

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS MARCH 16, 2007
Flag Salute

Meeting came to order: 2:00 p.m.

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

Also in attendance: Bonnie M. Leonetti, Municipal Clerk
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 and the PRESS OF ATLANTIC CITY on February 21, 2007; and filed with the Municipal Clerk.

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

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

AGENDA

PROCLAIM

National Nutrition Month: March 2007 "Fad Free"

PROCLAMATION

WHEREAS, food is the substance by which life is sustained; and
WHEREAS, the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS, there is a need for continuing nutrition education and a wide-scale effort to enhance good eating practices through educational programs and activities; and

WHEREAS, the Ocean County WIC Program aids in promoting good health through their individual nutrition counseling and group education classes to all eligible WIC participants in Ocean County; and

WHEREAS, the National Nutrition Month Campaign by the American Dietetic Association reinforces the importance of nutrition as a component of good health, along with physical activity; and

WHEREAS, the food and physical activity choices made today, and every day, affect your health today and in the future. Eating right and being physically active are keys to a healthy lifestyle. Regular physical activity is important for your overall health and fitness, plus it helps control body weight, and reduces the risk of chronic diseases; and

WHEREAS, the theme for National Nutrition Month 2007 is "Fad Free" with the goal of educating all residents to join the campaign and become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey joins with the American Dietetic Association in proclaiming March 2007 as "National Nutrition Month"; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Ocean County Board of Chosen Freeholders and Ocean County Municipalities.

ORDINANCES/PUBLIC HEARINGS

1. Second Reading of amended Ordinance 07-09C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 51 AS THE SAME PERTAINS TO BEACH CONSTRUCTION REGULATION.**

Mayor Gove stated this prohibited decorative devices on the dunes.

Passed as on first reading at a regular meeting held on February 16, 2007 advertised in the BEACH HAVEN TIMES, issue of February 21, 2007. Passed as amended at a regular meeting held on March 2, 2007 and published as amended in the BEACH HAVEN TIMES, issue of on March 7th 2007.

ORDINANCE 07-09C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 51 AS THE SAME PERTAINS TO BEACH CONSTRUCTION REGULATION.

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

STATEMENT OF PURPOSE

This Ordinance adds to Section 51-18 a further prohibited act of placing any decorative or attention attracting devices in the Beach Dune area of Long Beach Township.

SECTION I

Section 51-18 of an Ordinance entitled "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" is hereby amended by the addition of a new paragraph N as follows:

N. The installation or placement of any device of any sort, kind or description in the Dune area as herein before defined in Section 51-3 other than protective works approved or undertaken by the Township, County, State or Federal Government or protective devices, including dune walkovers approved by the New Jersey DEP, installed pursuant to approval issued by the Long Beach Township Building Department.

SECTION II

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

SECTION III

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

SECTION IV

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

NOTICE

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

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday March 16, 2007 at 2:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

CERTIFICATION

I, Bonnie M. Leonetti, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 07-09C was duly adopted by the Board of Commissioners at their meeting held on Friday, March 16, 2007 at 2:00 p.m.

OPEN PUBLIC HEARING

Bob Hess / Brant Beach asked for a definition of a decorative device.

Mayor Gove responded no devices or non-permissible structures of any kind were allowed on the dunes.

CLOSE PUBLIC HEARING

Motion to adopt amended Ordinance 07-09C on Second Reading:

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

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

Mayor Gove explained this regulated the time during which emergency electrical generators could be operated for purposes of maintenance.

Motion to approve Ordinance 07-12C on First Reading:

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

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

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

Motion to approve Ordinance 07-13C on First Reading:

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

ADOPTIONS and APPROVALS

- 4. Resolution 07-0316.01: Authorize Purchasing Agent to advertise for bids:
Cleaning and repainting of the Peahala Park Water Tower
RESOLUTION 07-0316.01

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Purchasing Agent be and he is hereby authorized to advertise for bids for the following:

- Cleaning and repainting of the Peahala Park Water Tower
- 5. Resolution 07-0316.02(a&b): Authorize application for various grants:
 - a. Tim Hilferty: Tobacco Age of Sale Enforcement Grant
 - b. Lt. Vereb: Click-it or Ticket Enforcement Grant

RESOLUTION 07-0316.02(a)

WHEREAS, the Long Beach Island Health Department, as in years past, would like to participate in the Tobacco Age of Sale (TASE) enforcement program utilizing any grant monies available through the state; and

WHEREAS, the state has asked that Long Beach Township sign and submit a Letter of Intent as to its participation covering the period of April 1, 2007 through March 31, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach does hereby authorize Timothy Hilferty, Health Officer on behalf of the Township of Long Beach, to execute a Letter of Intent to participate in the 2007-08 TASE program.

