

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS JANUARY 8, 2010

Flag Salute

Meeting came to order: 4:04 p.m.

Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner William P. Knarre PRESENT

Also in attendance: Bonnie M. Leonetti, Municipal Clerk, Administrator
Lynda J. Wells, Deputy 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; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on December 30th 2009; 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: Knarre Ayes: Knarre, Bayard, Mancini
Second: Bayard Nays:

AGENDA

ORDINANCES/PUBLIC HEARINGS

1. First Reading Ordinance 10-01C: **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 51-12 PERTAINS TO THE MAINTENANCE OF BEACH DUNE AREA.**

Bonnie M. Leonetti, Municipal Clerk, Administrator explained this ordinance clarified and tightened property owners' requirements for the maintenance of the beach dune area and provided an exception to the requirement for property owners to maintain the beach dune area where they had already executed their deed of easement for access.

Motion to approve Ordinance 10-01C on First Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini
Second: Bayard Nays:

2. First Reading Ordinance 10-02C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" CREATING A NEW CHAPTER 22 ENTITLED PERSONNEL POLICIES**

Bonnie M. Leonetti, Municipal Clerk, Administrator stated this ordinance created a new chapter in the Code of the Township of Long Beach in compliance with Federal and State Laws, and established Township Policy in connection with those laws. It would eventually incorporate all policies formerly approved by Resolution or various Ordinances to encompass all regulations affecting Township employees.

Motion to approve Ordinance 10-02C on First Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini
Second: Bayard Nays:

3. First Reading Ordinance 10-03C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" BY THE ADDITION OF A NEW CHAPTER, CHAPTER 80 ENTITLED "CHEMICAL APPLICATIONS HAVING THE POTENTIAL FOR ADVERSE IMPACT ON THE WATERS SURROUNDING LONG BEACH TOWNSHIP AND THE NATURAL RESOURCES OF LONG BEACH ISLAND."**

Bonnie M. Leonetti, Municipal Clerk, Administrator advised this ordinance created a new chapter in the Code regulating the application of chemicals which may adversely impact the waters surrounding Long Beach Township. The intent of this Ordinance was to regulate and control applications of chemicals, particularly fertilizers, which may be washed into or carried into the waters surrounding Long Beach Township as a result of rain runoff and snow melt. This specific Ordinance addressed particularly fertilizers and especially those which contain high levels of phosphorous.

Motion to approve Ordinance 10-03C on First Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini
Second: Bayard Nays:

ADOPTIONS, APPROVALS, SUPPORT AND OPPOSITION

4. Resolution 10-0108.01(a&b): Support various amendments to the Open Public Records Act
 - a. Exclude e-mail addresses from public records
 - b. Clarify specific fees for various types of public records

Bonnie M. Leonetti, Municipal Clerk, Administrator noted this applied to records produced electronically too.

RESOLUTION 10-0108.01(a)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, URGING LEGISLATION TO AMEND THE OPEN PUBLIC RECORDS ACT

WHEREAS, the Superior Court of New Jersey, in Grier v. Plumstead Township, has interpreted the Open Public Records Act to require disclosure of email addresses of citizens who have provided the same to the Borough solely for the purpose of receiving a public service "alert"; and

WHEREAS, the Board of Commissioners of the Township of Long Beach find that the use of email to alert the citizens of the Township to emergent conditions is an important public service; and

WHEREAS, the citizens who sign up for the service do so in expectation that the email address provided will not be distributed or used for any other purpose; and

WHEREAS, the release of these addresses would have a chilling effect on public participation in the program.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Legislature be urged and encouraged to immediately adopt remedial legislation amending the Open Public Records Act to include "email addresses of individuals provided to the governmental entity for the purpose of receiving emergency notifications" among the list of items excluded from public records subject to disclosure; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to our representing Legislators in the State Assembly and State Senate and a copy be sent to every municipality in New Jersey urging them to adopt a similar resolution.

RESOLUTION 10-0108.01(b)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, URGING THE 9th DISTRICT LEGISLATORS TO SPONSOR LEGISLATION TO AMEND THE OPEN PUBLIC RECORDS ACT, N.J.S.A. 47:1A-1, ET SEQ.

