

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS JULY 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.

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**

**PRESENTATION**

The Brant Beach Homeowner's Association presented a new Beach Wheel Chair to the Long Beach Township Beach Patrol.

**Mayor Gove** thanked the Brant Beach Homeowner's Association and announced the new Beach Wheel Chair would be on display at the upcoming free concert to be held on July 26<sup>th</sup> at the Municipal Complex.

**ORDINANCES/PUBLIC HEARINGS**

1. Second Reading Ordinance 07-32C: **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 197 REGULATES AND PERMITS THE USAGE OF WATER SUPPLIED BY THE TOWNSHIP WATER AND SEWER DEPARTMENT.**

Passed as on first reading at a regular meeting held on July 6, 2007 advertised in the BEACH HAVEN TIMES, issue of July 11, 2007.

**ORDINANCE 07-32C**

**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 197 REGULATES AND PERMITS THE USAGE OF WATER SUPPLIED BY THE TOWNSHIP WATER AND SEWER DEPARTMENT.**

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

**STATEMENT OF PURPOSE**

This Ordinance is intended to supplement and strengthen the currently existing Water Conservation Ordinance designed to conserve the use of water in all sections of Long Beach Township. It is required by the State of New Jersey Department of Environmental Protection which Department licenses the Township's withdrawal of water from the aquifers and is also required to comply with various water supply agreements which the Township has with the Borough of Barnegat Light, the Borough of Harvey Cedars and the Borough of Surf City.

Its intention is to reinforce by replacing Chapter 197-12 with a more comprehensive program for water conservation.

**SECTION I**

Chapter 197-12 of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and in lieu and instead thereof the following is enacted.

**§197-12. Water conservation and usage restrictions.**

- A. The following restrictions and regulations are hereby imposed upon all persons utilizing water provided by the Township of Long Beach Water Department during the period June 1 through September 30 of each year.
  1. Residential households are permitted to utilize water from the Long Beach Township Water System for external purposes such as, *inter alia* and without limitation (i) water vegetation (ii) washing cars (iii) washing homes or the exterior portion of houses only pursuant to an odd/even system. The odd/even system shall apply so that a house number ending in an odd number will be permitted to utilize such water uses only on Sundays, Wednesdays and Fridays and households whose street address ends in an even number shall be permitted to utilize such watering only on Tuesday, Thursdays and Saturdays. No external use shall be permitted on Mondays.
  2. Watering for outside uses shall not be permitted between the hours of 10:00 a.m. and 7:00 p.m.
  3. Automatic sprinkling systems shall be permitted to operate only between 5:00 a.m. and 8:00 a.m.
  4. Watering of flowers and shrubs with handheld hoses which have automatic shutoff nozzles is permitted at anytime pursuant to the odd even schedule herein above established in sub-paragraph A (1).
- B. Prohibited uses. All of the following uses of water from the Long Beach Township water system are forbidden.
  1. Washing down of sidewalks and garage aprons; provided, however, food establishments shall be permitted to wash down sidewalks, decks, garage aprons and the like.

