

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS MARCH 6, 2009
Flag Salute

Meeting came to order: 4:02 p.m.

Clerk called the roll: Mayor Joseph H. Mancini
Commissioner DiAnne C. Gove
Commissioner Ralph H. Bayard

Also in attendance: Bonnie M. Leonetti, Municipal Clerk
Teresa S. Sgro, Assistant Municipal Clerk
Richard J. 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 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 20, 2009 to approve the same as recorded in the minute book:

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

AGENDA

PROCLAMATION: Women's History Month – Introduce Long Beach Township's Women of Inspiration

Commissioner Gove spoke of each women's accomplishment's and presented each, Elizabeth Elfreth, Bonnie Picaro, Ellen Serpico, Jacqueline Sparks, Kathleen Thulin with a personalized proclamation and pin.

ORDINANCES/PUBLIC HEARINGS

1. Second 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.**

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

PRELIMINARY STATEMENT

This ordinance is enacted to reduce from one (1) parking place for each eight (8) seats in any restaurant or other public eating establishment to one (1) parking place for each six (6) seats consistent with a recommendation made by unanimous vote of the Long Beach Township Land Use Board and also is made to establish in §205-49 the maximum height limitation for free standing flagpoles.

This ordinance also codifies a Resolution adopted by the Board of Commissioners of the Township of Long Beach on Friday June 20, 2008 which authorized a 90-day experimental trial of outdoor seating for food and beverage selling establishments located in the Township of Long Beach. The 2008 summer season showed that the outdoor seating arrangement was a benefit to food and beverage selling establishments in the Township as well as the public and the Board of Commissioners have determined to make the outdoor seating a permanent part of the Zoning Ordinance, this Ordinance accomplishes that purpose.

SECTION I

§205-42 E (2) 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:

- (2) for restaurants and other public eating establishments, one off-street parking space for each six seats shall be provided.

SECTION II

§205-49 of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the addition of the following new paragraph:

Freestanding flagpoles shall be permitted with height limitations not to exceed the following:

- (a) Commercial Zone Flagpoles utilized with a commercial use 40 feet.
- (b) Residential Flagpoles in a residential zone or in any zone used in conjunction with a residence 34 feet.

SECTION III

A new Section, §205-61 is hereby adopted as follows:

§205-61 Outdoor seating for food and beverage selling establishments.

- A. Any food or beverage selling establishment located in the Township of Long Beach is hereby permitted to provide outdoor seating for its patrons without reducing the legally approved indoor seating under the following strictures and conditions:
 1. All outdoor food service shall stop at 10:00 p.m.
 2. All outdoor beverage service shall stop at 1:00 a.m.
 3. Outdoor seats shall not exceed 15% of the legally approved indoor seating of the establishment providing outdoor seating.
 4. Outdoor seating shall only be permitted in the commercial zone, provided, however, that any outdoor seating permitted and registered with the Long Beach Township Building Department in the year 2008 shall be permitted to continue.
 5. All establishments utilizing the provisions of this section to provide outdoor seating for their patrons shall be responsible for the behavior of their patrons participating in the outdoor seating to insure that all Township noise and other regulations are enforced and that good order is maintained.
 6. No outdoor seating shall be permitted on any public right of way.

B. Any establishment applying for a license to permit outdoor seating shall complete an application supplied by the Township Clerk and submit the same together with a photograph and survey of the location where outdoor seating is to be provided with a check for twenty five dollars (\$25.00) and upon review by the Clerk, the Zoning Officer and the Township Engineer as to compliance with the terms of this Ordinance a license for outdoor seating will be issued for a period of one (1) year.

