

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS MARCH 20, 2008

Flag Salute

Meeting came to order: 4:00 p.m.

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

Also in attendance: Bonnie M. Leonetti, Municipal Clerk
Richard J. Shackleton, Esq.
Elizabeth Jones, CFO
William Antonides, Auditor

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 5, 2007; and filed with the Municipal Clerk.

AGENDA

PROCLAIM: National Library Week: April 13th through 19th

"Libraries Rock! Ocean County Library celebrates National Library Week"

Mayor Gove considered Ocean County Library one of the state's best library systems, and encouraged the public to frequently take advantage of its many available public programs.

ORDINANCES

1. First Reading Ordinance 08-06C: **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 51 PROVIDES FOR BEACH REGULATIONS**

Mayor Gove explained this prohibited littering or disposing of trash, etc. on the beaches, and launching or landing of boats in guarded areas (any activity of this nature would be at the persons own risk). Beach buggies would not be allowed within 25 feet of the toe of the dunes or on the beaches at all from May 15th to September 30th in any year. Seasonal beach badges sold prior to June 15th would be \$25 and windsurfing or Bayview Park badges would be replaced with regular beach badges.

Motion to approve Ordinance 08-06C on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

2. First Reading Ordinance 08-07C: **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 135 PERTAINS TO PEACE AND GOOD ORDER**

Mayor Gove advised this would prohibit the changing of clothes in any public area or public street unless within a permanent enclosed structure.

Motion to approve Ordinance 08-07C on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

ADOPTIONS, APPROVALS, OPPOSITIONS

3. Resolution 08-0320.01: Memorialization of Long Beach Township beach conditions in the Summer of 2007

Mayor Gove stated this was pursuant to the Special Meeting of the Board of Commissioner held on March 18th 2008.

RESOLUTION 08-0320.01

RESOLUTION MEMORIALIZING FINDINGS CONCERNING THE SAFETY OF LONG BEACH TOWNSHIP BEACHES DURING THE 2007 SUMMER SEASON

WHEREAS, on or about the 7TH day of September, 2007 Phil Lloyd, Chief Life Guard of the Long Beach Township Beach Patrol, made a speech at a regular meeting of the Board of Commissioners of the Township of Long Beach criticizing the safety of Long Beach Township's beaches during the 2007 summer season; and

WHEREAS, on the 5th day of October 2007 Phil Lloyd tendered to Long Beach Township a document entitled "Statement by Phil Lloyd regarding dangerous beaches and abuse in LBTBP 2007"; and

WHEREAS, Phil Lloyd listed nine (9) discreet items under the title "Decisions made by Don Myers that I consider to be dangerous to LBI's bathing public"; and

WHEREAS, after a review of the same the Honorable Robert A. Palmer, Commissioner and Director of the Department of Revenue and Finance, turned over to Don Myers, Beach Patrol Supervisor, the statement by Phil Lloyd for response and rebuttal; and

WHEREAS, under date of November 19, 2007 Don Myers, Beach Patrol Supervisor, returned a memorandum to the Honorable Robert A. Palmer, Commissioner and Director of the Department of Revenue and Finance providing nine (9) discreet answers to the nine (9) charges made and levied by Phil Lloyd; and

WHEREAS, on the 20th of November the Honorable Robert A. Palmer, Commissioner and Director of the Department of Revenue and Finance, forwarded to Dick Martin, Chief Executive Officer & Training Director of North Shore Life Saving Association, copies of both the Lloyd charges and the Myers response and asked Dick Martin to review both documents and render his opinion concerning the same; and

WHEREAS, on December 7, 2007, Dick Martin, Chief Executive Officer & Training Director of North Shore Life Saving Association, located at 205 Comanche Drive, Oceanport, New Jersey, responded to the Honorable Robert A. Palmer; and

WHEREAS, on the 19th day of December 2007 the Honorable Robert A. Palmer, Commissioner and Director of Revenue and Finance, forwarded a copy of the Dick Martin report to the Honorable DiAnne C. Gove, Mayor of Long Beach Township, and the Honorable Ralph H. Bayard, Commissioner and Director of Public Works and Public Property; and

WHEREAS, thereafter at virtually every public meeting members of the public have asked whether or not an investigation had been conducted and concluded concerning the safety of Long Beach Township's beaches during the 2007 season; and

WHEREAS, during the various public meetings members of the public also demanded a public hearing on the safety of Long Beach Township beaches during the 2007 summer season; and

WHEREAS, the Board of Commissioners of the Township of Long Beach ultimately determined to hold a meeting open to the public for observation and attention only, without permitting public question or public comment, in order to publicly discuss the safety of Long Beach Township beaches during the 2007 summer season; and

WHEREAS, the meeting was held commencing at 2:00 p.m. Tuesday, March 18, 2008 and in attendance were the Honorable DiAnne C. Gove, Mayor, the Honorable Ralph H. Bayard, Commissioner, the Honorable Robert A. Palmer, Commissioner, the Honorable Bonnie M. Leonetti, RMC, Municipal Clerk and Administrator, the Honorable Lynda J. Wilkie, RMC, Deputy Clerk and Richard J. Shackleton, Esquire, Township Solicitor; and

