

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS FEBRUARY 20, 2009

Flag Salute

Meeting came to order: 4:03 p.m.
Deputy Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner DiAnne C. Gove PRESENT
Commissioner Ralph H. Bayard PRESENT
Also in attendance: Lynda J. Wells, Deputy Municipal Clerk
Teresa S. Sgro, Assistant Municipal Clerk
Richard J. Shackleton, Esq.

Deputy 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 January 7th 2009; the PRESS OF ATLANTIC CITY on January 3rd 2009; and the ASBURY PARK PRESS on December 23rd 2008; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the February 6th 2009 meeting and to approve the same as recorded in the minute book:

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

AGENDA

PROCLAMATION: Read Across America: "Reading is Cool" March 2, 2009

Deputy Municipal Clerk explained that this commemorated the birthday of Theodore Seuss Geisel, better known as Dr. Seuss, and encouraged caring adults to read to children on March 2, 2009.

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 09-03: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN 2009 (N.J.S.A. 40A: 4-45.14)**

ORDINANCE 09-03

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN 2009 (N.J.S.A. 40A: 4-45.14)

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, DO ORDAIN:

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Commissioners of the Township of Long Beach in the County of Ocean finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Commissioners hereby determine that a 1.0% increase in the budget for said year, amounting to \$171,079.73 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Commissioners hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Commissioners of the Township of Long Beach, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Township of Long Beach shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 1.0%, amounting to \$598,779.08, and that the CY 2009 municipal budget for the Township of Long Beach be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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, February 6, 2009 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, February 20, 2009 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

CERTIFICATION

I, BONNIE M. LEONETTI, RMC, CMC Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 09-03 was duly adopted by the Board of Commissioners at their meeting held on Friday, February 20, 2009 at 4:00 p.m.

Deputy Municipal Clerk explained that this allows an increase in the budget from 2.5% to 3.5%. If this is not used, a CAP Bank could be created.

Passed as on first reading at a regular meeting held on February 6, 2009 advertised in the BEACH HAVEN TIMES, issue of February 11, 2009.

OPEN PUBLIC HEARING

Mr. Don Boone, 53rd St. Brant Beach, asked why we would increase the budget. Mayor Mancini responded that this only provides us the opportunity to do so if need be.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-03 on Second Reading:

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

- 2. First Reading Ordinance 09-04C: **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 SECTION 49 PERTAINS TO EXCEPTIONS TO HEIGHT LIMITS AND IN SECTION 42 PERTAINS TO OFF STREET PARKING AND IN SECTION 205-60 PERTAINS TO MISCELLANEOUS PROVISIONS IN THE ZONING ORDINANCE OF THE TOWNSHIP OF LONG BEACH.**

Deputy Municipal Clerk explained that this ordinance codifies outdoor seating arrangements for food and beverage selling establishments in the Township in order to make outdoor seating a permanent part of the Zoning Ordinance.

Additionally, it reduces the current limit of one (1) parking place for each eight (8) seats in any public eating establishment to one (1) parking place for each six (6) seats. This change is consistent with a recommendation made by a unanimous vote of the Long Beach Township Land Use Board.

And finally this ordinance establishes the maximum height limitation for free standing flagpoles, not to exceed 40 feet in the commercial zone and not to exceed 34 feet in any zone used in conjunction with a residence. Second reading will be 3-6-09 at 4 PM.

Motion to approve Ordinance 09-04C on First Reading:

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

- 3. First Reading Ordinance 09-05C: **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 39-7 PERTAINS TO CONSUMPTION OF ALCOHOL IN PUBLIC.**

Deputy Municipal Clerk explained, that this ordinance permits servers of alcohol at a licensed premise to carry open containers containing alcohol from the interior of the licensed establishment in order to serve patrons who are lawfully seated outside of that licensed building or premise. Second reading will be 3-6-09 at 4 PM.