WHEREAS, N.J.S.A. 47:1A-1, et seq., known as the Open Public Records Act, requires municipal clerks as custodian of records to provide access to public records when there is a request from the public; and

WHEREAS, the aforementioned statute permits certain fees to be charged, however, the law is unclear as to whether or not fees may be charged for e-mails, faxes and other electronic media; and

WHEREAS, the Government Records Council bulletin suggests that municipalities may not charge fees for items requested by fax, for example; and

WHEREAS, the Board of Commissioners of the Township of Long Beach encourages the free and open exchange of information to the public, it becomes costly and time consuming and therefore an expense to the public; and

WHEREAS, the Board of Commissioners of the Township of Long Beach requests that the 9th District Legislators amend the current legislation to be more specific about fees that can be charged for the various methods and types of information.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, that we hereby urge the 9th District Legislators to sponsor legislation to amend the Open Public Records Act, N.J.S.A. 47:1A-1, et seq.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a copy of this resolution to the following:

- A. 9th District Legislators
 - B. Ocean County Municipalities
 - C. Government Records Council
5. Resolution 10-0108.02: Oppose proposed regulatory reductions in the sea Scallop fishing limits

Bonnie M. Leonetti, Municipal Clerk, Administrator explained this was in support of the Barnegat Light fishing industry.

RESOLUTION 10-0108.02

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING PROPOSED REGULATORY REDUCTIONS IN THE SEA SCALLOP FISHING LIMITS AFFECTING THE ECONOMY AND COMMERCE OF THE BOROUGH OF BARNEGAT LIGHT.

WHEREAS, the Borough of Barnegat Light is a waterfront community along the Atlantic Ocean and Barnegat Bay, and a large part of the local economy and the commerce of the citizens of the Borough of Barnegat Light relates to jobs and income generated by the commercial fishing industry; and

WHEREAS, previous federal regulations which restrict the commercial fisheries have had a substantial negative effect on the local economy of Barnegat Light, Long Beach Island, Ocean County, and much of the State of New Jersey; and

WHEREAS, the Atlantic Sea Scallop is an abundant species that is fished in a sustainable manner, there being over 300 million pounds of harvestable-sized scallops in the fishery, which would support an annual take of 65 million pounds, according to Federal scientists; and

WHEREAS, the New England Management Council has recently recommended new federal regulations which restrict and target the commercial sea scallop fisheries to limit each vessel to only four access area trips and 29 days at sea, which will result in an anticipated catch of only 41 million pounds per year; and

WHEREAS, the sea scallop industry has supported a harvesting limit of no more than 47 million pounds per year, which is also a conservative, precautionary and sustainable level of harvest; and

WHEREAS, the New England Management Council action fails to balance the need for the conservation of scallop stocks with the economic and social health of the sea scallop industry, and it will cause unnecessary damage to our local, regional, state and national economy; the difference of 6 million pounds of scallops representing a loss of well over \$40 million to scallopers and hundreds of millions of dollars more to those who are supported by this important industry, during these troubled economic times; and

WHEREAS, the rapid and unnecessary reduction in scallops available to the U.S. market will undoubtedly have a long-term negative effect on the scallop industry in general and a devastating affect on the local economy; and

WHEREAS, it is the desire of the Board of Commissioners of the Township of Long Beach to voice its most strenuous opposition to the new regulatory limitations being imposed upon the Atlantic Sea Scallop industry.

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. That the National Marine Fisheries Service is petitioned to take immediate action to restore the 6 million pounds in total catch of the Atlantic Sea Scallops for the year 2010.

LABORER

David Bavuso	26,910.00
Jack Bazel	39,271.13
Matthew Beningaso	30,152.66
Robert Davis	38,383.43
Joseph Fleck	30,152.66
Darron Garabo	26,910.00
Timothy Kearney	33,540.29
Suzette Lohr	33,540.29
George Rhubarb	33,540.29

BUILDING MAINTENANCE WORKER

Eleanor Muhsgnug	33,540.29
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8. Resolution 10-0108.05: Authorize the Deputy Municipal Clerk to advertise for bids:
 - (1) 2007 or newer Roll-off Container Truck & Hoist Generator inspection, service, maintenance and repairs

RESOLUTION 10-0108.05

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Deputy Municipal Clerk be and she is hereby authorized to advertise for bids for the following:

Vehicles

- One (1) 2007 or newer Roll-off Container Truck & Hoist or equivalent Generator inspection, service, maintenance and repairs

9. Resolution 10-0108.06(a&b): Authorize various Ocean County Tourism applications:
 - a. Mayor's Cup Tournament: Don Myers
 - b. Waterfest: Sharon Bongiovani and Debra Thompson

RESOLUTION 10-0108.06(a)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Donald Myers, Long Beach Township Beach Supervisor, be and he hereby is authorized and directed to apply for the 2010 Ocean County Tourism Annual Long Beach Island Lifeguard in Training Tournament Grant.

