

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS APRIL 23, 2010
Flag Salute

Meeting came to order: 4:03 p.m.

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

Also in attendance: Bonnie M. Leonetti, Municipal Clerk, Administrator
Lynda J. Wells, Deputy Municipal Clerk

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on December 30th 2009; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the March 19th and April 9th 2010 meetings and to approve the same as recorded in the minute book:

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

AGENDA

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 10-10C: **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 205-10 PERTAINS TO ZONING.**

ORDINANCE 10-10C

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 205-10 PERTAINS TO ZONING.

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

STATEMENT OF PURPOSE

This ordinance amends the Zoning Ordinance to provide that oceanfront homes will have their height measured from sea level rather than from the height of the dunes and shall extend to a maximum height of 48 feet above sea level as determined by the 1988 North America Vertical Datum. The Ordinance further provides as a further height limitation that the maximum height of a building may not exceed 34 feet above the intersection of the westerly-most sideline of the building and the grade upon which the building or structure is located.

The Ordinance further provides that in the AO Zone and the A Zone delineated on the FEMA Flood Insurance Rate Maps the maximum height of any building shall be 32 feet above the crown of the road or easement upon which the building is located and an exception is provided that where a building permit has been issued to raise an existing structure to meet FEMA base flood elevation requirements in the AO Zone an additional 12 inches not calculated in the 32 foot maximum height limitation will be permitted for the installation of ventilation, plumbing, duct work and the like.

SECTION I

§205-10 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the deletion of paragraphs A, B, C and D and the adoption of the following for paragraphs A, B & C:

Section 205-10 Height Limits.

A. In the A and the AO Zones, as defined by FEMA Flood Insurance Rate Maps, no building or structure shall be erected or enlarged which shall exceed 32 feet in height. In measuring the height of any building to determine its conformity with the 32 foot height restriction the measurement shall be taken from the crown of the road or easement on which the building or structure is located. The point of measurement from which the height restriction is taken at the crown of the road or easement shall be on a straight line perpendicular to the edge of the easement or road running directly from the crown of the road or easement to the place where the vertical face of the building located furthest from the building line shall intercept the finished grade of the lot.

B. In the beach dune area, FEMA Rate Map V Zone, no buildings or structures which are located on lots regulated by the established oceanfront building line shall be erected or enlarged the maximum first floor elevation of which shall exceed 24 feet above sea level as determined by the 1988 North America Vertical Datum and the maximum total height of which shall exceed 24 feet above the first floor elevation; PROVIDED, HOWEVER, no buildings or structures in the beach dune area on lots regulated by the established oceanfront building line shall be erected or enlarged so that, regardless of the above paragraph, the maximum height of the building shall exceed 34 feet measured from the intersection of the westerly most sideline of said building and the grade upon which said building or structure is located.

C. Exceptions. Existing structures which have been issued a building permit to raise the structure to meet Base Flood Elevation (BFE) in the AO Zone shall be allowed a free-board area not to exceed twelve (12) inches in height, for the installation of ventilation, plumbing, duct work, and the like, below the top of the first level floor joist, and the said area shall not be calculated in the thirty-two (32) foot maximum height limitation.

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 19, 2010 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 April 23, 2010 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 10-10C was duly adopted by the Board of Commissioners at their meeting held on Friday, April 23, 2010 at 4:00 p.m.

Bonnie M. Leonetti, Municipal Clerk, Administrator explained this ordinance provided that oceanfront homes would have their height measured from sea level rather than the height of the dunes and shall extend to a maximum height of 34 feet above sea level as determined by the 1988 North America Vertical Datum. The ordinance had been reviewed and approved by the Land Use Board.

Passed on first reading at a regular meeting held on March 19th 2010 and advertised in the BEACH HAVEN TIMES issue of March 24th 2010.

OPEN PUBLIC HEARING

Peter Trainor / North Beach Haven asked if the ordinance could include the flood prone area along the bayfront; his property had experienced flooding that he felt might have been alleviated by this type of regulation.