Motion to approve Ordinance 09-05C on First Reading:

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

ADOPTIONS AND APPROVALS

- 4. Resolution 09-0220.01: Approve changes to various Water/Sewer Accounts

RESOLUTION 09-0220.01

WHEREAS, the following Sewer account is due refund as the homeowner paid for repairs that were the responsibility of Long Beach Township; and

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

Blk:	Lot:	Acct:	Year:	Cancel/Change	Amount:
7.11	19.01/C1	2319-0 Sewer	2009	Remove Garb.Disp.	193.00
11.19	1	3601-0 Sewer	2009	Remove Garb.Disp.	193.00
11.33	11	3832-0 Sewer	2009	Remove Garb.Disp.	193.00
12.21	13	4217-0 Sewer	2008	To Stand-by	105.25
12.21	13	4217-0 Sewer	2009	To Stand-by	455.00

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 issue these refunds.

- 5. Resolution 09-0220.02: Authorize application for the 2009 Emergency Management Pass-Thru Grant: Equipment and various items

RESOLUTION 09-0220.02

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 "Emergency Management Preparedness Grant – Exercise Support Program – FY 08 Pass Through Grant".

Deputy Municipal Clerk explained, that the State Office of Emergency Management would provide grants to recipients in amounts not to exceed \$10,000.00.

- 6. Resolution 09-0220.03: Authorize participation in the PARIS Grant program through Ocean Co.

RESOLUTION 09-0220.03

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2008-09 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of Long Beach desires to collaborate with the County of Ocean in the performance of the PARIS grants program; and

WHEREAS, the Township of Long Beach is acknowledging that their eligible funding of Forty Thousand Dollars (\$40,000.00) will be leveraged with the County of Ocean; and

WHEREAS, the Township of Long Beach is acknowledging that the County of Ocean would be both the lead agency and the applicant for such a proposal.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

Deputy Municipal Clerk explained, that Long Beach Township will collaborate with Ocean County (as lead agency) in the Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments.

7. Resolution 09-0220.04: Approve personnel actions

RESOLUTION 09-0220.04

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

Approve a paid Medical Leave of Absence (FMLA) for SP effective February 25, 2009.

Approve a change in title and pay for the following to temporary part time telecommunicators at \$10.00 an hour effective February 20, 2009.

Anthony O'Conne

William Lawlor

8. Resolution 09-0220.05: Approve temporary traffic regulations in North Beach and Loveladies:

SOCH Great Causeway Challenge 4/25/2009

RESOLUTION 09-0220.05

WHEREAS, the following event being held in Long Beach Township requires various traffic regulations in order to insure the health, safety and welfare of residents and visitors, and to facilitate the safe flow of traffic within the Township of Long Beach;

- Southern Ocean County Hospital Great Causeway Challenge:

Allow participants to run through the North Beach and Loveladies sections of Long Beach Township on April 25th 2009 commencing at 8:00 a.m.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that permission is hereby granted, as per the approval of the Long Beach Township Police Department, for the above listed event to be held in Long Beach Township.

Lynda J. Wells, Deputy Municipal Clerk explained, that this is an annual event that has taken place since 2006.

Motion to approve Items 4 - 8:

Motion: Gove

Ayes: Bayard, Gove, Mancini

Second: Bayard

Nays:

FINANCIAL APPROVALS

9. Resolution 09-0220.06: Approve an amendment to the 2009 Temporary Current Fund Budget and the 2009 Temporary Water/Sewer Budget

RESOLUTION 09-0220.06

WHEREAS, the Chief Financial Officer of the Township of Long Beach has determined that an increase to the 2009 Temporary Budget, approved pursuant to Resolution 08-1230.09 and amended pursuant to Resolution 09-0109.12, is necessary due to various reasons; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following appropriations, attached as Schedule A, are hereby adopted as the 2009 Temporary Current Fund Budget; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Township of Long Beach that the following appropriations, attached as Schedule B, are hereby adopted as the 2009 Temporary Water/Sewer Budget; and

BE IT FINALLY RESOLVED by the Board of Commissioners of the Township of Long Beach that the Chief Financial Officer be and she is hereby authorized to increase the 2009 Temporary Budgets as recorded above.