2. Such excessive watering as to cause water to run off onto streets and driveway aprons.
  3. Any exterior use of water during precipitation periods.
  4. Any garden hose exceeding three fourths (3/4ths) inch diameter.
  5. Service of water by any restaurant, café, luncheonette other food service establishment other than upon specific requests made by a patron.
- C. Commercial use of water from the Long Beach Township water system.
1. Any commercial establishment in Long Beach Township is exempt from the requirements of paragraph A above but is not exempt from the requirements of paragraph B above.
- D. Requirements for automatic sprinkler systems. All underground irrigations systems or automatic watering systems installed for lawn or landscaped areas shall be equipped with a rain sensor shutoff device meeting the following specifications.
1. The rain sensor shutoff device shall employ an electromechanical actuating device designed to cause circuit interruption that temporarily disables the irrigation controller during periods of significant rainfall. For purposes of this Ordinance the term "significant rainfall" shall mean one-quarter (1/4) inch of rain during a one hour period.
  2. The rain sensor shutoff device shall be of suitable grade of construction such that the device can withstand varying temperatures and inclement weather.
  3. The rain sensor shutoff device shall be so placed as to prevent the irrigation system from operating during the event of a significant rainfall.
  4. Any home using an underground irrigation or sprinkler system shall be metered in accordance with the provisions of Chapter 197-10.
- E. Board of Commissioners regulations. The Board of Commissioners of the Township of Long Beach is hereby empowered to impose more stringent water conservation restrictions during any water emergency declared by such Board of Commissioners or declared by the State of New Jersey Department of Environmental Protection and such regulations imposed by the Board of Commissioners may include prohibition of using the Long Beach Township water supply for, *inter alia* and without limitation the following purposes:
1. Sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground, ground covers, plant, vines, gardens, vegetables, flowers or any other vegetations.
  2. Washing of automobiles, trucks, trailers, buses, boats and other marine vessels or any other type of mobile equipment.
  3. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor services.
  4. The washing of outside dwellings and the washing of the inside and outside of office buildings and business establishments of any type.
  5. The washing and cleaning of any business or industrial equipment and machinery.
  6. Operation of any ornamental fountain or other structure making similar use of water.
- F. Any violation of the restrictions imposed by Sections A, B, D and E above shall upon conviction of a first offense be fined \$100.00 and for any subsequent offense shall be fined or imprisoned, in the discretion of the Judge of the Long Beach Township Municipal Court as provided in Section 1-17 of the **Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**, as amended.

#### **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 July 6, 2007 at 7:00 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 July 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 07-32C was duly adopted by the Board of Commissioners at their meeting held on Friday, July 20, 2007 at 4:00 p.m.

**Commissioner Palmer** stated this ordinance had been reviewed and slight changes had been made as authorized by Resolution 07-0720.01. He explained the changes and clarified the regulations.

#### **OPEN PUBLIC HEARING**

**Bob Monaco / Loveladies** asked additional questions regarding the changes made to Ordinance 07-32C. **Mayor Gove** read Resolution 07-0720.01 aloud, and **Katharine Shackleton, Esq.** explained the regulations regarding watering, sprinklers, and meters.

**Bob Irvine / Beach Haven Crest** asked how many of gallons of water were used by Township properties. **Commissioner Palmer** would check usage records for Mr. Irvine, and added that he hoped these conservation measures would reduce water consumption.

**CLOSE PUBLIC HEARING**

2. Resolution 07-0720.01: Amend Ordinance 07-32C and adopt as amended on Second Reading

**RESOLUTION 07-0720.01**

**AMENDING ON SECOND READING, AN ORDINANCE ENTITLED "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 197 REGULATES AND PERMITS THE USAGE OF WATER SUPPLIED BY THE TOWNSHIP WATER & SEWER DEPARTMENT.**

**WHEREAS**, Ordinance No. 07-32C entitled "An Ordinance Amending an Ordinance Amending and Ordinance entitled, Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" as the same in Chapter 197 regulates and permits the usage of Water supplied by the Township Water and Sewer Department was passed on first reading and adopted on first reading at a regular meeting of the Board of Commissioners held July 6, 2007; and

**WHEREAS**, After publication, comment was received by the Board of Commissioners of the Township of Long Beach at a regular Caucus Meeting held Wednesday July 18, 2007 from residents who were interested and concerned with the content of the above stated Ordinance; and

**WHEREAS**, the first concern was a possible lack of clarity between Chapter 197-12 paragraph A sub-paragraph 2 as potentially conflicting with Chapter 197-12 paragraph A sub-paragraph 4; and

**WHEREAS**, after consultation with the Township Solicitor it has been determined that a minor change in Chapter 197-12 paragraph 2 will make more clear and resolve any potential conflict; and

**WHEREAS**, The Board of Commissioners has determined to amend said paragraph 2 to read as follows:

2. Watering for outside uses except as herein below provided in sub-paragraph 4 shall not be permitted between the hours of 10:00 a.m. and 7: p.m.