RESOLUTION 10-0108.06(b)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Sharon Bongiovani and/or Debra Thompson be and they hereby are authorized and directed to apply for the 2010 Ocean County Tourism Long Beach Township Annual Waterfest Grant.

10. Resolution 10-0108.07: Appoint members of the 2010 Community Emergency Response Team for Long Beach Island

RESOLUTION 10-0108.07

A RESOLUTION AUTHORIZING AND APPOINTING AN ISLAND-WIDE COMMUNITY EMERGENCY RESPONSE TEAM (CERT)

WHEREAS, the Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area and trains team members in basic disaster response skills, such as fire safety, light search and rescue, team organization and disaster medical operations; and

WHEREAS, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help and also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community; and

WHEREAS, the Township of Long Beach deems it a benefit to the entire community to prepare citizens to care for themselves during a disaster when services may not be adequate; and

WHEREAS, the Township of Long Beach endorses a CERT team to be formed consisting of volunteers from each municipality on Long Beach Island.

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

1. The Board of Commissioners hereby authorizes and approves the formation of an island-wide Community Emergency Response Team (CERT) consisting of volunteer members from the Township of Long Beach, the Borough of Barnegat Light, the Borough of Harvey Cedars, the Borough of Surf City, the Borough of Ship Bottom and the Borough of Beach Haven.
2. The following residents from the Township of Long Beach are hereby appointed Community Emergency Response Team members for the island-wide CERT team:
 - Ken Martell
 - Ron Fella
 - Peter Maschal
 - Alice Howarth
 - Bobbie Epstein
 - Mimi Petka
 - Rosemary Hirsekorn
 - Richard Stockton
3. The Joint Insurance Fund has approved insurance coverage for each team member through their respective municipality.
4. Certified copies of this resolution shall be forwarded to each CERT membership municipality.

Motion to approve Items 4 - 10:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

11. Resolution 10-0108.08: Award a contract for emergency repairs to a water Main located at 127th Street & Long Beach Blvd.:
Shore Connection, Inc.: \$9,331.43

RESOLUTION 10-0108.08

RESOLUTION AUTHORIZING EMERGENCY REPAIRS WITHOUT PUBLIC BIDDING FOR A WATER MAIN REPAIR LOCATED AT 127th STREET AND LONG BEACH BOULEVARD IN THE DUNES SECTION OF LONG BEACH TOWNSHIP

WHEREAS, on January 3RD 2010 it was determined by the Public Works Deputy Department Head the Water Treatment Plant Operator that a water main leak at 127th Street and Long Beach Boulevard in the Dunes section of Long Beach Township had occurred and was located under a twelve inch concrete section of the Ocean County road that was not accessible to the Long Beach Township Public Works laborers; and

WHEREAS, the Commissioner of the Long Beach Township Department of Public Works and Public Property and the Deputy Municipal Department Head determined that, pursuant to N.J.S.A. 40A:11-6, an emergency situation existed due to the above described condition; and

WHEREAS, the Deputy Municipal Department Head contacted Haskell Site Work, LLC and Shore Connection, Inc. in a effort to obtain quotations for the necessary repairs; and

WHEREAS, Haskell Site Work, LLC did not respond to the request for a quotation, and due to the urgent nature of the repairs required, the Board of Commissioners found that the employment of Shore Connection, Inc., who had responded and was able to make immediate emergency repairs, was prudent and proper.

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 January 8, 2010, that an emergency existed regarding the water main leak at 127th Street and Long Beach Boulevard in the Dunes section of Long Beach Township located under a twelve inch concrete section of the Ocean County road, this finding being based upon written certification of the Public Works Deputy Municipal Department Head; and

BE IT FURTHER RESOLVED, a contract is hereby awarded to Shore Connection, Inc., 304 Forge Road, Unit 10, West Creek, NJ 08092 in the amount of Nine Thousand Three Hundred Thirty One Dollars and Forty Three Cents (\$9,331.43), to provide the above-described emergency repairs.

12. Resolution 10-0108.09: Approve an Interlocal Agreement: Ocean County
Schedule "C" 2010:
Roads: \$20,000.00, Engineering: \$5,000.00

Bonnie M. Leonetti, Municipal Clerk, Administrator noted the allotments would increase as the year progressed, with these amounts serving to carry the Township through the Temporary Budget period.