1. A new or renewal application shall be submitted during the month of March of each year and a new license will be issued effective May 1st following the submission provided that the licensee has complied with the terms of this Ordinance.
 - a. Any establishment seeking a license for outdoor seating who has not filed the application during the month of March in any year may file an application late, that is to say, on or after April 1st. The fee for such late applications shall be \$50.00 and the new license will be issued effective 30 days after filing of the application provided that the licensee has complied with the terms of this Ordinance.
2. If three complaints, which upon investigation prove to be well founded, are received as to any establishment holding a license for outdoor seating the license for outdoor seating shall be revoked and all outdoor seats shall be removed within 24 hours of receipt of a notice to cease and desist issued by the Township and served upon the licensee personally or by Certified Mail Return Receipt or its equivalent.
3. If any license has been revoked pursuant to paragraph 2 above the licensee, that is to say a person, firm, corporation or other legal entity owning a valid license issued by the Township of Long Beach or the State of New Jersey Alcoholic Beverage Commission, shall be ineligible to receive an outdoor seating license for the year following the revocation.
4. If any licensee, that is to say the person, firm, corporation or other legal entity owning a valid license issued by the Township of Long Beach or the State of New Jersey Alcoholic Beverage Control Commission, has had its license revoked on two occasions that licensee shall be ineligible for any outdoor seating license permanently.

SECTION IV

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

SECTION V

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 VI

This Ordinance shall take effect upon publication thereof after final passage according to law, on the 12th day of March 2009 in order to give the Long Beach Township Land Use Board an opportunity to review and comment on this Ordinance. If the Land Use Board disapproves any portion of this Ordinance such disapproved portion shall not take effect unless and until the Board of Commissioners of the Township of Long Beach shall by a 2/3rds majority vote ratify and reaffirm such disapproved portion at a subsequent meeting.

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 20, 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 March 6, 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 09-04C was duly adopted by the Board of Commissioners at their meeting held on Friday, March 6, 2009 at 4:00 p.m.

Passed as on first reading at a regular meeting held on February 20, 2009, advertised in the BEACH HAVEN TIMES, issue of February 25, 2009.

Municipal Clerk stated 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

OPEN PUBLIC HEARING

George Gale, Haven Beach, Long Beach Township Business Association, 20th and 112th Weldon Place, stated he supports the ordinance and feels it enhances the financial viability of the island.

Frank Smith, 15W Utah, Haven Beach, stated the ordinance provides outdoor dining in authorized area but does not prohibit patrons standing between 10PM and 1AM. He was also concerned with liquor outside the authorized area and felt all liquor should be cut off at 10PM.

Steve Aronson, Nevada Ave, Haven Beach stated the ordinance allows for parking based on seats and should be based on the number occupants allowed. He also noted the Land Use Board had objections for Nardi's deck.

Mayor Joseph Mancini replied that if there is a complaint on the number of patrons, it would be looked into and also noted there was a one year trial period which had no complaints at Nardi's. The one complaint received was not at a liquor licensed establishment.

Peggy Goynes, 113 E. Colorado Ave., Haven Beach noted that the neighbors had many issues with Nardi's at the Dec. meeting of the Land Use Board. She was concerned with excessive sound.

John Brennan, owner of Nardi's and Rita's Ice announced the outside seating had been a success and he had made a commitment not to serve after 9PM. He noted that business begins at 11 PM. He also noted the patrons outside were smokers.

Cray Ranton, Planner questioned the Land Use Board review and approval after the hearing and also that there was no additional parking required.

Dick Jeffries, 129th St., Beach Haven Terrace recalled remarks from his customers who felt the outdoor seating made the island more pleasurable and he supported the ordinance.

Sandra Smith, Haven Beach stated she had complained at a previous meeting about Nardi's. She stated she loves to eat outdoors and asked for the family atmosphere to be maintained by cutting off drinking at 10 PM.

Robert Carpenter, Brant Beach asked if the seating will be the same when permanent.

Mary Ann Vinciguerra, 11900 Beach Avenue, Haven Beach stated she was a bar owner in another area with outdoor seating. She commented that she installed a solid fence with lattice top keeping the outdoor patrons confined.

Robert Christianson, employee at the Terrace Tavern noted their door man who reports the smokers are usually outside. He also noted responsible servers control drinking.