; And

**WHEREAS**, counsel for Long Beach Township has advised the Board of Commissioners that this change is not a substantial change which requires republication and re-notification prior to final passage; and

**WHEREAS**, Public concern as to the installation of Water Meters on existing homes using an underground irrigation or sprinkler system of Water Meters would be difficult or impossible to enforce and would pose an undue and unwarranted cost on existing underground irrigation or sprinkler systems; and

**WHEREAS**, the board of Commissioners has considered the deletion of Chapter 197-12 d sub-paragraph 4; and

**WHEREAS**, The Board of Commissioners has discussed the deletion of that paragraph with the Solicitor for the Township of Long Beach enquiring whether that paragraph was a major change which would require republication prior to final passage; and

**WHEREAS**, the Solicitor of the Township of Long Beach has written an opinion that although it is a close question since the requirement contained in paragraph d sub-paragraph 4 is new requirement and one which, depending upon further use is not requisite for the purpose of the adoption of new Chapter 197-12; and

**WHEREAS**, the installation of Water Meters solely for underground sprinkling and irrigation systems has not been mandated by the State of New Jersey Department of Environmental Protection

**NOW THEREFORE**, be it resolved by the Board of Commissioners of the Township of Long Beach, a Municipal corporation of the State of New Jersey at a regular meeting held Friday July, 20, 2007 that Ordinance 07-32C entitled 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 197 regulates and permits the usage of Water supplied by the Township Water and Sewer Department" is hereby amended by the change in language in Chapter 197-12A2 to read as follows:

2. Watering for outside uses except as herein below provided in sub-paragraph 4 shall not be permitted between the hours of 10:00 a.m. and 7:00 p.m.

**BE IT FURTHER RESOLVED**, that Ordinance 07-32C entitled "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 197 regulates and permits the usage of Water supplied by the Township Water and Sewer Department" is further amended in Chapter 197-12 paragraph d sub-paragraph 4 by the elimination and deletion of sub-paragraph 4 which reads:

4. Any home using an underground irrigation or sprinkler system shall be metered in accordance with the provisions of Chapter 197-10;

**BE IT FURTHER RESOLVED**, that as amended Ordinance No. 07-32C entitled "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 197 regulates and permits the usage of Water supplied by the Township Water and Sewer Department" is hereby adopted on second reading and final passage.

Motion to approve Item 2:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

3. Second Reading Ordinance 07-33C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME PERTAINS IN CHAPTER 51 TO BEACHES AND IN CHAPTER 64, SECTION 17 PERTAINS TO WALKWAYS.**

Passed as on first reading at a regular meeting held on July 6, 2007 advertised in the BEACH HAVEN TIMES, issue of July 11, 2007.

**ORDINANCE 07-33C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME PERTAINS IN CHAPTER 51 TO BEACHES AND IN CHAPTER 64 SECTION 17 PERTAINS TO WALKWAYS. THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DO ORDAIN:**

**STATEMENT OF PURPOSE**

This Ordinance restricts the oceanfront lots which may have dune walkways; provides construction specifications and provides for registration of existing walkways.

**SECTION I**

Section 51-6 sub-paragraph B. of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and in lieu and instead thereof the following is adopted:

- B. No walkways or steps, or combination thereof, shall be approved or constructed to grant access to the beach on or across any lot, which has a boundary line or lot line within 75 feet of a public street, public alley or easement running in a generally easterly westerly direction and giving access to the open beach.

**SECTION II**

Section 64-17 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" sub-paragraph B. is hereby repealed and in lieu and instead thereof the following is adopted:

- B. Construction specification. After the effective date of this Ordinance all dune walkways shall be constructed of prefabricated rollaway decking, except as hereinafter provided in paragraph C. Such walkways shall extend over the complete dune area to the flat beach. The walkway shall not be greater than 4 feet in width. In addition to the prefabricated rollaway decking dune fencing shall be erected and placed on both sides of the walkway and shall extend the full length thereof, extending to dune fencing which runs parallel with the dune. The posts supporting the dune fencing erected on both sides of the walkway shall be placed no further apart than ten (10) feet on center. At the meeting point of the dune fencing erected on both sides of the walkway with the dune fencing running parallel with the dune a post shall be placed and both the walkway dune fencing and parallel dune fencing shall be securely nailed and fastened to such post. The placing of posts at the intersection of the walkway dune fencing and any fencing running parallel with the dune shall be accomplished only by Long Beach Township Public Employees. In order to effectuate proper connections between the walkway fencing and the parallel fencing the owner of the walkway shall schedule the time and date for the work to be done by Department of Public Works Employees.
- C. Any dune walkways which are required to be removed pursuant to the United States Army Corps of Engineers Beach Storm Damage Reduction Project may only be replaced pursuant to the construction standards hereinabove set forth in sub-paragraph B. and in compliance with any regulations adopted by the State of New Jersey Department of Environmental Protection and the United States Army Corps of Engineers in connection with such restoration and protection program.
- D. Any existing dune walkovers which are registered with the Building Department prior to 4:00 p.m. Friday August 24, 2007 may be maintained. Upon registration and inspection a certificate of compliance will be issued by the Construction Department permitting the property owner to continue the maintenance of such walkovers.
- E. Required Fees. All existing walkovers being registered on or before August 24, 2007 which are not shown in the Construction files of Long Beach Township shall be required to apply for and pay for the appropriate zoning and building permit as required by the Long Beach Township Construction Department.