RESOLUTION 10-0108.09

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING EXECUTION OF A INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF OCEAN FOR VARIOUS SERVICES UNDER SCHEDULE C

WHEREAS, the Interlocal Services Act, N.J.S.A.40:8a-1et seq. authorized the Township of Long Beach to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, the Interlocal Services Act, N.J.S.A.40:8a-1et seq. requires such contracts be authorized by resolution of the Governing Body; and

WHEREAS, the County of Ocean has created and established a program to assist municipalities and governmental agencies in the repair and maintenance of municipal streets and property in addition to providing certain materials and supplies in connection therewith; and

WHEREAS, the governing body of the Township of Long Beach has requested the County to provide certain various services on certain municipal streets and property within the municipality at a cost not to exceed \$25,000.00; and

WHEREAS, the Township of Long Beach wishes to enter into an agreement with the County of Ocean for the provision of services, materials, and equipment set forth in Schedule "C" attached hereto.

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

1. The Commissioner of Public Works and Clerk of the Township of Long Beach are hereby authorized and directed to enter into and execute an Intergovernmental Agreement with the County of Ocean in accordance with the provisions of the law to include \$20,000.00 for the Road Department and \$5,000.00 for the Engineering Department for various engineering services for traffic signals and sign installation.
2. A copy of this Agreement shall be kept on file and be available for public inspection at the Office of the Township Clerk.
3. This Agreement shall take effect upon full execution by the parties and shall remain in full force and effect through December 31, 2010. Sufficient funds have been appropriated in the 2010 Temporary Municipal Budget and are subject to amendment at such time the 2010 Municipal Budget is adopted. Appropriated funds will be available for this purpose in the municipal budget under Schedule "C" Other Expenses and through an adopted bonding ordinance.
4. A certified copy of this resolution shall be forwarded to:
 - A. Clerk of the Ocean County Board of Chosen Freeholders
 - B. Ocean County Engineering Department
 - C. Ocean County Department of Finance

13. Resolution 10-0108.10(a&b): Approve various change orders:
- a. Mathis Construction: North Beach Pump Station \$1,050.00
 - b. Conti-Haskell Joint Venture, LLC:
EIT Sanitary Sewer Project #S340023-01: \$32,870.44

RESOLUTION 10-0108.10(a)

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE NORTH BEACH PUMP STATION PROJECT IN THE TOWNSHIP OF LONG BEACH

WHEREAS, N.J.A.C. 5:30-11.9 et seq. provides for a procedure wherein a contract previously awarded may be increased more than 20%; and

WHEREAS, Mathis Construction was awarded a contract for upgrades to the North Beach Sanitary Sewer Pump Station in the Township of Long Beach in an amount not to exceed Ninety Two Thousand Six Hundred Seventy Nine Dollars and Twenty Cents (\$92,679.20) as per bid received April 14, 2009, and as per Resolution 09-0417.08; and

WHEREAS, based on the actual project, changes to the scope of the project resulting in unexpected additional costs were incurred which exceeded 20% of the original contract; and

WHEREAS, those changes resulted in the following Change Orders:

- Change Order #1: \$29,272.83 approved pursuant to Resolution 09-0710.16(a)
- Change Order #2: \$16,433.94 approved pursuant to Resolution 09-0821.08

Said detailed Certification contains all the facts associated with these Change Orders in accordance with state statutes and are attached to the corresponding resolutions and certified by the Municipal Engineer; and

WHEREAS, the final paving quantity and additional traffic officer fees have resulted in Change Order #3 which exceeds 20% of the original contract and has been approved and certified by the Municipal Engineer and the Public Works Deputy Municipal Department Head. Said detailed Certification contains all the facts associated with this Change Order in accordance with state statutes and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 8th day of January 2010 that Mathis Construction, 1510 Route 539, Suite 1, Little Egg Harbor, NJ 08087 be and is hereby awarded Change Order #3 not to exceed One Thousand Fifty Dollars (\$1,050.00) for payment of the additional work required to complete the upgrades to the North Beach Sanitary Sewer Pump Station; and

BE IT FURTHER RESOLVED by the Board of Commissioners that the Municipal Clerk is hereby directed to have published in the official newspaper at least once, a notice indicating the amount awarded to Mathis Construction and a brief description of why it was necessary to expend such additional funds; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to maintain a copy of said advertisement for public inspection.