Peggy Goynes asked the ordinance to be amended to stop serving at 10 PM.

Cray Ranton, Planner again noted increased seating without an increased parking area off street.

Mayor Joseph Mancini replied that the Land Use Board approved the 15% increase and referred to Mr. Shackleton to respond.

Richard J. Shackleton, Esq., Twp. solicitor, explained the one season with outdoor seating was experimental and noted no complaints received, therefore the governing body would like to make outdoor seating permanent.

He also explained the season begins in May, applications being due in April. The Land Use Board would review the ordinance and the governing body would take into consideration any and all of their concerns. He noted the next ordinance having public hearing addressed serving alcohol outdoors. He stated the governing body responded to the wishes of the public and he felt comfortable the governing body would make changes if warranted.

Mr. Shackleton pointed out Section 5, paragraph A stated the owner/licensee is responsible for patrons and keeping good order. If there are 3 complaints or violations made in a year, the current license would be revoked and not issued for the following year. If revoked on two occasions, licensee will be ineligible for any future permits.

Mayor Joseph Mancini stated the concerns heard were when people were leaving an establishment. He noted after 3 violations the license would be revoked.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-04C on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

2. Second 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.**

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

STATEMENT OF PURPOSE

This ordinance is enacted solely to permit servers of alcohol, that is to say employees of a licensed premises, from carrying open containers containing alcohol from the interior of the licensed establishment or building to serve patrons who are lawfully seated outside of that licensed building or premises pursuant to the provisions of Section 205-61 of the Code of the Township of Long Beach.

SECTION I

§39-7 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the addition of the following new paragraph:

The prohibitions contained in this Section shall not prohibit an employee of a licensed premises or licensed building, licensed to sell alcoholic beverages, from carrying and having in his or her possession open containers of alcoholic beverages on a public sidewalk, approach or step to any building if the same be necessary to serve patrons of the licensed establishment or building who are legally seated at outdoor seating as provided for in §205-61 of this Ordinance and nothing contained in this section shall prohibit customers or patrons of a lawfully licensed establishment or building from consuming alcoholic beverages while seated at any permitted outdoor seating, permitted pursuant to the terms of §205-61 of this Ordinance.

The prohibitions contained in this Section shall not prohibit any patron who is legally seated at outdoor seating as provided in §205-61 of this Ordinance from consuming alcoholic beverages at such legal seating, which beverages are brought by the patron or a fellow patron sitting at the

same table for personal consumption. It is the intent of this prohibition waiver to permit patrons of food establishments with lawful outdoor seating to bring their own bottle, often called "BYOB" to consume alcohol in advance of or with a meal to be consumed by persons legally seated at outdoor seating.

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 February 20, 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 March 6, 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 09-05C was duly adopted by the Board of Commissioners at their meeting held on Friday, March 6, 2009 at 4:00 p.m.

Passed as on first reading at a regular meeting held on February 20, 2009, advertised in the BEACH HAVEN TIMES, issue of February 25, 2009.

Municipal Clerk stated 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. Long Beach Twp. will be notifying all license holders that they must comply with all Twp. and State regulations regarding alcoholic beverages. She also stated the clerk's office will be reviewing and notifying licensees.

OPEN PUBLIC HEARING

Mr. Richard Shackleton noted there was specific language regarding permitted area to consume alcohol and the 2nd part of the ordinance referred to restaurants without liquor licenses, BYOB establishments, which states to be consumed with a meal in the authorized area.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-05Con Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

ADOPTIONS, APPROVALS, (SUPPORT, OPPOSITIONS)

3. Resolution 09-0306.01: Approve changes to a sewer account

RESOLUTION 09-0306.01

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

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

<u>Blk:</u>	<u>Lot:</u>	<u>Acct:</u>	<u>Year:</u>	<u>Cancel/Change</u>	<u>Amount:</u>
1.07	17.01	39-0 Sewer	2009	Remove Garb.Disp.	193.00

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.