**SECTION III**

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

**SECTION IV**

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 V**

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 July 6, 2007 at 7:00 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 July 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 07-33C was duly adopted by the Board of Commissioners at their meeting held on Friday, July 20, 2007 at 4:00 p.m.

**Mayor Gove** noted all dune walkovers must be registered with the Zoning Department no later than August 24<sup>th</sup> 2007. Only those structures would be eligible for replacement should the Beach Storm Protection Project be completed or after destruction due to the elements. All new requirements would become effective on July 26<sup>th</sup>.

**OPEN PUBLIC HEARING**

**Lou and Penny Tsoukas / Brant Beach**, oceanfront property owners, asked for additional details regarding dune walkover regulations. They stated they were not in favor of any dune walkovers in Long Beach Township due to erosion-related problems.

**Commissioner Palmer** supplied specific information on the regulations.

**Commissioner Bayard** explained that dune walkovers have been permitted in the past and advised dune fencing would be required in proximity to the walkover to stem erosion.

**Mayor Gove** asked Mr. & Mrs. Tsoukas to supply the Commissioners with specific addresses of problem areas so that they may look farther into the issue of pedestrian traffic on the dunes.

**Peter Trainor / North Beach Haven, Pat Kaletkowski / Brant Beach, Charlie Farrell / Loveladies, Karen Bogle / North Beach, Tom Heller / Brant Beach, and Bill Knarre / Brant Beach** joined the public comment agreeing that dune fencing adjacent to dune walkovers was needed, additional signs to warn people to stay off the dunes was necessary, and enforcement of local ordinances as related to trespassing on the dunes was essential.

**Peter Trainor / North Beach Haven** stated dune walkovers on Long Beach Township owned properties should not be permitted.

**CLOSE PUBLIC HEARING**

Motion to adopt Ordinance 07-33C on Second Reading:

Motion: Palmer                      Ayes: Bayard, Palmer, Gove

Second: Bayard                      Nays:

**ADOPTIONS, APPROVALS, SUPPORT, OPPOSITION**

- 4. Resolution 07-0720.02(a&b): Approve various changes to Water/Sewer accounts
  - a. Refund to various sewer accounts
  - b. Various changes to account billing/classifications

**RESOLUTION 07-0720.02(a)**

**WHEREAS**, the following Sewer accounts require refunds as the homeowners paid for services that were the responsibility of the Township of Long Beach; and

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

<b>BLOCK:</b>	<b>LOT:</b>	<b>ACCT. #</b>	<b>OWNER:</b>	<b>AMOUNT:</b>
6.13	7.02	1801-0	Carl & Lisa Valenti	\$ 219.95
8.08	11	2662-0	Steven & Halina Kowalski	144.45

**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 issue these refunds.

**RESOLUTION 06-0720.02(b)**

**WHEREAS**, the following Water/Sewer accounts require changes in their 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:

<b>Blk:</b>	<b>Lot:</b>	<b>Acct:</b>	<b>Year:</b>	<b>Cancel/change:</b>	<b>Amount:</b>
6.08	12	1745-0 Sewer	2007	To Stand-by	\$ 80.00
10.31	13	3228-0 Sewer	2007	Remove Gar.Disp.	173.00
11.19	16	3615-0 Water	2007	To Stand-by	124.00
12.16	7	4102-0 Sewer	2007	Change 2 to 1 family	204.50
13.15	7	4479-0 Water	2007	To Stand-by	327.00
15.48	8	5384-0 Water	2007	To Stand-by	116.00
20.160	2	7595-0 Water	2007	To Stand-by	104.00

**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 these changes.

- 5. Resolution 07-0720.03: Authorize a cut-off date regarding receipt of background check applications for seasonal employees

**Mayor Gove** stated July 21<sup>st</sup> was the deadline and those applications received subsequent to July 21<sup>st</sup> could not be completed by the State Police.