RESOLUTION 10-0108.10(b)

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE SANITARY SEWER SYSTEM IMPROVEMENTS PROJECT EIT #S340023-01 IN THE TOWNSHIP OF LONG BEACH

WHEREAS, N.J.A.C. 5:30-11.9 et seq. provides for a procedure wherein a contract previously awarded may be increased more than 20%; and

WHEREAS, Conti/Haskell Joint Venture was awarded a contract for the 2008 Sanitary Sewer System Improvement Project in the Township of Long Beach EIT #S340023-01 in the amount of Nine Hundred Thirty Seven Thousand Five Hundred Forty Five Dollars (\$937,545.00) as per Resolutions 08-1205.06(b) and 09-0320.06(b); and

WHEREAS, during the installation various unknown and unanticipated problems were encountered causing changes to the scope of the project resulting in unexpected additional costs; and

WHEREAS, these changes resulted in the following change orders:

- Change Order #1 \$ 23,000.00 approved pursuant to Resolution 09-0403.08(a)
- Change Order #2 \$ 41,906.76 approved pursuant to Resolution 09-0501.11(c)
- Change Order #3: \$ 72,214.38 approved pursuant to Resolution 09-0605.10
- Change Order #4: \$ 3,750.00 approved pursuant to Resolution 09-0605.10
- Change Order #5: \$ 15,362.40 approved pursuant to Resolution 09-0605.10
- Change Order #6: \$ 52,015.87 approved pursuant to Resolution 09-0710.16(b)
- Change Order #7: \$351,215.60 approved pursuant to Resolution 09-0904.08(b)

Said detailed Certification contains all the facts associated with these Change Orders in accordance with state statutes and are attached to the corresponding resolutions and certified by the Municipal Engineer; and

WHEREAS, the unanticipated, unforeseen deteriorated condition of valves and water service at 23rd Street; adjustments to the manhole at 77th Street; and service to the deteriorated storm drainage system at 78th & 79th Streets has resulted in Change Order #8 which exceeds 20% of the original contract and has been approved and certified by the Project Engineer. Said detailed Certification contains all the facts associated with this Change Order in accordance with state statutes and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 8th day of January 2010 that Conti/Haskell Joint Venture, 123 Bartlett Avenue, West Creek, NJ 08092 be and is hereby awarded Change Order #8 in an amount not to exceed Thirty Two Thousand Eight Hundred Seventy Dollars and Forty Four Cents (\$32,870.44), for payment of the work required to complete the Sanitary Sewer System Improvement Project in the Township of Long Beach EIT #S340023-01; and

BE IT FURTHER RESOLVED by the Board of Commissioners that the Municipal Clerk is hereby directed to have published in the official newspaper at least once, a notice indicating the amount awarded

to Conti/Haskell Joint Venture and a brief description of why it was necessary to expend such additional funds; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to maintain a copy of said advertisement for public inspection.

Motion to approve Items 11 - 13:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

14. Resolution 10-0108.11:Accept Performance Bond:LUB10-09, Blk 18.08 Lots 5 & 5.01: \$2,200.00

RESOLUTION 10-0108.11

WHEREAS, the Township of Long Beach has received from Evan R. Jones Cashier's Check #1353722 dated December 22, 2009 in the amount of Two Thousand Two Hundred Dollars (\$2,200.00) drawn on Bank of America, representing the required Performance Bond for Major Site Plan #LUB-10-09-PF, Block 18.08, Lot 5 and 5.01 (44 Sherwood Way, North Beach, NJ).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach accepts this bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer and the Municipal Solicitor.

15. Resolution 10-0108.12: Authorize the cancellation of Tax and W/S overpayments and delinquent balances of less than \$10.00 for 2010

RESOLUTION 10-0108.12

A RESOLUTION AUTHORIZING THE CANCELATION OF OVERPAYMENTS AND DELINQUENCIES OF LESS THAN \$10.00 FOR TAXES AND WATER/SEWER FEES

WHEREAS N.J.S.A.40A:5-17.1(b) authorizes a governing body to designate an authorized municipal employee to process, without further action on the part of the governing body, the cancellation of any Property Tax and/or Water / Sewer fee overpayment or delinquency of less than ten dollars (\$10.00).

WHEREAS, it will be more cost effective to cancel said overpayments and delinquent amounts.