Mayor Mancini said he would consider Mr. Trainor's request.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 10-10C on Second Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 10-16: **BOND ORDINANCE AUTHORIZING THE RESURFACING OF VARIOUS ROADWAYS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$400,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$380,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

TOWNSHIP OF LONG BEACH, NEW JERSEY

ORDINANCE 10-16

BOND ORDINANCE AUTHORIZING THE RESURFACING OF VARIOUS ROADWAYS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$400,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$380,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$400,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$380,000; and

(c) a down payment in the amount of \$20,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$380,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$20,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$380,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$380,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date of delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$80,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Reconstruction and/or Resurfacing of Various Roadways including, but not limited to, 13 th Street and 16 th Street from Long Beach Boulevard to Beach Avenue; 14 th Street and 25 th Street from Beach Avenue to Atlantic Avenue; 23 rd Street and 131 st Street from Beach Avenue to ocean front; 25 th Street from Beach Avenue to Atlantic Avenue; 30 th Street from Long Beach Boulevard to Atlantic Avenue; 54 th Street, 56 th Street and 60 th Street from Long Beach Boulevard to Bayview Avenue; 55 th Street from Bayview Avenue to bay front; 74 th Street, 83 rd Street, 85 th Street, 90 th Street and North Lagoon from Long Beach Boulevard to bay front; 132 nd Street from Long Beach Avenue to ocean front; and Dusty Miller Drive, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$400,000	\$20,000	\$380,000	10 years

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$380,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of or repayment of obligations issued to finance the costs of the improvements described in Section 7 above.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: April 9, 2010

Date of Final Adoption: April 23, 2010

Notice of Pending Bond Ordinance and Summary.

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on April 9, 2010. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Commissioners to be held at the Public Safety Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on April 23, 2010, at 4:00 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE RESURFACING OF VARIOUS ROADWAYS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$400,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$380,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Reconstruction and/or Resurfacing of Various Roadways including, but not limited to, 13 th Street and 16 th Street from Long Beach Boulevard to Beach Avenue; 14 th Street and 25 th Street from Beach Avenue to Atlantic Avenue; 23 rd Street and 131 st Street from Beach Avenue to ocean front; 25 th Street from Beach Avenue to Atlantic Avenue; 30 th Street from Long Beach Boulevard to Atlantic Avenue; 54 th Street, 56 th Street and 60 th Street from Long Beach Boulevard to Bayview Avenue; 55 th Street from Bayview Avenue to bay front; 74 th Street, 83 rd Street, 85 th Street, 90 th Street and North Lagoon from Long Beach Boulevard to bay front; 132 nd Street from Long Beach Avenue to ocean front; and Dusty Miller Drive, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$400,000	\$20,000	\$380,000	10 years

Appropriation: \$400,000
 Bonds/Notes Authorized: \$380,000
 Grants (if any) Appropriated: None
 Section 20 Costs: \$80,000
 Useful Life: 10 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on April 23, 2010 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office at 6805 Brant Beach

Boulevard, Brant Beach, New Jersey for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE RESURFACING OF VARIOUS ROADWAYS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$400,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$380,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Reconstruction and/or Resurfacing of Various Roadways including, but not limited to, 13 th Street and 16 th Street from Long Beach Boulevard to Beach Avenue; 14 th Street and 25 th Street from Beach Avenue to Atlantic Avenue; 23 rd Street and 131 st Street from Beach Avenue to ocean front; 25 th Street from Beach Avenue to Atlantic Avenue; 30 th Street from Long Beach Boulevard to Atlantic Avenue; 54 th Street, 56 th Street and 60 th Street from Long Beach Boulevard to Bayview Avenue; 55 th Street from Bayview Avenue to bay front; 74 th Street, 83 rd Street, 85 th Street, 90 th Street and North Lagoon from Long Beach Boulevard to bay front; 132 nd Street from Long Beach Avenue to ocean front; and Dusty Miller Drive, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$400,000	\$20,000	\$380,000	10 years

Appropriation: \$400,000
 Bonds/Notes Authorized: \$380,000
 Grants (if any) Appropriated: None
 Section 20 Costs: \$80,000
 Useful Life: 10 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bonnie M. Leonetti, Municipal Clerk, Administrator stated this was for "Schedule C" paving with Ocean County.