WHEREAS, Richard J. Shackleton, Esquire, at the instructions of the Board of Commissioners, read aloud the following documents:

1. The Phil Lloyd statement dated October 5, 2007.
2. The November 19, 2007 memorandum from Don Myers, Beach Patrol Supervisor, to the Honorable Robert A. Palmer, Commissioner and Director of Revenue and Finance.
3. The March 18, 2008 correspondence from Don Myers, Beach Patrol Supervisor, to the Honorable DiAnne C. Gove, Mayor, explaining the Long Beach Township program for the certification of lifeguards and explaining why Gary Jones was not certified at the end of August 2007.
4. The November 20, 2007 letter from the Honorable Robert A. Palmer, Commissioner and Director of Revenue and Finance, to Dick Martin, Chief Executive Officer and Training Director of North Shore Life Saving Association.
5. The December 7, 2007 correspondence from Dick Martin, Chief Executive Officer and Training Director of North Shore Life Saving Association, to the Honorable Robert A. Palmer, Commissioner and Director of Revenue and Finance.
6. The December 19, 2007 correspondence from the Honorable Robert A. Palmer, Commissioner, to Mayor DiAnne C. Gove and Commissioner Ralph H. Bayard; and

WHEREAS, items 1 and 2 above were read paragraph by paragraph, that is to say Solicitor Shackleton read first paragraph number 1 of Phil Lloyd's letter under the heading "Decisions made by Don Myers that I consider to be dangerous to LBI's bathing public" and then paragraph number 1 of Don Myer's response thereto; and

WHEREAS, after the reading of each paragraph each of the three Commissioners commented on the statements contained in both the accusations made by Phil Lloyd and the responses provided by Don Myers; and

WHEREAS, the consensus of opinion among the three Commissioners was that most of the allegations made by Phil Lloyd were unfounded or exaggerated; and

WHEREAS, The Board of Commissioners specifically determined that where lifeguards in training, also known as LITS, were present adult supervision was always necessary; and

WHEREAS, the allegations of only having two lifeguards per stand was not a valid criticism since the beaches in Long Beach Township are not as crowded as the beaches from Point Pleasant northward and two lifeguards per stand are traditional in Long Beach Township; and

WHEREAS, it was further determined that Don Myers was absolutely right in not permitting Gary Jones to work since he had not completed his certifications; and

WHEREAS, appended to the November 19, 2007 response provided by Don Myers, Beach Patrol Supervisor, as attachment number 1 was a chart showing guarded beaches comparison from 2005 through 2006 and 2007 which showed that on everyday between August 18th and September 3rd inclusive more lifeguards were on duty in 2007 than in 2006 or 2005; and

WHEREAS, the report provided by Dick Martin, Chief Executive Officer & Training Director of North Shore Life Saving Association, contained six (6) suggestions that his company "Surf Life Saving, Inc.", uses and that most of the members of North Shore Life Saving Association, incorporate into their operations; and

WHEREAS, a review of items 1 through 5 discloses that Long Beach Township's beach patrol generally follows 5 of the 6 and that the 6th item concerns late season beach coverage where Dick Martin offered to have another company he owned provide late season beach coverage for Long Beach Township; and

WHEREAS, Dick Martin included as the next to the last paragraph the following statement:

"I hope you find these suggestions useful. Let me go on record with you that the inspection that I did with the NSLA officers and the inspection that my wife did when she gave the work place behavior lecture, showed Long Beach Township Beach Patrol to be an impressive set-up. Based on these inspections and the reports submitted to North Shore Life Saving each year, your organization is the most organized and best run lifeguard service I have ever seen. It should serve as an example to other beach patrols on the east coast."; and

WHEREAS, Solicitor Shackleton also read Commissioner Palmer's correspondence of December 19, 2007 to his fellow Commissioners wherein he quoted comments made by Mr. Martin in a telephone conversation and specifically asked Mr. Martin if his complementary paragraph in his letter referred to the beach patrol and its workers or to a particular individual and Mr. Martin responded, "to the beach patrol in general"; and

WHEREAS, following discussions by and between the three members of the Board of Commissioners it was duly moved by Commissioner Palmer seconded by Commissioner Bayard that after the full discussion and consideration it was evident that the beaches of Long Beach Township were in all respects safe during the 2007 summer season; and

WHEREAS, the motion was unanimously carried; and

WHEREAS, it was then moved by Commissioner Robert A. Palmer seconded by Commissioner Ralph H. Bayard that the Township Solicitor prepare a Resolution of Memorialization to be adopted by the Board of Commissioners at their regular meeting held Thursday March 20, 2008.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Thursday March 20, 2008 that the Board of Commissioners, after conducting what it considered to be a reasonable investigation and holding a public hearing on the findings of that investigation considering the relevant documents and freely and openly discussing the same, do hereby publish and declare its findings that the beaches of Long Beach Township during the 2007 summer season were safe in all respects.

4. Resolution 08-0320.02: Oppose Legislative Bills S-770 and A1645 mandating the appointment of a Qualified Purchasing Agent and the Attendant Reorganization of Municipal Purchasing Functions

Mayor Gove noted this unfunded mandate would, in all probability, lead to higher personnel costs in the future.