**RESOLUTION 07-0720.03**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach, pursuant to Ordinance 07-19C, hereby authorizes a cut-off date of July 21<sup>st</sup> 2007 for the submission of Long Beach Township seasonal employee New Jersey State Police Background Investigation applications as those applications received subsequent to July 21<sup>st</sup> cannot be processed, completed and returned by the State Police before the conclusion of the 2007 summer season.

6. Resolution 07-0720.04: Approve personnel actions  
Mayor Gove noted the various actions.

**RESOLUTION 07-0720.04**

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

**BEACH PATROL**

Hire the following Seasonal Beach Badge Program Seller/Checkers at the rate of \$7.75 per hour to be paid from the Beach Badge Salary & Wage effective retro-active to July 14, 2007.

Candice Barbara

Michael Klimowicz

Rescind the hiring action on Resolution 07-0615.04 for Adam Lambert effective July 12, 2007.

Change the following Seasonal Beach Badge Program Seller/Checkers rate of pay to \$7.75 per day to be paid from the Beach Badge Salary & Wage effective retro-active to July 7, 2007.

Nick Cragg

Approve a temporary paid leave of absence for Philip Lloyd at 5 days per week for 3 weeks (July 16 – August 3).

Change the following Seasonal Lifeguards' rate of pay to \$73.34 per day to be paid from the Lifeguard Salary & Wage effective retro-active to June 17, 2007.

Laura Branum

Maegin Wessler

**POLICE**

Acknowledge the end of a paid military leave of absence and return to work for Michael Allen effective retro-active to June 29, 2007.

Accept the resignation tendered by Edward Murphy and approve his requested termination of employment effective retro-active to July 8, 2007.

Accept and approve a PFRS Ordinary Disability Retirement for Scott Farner effective retro-active to February 1, 2007.

**PUBLIC WORKS**

Acknowledge the end of a paid medical leave of absence and return to work for Timothy Kearney effective retro-active to July 16, 2007.

Acknowledge use of a Family Medical Leave Act (FMLA) based on physician's certification effective retro-active from April 12, 2007 thru July 12, 2007 for Suzette Meoni and approve an unpaid Medical Leave of Absence effective retro-active to July 13, 2007. A determination of her 2007 annual leave shall be made upon her return to employment.

7. Resolution 07-0720.05: Authorize signatories for various documents with Verizon Wireless

**RESOLUTION 07-0720.05**

**WHEREAS**, Verizon Wireless has requested an Authorized Contact be designated and granted authority to act on behalf of Long Beach Township for any and all matters, including access to the account, the ability to purchase equipment, add lines of service, cancel service, make changes to the account, and to sign customer service orders for government billed lines of cellular and paging service; and

**WHEREAS**, it is appropriate that Sharon Bongiovani and Deputy Chief Leslie Houston of the Township of Long Beach be designated as the Authorized Contacts for Verizon Wireless account documents.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at regular meeting held Friday, July 20, 2007 that Sharon Bongiovani and Deputy Chief Leslie Houston be and they are hereby named as the Authorized Contacts and designated as signatories regarding Verizon Wireless Accounts for the Township of Long Beach.