Passed on first reading at a regular meeting held on April 9th 2010 and advertised in the BEACH HAVEN TIMES issue of April 14th 2010.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 10-16 on Second Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

3. Second Reading Ordinance 10-17C: **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 82 PERTAINS TO FEES, LICENSES, BONDS, PERMITS**

ORDINANCE 10-17C

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 82 PERTAINS TO FEES, LICENSES, BONDS, PERMITS

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

STATEMENT OF PURPOSE

The following fees are added to cover charges/costs related to the annual event known as LBI Fest for participating vendors.

SECTION I

§ 82-2. Chapter 5, Administration.

Creation of the following fees are hereby approved and are now incorporated into this section of the Code.

Section 5-10B shall be changed with the addition of (18) to read as follows:

(18) Vendors fees for the Annual LBI Fest:

Cooking/Hot Food Spaces(spaces limited to 6 due to fire code reg's): \$500

Food and Beverage Spaces/Non-Cooking: \$350

Non-Food Spaces: \$200

SECTION II

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of the 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 after the first 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 April 9, 2010 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 April 23, 2010 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 10-17C was duly adopted by the Board of Commissioners at their meeting held on Friday, April 23, 2010 at 4:00 p.m.

Bonnie M. Leonetti, Municipal Clerk, Administrator advised the fees were added to cover charges/costs related to the new annual event known as LBI Fest for participating vendors.

Passed on first reading at a regular meeting held on April 9th 2010 and advertised in the BEACH HAVEN TIMES issue of April 14th 2010.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 10-17C on Second Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

- 4. First Reading Ordinance 10-18C: **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 197 REGULATES AND PERMITS THE USAGE OF WATER SUPPLIED BY THE TOWNSHIP WATER AND SEWER DEPARTMENT**

Bonnie M. Leonetti, Municipal Clerk, Administrator noted this Ordinance was intended to clarify and make easier to understand the currently existing Water Conservation Ordinance to conserve the use of water in all sections of Long Beach Township. It continued the practice of permitting watering according to an odd/even system that would correspond an address number to an odd or even date on the 12 month calendar.

Motion to approve Ordinance 10-18C on First Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

- 5. First Reading Ordinance 10-19C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN SECTION 51-12 PERTAINS TO THE MAINTENANCE OF BEACH DUNE AREA**

Bonnie M. Leonetti, Municipal Clerk, Administrator explained this Ordinance, which would take effect only after it had been approved by the State of New Jersey Department of Environmental Protection and the United States Army Corps of Engineers. It was intended to permit property owners to groom and maintain the oceanfront dune after it had been erected by the United States Army Corps of Engineers in order to maintain the elevation at the 22 foot elevation established by the Protection Project. The Ordinance further provided that work shall only be done during the appropriate season when after the grading, sloping and maintenance had occurred, dune grass or American beach grass may be planted in order to ensure stability of the dune.

Motion to approve Ordinance 10-19C on First Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS AND APPROVALS

- 6. Resolution 10-0423.01: Appoint a 2010 Senior Citizens' Advisory Board member:
Peter Trainor

Bonnie M. Leonetti, Municipal Clerk, Administrator noted Mr. Trainor had volunteered for the position.

RESOLUTION 10-0423.01

WHEREAS, pursuant to Ordinance 06-39C, adopted December 15th 2006, creating a new chapter of the Code of the Township of Long Beach, Chapter 29, the Board of Commissioners of the Township of Long Beach Office authorized the establishment of a Senior Citizens Advisory Board for the purpose of advising the Board of Commissioners on matters impacting senior citizens; and

WHEREAS, the Mayor, with the concurrence of the Commissioners, wishes to appoint the following individual to serve as a member of the Long Beach Township Senior Citizens Advisory Board:

Term: April 23, 2010 through December 31, 2010

Peter Trainor

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the above-named individual be and he is hereby appointed as a member of the Long Beach Township Senior Citizens Advisory Board as per the above-described term.

- 7. Resolution 10-0423.02: Approve a change to a Sewer Account

RESOLUTION 10-0423.02

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

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

Blk:	Lot:	Acct:	Year:	Cancel/Change	Amount:
13.06	6	4333-0 Sewer 2010	To Stand-by		\$ 246.00

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 this change.