4. Resolution 09-0306.02: Authorize DPW Superintendent John J. Jones, to make application for the 2008 Tonnage Grant with NJDEP (this is a necessary step in applying for the reimbursement with the NJDEP)

RESOLUTION 09-0306.02

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to Municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new Municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on Municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the Municipality; and

WHEREAS, a resolution authorizing this Municipality to apply for such tonnage grants will memorialize the commitment of this Municipality to recycling and indicate the assent of the Board of Commissioners of Long Beach Township to the efforts undertaken by the Municipality and the requirements contained in the Recycling Act and Recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and filed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 6th day of March 2009, that the Township of Long Beach hereby endorses the submission of a

2008 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection Agency Office of Recycling and designate John J. Jones, Public Works Superintendent to ensure that the said application is properly filed.

5. Resolution 09-0306.03 Approve the annual Cash Management Plan for Long Beach Township (this is an annual resolution)

RESOLUTION 09-0306.03

BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean that for the year 2009, the following shall serve as the cash management plan of the Township of Long Beach.

The Chief Financial Officer is directed to use this cash management plan as the guide in depositing and investing the Township of Long Beach's funds. The following Government Unit Deposit Protection Act (GUDPA) approved banks are authorized depositories for deposit of funds.

TD BANK	BANK OF AMERICA
SHORE COMMUNITY BANK	HUDSON CITY SAVINGS BANK
SOVEREIGN BANK	SUN NATIONAL BANK
MORGAN STANLEY	OCEAN FIRST BANK
WACHOVIA BANK	WELLS FARGO

All warrants or checks for the disbursement of money shall be made by any three (3) of the following officials and facsimile signatures may be used.

TOWN MAYOR	CHIEF FINANCIAL OFFICER
TOWN ADMINISTRATOR	TAX COLLECTOR
TOWN CLERK	

The Town Administrator, Chief Financial Officer and/or Assistant Treasurer are empowered to invest cash funds as bank balances will allow from time to time in order to realize a revenue. The above stated officers are authorized to transfer funds electronically for the purpose of investments and payroll only.

The following are authorized as suitable investments:

- Interest-bearing bank accounts in banks as authorized above for deposit of local unit funds (GUDPA approved).
- Certificates of deposit in GUDPA approved banking institutions.
- Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America. This includes instruments such as Treasury Bills, Notes and Bonds.
- Government money market mutual funds that comply with N.J.S.A. 40A:5-15.1(e).
- Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.
- Bonds or other obligations of the local unit or school district of which the Town is a part.
- Any other obligations with maturities not exceeding 397 days, as permitted by the State Division of Investments.
- Local government investment pools which comply with N.J.S.A. 40A:5-15.1 (e) and conditions set by the Division of Local Government Services.
- New Jersey Cash Management Fund.
- Repurchase agreements (repos) of fully collateralized securities which comply with N.J.S.A. 40A:5-15.1(e).
- New Jersey Asset & Rebate Management Program.
- New Jersey CLASS

There are no approved security broker/dealers. In the event that a security broker/dealer should be approved during the year, the registered principal of said brokerage firms approved shall be provided with and sign an acknowledgement that they have seen and reviewed the cash management plan.

Each month, the chief Financial Officer shall prepare a report for the Administrator that consists of the following in accordance with NJSA 40A:5-15.2:

- A summary of all investment made or redeemed for the month.
- A listing of any and all financial institutions holding local unit funds.
- The class or type of securities purchased or funds deposited.
- Income earned on deposits and investments.
- Market value of investments and disclosure as to how the value was determined, if applicable.
- A listing of accounts or deposits that do not earn interest.

This document shall constitute the cash management policy of the Township of Long Beach.

Any official involved with the selection of depositories, investments, broker/dealers shall disclose any material business or personal relationship to the Manager and to the Local Finance Board of Local Ethics Board as applicable. Any official who, in the course of his or her duties, deposits or invests in accordance this plan shall be relieved of any liability for loss.