8. Resolution 07-0720.06(a-c): Support / Oppose various legislation

- a. Support the restoration of PARIS grant funding for County and Municipal Governments
- b. Oppose the proposed sale of state assets by the Corzine Administration
- c. Oppose Assembly Bill A-4393 amending the Local Public Contracts Law

**RESOLUTION 07-0720.06(a)**

**RESOLUTION OF TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY SUPPORTING THE CONTINUED FUNDING OF THE PARIS GRANTS PROGRAM IN ACCORDANCE WITH P.L. 2003, CHAPTER 117, SECTIONS 38 AND 39**

**WHEREAS**, N.J.A.C. 15-3.7 in accordance with P.L. 2003, Chapter 117, Sections 38 and 39, established the New Jersey Public Records Preservation Account for the support of county and municipal government efforts in the management, storage and preservation of public records; and

**WHEREAS**, P.L., Chapter 117, Sections 38 and 39 has dedicated 40 % of all recording fees collected by county clerks and registers deposited in this account for distribution to county and municipal government to ensure a sound foundation is laid for records management throughout county and municipal government; and

**WHEREAS**, through unprecedented cooperation between New Jersey's PARIS Grants Program, all of the New Jersey's counties and their constituent municipalities, a total of 21 counties and 315 municipalities will be eligible to apply for FY 2008 funds for Program Year 2008-2009; and

**WHEREAS**, this cooperation between New Jersey's PARIS Grants Program, the 21 counties, and their constituent municipalities has created cost efficiencies in excess of \$20,000,000 for county and municipal government; and

**WHEREAS**, the FY 2008 budget reduced PARIS Grants Funding by an amount of \$10,000,000; and

**WHEREAS**, estimated requests from eligible applicants are greater than \$40,000,000 for PARIS projects funded through the FY08 budget; and

**WHEREAS**, The PARIS Grants Program is an example of a government program instituting permanent positive change for our local governments and our citizens.

**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:

1. The Board of Commissioners of the Township of Long Beach urges the Legislature and Governor Corzine to restore full funding for County and Municipal PARIS grants.
2. The Board of Commissioners of the Township of Long Beach appeals to the Legislature and Governor Corzine to protect this crucial, fundamental, viable program for County and Municipal PARIS grants.
3. That the secretary is directed to forward a certified copy of this resolution to the following:
  - a. Governor Corzine
  - b. District Legislators
  - c. Ocean County Clerk
  - d. Nina Mitchell-Wells, Secretary of State, State of New Jersey
  - e. Karl Niederer, Director, NJ Div. of Archives & Records Management
  - f. New Jersey League of Municipalities
  - g. New Jersey Association of Counties
  - h. 9<sup>th</sup>, 10<sup>th</sup> and 30<sup>th</sup> Legislative Districts
  - i. Municipal Clerks Association of New Jersey

**RESOLUTION 07-0720.06(b)**

**WHEREAS**, a great number of residents use New Jersey's toll roads to commute to work on a daily basis and many businesses rely on these major transportation arteries to receive and deliver goods and services; and

**WHEREAS**, New Jersey's high cost of living and even higher property taxes have placed such a financial strain on taxpayers and business owners that the state is fast becoming an unaffordable place for them to live and work; and

**WHEREAS**, Governor Jon S. Corzine and key legislative leaders are pushing a plan to sell New Jersey assets, starting most likely with the toll revenues generated by the New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway; and

**WHEREAS**, language was included in the FY 2008 state budget authorizing the Corzine Administration to spend whatever amount of money it deems necessary to prepare for the lease or monetization of state assets; and

**WHEREAS**, the Corzine Administration has publicly stated that specific details of the asset sale not be disclosed to the public until after the November legislative elections, but it has confirmed the revenue it would produce is needed to balance a projected multi-billion dollar hole in the FY 2009 state budget; and

**WHEREAS**, the Corzine Administration and key legislative leaders are examining the possibility of creating a new public agency that would sell billions of dollars of bonds to private investors backed by future toll road revenue; and

**WHEREAS**, administration and legislative officials have confirmed annual toll increases over several decades will be necessary to make the bonds attractive to private investors; and

**WHEREAS**, in the past six years state debt has more than doubled from \$15 billion to \$37 billion, and the asset sale would instantly add billions of dollars to the debt load and intensify the pressure to raise taxes; and

**WHEREAS**, experience has shown that whenever tolls are increased, more trucks choose to use state and local roadways to save the expense; and