RESOLUTION 07-0316.02(b)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Lt. Paul Vereb, Long Beach Township Police Dept., be and he hereby is authorized and directed to apply for the 2007 Click It or Ticket Grant program sponsored by the Division of Highway Traffic Safety for seat belt reinforcement in the amount of \$4000.00.

- 6. Resolution 07-0316.03: Approve various changes to water/sewer accounts

RESOLUTION 07-0316.03

WHEREAS, the following Water/Sewer accounts require changes in their billing and/or classification due to various reasons; and

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

Blk:	Lot:	Acct:	Year:	Cancel/change:	Amount:
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1.28	21	233-0 Sewer	2007	To Stand-by	\$409.00
6.16	11	1829-0 Sewer	2007	To Stand-by	409.00
8.24	3	2846-0 Sewer	2007	Remove Garbage Disp	174.00
11.32	13	3821-0 Sewer	2007	To Stand-by	409.00
11.34	22	3853-0 Sewer	2007	Remove Garbage Disp	174.00
15.42	13/CA	5338-0 Sewer	2007	Remove Garbage Disp	174.00
18.14	1.03	6273-0 Sewer	2007	Remove Garbage Disp	174.00
18.48	2	6437-0 Sewer	2007	Remove Garbage Disp	174.00

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

7. Resolution 07-0316.04: Approve personnel actions

Mayor Gove listed the various actions taken.

RESOLUTION 07-0316.04

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

CONSTRUCTION

Extend Debra Thompson's Temporary Part Time status as a Clerk at the same rate of pay effective April 2, 2007.

FINANCE

Approve a paid Medical Leave of Absence for Elizabeth Jones using accumulated sick days effective retro-active to March 5, 2007.

POLICE

Approve the following, paid from the Police Salary & Wage, for a step increment (adjust base salary) in accordance with the current contract (Article XXI).

James Seidenfaden Step 2 \$41,999.00 effect. retro-active to 1/25/07

PUBLIC WORKS

Hire the following as a permanent full time Laborer with a base salary of \$26,000.00 effective March 19, 2007 subject to the routine 3 month work test period.

Matthew Beningaso

Accept the resignation tendered by Richard Greene and approve his requested termination of employment effective March 19, 2007.

WATER/SEWER

Hire the following as a permanent full time Laborer with a base salary of \$49,000.00 effective April 9, 2007 subject to the routine 3 month work test period.

Michael Ott

Change/adjust Michael Clark's hourly rate to an annual salary of \$33,280.00 paid from Water/Sewer Salary & Wage effective March 19, 2007 based on successful completion of working test period.

8. Resolution 07-0316.05: Approve donation of a retired police vehicle to the Ship Bottom Volunteer Fire Company

Mayor Gove noted this was a 1998 GMC Yukon truck.

RESOLUTION 07-0316.05

WHEREAS, the Township of Long Beach Police Department possesses one (1) 1998, GMC Yukon truck, VIN #1GKEK13R7WJ710746; and

WHEREAS, the Ship Bottom Volunteer Fire Company has a need and a use for said item; and

WHEREAS, N.J.S.A. 40A:11-5(2) permits a municipality to donate to a duly authorized agency of the state, county or municipality of the State of New Jersey such personal property as this item; and

WHEREAS, the Township of Long Beach Police Department wishes to donate one (1) 1998, GMC Yukon truck, VIN #1GKEK13R7WJ710746 to the Ship Bottom Volunteer Fire Company.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorize the conveyance to the Ship Bottom Volunteer Fire Company for its use, the above noted vehicle.

9. Resolution 07-0316.06: Authorize a lottery to be held for available Ice Cream Vending Licenses:
(2) pedacycle

RESOLUTION 07-0316.06

A RESOLUTION AUTHORIZING A PUBLIC LOTTERY FOR TWO (2) 2007 ICE CREAM VENDOR LICENSES AND DESIGNATING REQUIREMENTS FOR SAID LOTTERY

WHEREAS, according to Ordinance 06-01C prior ice cream vendor license holders have until March 1st of each new year to renew said licenses; and

WHEREAS, it is further dictated by the aforementioned Ordinance 06-01C that after March 1st those licenses unclaimed are to be considered forfeited and made available to the general public through a lottery; and

WHEREAS, at the close of the specified 2007 deadline for said renewals, license numbers ICP-01 and ICP-02 remain unclaimed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Qualifying Applications are available for the 2007 unclaimed licenses with said applications and all required documents due to be returned to the Municipal Clerk by Monday, April 9, 2007 at 12:00 P.M.; and

BE IT FURTHER RESOLVED that said applications are subject to the Municipal Clerk's review for completeness in order to be eligible for the Public Lottery to be held in the Municipal Clerk's office on Monday, April 16, 2007 at 10:00 a.m.; and

BE IT FURTHER RESOLVED that one (1) licensee and one (1) alternate will be drawn for each available license at the Public Lottery. Upon clearance from the Long Beach Township Police Department, licensee will be required to submit the applicable fees, as per Resolutions 05-0107.02 and 05-0401.11, no later than 12:00 p.m. on Tuesday, May 1, 2007.