- 8. Resolution 10-0423.03: Authorize an online auction of Municipal Property on GovDeals: miscellaneous office equipment

RESOLUTION 10-0423.03

WHEREAS, the Township of Long Beach is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Board of Commissioners of the Township of Long Beach is desirous of selling said surplus property in an "as is" condition without express or implied warranties; and

WHEREAS, pursuant to N.J.S.A. 40A:11-36, Long Beach Township authorizes the online auction of property no longer needed for public use; and

WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, pursuant to Resolution 09-0724.10(b) the Township of Long Beach has entered an agreement with GovDeals, Inc., for online auctioneering services; and

WHEREAS, the sale will be online and the address of the auction site is www.govdeals.com ; and

WHEREAS, these items are part of Long Beach Township's fixed asset inventory, the description of said items is hereby attached as 'Schedule A'.

NOW, THEREFORE, BE IT RESOLVED by Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that the Township of Long Beach approves the online auctioneering for property no longer of use to the Township in April 2010.

- 9. Resolution 10-0423.04: Approve personnel actions

RESOLUTION 10-0423.04

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

BEACH PATROL

Hire the following as Seasonal Part Time Laborers at the rate of \$10.00 per hour to be paid from Lifeguard Salary & Wage effective April 23, 2010.

Emily Cherry	Sean Cleary	Kyle Fallon
Michael Hom	John T. Hosmer	Theodore Ray
Brittany Royer	Richard Saldibar	Kevin Tallon
Joshua Wall	Ryan Williams	

FINANCE

Approve an increase to the following employee's annual base salary due to additional duties effective retro-active to April 19, 2010.

Mary Brewster	Nancy Broker Fritz	Marianne Murphy
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HEALTH

Hire the following as a Seasonal Part Time Registered Environmental Health Specialist at a rate of \$24.06 per hour to be paid from the Health Department Salary & Wage effective May 7, 2010.

Ed McNicholas

Hire the following as a Seasonal Part Time Senior Registered Environmental Health Specialist at a rate of \$28.98 per hour to be paid from the Health Department Salary & Wage effective May 4, 2010.

Eugene Mulgrew

POLICE

Appoint the following as Class II Officers (Special Law Enforcement Officers as per statute) at the rate of \$16.25 per hour to be paid from the Police Salary & Wage effective April 24, 2010.

William Lawlor	Anthony O'Conne
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Hire the following Temporary Part Time Public Safety Telecommunicator Trainee at the rate of \$7.25 per hour to be paid from the Police & Salary Wage effective April 24, 2010.

Kacey Bush

PUBLIC WORKS

Hire the following as a Seasonal Full Time Laborer at the rate of \$9.50 per hour to be paid from Public Works Salary & Wage effective May 3, 2010.

Stephen Vaughan

Bonnie M. Leonetti, Municipal Clerk, Administrator listed the various actions to be taken.

- 10. Resolution 10-0423.05: Authorize the execution of a two-year (2009-2010) Superior Officer's Collective Bargaining Unit Agreement

RESOLUTION 10-0423.05

RESOLUTION APPROVING THE EXECUTION OF A COLLECTIVE BARGAINING UNIT AGREEMENT WITH LONG BEACH PBA LOCAL #373 SUPERIOR OFFICERS & THE TOWNSHIP OF LONG BEACH

WHEREAS, as a result of negotiations between Long Beach PBA Local #373 Superior Officers and the Township of Long Beach, contract terms were agreed upon between the said parties; and

WHEREAS, a Collective Bargaining Unit Agreement has been prepared, which accurately reflects the agreement between the parties and has been reviewed and approved by the appropriate representatives of both parties; and

WHEREAS, the Commissioner of Public Affairs and Safety and the entire Board of Commissioners deems it to be in the best interest of the Township of Long Beach to approve said Collective Bargaining Unit Agreement between the Township and Long Beach PBA Local #373 Superior Officers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held April 23, 2010 that the Mayor and Municipal Clerk shall and are hereby authorized to execute the appropriate documents as described above and enter into a new two (2) year Collective Bargaining Unit Agreement with Long Beach PBA Local #373 Superior Officers covering the period January 1, 2009 through December 31, 2010.