**WHEREAS**, increased truck traffic will accelerate the deterioration of state and local roadways resulting in more traffic congestion, and create a safety hazard to motorists and pedestrians alike.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach opposes any plan to sell, lease, or monetize state assets, particularly state toll roads and the revenue they produce, because it will make New Jersey more unaffordable for residents and business owners, jeopardize the fiscal integrity of the state, and make our roads less safe; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the following:

1. Governor Jon S. Corzine
2. Assembly Speaker Joseph Roberts
3. Senate President Richard J. Codey
4. Senate Minority Leader Leonard Lance
5. Assembly Minority Leader Alex DeCroce
6. 9<sup>th</sup>, 10<sup>th</sup> and 30<sup>th</sup> Legislative Districts

**RESOLUTION 07-0720.06(c)**

**RESOLUTION OF TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY  
OPPOSING ASSEMBLY BILL A-4393 AMENDING THE LOCAL PUBLIC CONTRACTS LAW**

**WHEREAS**, Assembly Bill A-4393 requires contracting units requesting bids for construction projects to advertise their projected cost estimate range and requires that the projected cost estimate range be attested to by the person preparing the advertisement for bid 120 days prior to the bid due date; and

**WHEREAS**, this bill is unnecessary legislation that will adversely impact an essential function of local government and create an additional and unnecessary level of bureaucracy on the already cumbersome Local Public Contracts Law and numerous other statutes (i.e. New Jersey Business Registration Certificate, Public Works Contractors Registration, "Lazy Bidders Law", Affirmative Action, Prompt Payment, and Pay to Play) affecting the public contracting process; and

**WHEREAS**, this bill undermines the efficiency not only of procurement, but general government as well, particularly when there may be a need to perform expedited procurement to protect the health and safety of the public; and

**WHEREAS**, this bill will likely diminish full, fair, open competition among potential vendors as contractors would have little incentive to provide a bid lower than the projected costs; and

**WHEREAS**, this bill restrains the discretion of the governing body in rejecting all bids for any of the six reasons currently under N.J.S.A. 40A:11-13.2; and

**WHEREAS**, this bill contains ambiguous language and open-ended criteria that could lead to protracted disputes and even litigation; and

**WHEREAS**, this bill ignores provisions of N.J.S.A.40A:11-1 et. seq. which have been in place since 1971 and have enabled the efficient, effective and responsible construction of public facilities; and

**WHEREAS**, this bill replaces a responsible competitive bidding process that is driven by the marketplace with a new process tied to estimated costs.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, hereby opposes the passage of A-4393 for the aforesaid reasons; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk shall forward certified copies of this resolution to the following:

1. Governor Jon S. Corzine
2. New Jersey State Legislature
3. New Jersey State League of Municipalities
4. New Jersey Conference of Mayors
5. Ocean County Municipalities
6. 9<sup>th</sup>, 10<sup>th</sup> and 30<sup>th</sup> Legislative Districts
7. Division of Local Government Services
8. New Jersey Governmental Purchasing Association

Motion to approve Items 4 - 8:

Motion: Palmer                      Ayes: Bayard, Palmer, Gove

Second: Bayard                      Nays:

**Commissioner Bayard** voted "No" on the rescission of a hiring action and a leave of absence, both for the Beach Patrol, on Resolution 07-0720.04. He voted affirmatively on all other items.

#### **CONTRACTS AND AWARDS**

9. Resolution 07-0720.07: Approve an Interlocal Agreement and authorize payment to the Borough of Harvey Cedars for the shared cost of paving William St.

#### **RESOLUTION 07-0720.07**

### **A RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE BOROUGH OF HARVEY CEDARS FOR THE SHARED COST OF PAVING WILLIAM STREET.**

**WHEREAS**, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. authorizes two or more municipalities to enter into a mutual service agreement for the provision of certain governmental services; 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; and

**WHEREAS**, William Street borders Long Beach Township and the Borough of Harvey Cedars and both municipalities use this street to provide various public services to its property owners; and

**WHEREAS**, it is deemed to be in the public interest for the Township of Long Beach to execute such a agreement with the Borough of Harvey Cedars to share the cost of paving William Street, with the cost to Long Beach Township not to exceed Thirty Five Thousand Dollars (\$35,000.00) in accordance with the terms set forth in the said Agreement; and

**WHEREAS**, the Borough of Harvey Cedars has adopted Resolution 2007-118 naming themselves as the Lead Agency and authorizing the execution of an Interlocal Agreement for the shared cost of paving William Street; and the Township of Long Beach has adopted Ordinance 07-27 allocating for the payment of the associated costs.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute an Interlocal Government Services Agreement, a copy of which is attached hereto, for the shared cost of paving William Street in an amount not to exceed Thirty Five Thousand Dollars (\$35,000.00); and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon adoption.