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 Tax Collector be and is hereby authorized to cancel overpayment or delinquent balances for 2010 in amounts less than \$10.00 on the Property Tax and Water / Sewer records.

16. Resolution 10-0108.13: Authorize the interest rate to be charged on delinquent accounts and to waive interest charges for a 10-day period after a due date for 2010

RESOLUTION 10-0108.13

RESOLUTION FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES AND SETTING THE GRACE PERIOD FOR THE YEAR 2010

WHEREAS, N.J.S.A.54:4-67 governs the interest rates to be charged on delinquent taxes and allows the governing body to set a grace period not to exceed ten (10) calendar days. Payments received after the ten day grace period will have interest charged back to the due date; and

WHEREAS, interest on delinquent taxes may be fixed at a rate that shall not exceed 8% per annum on the first \$1,500.00 of delinquency, and 18% per annum on that portion in excess of \$1,500.00, to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made.

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. That the Tax Collector is instructed that no interest shall be charged if a payment of a quarterly tax installment is received by the Tax Collector within the tenth (10th) calendar day following the date upon which that tax installment became payable. Payments received after the 10 day grace period will have interest charged back to the due date.

That the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after the due date and 18% per annum on any amount of the delinquent taxes in excess of \$1,500.00.

17. Resolution 10-0108.14: Approve the transfer of reserve appropriations

RESOLUTION 10-0108.14

WHEREAS, the New Jersey statutes provide for the making of reserve appropriation transfers between the period of January 1, 2010 and March 31, 2010; and

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, desires to make Reserve Appropriation Transfers.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following transfers of reserve appropriations be and they hereby are made:

CURRENT FUND			
FROM:	DEPT	ACCOUNT #	AMOUNT
Streets & Roads	O/E	9-01-26-290-100	\$5,000.00
Group Insurance	O/E	9-01-23-220-000	\$12,500.00
Sanitary Landfill	O/E	9-01-26-306-029	\$8,600.00
TOTAL			\$26,100.00
TO:	DEPT:	ACCT#	AMOUNT
Street Lightning	O/E	9-01-31-435-000	\$500.00
Municipal Clerk	O/E	9-01-20-120-029	\$6,000.00
Telephone	O/E	9-01-31-440-000	\$6,000.00
Streets & Roads	S/W	9-01-26-290-011	\$ 10,000.00
Public Works	S/W	9-01-26-302-011	\$3,600.00
TOTAL			\$26,100.00

18. Resolution 10-0108.15: Approve Bills & Payroll
Bills in the amount of: \$2,336,257.07
Payrolls in the amount of: \$ 390,970.61

RESOLUTION 10-0108.15

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 \$390,971.61.

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 \$2,336,257.07 be and the same are hereby authorized to be paid on January 8, 2010.

2. The said approved payroll amounting to the sum of \$390,970.61 be and the same are hereby authorized to be paid on January 8, 2010.

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 14 - 18:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

COMMISSIONERS' REPORTS

Commissioner Knarre explained Ordinance 10-03C would give the Township enforcement powers to regulate various aspects of fertilizer application. The Board of Commissioners had reviewed a similar ordinance that had been adopted by Stafford Township.

Commissioner Bayard advised the 2010 Trash & Recycling Calendars had not been received by the public at this time, therefore the new schedule would not become effective until January 18th 2010.

Mayor Mancini announced the next meetings of the Board of Commissioners and the Land Use Board. He commented regarding the need for volunteer(s) for the Long Beach Township Senior Citizen Advisory Board, and explained there would be a change in the next Executive Session date from Tuesday, January 19th to Wednesday, January 20th 2010 at 10:00 a.m. in the Mayor's Office.

OPEN PUBLIC SESSION

Tom Beaty / Holgate thanked the Board of Commissioners, and supported Ordinance 10-03C that regulated the application of fertilizers. Mr. Beaty noted he was the President of the Alliance for a Living Ocean and offered the help of the organization to raise awareness regarding the use of fertilizers.

Don Boone / Brant Beach asked for more information regarding Ordinance 10-01C.

Mayor Mancini explained this was an update to a pre-existing ordinance already in the Township Code. He explained that property owners who had not executed their deeds of easement would be required to replenish eroded areas of their property at their own expense, or reimburse Long Beach Township to restore the area(s) on their behalf.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:18 p.m.

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

Bonnie M. Leonetti, RMC, CMC
Municipal Clerk, Administrator

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

William P. Knarre, Commissioner