RESOLUTION 08-0320.02

RESOLUTION OF TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY OPPOSING SENATE BILL S-770 / ASSEMBLY BILL A-1645 MANDATING THE APPOINTMENT OF A QUALIFIED PURCHASING AGENT AND THE ATTENDANT REORGANIZATION OF LONG BEACH TOWNSHIP PURCHASING FUNCTIONS

WHEREAS, the Township of Long Beach strongly supports the employment of the best purchasing practices to not only ensure compliance with the numerous state statutes governing public procurement, but also to obtain the most favorable pricing for required services and products; and

WHEREAS, the Township of Long Beach encourages and allows its employees to receive continuing education courses and frequent training to remain relevant of new statutes, changes in regulation and best practice procedures which encourage proper cost effective purchasing; and

WHEREAS, the Legislature has before it Senate Bill S-770 / Assembly Bill A-1645, endorsed by the Purchasing Officials and no other statewide local government organization that would significantly impact on the operation of the purchasing function by requiring the reorganization of the purchasing function into a separate office not under the direct supervision of the local unit's administrator, manager, CFO and other official; and

WHEREAS, the Township of Long Beach had not experienced any challenges or crisis in purchasing procedures that warrants imposing this unfunded mandate upon local governments and questions what existing problem(s) it purports to fix; and

WHEREAS, the Township of Long Beach takes exception to this unfunded state mandate which represents an intrusion into the management prerogatives of local officials to organize purchasing functions that are in the best interests of resident taxpayers; and

WHEREAS, Bills S-770 / A-1645 will not reduce the cost of the municipal operation nor lead to better purchasing activities; rather these unfunded mandates will, in all probability, lead to higher personnel costs in the future given the mandates contained therein; and

WHEREAS, it is unconscionable for the Legislature to impose another unfunded mandate during a time when Mayors and governing body members are focused on proposed budget cuts that will result in increased property taxes and the curtailment of services to residents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey:

1. Hereby opposes Bills S-770 / A-1645 as an unfunded state mandate with no new or additional capabilities to assist towns in improving purchasing activities and in all probability will lead to future cost increases.
2. Hereby opposes Bills S-770 / A-1645 which change an existing option afforded local units into an unfunded mandate to appoint a qualified purchasing agent.

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

1. Governor Jon S. Corzine
2. New Jersey State League of Municipalities
3. 9th, 10th and 30th Legislative Districts
5. Resolution 08-0320.03: Authorize the advertisement of various bids
Public Works Dept: Front End Loader, Dozer rentals

RESOLUTION 08-0320.03

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 advertise for bids for the following:

- (1) Volvo L70F Loader or approved equal for Public Works
 - Rental of Bulldozers and Loaders with and without Operators for Public Works
6. Resolution 08-0320.04: Approve personnel actions

Mayor Gove related the various proposed actions to be taken.

7. Resolution 08-0320.05: Authorize the application of various grants for the Police Department:
Pedestrian Bicycle Safety & Enforcement Grant
Alcohol and Impaired Driver Education Grant
Aggressive Driver Enforcement Grant
Comprehensive Traffic Safety & Program Enforcement Grant
Click-It or Ticket Grant

RESOLUTION 08-0320.05

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 following grants:

- Click It or Ticket Grant
 - Pedestrian Bicycle Safety & Enforcement Grant
 - Alcohol and Impaired Driver Education Grant
 - Aggressive Driver Enforcement Grant
 - Comprehensive Traffic Safety & Program Enforcement Grant
8. Resolution 08-0320.06: Authorize reduction to NJDOT FY2007 Road Reconstruction project:
delete Indiana Avenue

Mayor Gove stated the NJDOT funded only a portion of the total amount applied for by LBT.

RESOLUTION 08-0320.06

WHEREAS, pursuant to Resolution 07-0817.01, Long Beach Township submitted an application to the NJDOT Local Aid Program for the 2008 Road Reconstruction / Improvement Project, MA FY 2008, in the amount of \$156,101.00 for the paving of two roads: Ohio Avenue North (from Ohio Ave. West to Dead End North), and Indiana Avenue (from Pacific Ave. to Long Beach Blvd.); and

WHEREAS, the NJDOT approved an allotment in the amount of \$95,000.00 to Long Beach Township for the same; and

WHEREAS, Long Beach Township must therefore reduce the scope of work for this project to one (1) street only; and

WHEREAS, according to the terms of the agreement with the NJDOT, any change / or reduction to the original application must be requested of the NJDOT by resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorize the change / reduction to the original application to the NJDOT Local Aid Program MA FY 2008 requesting the paving of one (1) street, Ohio Avenue North (from Ohio Ave. West to Dead End North), and the deletion of Indiana Avenue (from Pacific Ave. to Long Beach Blvd.).

9. Resolution 08-0320.07: Authorize termination of employment and PERS Pension contributions for the Prosecutor and the Public Defender

Mayor Gove explained these positions were now considered as professional services, not Township employees.