Motion to approve Item 9:

Motion: Palmer                      Ayes: Bayard, Palmer, Gove

Second: Bayard                      Nays:

#### **FINANCIAL APPROVALS**

10. Resolution 07-0720.08: Approve the release of a Maintenance Bond

#### **RESOLUTION 07-0720.08**

**WHEREAS**, the Township of Long Beach, pursuant to Resolution 05-0708.09, authorized the release of a Performance Bond in the amount of Sixty Three Thousand Three Hundred Eighty Eight Dollars (\$63,388.00) plus accrued interest, and the retention of a Maintenance Bond in the amount of Eight Thousand Six Hundred Forty Three Dollars and Seventy Five Cents (\$8,643.75) for Subdivision No. LUB-24-03-T-F, Block 4.29, Lots 5 & 6, North Beach Haven, NJ.

**WHEREAS**, the Municipal Engineer of the Township of Long Beach inspected Subdivision No. LUB-24-03-T-F, Block 4.29, Lots 5 & 6, North Beach Haven, NJ on July 11, 2007 and has recommended the release of the Maintenance Bond in the amount of Eight Thousand Six Hundred Forty Three Dollars and Seventy Five Cents (\$8,643.75) to Callan and Moeller Construction, Inc.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners authorizes the release, as per the certification and recommendation of the Municipal Engineer, of the Maintenance Bond in the amount of Eight Thousand Six Hundred Forty Three Dollars and Seventy Five Cents (\$8,643.75) plus accrued interest.

11. Resolution 07-0720.09: Authorize reimbursement of a tax overpayment

**RESOLUTION 07-0720.09**

**A RESOLUTION AUTHORIZING REIMBURSEMENT OF EXCESS REAL ESTATE TAXES PAID**

**WHEREAS**, due to a reduction in the assessed value of Block 14.07, Lot 28 located on W. Jeanette Ave, an overpayment has been created and the property owner is due reimbursement for taxes paid as set forth below:

<b><u>Block / Lot</u></b>	<b><u>Reason</u></b>	<b><u>Name</u></b>	<b><u>Amount</u></b>
14.07 / 28	Reduced Assessmt	Cyzner, Irving	\$ 313.96

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean and State of New Jersey that the overpayment as set forth in above totaling \$313.96 shall be reimbursed and the Tax Collector is directed to make the appropriate adjustment to the record.

12. Resolution 07-0720.10: Approve Bills & Payroll

Bills in the amount of: \$945,089.00  
Payrolls in the amount of: \$637,199.00

**RESOLUTION 07-0720.10**

**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 \$637,199.00.

**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 \$945,089.00 be and the same are hereby authorized to be paid on July 20, 2007.

2. The said approved payroll amounting to the sum of \$637,199.00 be and the same are hereby authorized to be paid on July 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 Items 10 - 12:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

**COMMISSIONERS' REPORTS**

Commissioner Bayard had no comments.

Commissioner Palmer had no comments.

Mayor Gove announced the next meetings of the Board of Commissioners and the Land Use Board, and the Bike Rodeo that would take place on July 22<sup>nd</sup> at 10:00 a.m.

**OPEN PUBLIC SESSION**

**Arnold Katz / Beach Haven Crest** asked that bicycle officers conduct foot patrol on the beaches during the afternoon hours.

**Bill Knarre / Brant Beach** thanked the municipal departments that assisted in the preparations for the free concert sponsored by the Brant Beach Homeowner's Association.

**CLOSE PUBLIC SESSION**

Motion for adjournment at: 4:45

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

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Bonnie M. Leonetti, RMC, CMC  
Municipal Clerk

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DiAnne C. Gove, Mayor

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Robert A. Palmer, Comm.

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Ralph H. Bayard, Comm.