Motion to approve Items 4 - 9:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

FINANCIAL APPROVALS

10. Resolution 07-0316.07: Confirmation of Resolutions 07-0216.08 and 07-0302.14, as per the Division of Local Government Services:
Increases to the 2007 Temporary Budget

Mayor Gove stated this was required by the auditor and by the Division of Local Government Services.

RESOLUTION 07-0316.07

EMERGENCY TEMPORARY RESOLUTION AUTHORIZING AN INCREASE TO THE 2007 TEMPORARY MUNICIPAL BUDGET

WHEREAS, an emergent condition had arisen as a result of the delay in the introduction date for the 2007 Municipal Budget as provided by the Legislature of the State of New Jersey, and no adequate provision had been made in the 2007 Temporary Municipal Budget allowing for the aforementioned circumstance, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose abovementioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2007, pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951 as amended), including this resolution, total \$46,500.00.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20 :

1. Emergency temporary appropriations be and the same are hereby appropriated for the extended time required to operate on a temporary budget as provided by the Legislature of the State of New Jersey, in the total amount of \$46,500.00.
2. That said emergency temporary appropriations have been provided for in the 2007 Budget under the titles of: Buildings & Grounds O/E, Public Works O/E, Shared Equipment O/E, and Interlocal Dispatch O/E.
3. That three (3) certified copies of this resolution be filed with the Director of Local Government Services.

11. Resolution 07-0316.08: Approve Bills & Payroll

Bills in the amount of: \$3,070,838.00

Payrolls in the amount of: \$ 343,248.09

RESOLUTION 07-0316.08

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 \$343,248.09.

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 \$3,070,838.00 be and the same are hereby authorized to be paid on March 16, 2007.

2. The said approved payroll amounting to the sum of \$343,248.09 be and the same are hereby authorized to be paid on March 16, 2007.

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

Motion to approve Items 10 & 11:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Mayor Gove abstained from the Ocean County Utilities Authority voucher.

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

COMMISSIONERS' REPORTS

Commissioner Bayard explained the municipal building was scheduled for various maintenance procedures, and new landscaping. He announced the outside clock on the Mancini Building had been repaired. He advised Ocean Boulevard would be paved in the spring.

Commissioner Palmer had no comments.

Mayor Gove announced the next meetings of the Board of Commissioners and the Land Use Board. She stated the second reading and public hearing for Ordinances 07-11C, 07-12C, and 07-13C would take place on April 20th at 4:00 p.m. She advised residential shred day for the public would soon take place. The Mayor also announced Comcast Cable would offer senior citizen discounts on selected services, and handouts for various energy discounts were available for the public.

OPEN PUBLIC SESSION

Peter Trainor / North Beach Haven notified the Mayor that Comcast Channel 22 listed local events that were not current.

Mayor Gove was aware of the situation and would communicate with Comcast and other municipalities in an effort to have timely information posted on Channel 22.

Robert Irvine / Beach Haven Crest questioned the salary rate of a newly hired laborer in the Water/Sewer Department. He asked to review the individual's resume and questioned his work-related experience. He also requested an explanation regarding the use of a municipal vehicle by Commissioner Palmer.

Commissioner Palmer explained that the Water/Sewer laborer was hired in accordance with NJ Department of Personnel guidelines and was being trained for a future management position. He would replace a retiree and the starting salary was within the salary range for that job title. He further clarified his use of a Public Works vehicle for traffic control situations. He stated the vehicle was also available to other municipal departments and employees as needed.

Bob Hess / Brant Beach asked that he and other interested homeowners be supplied with dune fencing to protect their dune.

Commissioner Palmer stated homeowners were required to submit a survey of their property and must install the fencing themselves.

Commissioner Bayard added that properties from 31st Street in Brant Beach and south would have dune fencing installed by the Public Works Department. He promised to include Mr. Hess' property as well.

CLOSE PUBLIC SESSION

Motion for adjournment at 2:30 p.m.:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Bonnie M. Leonetti, RMC, CMC
Municipal Clerk

DiAnne C. Gove, Mayor

Robert A. Palmer, Comm.

Ralph H. Bayard, Comm.