RESOLUTION 08-0320.07

RESOLUTION TERMINATING THE EMPLOYMENT AND PENSION CONTRIBUTIONS OF THE PROSECUTOR & PUBLIC DEFENDER FOR THE TOWNSHIP OF LONG BEACH

WHEREAS, the State of New Jersey has promulgated legislation that no longer allows a prosecutor or public defender to contribute or participate in any of the state's pension systems; and

WHEREAS, after due review and consideration by the Administrator, Chief Financial Officer and Solicitor, it has been determined that Chapter 92 (P.L. 2007, c92) dictates that the two individuals holding the aforementioned positions can no longer be deemed or treated as employees of the Township Beach, nor can pension contributions be made on their behalf; and

WHEREAS, both of the individuals described above hold professional licenses in the State of New Jersey and can therefore be awarded Professional Service contracts by the Township of Long Beach.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the employer/employee relationships between Steven A. Zabarsky, Esq., LBT Prosecutor and Stuart D. Snyder, Esq., LBT Public Defender with the Township are hereby on this 20th day of March 2008 severed and terminated; and

BE IT FURTHER RESOLVED that Professional Service contracts shall be awarded so that their services for the Township may be uninterrupted.

10. Resolution 08-0320.08: Appoint members of the Long Beach Township Recreation and Special Activities Committee

Mayor Gove named each member of the Recreation and Special Activities Committee.

RESOLUTION 08-0320.08

WHEREAS, pursuant to Ordinance 08-05C, adopted February 22nd 2008, creating a new chapter of the Code of the Township of Long Beach, Chapter 28, the Board of Commissioners of the Township of Long Beach Office authorized the establishment of a Recreation and Special Activities Committee for the purpose of organizing activities to be held within Long Beach Township; and

WHEREAS, the Mayor, with the concurrence of the Commissioners, wishes to appoint the following individuals to serve as members of the Long Beach Township Recreation and Special Activities Committee:

Mary Tantillo	North Beach
Pat Kaletkowski	Brant Beach
William Hutson	Holgate
Zach Kerzner	Brighton Beach
Beverly Welling	Haven Beach
Linda Ramsey	High Bar Harbor
Robert or Patricia Monaco	Loveladies

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the above-named individuals be and they are hereby appointed as members of the Long Beach Township Recreation and Special Activities Committee effective through December 31, 2008.

11. Resolution 08-0320.09: Approve changes to various sewer accounts

RESOLUTION 08-0320.09

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:
4.05	4	836-0 Sewer	2008	To Stand-by	\$421.00
13.18	6	4523-0 Sewer	2008	To Stand-by	421.00
15.102	6	5879-0 Sewer	2008	Rem. Garbage Disposal	179.00

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.

Motion to approve Items 3 - 11:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

CONTRACTS AND AWARDS

12. Resolution 08-0320.10(a&b): Award various professional service contracts

a. GeoTrans, Inc.: Phase I of Underground Storage Tank closure remedial investigation \$19,600.00

b. Stuart Snyder, Esq.: Public Defender not to exceed \$6,500.00 per year

RESOLUTION 08-0320.10(a)

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A: 11-1 et. seq. provide that professional services are exempt from the requirement of public bidding; N.J.S.A. 40A: 11-5(a)(i); and

WHEREAS, GeoTrans, Inc. employs a professionally certified staff possessing the requisite qualifications and licenses as required by law to provide professional services for the remedial investigation required for underground storage tank closure pursuant to the New Jersey Department of Environmental Protection comment letter dated August 23, 2007; and

WHEREAS, the Board of Commissioners of the Township of Long Beach believe that it is prudent to award a professional services contract to GeoTrans, Inc. for Phase I of the above mentioned project for underground storage tank(s) located in the area of the Public Works Garage.

WHEREAS, the Board of Commissioners of Township of Long Beach has determined and certified in writing that the value of the services will likely exceed \$17,500.00; and

WHEREAS, GeoTrans, Inc. has supplied a Business Entity Disclosure Certification and a Political Contribution Disclosure certifying that it has not made any reportable contributions to a political or candidate committee in the Township of Long Beach in the previous one year, and that the contract will prohibit those listed from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Thursday, March 20, 2008 that the Mayor and Municipal Clerk shall and are hereby authorized to execute and bind the Township to a contract entered by and between the Township of Long Beach and GeoTrans, Inc., 295 Route 22 East, Suite 104E, Whitehouse Station, NJ 08889 in an amount not to exceed Nineteen Thousand Six Hundred Dollars (\$19,600.00) for Phase I of the remedial investigation required for underground storage tank closure pursuant to the New Jersey Department of Environmental Protection comment letter dated August 23, 2007 for underground storage tank(s) located in the area of the Public Works Garage; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall send a notice of the professional appointment and have same published at least once in the official newspaper of the Township of Long Beach and shall keep the resolution and contract on file for public inspection.

RESOLUTION 08-0320.10(b)

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A: 11-1 et. seq. provide that professional services are exempt from the requirement of public bidding; N.J.S.A. 40A: 11-5(a)(i); and

WHEREAS, the cited section defines professional services as services rendered by a person authorized by law to practice a recognized profession whose practice is regulated by law and requires that where contracts are awarded without public bidding, notice of such contract shall be published at least once in a newspaper circulating in the community; and

WHEREAS, it is necessary for the Township of Long Beach to obtain the services of a municipal public defender for the year 2008; and

WHEREAS, the aforesaid services are recognized professions, which professions are regulated by law; and

WHEREAS, the Board of Commissioners of the Township of Long Beach have determined that Stuart D. Snyder, Esquire possesses the requisite qualifications and license to serve as the public defender.