6. Resolution 09-0306.04: Approve personnel actions

(Municipal Clerk noted this included an intergovernmental transfer, a military leave of absence, a medical leave, a resignation and a temporary part time hire)

RESOLUTION 09-0306.04

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

Approve the Intergovernmental transfer of Borough of Seaside Park Employee Andrew Baran to Long Beach Township in the position of Public Works Repairer at an annual base salary of \$93,150.00 to be paid from the Public Works Salary & Wage effective March 6, 2009.

Amend the dates of Patrolman Thomas Franks' military leave approval as stated on Resolution 09-0123.04 to approve active duty from March 9, 2009 thru March 15, 2009.

Approve a paid Medical Leave of Absence (FMLA) for LA effective retro-active to February 11, 2009 returning to work on February 24, 2009.

Accept the resignation tendered by Lisa Schmied as a Public Safety Telecommunicator and approve her requested termination of employment effective retro-active to February 17, 2009.

Hire Ann Pepe, RN, BSN as a temporary part-time Graduate Nurse (Public Health) at \$25.00/ hour effective March 16, 2009.

Approve the appointment to Deputy Municipal Department Head for Andrew Baran effective March 9, 2009.

Motion to approve Items 3 to 6:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

LICENSES AND PERMITS

7. Resolution 09-0306.05: Approve an application for a special permit for a social affair for LBI PTA

(This is their annual fundraiser at the Brant Beach Yacht Club on May 11, 2009)

RESOLUTION 09-0306.05

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach grants a SPECIAL PERMIT FOR SOCIAL AFFAIR to Long Beach Island PTA, to be held at Brant Beach Yacht Club at 59th and Bay Avenue, Brant Beach. This permit will allow Long Beach Island PTA to serve alcoholic beverages at the fundraiser on May 14, 2009 between the hours of 5:00 P.M. and 11:00 P.M.

Motion to approve Item 7:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

8. Resolution 09-0306.06: Approve an agreement to participate with the Ocean County Energy Cooperative Pricing System.

(The county goes thru the bidding process and passes the lower costs onto the Township)

RESOLUTION 09-0306.06

Resolution Authorizing the Township of Long Beach to Enter into a Renewal Agreement with The Ocean County Energy Cooperative Pricing System

WHEREAS, N.J.S.A. 40A: 11-11(5) authorizes governmental units to enter into a Cooperative Pricing System for the purchase of electric generation service, gas supply service and other energy related services (hereinafter collectively referred to as "Energy Services"); and

WHEREAS, the *Electric Discount and Energy Act* (N.J.S.A. 48:3-49 et. seq.) and the Government Energy Aggregation Program Standards adopted by the Board of Public Utilities permit municipalities and other governmental units to join together for the purchase of Energy Services; and

WHEREAS, the County of Ocean (hereinafter referred to as the "Lead Agency") previously offered municipalities and other governmental units an opportunity to participate in the *Ocean County Energy Cooperative Pricing System* (hereinafter referred to as the "System") for the purchase of Energy Services; and

WHEREAS, the Township of Long Beach, County of Ocean, State of New Jersey, previously agreed to participate in the System and executed a Cooperative Pricing System Agreement with the Lead Agency for the supply of Energy Services; and

WHEREAS, certain Energy Services purchased by the System which expired on May 31, 2008, resulted in substantial savings to its members; and

WHEREAS, the Township of Long Beach, County of Ocean, State of New Jersey, desires to continue to participate in the System.