Motion to approve Items 6 - 10:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

LICENSES AND PERMITS

11. Resolution 10-0423.06(a&b): Approve various Special Permits for Social Affairs
- a. Soroptimist International of LBI: Wine Social at the Brant Beach Yacht Club on May 7th 2010
 - b. Township of Long Beach: LBI Fest on June 12th 2010

RESOLUTION 10-0423.06(a)

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach grants a SPECIAL PERMIT FOR SOCIAL AFFAIR to Soroptimist International of LBI, to be held at Brant Beach Yacht Club at 59th and Bay Avenue, Brant Beach. This permit will allow Soroptimist International of LBI to serve alcoholic beverages at the fundraiser on May 7, 2010 between the hours of 6:30 P.M. and 10:00 P.M.

RESOLUTION 10-0423.06(b)

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach grants a SPECIAL PERMIT FOR SOCIAL AFFAIR to the Township of Long Beach, to be held at James J. Mancini Administration Building, 6805 Long Beach Blvd., Brant Beach. This permit will allow the Township of Long Beach to serve alcoholic beverages at the LBI Fest fundraiser on June 12, 2010 between the hours of 11:00 A.M. and 6:00 P.M.

Bonnie M. Leonetti, Municipal Clerk, Administrator explained this permit was for the beer truck at the event.

Motion to approve Item 11:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

12. Resolution 10-0423.07: Authorize the rejection of all bids submitted for Constant Chlor Briquettes or Equivalent, and authorize the negotiation of a contract for same

RESOLUTION 10-0423.07

RESOLUTION REJECTING ALL BIDS FOR THE PURCHASE OF CONSTANT CHLOR PLUS BRIQUETTES OR EQUIVALENT AND AUTHORIZING THE NEGOTIATION OF A CONTRACT

WHEREAS, the Township of Long Beach advertised for the receipt of bids for the purchase and delivery of Constant Chlor Plus Briquettes or Equivalent on January 16, 2010; and

WHEREAS, bids were received from three (3) bidders and publicly opened on February 9th 2010; and

WHEREAS, upon review of the municipal solicitor, it was determined that the bids were non-responsive and pursuant to Resolution 10-0219.11 passed on February 19, 2010, all bids were rejected and authorization to re-bid Constant Chlor Plus Briquettes or Equivalent was granted; and

WHEREAS, the Township of Long Beach advertised for the receipt of bids for the purchase and delivery of Constant Chlor Plus Briquettes or Equivalent on March 24, 2010; bids were publicly opened on April 13, 2010 and again determined to be non-responsive; and

WHEREAS, N.J.S.A. 40A-11-13.2e provides that the Governing Body may reject all bids when the purposes or provisions, or both, of P.L.1971, c.198 (C.40A:11-1 et seq.) are being violated and enter into a negotiated contract pursuant to N.J.S.A.40A:11-5(3); and

WHEREAS, the Board of Commissioners has determined that it is in the best interest of Long Beach Township to reject all bids and negotiate a contract for the provision of Constant Chlor Plus Briquettes or Equivalent for use by the Water/Sewer Department.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey, at a regular meeting held Friday, April 23, 2010, hereby rejects all bids received on April 13th 2010 and authorize the negotiation of a contract for the purchase of Constant Chlor Plus Briquettes or Equivalent.

13. Resolution 10-0423.08: Approve the award of a contract, per bid:
Forked River Diesel & Generator: Generator maintenance and repair services \$4,500.00/yr for maintenance and \$95.00/hr straight time & \$145.00/hr OT for repairs

RESOLUTION 10-0423.08

A RESOLUTION AWARDING A CONTRACT FOR THE INSPECTION, MAINTENANCE AND REPAIR SERVICES OF VARIOUS GENERATORS IN THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach has solicited bids for the inspection, service, maintenance and repair of various generators for the Public Works and Water/Sewer Departments; and