WHEREAS, Stuart D. Snyder, Esquire has supplied a Business Entity Disclosure Certification and a Political Contribution Disclosure certifying that he has not made any reportable contributions to a political or candidate committee in the Township of Long Beach in the previous one year, and that the contract will prohibit those listed from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Thursday, March 20, 2008 that the Mayor and Municipal Clerk shall and are hereby authorized to execute and bind the Township to a contract entered by and between the Township of Long Beach and Stuart D. Snyder, Esquire, 2100 Long Beach Blvd., Surf City, NJ 08008 in an amount not to exceed Six Thousand Five Hundred Dollars (\$6,500.00) per year, to serve as the Public Defender for the Township of Long Beach effective through May 20, 2008; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall send a notice of the professional appointment and have same published at least once in the official newspaper of the Township of Long Beach and shall keep the resolution and contract on file for public inspection.

13. Resolution 08-0320.11: Award a contract for the purchase of a 2008 Ford F150 truck for the Public Works Department, per State Contract: Plaza Motors Fleet: \$23,778.50

RESOLUTION 08-0320.11

AUTHORIZE A CONTRACT FOR THE PURCHASE OF ONE (1) 2008 FORD F-150 PICK-UP TRUCK FOR THE LONG BEACH TOWNSHIP PUBLIC WORKS 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, Fords National Automart, Inc. d/b/a Plaza Ford / Motors Fleet has been awarded New Jersey State Contract No. 70957 for Vehicles, Trucks, Pickup, Class 1 for the period January 24, 2008 to January 23, 2009; and

WHEREAS, the Commissioner of Public Works, Parks, and Property 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 (1) 2008 Ford F-150 pick-up truck is Twenty Three Thousand Seven Hundred Seventy Eight Dollars and Fifty Cents (\$23,778.50); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in the appropriation created by: Ordinance 07-42 for the Purchase of Public Works Trucks.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Fords National Automart, Inc. d/b/a Plaza Ford / Motors Fleet be awarded a contract for the purchase of (1) 2008 Ford F-150 pick-up truck for the Public Works Department in an amount not to exceed Twenty Three Thousand Seven Hundred Seventy Eight Dollars and Fifty Cents (\$23,778.50).

14. Resolution 08-0320.12(a&b): Award various contracts, per quote

- a. David Wood Boat Service: \$92.50 per hour for various repairs to Beach Patrol safety equipment
- b. J.W. Scott, Inc.: Remove existing and install (2) new fuel pumps for the Public Works Department: \$6,585.00

RESOLUTION 08-0320.12(a)

A RESOLUTION AWARDING A CONTRACT FOR THE REPAIR OF SAFETY EQUIPMENT FOR THE LONG BEACH TOWNSHIP BEACH PATROL DEPARTMENT, PER QUOTATION

WHEREAS, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Beach Patrol Department solicited quotations for the repair / refurbishment of various Beach Patrol safety equipment; and

WHEREAS, in response to the invitation for solicitation two (2) quotations were received; and

WHEREAS, the quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that Wood's Boat Service provided the lowest qualified quotation in accordance with the specifications, said quotation in the amount of Ninety Two Dollars and Fifty Cents per hour for labor (\$92.50), plus materials if required; and

WHEREAS, it is in the public interest of the Township of Long Beach to award a contract to Wood's Boat Service for the repair / refurbishment of various Beach Patrol safety equipment; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Lifeguards: Other Expenses.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long, County of Ocean, State of New Jersey, at a regular meeting held this 20th day of March 2008 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with Wood's Boat Service, 10 West 17th St., P.O. Box 173, Barnegat Light, NJ 08006 in an amount not to exceed Ninety Two Dollars and Fifty Cents per hour for labor (\$92.50), plus materials if required.

RESOLUTION 08-0320.12(b)

A RESOLUTION AWARDING A CONTRACT TO REMOVE EXISTING FUEL PUMPS AND FURNISH AND INSTALL TWO (2) NEW HYDRAULIC FUEL PUMPS FOR THE LONG BEACH TOWNSHIP PUBLIC WORKS DEPARTMENT, PER QUOTATION

WHEREAS, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Public Works Department solicited quotations to remove the existing fuel pumps and furnish and install two (2) new hydraulic fuel pumps in the Public Works Garage Yard; and

WHEREAS, in response to the invitation for solicitation two (2) quotations were received; and

WHEREAS, the quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that J.W. Scott Service Station Equipment Company, Inc. provided the lowest qualified quotation in accordance with the specifications, said quotation in the amount of Six Thousand Five Hundred Eighty Five Dollars (\$6,585.00); and

WHEREAS, it is in the public interest of the Township of Long Beach to award a contract to J.W. Scott Service Station Equipment Company, Inc. to remove the existing fuel pumps and furnish and install two (2) new hydraulic fuel pumps in the Public Works Garage Yard; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Public Works: Other Expenses.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long, County of Ocean, State of New Jersey, at a regular meeting held this 20th day of March 2008 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with J.W. Scott Service Station Equipment Company, Inc., P.O. Box 1160, Trenton, NJ 08606-1160 in an amount not to exceed Six Thousand Five Hundred Eighty Five Dollars (\$6,585.00).