NOW, THEREFORE, BE IT RESOLVED on the 6th day of March 2009, by the Township of Long Beach, County of Ocean, State of New Jersey, as follows:

1. This Resolution shall be known and may be cited as the *Ocean County Energy Cooperative Pricing System Resolution* of the Township of Long Beach.
2. Pursuant to the provisions of N.J.S.A. 40A11-11(5), the Township of Long Beach are hereby authorized and directed to enter into and execute a new Cooperative Pricing System Agreement with the Lead Agency for the purchase of Energy Services. Said Cooperative Pricing System Agreement shall take effect upon full execution and shall terminate on December 31, 2011, unless otherwise terminated in accordance with the provisions therein. The Cooperative Pricing System Agreement shall allow the Lead Agency to seek bids and render an award for the supply of Energy Services to the System at any time during the term of the contract. Any award made by the Lead Agency, during the term of the Cooperative Pricing System Agreement, may provide for the supply of Energy Services beyond the expiration of that Agreement.
3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage.
5. Certified copies of this Resolution together with an executed copy of the Cooperative Pricing System Agreement shall be forwarded to the following:
 - a. Ocean County Director of Purchasing
 - b. Ocean County Counsel
9. Resolution 09-0306.07: Award the purchase and delivery of two (2) Harley-Davidson Police Motorcycles to Atlantic County Harley-Davidson for a total of \$38,800.00, per bid

(These are funded through the traffic safety grant)

RESOLUTION 09-0306.07

A RESOLUTION AWARDED A CONTRACT FOR THE PURCHASE AND DELIVERY OF TWO (2) 2009 FLHTP HARLEY DAVIDSON ELECTRA GLIDE SOLO LAW ENFORCEMENT MOTORCYCLES FOR THE POLICE DEPARTMENT OF THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach has solicited bids for the purchase and delivery of two (2) 2009 FLHTP Harley Davidson Electra Glide Solo Law Enforcement Motorcycles for the Long Beach Township Police Department; and

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

WHEREAS, Wheels East, Inc. dba Atlantic County Harley Davidson gave the lowest qualified bid as per the municipal attorney's review and approval; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by the Comprehensive Traffic Safety Grant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 6th day of March 2009, for the reasons aforesaid, that a contract be and is hereby awarded to:

Wheels East Inc. dba Atlantic County Harley Davidson
219 E. White Horse Pike
Galloway, NJ 08205

for the purchase and delivery of two (2) 2009 FLHTP Harley Davidson Electra Glide Solo Law Enforcement Motorcycle in an amount not to exceed Thirty Eight Thousand Eight Hundred Dollars (\$38,800.00) as per the bid received February 25, 2009.

10. Resolution 09-0306.08: Approve a contract for the purchase of pre-season beach badges, per sheltered workshop:
Jersey Cape Diagnostics: \$5,276.20
(only pre-season ordered while on the temporary budget)

RESOLUTION 09-0306.08

WHEREAS, the Board of Commissioners of the Township of Long Beach believe that it is prudent to award a contract to Jersey Cape Diagnostic Training, Inc., a sheltered work shop employing handicapped persons, to manufacture and supply pre-season beach badges for the 2009 summer season; and

WHEREAS, the Township Attorney of the Township of Long Beach has rendered an opinion that it is appropriate to enter into such a contract without competitive bidding pursuant to NJSA 40A:11-5(n) that exempts from bidding requirements "the doing of any work by handicap persons employed by a sheltered work shop".

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach this 6th day of March 2009, for the reasons aforesaid, that a contract be and is hereby awarded, to:

Jersey Cape Diagnostic Training and Opportunity Center, Inc.
4 Moore Road, DN 606
Cape May Court House, NJ 08210

in the amount of Five Thousand Two Hundred Seventy-Six Dollars and Twenty Cents (\$5,276.20) for the manufacture and supply of pre-season beach badges for the 2009 summer season.

11. Resolution 09-0306.09 Award a contract to Motorola Communications & Electronics, c/o Quality Communications for (4) mobile base radios and antennas, per state contract; \$6,362.00

(funded through emergency management 966 grants)

RESOLUTION 09-0306.09

AUTHORIZE A CONTRACT WITH MOTOROLA COMMUNICATIONS & ELECTRONICS INC., C/O QUALITY COMMUNICATIONS, INC. FOR THE PURCHASE FOUR MOBILE BASE RADIOS AND ANTENNAS FOR THE LONG BEACH TOWNSHIP POLICE DEPARTMENT, PER STATE CONTRACT

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

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

WHEREAS, Quality Communications, 1985 Swarthmore Avenue, Lakewood, NJ 08701 has been awarded New Jersey State Contract No. 53804 Four Mobile Base Radios and Antennas effective through June 30, 2009; and

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

WHEREAS, the actual cost of the four mobile base radios and antennas is Six Thousand Three Hundred Sixty Two Dollars (\$6,362.00); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract available as an appropriation created by 966 Grants .