10. Resolution 09-0220.07:

Approve Bills & Payroll

Bills in the amount of: \$7,432,381.80

(Ocean County taxes due)

Payrolls in the amount of: \$ 388,504.82

RESOLUTION 09-0220.07

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 \$388,504.82.

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 \$7,432,381.80 be and the same are hereby authorized to be paid on February 20, 2009.

2. The said approved payroll amounting to the sum of \$388,504.82 be and the same are hereby authorized to be paid on February 20, 2009.

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 9 & 10:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Mayor Mancini stated, as a measure to correct the record, he abstained from Shore Community Bank voucher(s) approved at the February 6th public meeting.

COMMISSIONERS' REPORTS

Commissioner Bayard reported that the dune fence was being installed, almost 3 miles and 1800 poles since September, noting that we are expecting more from Ocean County. Commissioner Bayard also commented on the upcoming sewer project and stated that the DEP requires repairs on the cement pipes at 83rd St. He stated he hopes to have the project completed prior to Memorial Day.

Commissioner Gove announced that sewer bills being due March 1st.

Mayor Mancini announced:

- The next meeting of the Board of Commissioners would take place on Friday, March 6th at 4:00 p.m.
- The next regular meeting of the Land Use Board would take place on Wednesday, March 11th at 7:00 p.m. in the 2nd floor multi-purpose room.

Mayor Mancini reported the Mayors of Ocean County met with Congressman Adler, the DEP chiefs, NJDOT and the Army Corps of Engineering. He announced the bridge is in its final design phase and is slated to begin in 2014 or 2015. This fall they plan to spend \$12 million to re-deck and epoxy coat.

Mayor Mancini also reported there would be additional funding to continue the beach replenishment program; Harvey Cedars would be next followed by Brant Beach, depending on the availability of funds. Mayor Mancini stated the dredge committee had submitted reports and letters of easements should be mailed within 7 to 10 days to ocean front owners.

OPEN PUBLIC SESSION

Bill Knarre, W 56th St., Brant Beach on behalf of the Joint Taxpayers Association stated he sent a letter to the Mayors, Freeholder Bartlett, Senator Connors asking them to move the circle in Ship Bottom and create a two way street. He reported the state informed Ship Bottom \$16 million project to pump water. Mayor Huelsenbeck stated 9th St. has no drainage and he had asked the County to have the Engineer make the Blvd. a two way street.

John Connolly, 80 E. Levenia, Beach Haven Crest asked if the Blvd. was just paved from 75th to 83rd Street and if the sewer project would tear the new work up. Commissioner Bayard pointed out that Ocean Blvd. was just repaved, not Long Beach Blvd. also noting the roadwork and utility jobs are being coordinated.

Sandra Smith, Haven Beach asked for an explanation of Ordinance 09-04. Mayor Mancini explained the trial period for seating will be made permanent and better regulated. He also explained yearly permits will be issued to applicants submitting a site plan and pictures of eating establishments. He also noted copies would be available on Monday in the Clerk's office.

Sandra Smith asked if neighbors may have input on the applications for outdoor seating. Mayor Mancini replied they can voice an opposition if applicants are not compliant with the regulations.

Dick Jeffries, 129th St., Beach Haven Terrace, asked what opinion the Mayor had on 8th & 9th Streets in Ship Bottom. Mayor Mancini replied all agree it is a problem and stated his meeting that afternoon with the NJDOT was focused on the bridge.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:25 PM

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Lynda J. Wells, RMC
Deputy Municipal Clerk

Joseph H. Mancini, Mayor

DiAnne C. Gove, Comm.

Ralph H. Bayard, Comm.