15. Resolution 08-0320.13: Award a contract for fuel oil, per Cooperative Pricing Agreement (with the Township of Stafford):

Pedroni Fuel Co.: Diesel (summer & winter) and Super Gasoline

RESOLUTION 08-0320.13

RESOLUTION AUTHORIZING A CONTRACT FOR SUPPLY AND DELIVERY OF GASOLINE BASED ON BID PROCURED BY THE STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM

WHEREAS, Long Beach Township is a participating entity of the Stafford Township Cooperative Pricing System, Identifiers #33-OCCPS-2/07 and #33-OCCP-3/07; and

WHEREAS, the Township wishes to utilize the Stafford Township Cooperative Pricing System to contract for the supply and delivery of gasoline and diesel fuel as may be required for various municipal vehicles; and

WHEREAS, the governing body deems this contract to be necessary for Township use, and is in the best interest of the Township; and

WHEREAS, Pedroni Fuel Company was the lowest qualified bidder for Identifier #33-OCCPS-2/07 for diesel fuel and #33-OCCP-3/07 for super gasoline by the Stafford Township Cooperative Pricing System.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Thursday, March 20, 2008 that the Mayor and Municipal Clerk shall be and are hereby authorized to execute contracts as follows:

1. Effective through October 18, 2008, for super gasoline as described above and pursuant to the bid specifications at the bid price of \$.0324, subject to the Daily Journal of Commerce price, plus the fixed margin, commonly recognized and used by the industry.
2. Effective through March 19, 2009, for diesel fuel summer blend as described above and pursuant to the bid specifications at the bid price of \$.0570 with an addition of \$.0070 for diesel winter blend, subject to the Daily Journal of Commerce price, plus the fixed margin, commonly recognized and used by the industry.

Motion to approve Items 12 - 15:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

FINANCIAL APPROVALS

16. Resolution 08-0320.14: Ratify contract of sale with the successful bidder at the March 19th auction of riparian land: Block 8.01, Lot 4.01

Mayor Gove noted the prevailing bidder was Ziman Development for the sum of \$27,000.00.

RESOLUTION 08-0320.14

RESOLUTION RATIFYING AND AFFIRMING A CONTRACT FOR THE SALE OF BLOCK 8.01 LOT 4.01 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF LONG BEACH TO ZIMAN DEVELOPMENT FOR THE SUM OF \$27,000.00.

WHEREAS, it was determined by the Board of Commissioners of the Township of Long Beach that certain lands underwater owned by the Township known as Block 8.01 Lot 4.01 were no longer needed for any public purpose; and

WHEREAS, pursuant to Ordinance duly adopted by the Board of Commissioners of the Township of Long Beach on the 8th day of February, 2008 the sale at auction of the said lands was authorized; and

WHEREAS, the auction was advertised in the Asbury Park Press on March 3, 2008 and March 10, 2008 and was also advertised in the Beach Haven Times March 5, 2008 and March 12, 2008; and

WHEREAS, both advertisements advertised that the land would be sold at public auction at 2:00 p.m. Wednesday, March 19, 2008; and

WHEREAS, at 2:00 p.m., the advertised date, an auction was held and the opening bid of \$15,000.00 was made and spirited bidding continued until the final purchaser bid the sum of \$27,000.00 and there being no further increase the property was sold to Ziman Development for the sum of \$27,000.00 and a contract was immediately executed by and between the Honorable DiAnne C. Gove, Mayor and Ziman Development by Michael Ziman, Purchaser; and

WHEREAS, the required \$15,000.00 deposit in the form of a cashiers check was tendered.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Thursday March 20, 2008 that the aforesaid contract shall be and is hereby ratified and reaffirmed.

17. Resolution 08-0320.15(a&b): Accept various Performance Bonds

a. LUB 18-07: Blk 10.26, Lots 4 & 5

b. LUB 27-07: Blk 20.26, Lot 1

RESOLUTION 08-0320.15(a)

WHEREAS, the Township of Long Beach has received from John Zanger, Jr. Cashier's Check No. 397320491 dated March 7, 2008 in the amount of Three Thousand Three Hundred Dollars (\$3,300.00) drawn on Wachovia Bank, as the required Performance Bond for Minor Sub-division #LUB-18-07, Block 10.26, Lots 4 & 5 (115 & 123 East Idaho Avenue, Haven Beach).

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 recommended by the Municipal Engineer.

RESOLUTION 08-0320.15(b)

WHEREAS, the Township of Long Beach has received from Reginald J. Raban Cashier's Check No. 0935893 dated March 14, 2008 in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) drawn on Wachovia Bank, as the required Performance Bond for Minor Sub-division #LUB-27-07, Block 20.26, Lot 1 (26 Long Beach Blvd., Loveladies).

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 recommended by the Municipal Engineer.

18. Resolution 08-0320.16: Approve the transfer of reserve appropriations

Mayor Gove advised transfers were statutorily allowed from January through March of each year.