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

WHEREAS, Forked River Diesel & Generator, 1426 Clearview Street, Forked River, NJ 08731 gave the lowest qualified bid as per the Public Works Deputy Department Head and Purchasing Agent's review and approval; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Water/Sewer Other Expenses; Account #0-09-55-549-029.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 23rd day of April 2010, for the reasons aforesaid, that a two-year contract, with a two-year option to extend upon written agreement of both parties, be and is hereby awarded to:

Forked River Diesel & Generator
1426 Clearview Street
Forked River, NJ 08731

for the inspection, service, maintenance and repair of various generators for the Public Works and Water/Sewer Departments provided at a rate of \$4,500.00/year for maintenance and \$95.00/hour during normal business hours and \$145.00/hour for after-hours service and repairs.

14. Resolution 10-0423.09: Approve a Change Order in excess of 20% of the original contract for Conti-Haskell Joint Venture: Change Order #9 to the Sewer System Improvement Project \$88,911.80

RESOLUTION 10-0423.09

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

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

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

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

WHEREAS, these changes resulted in the following change orders:

- Change Order #1 \$ 23,000.00 approved pursuant to Resolution 09-0403.08(a)
- Change Order #2 \$ 41,906.76 approved pursuant to Resolution 09-0501.11(c)
- Change Order #3: \$ 72,214.38 approved pursuant to Resolution 09-0605.10
- Change Order #4: \$ 3,750.00 approved pursuant to Resolution 09-0605.10
- Change Order #5: \$ 15,362.40 approved pursuant to Resolution 09-0605.10
- Change Order #6: \$ 52,015.87 approved pursuant to Resolution 09-0710.16(b)
- Change Order #7: \$351,215.60 approved pursuant to Resolution 09-0904.08(b)
- Change Order #8: \$ 32,870.44 approved pursuant to Resolution 10-0108.10(b)

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 23rd day of April 2010 that Conti/Haskell Joint Venture, 123 Bartlett Avenue, West Creek, NJ 08092 be and is hereby awarded Change Order #9 in an amount not to exceed Eighty Eight Thousand Nine Hundred Eleven Dollars and Eighty Cents (\$88,911.80), for payment of the work required to complete the Sanitary Sewer System Improvement Project in the Township of Long Beach EIT #S340023-01; and

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

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

Bonnie M. Leonetti, Municipal Clerk, Administrator advised this was for the recent paving that was done on Long Beach Blvd.

Motion to approve Items 12 - 14:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

15. Resolution 10-0423.10: Approve Bills & Payroll
Bills in the amount of: \$751,208.30
Payrolls in the amount of: \$368,768.28

RESOLUTION 10-0423.10

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 \$368,768.28.

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 \$751,208.30 be and the same are hereby authorized to be paid on April 23, 2010.

2. The said approved payroll amounting to the sum of \$368,768.28 be and the same are hereby authorized to be paid on April 23, 2010.

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

Motion to approve Item 15:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini stated the Treasurer's Report for the month of March 2010 was on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Knarre announced tax bills were due as of May 1st.

Commissioner Bayard advised the project on Long Beach Blvd was finished and nicely paved. The next project would be started shortly.

Mayor Mancini announced the next meetings of the Board of Commissioners and the Land Use Board. He noted the Second Reading and Public Hearing for Ordinances 10-18C and 10-19C would take place on Friday, May 7th at 4:00 p.m. He advised the Police Department had received a grant in the amount of \$1,476.00 from the State of New Jersey for bulletproof vests. He thanked Sgt. Mahon for his assistance in the negotiation of the 2-year Superior Officer's Collective Bargaining Unit agreement for 2009 & 2010. He noted some contract details and stated new negotiations would begin prior to January 2011 in accordance with Governor Christie's guidelines.

OPEN PUBLIC SESSION

Charlie Farrell / Loveladies asked if there would be a summer program to issue police warnings to speeders. He wondered if Ordinance 10-10C pertained to only oceanfront structures.

Mayor Mancini confirmed there would continue to be a summer program to issue warnings to speeders, and that Ordinance 10-10C applied only to oceanfront structures and was necessary to ensure ocean views would not be obstructed by the new dunes.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:23 p.m.

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

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

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

William P. Knarre, Commissioner