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Motorola Communications & Electronics c/o Quality Communications, 1985 Swarthmore Avenue, Lakewood, NJ 08701 be awarded a contract for the purchase of four mobile base radios and antennas for the Police Department in an amount not to exceed Six Thousand Three Hundred Sixty Two Dollars (\$6,362.00.)

12. Resolution 09-0306.10 Award a contract to RF Design & Integration Inc. to purchase UHF Master 3 Repeater and Supplies, per state contract; \$9,820.00 (funded through emergency management 966 grants)

RESOLUTION 09-0306.10

AUTHORIZE A CONTRACT WITH RF DESIGN & INTEGRATION INC. FOR THE PURCHASE OF A UHF MASTER 3 REPEATER, CABINET, POWER SUPPLY, DUPLEXER, MOUNTING KIT, COVER SCREEN AND TURNKEY ANTENNA FEED LINE SYSTEM FOR THE LONG BEACH TOWNSHIP POLICE DEPARTMENT, PER STATE CONTRACT

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

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

WHEREAS, RF Design & Integration Inc. has been awarded New Jersey State Contract No. 53770 for a UHF Master 3 Repeater, cabinet, power supply, duplexer, mounting kit, cover screen and turnkey antenna feed line system effective through January 1, 2003 to June 30, 2009; and

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

WHEREAS, the actual cost of the four mobile base radios and antennas is Nine Thousand Eight Hundred Twenty Dollars (\$9,820.00); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract available as an appropriation created by 966 Grants .

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that RF Design & Integration Inc., 4725 Wingate Street, Philadelphia, PA 19136 be awarded a contract for the purchase of a UHF Master 3 Repeater, cabinet, power supply, duplexer, mounting kit, cover screen and turnkey antenna feed line system for the Police Department in an amount not to exceed Nine Thousand Eight Hundred Twenty Dollars (\$9,820.00).

Municipal Clerk noted this was for the OEM Trailer.

Motion to approve Items 8 to 12:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

13. Resolution 09-0306.11: Authorize submission for a 2008 recycling tax reimbursement (in the amount of \$15,634.02 - \$3.00 per ton)

RESOLUTION 09-0306.11

WHEREAS, the Recycling Enhancement Act, P.L. 2007, C311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Township of Long Beach hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007 C311, in 2008 in the amount of \$15,634.02. Documentation supporting this submission is available at the Administrative office of the Department of Public Works, 6805 Long Beach Blvd., Brant Beach, NJ, 08008.

14. Resolution 09-0306.12: Approve the acceptance of a Performance Bond from MKG Associates, LLC for LUB 26-08 in the amount of \$13,444.00 - Block 6.39, Lot 1, Beach Haven Gardens

RESOLUTION 09-0306.12

WHEREAS, the Township of Long Beach has received from MKG Associates, LLC Cashier's Check #805-07048 dated February 19, 2009 in the amount of Five Thousand Forty One Dollars and Fifty Cents (\$5,041.50) drawn on TD Bank, and an Irrevocable Standby Letter of Credit #800000355 in the amount of Thirteen Thousand Four Hundred Forty Four Dollars (\$13,444.00) as the required Performance Bond for Minor Site Plan #LUB-26-08, Block 6.39, Lot 1 (13410 Long Beach Blvd., Beach Haven Gardens, 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 09-0306.13 Authorize additional depository for Long Beach Township (Hudson City Savings Bank, Wachovia and Wells Fargo)

RESOLUTION 09-0306.13

BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey hereby designate the following financial institutions as legal depositories wherein funds of the Township of Long Beach be deposited and/or invested:

- TD Bank, N.A.
- Bank of America
- Shore Community Bank
- Hudson City Savings Bank
- Sun National
- Sovereign Bank
- Morgan Stanley
- Ocean First
- Wachovia Bank
- Wells Fargo

BE IT FURTHER RESOLVED that all other investments shall be in accordance with N.J.S.A. 40A:5-15 et seq. the above listed institutions be and they are hereby designated as institutions which, subject to the approval of the Director of Revenue and Finance of the Township of Long Beach, may be used to invest funds of the Township of Long Beach for such types of accounts and certificates as may

from time to time be deemed in the best interest of the Township of Long Beach, subject only to the limitations as provided by law; and

BE IT FURTHER RESOLVED, that the aforementioned institutions are approved and may be utilized as part of the official Long Beach Township Cash Management Plan according to N.J.S.A 40A:5-14. All deposits and investments shall be maintained in interest bearing accounts; and

BE IT FURTHER RESOLVED that the funds of the Township of Long Beach shall be withdrawn from the aforementioned institutions only upon warrants signed by the Commissioner of Revenue and Finance and/or by the Commissioner of Public Safety and Affairs, and by the original signature of the Chief Financial Officer.

16. Resolution 09-0306.14: Approve an amendment to the 2009 Temporary Current Fund Budget and the 2009 Temporary Water/Sewer Budget
(Increases the temporary budget)

RESOLUTION 09-0306.14

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 Resolution 09-0220.06, 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 B, are hereby adopted as the 2009 Temporary Water/Sewer Budget; and

BE IT FURTHER 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 Budget as recorded above.

17. Resolution 09-0306.15: Approve Bills & Payroll
Bills in the amount of: \$1,979,955.55
Payrolls in the amount of: \$ 384,262.25
(Includes Regional and local School tax payments)

RESOLUTION 09-0306.15

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 \$384,262.25.

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 \$1,979,955.55 be and the same are hereby authorized to be paid on March 6, 2009.

2. The said approved payroll amounting to the sum of \$384,262.25 be and the same are hereby authorized to be paid on March 6, 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 13 to 17:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Commissioner Gove abstained from vouchers for Ocean County Utilities Authority.

COMMISSIONERS' REPORTS

Commissioner Bayard announced that for the period of July 1st to Dec. 31st, the Township will be receiving \$15,121.00 from the Ocean County Recycling Revenue Sharing program, noting we had previously received \$11,000.00 for a total of \$26,000.00 for 2008. He also announced the document shredding program that was held on November 14, 2008 yielded Long Beach Township as 2nd highest in the county shredding 7,363 lbs.

Commissioner Bayard also complimented the public works employees for their great job plowing from the storm on March 1st & 2nd. He reported the beaches handled the storm well and additional dune fence was received and being installed. Lastly, Commissioner Bayard warned the residents of a mailer/flyer from a plumber using the Twp. name, and informed them the Township is not involved with this mailing or plumber.

Commissioner Gove announced the sewer bill was due on March 1st, interest grace period ends after the 10th. She also announced the LBI Health Department was having free health screenings for women.

Mayor Mancini announced the next Land Use Board meeting would be on March 11, at 7 PM in the multi purpose room, 2nd floor and the next meeting of the Board of Commissioners would be March 20, 2009 at 4 PM.

Mayor Mancini also reported the beach easement mailing had begun, noting 47 years ago to the day was the great March storm. He asked the residents to please sign and return their deeds of easements as soon as possible, noting that on the meeting of the 20th there would be a signing ceremony where local owners could sign at the meeting. He explained that we are 2nd in line for sand after Harvey Cedars and the Brant Beach section was ready.

OPEN PUBLIC SESSION

John Brennan asked Commissioner Bayard if commercial businesses would be included in the Twp. recycling noting he produced a lot of cardboard and bottles.

Commissioner Bayard responded that committee members would be contacting them to plan for recycling.