RESOLUTION 08-0320.16

WHEREAS, the statutes provide for the making of Reserve Appropriation transfers between the period of January 01, 2008 and March 31, 2008; 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:

RESERVE APPROPRIATIONS

<u>FROM:</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Sanitary Landfill O/E	07-01-26-306-029	\$5,000.00
<u>TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Auditing O/E 7-01-20-130-229	\$4,000.00	
Beach Patrol O/E	7-01-28-380-100	1,000.00
	Total	\$5,000.00

19. Resolution 08-0320.17: Approve increase to the 2008 Temporary Budget
Mayor Gove stated this would increase various appropriations until the adoption of the 2008 municipal budget.

RESOLUTION 08-0320.17

WHEREAS, the Chief Financial Officer of the Township of Long Beach has determined that an increase to the 2008 Temporary Budget, approved by Resolution 08-0320.17 and amended by Resolutions 08-0222.02 and 08-0307.08, is necessary due to various reasons; and

WHEREAS, the following appropriations shall be increased to the following amounts:

Increase to Temporary Budget
 3/20/08

Current Fund		
Dir. Revenue & Finance S/W	8-01-20-100-011	\$550.00
Mun Clerk S/W	8-01-20-120-011	\$48,500.00
Mun Clerk O/E	8-01-20-120-100	\$500.00
Fin. Admin S/W	8-01-20-130-011	\$7,000.00
Fin Admin O/E	8-01-20-130-100	\$500.00
Tax Collector S/W	8-01-20-145-011	\$4,200.00
Tax Collector O/E	8-01-20-145-100	\$500.00
Tax Assessor S/W	8-01-20-150-011	\$5,550.00
Legal O/E	8-01-20-155-028	\$17,000.00
Lobbyist O/E	8-01-20-156-100	\$5,000.00
Engineering O/E	8-01-20-165-028	\$5,000.00
Land Use S/W	8-01-21-180-011	\$2,100.00
Land Use O/E	8-01-21-180-100	\$3,500.00
Construction S/W	8-01-22-195-011	\$5,200.00
Construction (O/C)S/W	8-01-22-195-201	\$3,100.00
Construction (O/C)O/E	8-01-22-195-229	\$7,700.00
Unemployment Insur. O/E	8-01-23-225-000	\$1,400.00
Dir. Public Safety S/W	8-01-25-200-011	\$700.00
Police S/W	8-01-25-240-011	\$203,000.00
Police O/E	8-01-25-240-100	\$40,000.00
Prosecutors O/E	8-01-25-275-100	\$1,900.00
Dir Public Works S/W	8-01-26-200-011	\$500.00
Streets & Roads S/W	8-01-26-290-011	\$20,000.00
Streets & Roads O/E	8-01-26-290-100	\$1,000.00
Public Works S/W	8-01-26-302-011	\$15,000.00
Garbage & Trash O/E	8-01-26-305-100	\$136,010.00
Sanitary Land Fill O/E	8-01-26-306-100	\$14,000.00
Buildings & Grounds S/W	8-01-26-310-011	\$10,000.00
Lifeguards S/W	8-01-28-380-011	\$20,000.00
Beach Badge S/W	8-01-28-381-011	\$5,500.00
Beach Badge O/E	8-01-28-381-100	\$3,000.00
Street Lighting O/E	8-01-31-435-000	\$7,000.00
Gasoline O/E	8-01-31-447-000	\$20,000.00
Board of Health S/W	8-01-31-330-011	\$14,700.00
Community Rating S/W	8-01-31-470-011	\$125.00
Social Security O/E	8-01-36-470-000	\$25,000.00
Municipal Court S/W	8-01-43-490-011	\$7,000.00
	Total Current Fund Increase	\$661,735.00
	Revised Temp. Budget	\$6,487,052.00

Water Sewer Budget Increase
 3/20/08

Water/Sewer Operating Expenses	8-09-55-549-011	\$30,000.00
	Total water/Sewer Fund Increase	\$30,000.00
	Revised Water/Sewer Temp. Budget	\$1,940,950.00

NOW, THEREFORE BE IT 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 2008 Temporary Budget as recorded above.

20. Resolution 08-0320.18: Approve introduction of the 2008 Municipal Budget
Mayor Gove announced the Public Hearing would be held at the Public Safety Building on April 18, 2008, at 4:00 P.M.

RESOLUTION 08-0320.18

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following statements of revenues and appropriations shall constitute the Local Municipal Budget for the year 2008; and

BE IT FURTHER RESOLVED that said Budget be published in the Beach Haven Times, issue of April 2, 2008;

The Governing Body of the Township of Long Beach does hereby approve the following as the Budget for the year 2008:

VOTE: **AYES: Bayard, Palmer, Gove**
NAYS:
ABSTENTIONS:
ABSENCES:

NOTICE

NOTICE IS HEREBY GIVEN that the Budget was approved by the Board of Commissioners of the Township of Long Beach, County of Ocean, on March 20, 2008;

A hearing on the Budget will be held at the Public Safety Building on April 18, 2008, at 4:00 P.M., at which time and place, objections to said budget for the year 2008 may be presented by taxpayers or other interested persons.

