. Jeffries that the Municipal Sanitation Inspector issued warnings and summonses to property owners that do not properly dispose of trash.

Det. Kevin Lyons / Long Beach Township Police Department thanked Mr. Godschall for his years of service to the Board of Education. He also thanked the Board of Commissioners for passing the 2007 Municipal Budget as amended. Det. Lyons made additional comments concerning pension funding and its impact on municipal budgets.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:45 p.m.

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Bonnie M. Leonetti, RMC, CMC
Municipal Clerk

DiAnne C. Gove, Mayor

Robert A. Palmer, Comm.

Ralph H. Bayard, Comm.