21. Resolution 08-0320.19: Approve Bills & Payroll
 Bills in the amount of: \$3,371,244.54
 Payrolls in the amount of: \$ 396,363.97

RESOLUTION 08-0320.19

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 \$396,363.97.

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 \$3,371,244.54 be and the same are hereby authorized to be paid on March 20, 2008.
2. The said approved payroll amounting to the sum of \$396,363.97 be and the same are hereby authorized to be paid on March 20, 2008.

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 16 - 21:

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

Commissioner Palmer abstained from Commerce Bank vouchers.

COMMISSIONERS' REPORTS

Commissioner Bayard stated the Township had received \$19,733.00 from Ocean County for recycling revenues.

Commissioner Palmer wished everyone a happy Easter.

Mayor Gove announced the next meeting of the Board of Commissioners and of the Land Use Board. She noted the second reading and public hearing for Ordinances 08-06C and 08-07C would take place on April 4th at 4:00 p.m. She provided information regarding the Ocean County Single Stream Recycling Program and noted access to the information was on the municipal website, and had been mailed to property owners.

OPEN PUBLIC SESSION

Bill Knarre / Brant Beach asked for information regarding beach badge availability to the public. He asked the information be placed on the Township website.

Renee Gresko / Beach Patrol explained when the information would be mailed, when the booth would open, and the price of each badge.

Zach Kerzner / Brighton Beach requested landscaping, trees and shrubs be trimmed back along Ocean Boulevard and Beach Avenue to improve visibility for pedestrians and motorists traveling those roads. He felt poor visibility and obstructions impeding safe passage for pedestrians affected safety standards and asked that a sidewalk assessment be applied to affected properties.

Mayor Gove explained the roads would be paved in April 2008 and at that time sight infringements would be reviewed and addressed.

Commissioner Bayard felt enforcement would be difficult as regulations had not been enforced in the past. He stated Public Works employees would trim back encroaching foliage once the roads were paved, striped, and the problem areas were identified.

Mayor Gove agreed that violations would be issued once the paving and striping was completed by Ocean County.

Commissioner Palmer stated the Township would enforce right of way accessibility after Ocean County surveys and paves Ocean Boulevard and Beach Avenue. He noted property owners could be billed for work done by the municipality.

Bill Kunz / Brant Beach suggested the process be done by section as Ocean County paved the roads.

Peter Trainor / North Beach Haven spoke regarding the Special Meeting of March 18th 2008 and asked if Phil Lloyd would be employed by Long Beach Township for the 2008 summer season. He asked that a referendum question be included in the November 2008 General Election to approve the creation of a Citizen's Advisory Committee to research money saving practices for Long Beach Township through shared and interlocal services. He provided the Board of Commissioners with a draft resolution for their review and consideration.

Commissioner Palmer was considering Mr. Lloyd's employment at this time and was not sure when a decision would be made.

Dick Jeffries / Beach Haven Terrace asked for information regarding Ocean County inspections of Long Beach Township local business' recycling practices. He was concerned that local businesses could be subject to fines for non-compliance with County recycling regulations.

Commissioner Bayard would check into the matter.

Richard O'Such / North Beach stated he was not confident that Commissioner Palmer was knowledgeable regarding Beach Patrol matters. He asked why Mr. Myers was not present at the March 18th 2008 Special Meeting.

Commissioner Palmer advised that Mr. Myers could have attended if he had desired to do so.

Mayor Gove added Mr. Myers was not present because Mr. Lloyd was not able to attend.

Bill Kunz / Brant Beach hoped the Beach Patrol issue could be put to rest, and that Phil Lloyd would not be hired for the 2008 summer season. He asked if 2007 recycling revenue reimbursement check total had increased compared to the same time period for 2006. Mr. Kunz felt that the Mayor and Commissioners should have canvassed for members of the Recreation and Activities Committee through the local newspapers. He asked that names of the appointed members be published by the local newspapers.

Commissioner Bayard explained 2007 was comparable to the same time period for 2006, but felt the increased efforts by the Township to recycle more items would result in an increase in revenue for 2008.

Mayor Gove stated the appointed members of the Recreation and Activities Committee represented various sections of Long Beach Township. She explained that this was simply a starting point and volunteers were also needed and welcomed. She listed some of the ideas for events that were being considered.

John Connelly / Beach Haven Crest commended the Mayor and Commissioners for the Special Meeting of March 18th 2008. He hoped problems of this nature could be avoided in the future.

Bill Knarre / Brant Beach explained various street dimensions and the impact on right of way areas. He suggested a group of municipal elected officials and employees with a like number of Township residents be organized as a committee to furnish cost saving ideas for the municipality. The Joint Council of Taxpayers had formed such a group to look at shared and interlocal services on Long Beach Island.

Peter Trainor / North Beach Haven felt the duplication of public services by the six Long Beach Island municipalities was unnecessary. He believed savings for taxpayers would be realized through shared and interlocal services.

Thomas Walsh / Beach Haven Park and **Dick Jeffries / Beach Haven Terrace** commended the Board of Commissioners for their presentation at the March 7th public meeting in honor of local women.

Mayor Gove thanked them for their compliment and wished everyone a safe and happy Easter.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:56 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.