

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS MAY 2, 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  
Elizabeth Jones, CFO  
Brian Logan, Auditor  
Christopher DiFrancia, Esq.

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on December 5, 2007; and filed with the Municipal Clerk.

**AGENDA**

**PROCLAIM**

- **Older Americans Month:** May 2008
- **In Recognition of Elizabeth Dooner:** 100<sup>th</sup> Birthday
- **Mental Health Awareness Month:** May 2008
- **Motor Cycle Awareness Month:** May 2008
- **101 Safe Days of Summer**

Mayor Gove, Commissioner Palmer and Commissioner Bayard presented Elizabeth Dooner with the Proclamation. Mayor Gove spoke of the various community activities Ms. Dooner participated in, and congratulated her on the occasion of her 100<sup>th</sup> birthday.

**ORDINANCES/PUBLIC HEARINGS**

1. Second Reading Ordinance 08-09: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROPRIATING THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE GENERAL CAPITAL FUND FOR ENGINEERING AND RELATED WORK FOR THE CLOSURE OF AN UNDERGROUND TANK**

Mayor Gove stated the tank was located in the Public Works Yard.

**ORDINANCE 08-09**

**AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$50,000 FROM THE GENERAL CAPITAL FUND FOR ENGINEERING AND RELATED WORK FOR THE CLOSURE OF AN UNDERGROUND TANK**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated from the General Capital Fund the sum of \$50,000 for engineering and related work for the closure of an underground tank.

**Section 2.** It is hereby determined and stated that each of the improvements set forth in Section 1. is a general capital improvement and is not a current expense.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this 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 Township Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

**Date of Introduction:** April 18, 2008

**Date of Final Adoption:** May 2, 2008

**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 18, 2007 at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday May 2, 2008 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

**CERTIFICATION**

I, **Bonnie M. Leonetti**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 08-09 was duly adopted by the Board of Commissioners at their meeting held on Friday, May 2, 2008 at 4:00 p.m.

Passed as on first reading at a regular meeting held on April 18, 2008 advertised in the BEACH HAVEN TIMES, issue of April 23, 2008.

**OPEN PUBLIC HEARING**

No comment

**CLOSE PUBLIC HEARING**

Motion to adopt Ordinance 08-09 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

**ADOPTIONS, APPROVALS, OPPOSITIONS**

2. Resolution 08-0502.01: Authorize Municipal Clerk to advertise for bids:  
(2) 2008 Ford Interceptors or equivalent for the Police Department

**RESOLUTION 08-0502.01**

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

Lease/purchase of two (2) Police Interceptor vehicles

3. Resolution 08-0502.02: Authorize traffic regulations:

Brant Beach Yacht Club – Atlantic Coast Championships for Lasers

and Optimist Atlantic Coast Championship

Atlantic Coast Championships for Lasers - July 11<sup>th</sup> through 13<sup>th</sup> 2008

The Optimist Atlantic Coast Championship – October 10<sup>th</sup> through 13<sup>th</sup> 2008

**RESOLUTION 08-0502.02**

**WHEREAS**, the Brant Beach Yacht Club has requested the suspension of alternate side parking regulations from 59th Street to 65th Street west of Long Beach Blvd. for the following events:

- The Atlantic Coast Championships for Lasers - July 11<sup>th</sup> through 13<sup>th</sup> 2008: regulations shall be suspended from July 10<sup>th</sup> through July 14<sup>th</sup>.
- The Optimist Atlantic Coast Championship – October 10<sup>th</sup> through 13<sup>th</sup> 2008: regulations shall be suspended from October 9<sup>th</sup> through October 14<sup>th</sup>.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited temporary parking allowances as requested.

4. Resolution 08-0502.03: Approve the donation of two (2) surplus used Municipal vehicles to the Southern Regional High School Mechanical Shop Class

**Mayor Gove** noted one vehicle was from the Police Dept., and one was from the Construction Dept.

**RESOLUTION 08-0502.03**

**WHEREAS**, the Township of Long Beach Police Department possesses one (1) 2000, Ford Crown Victoria, VIN #2FAFP71W2YX200396; and

**WHEREAS**, the Township of Long Beach Zoning Department possesses one (1) 1999, Ford Crown Victoria, VIN #2FAFP71W7XX185697; and

**WHEREAS**, the Southern Regional School District Mechanical Shop Class has a need and a use for said items; and

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

**WHEREAS**, the Township of Long Beach Police Department wishes to donate one (1) 2000, Ford Crown Victoria, VIN #2FAFP71W2YX200396 and one (1) 1999, Ford Crown Victoria, VIN #2FAFP71W7XX185697 to the Southern Regional School District.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby authorize the conveyance to the Southern Regional School District for its use, the above noted vehicles.

5. Resolution 08-0502.04(a&b): Approve personnel actions

**Mayor Gove** related the actions in 08-0502.04(a) pertained to Health and Beach Patrol Dept's seasonal hires. For the Finance and Municipal Clerk Offices: designate work responsibilities for a clerical employee as 3 days in the Clerk's Office & 2 days in the Finance Office.

08-0502.04(b) approved a Leave of Absence in the Police Dept.

**RESOLUTION 08-0502.04(a)**

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

**BEACH PATROL**

Hire the following as Seasonal Beach Badge Program Assistant Supervisors to be paid from the Beach Badge Salary & Wage effective May 3, 2008.

Meghan Barclay	\$10.40 per hour
Kim Tait	\$9.70 per hour
Pamela Tamowski	\$9.45 per hour

**FINANCE**

Change Kyle Ominski's schedule to 3 days a week in the Municipal Clerk's office and 2 days a week in the Finance office with appropriate adjustment's to the Salary & Wage accounts affected.

**HEALTH**

Hire the following as Seasonal Part Time Water Samplers conducting water sampling activities with the Coastal Community Monitoring Program at the rate noted below to be paid from the Health Department Salary & Wage effective May 8, 2008 thru September 12, 2008.

Andrew Croft	\$10.00 per hour
Josh Bligh	\$20.00 per hour

Hire the following as a Seasonal Part Time Registered Environmental Health Specialist at a rate of \$23.25 per hour to be paid from the Health Department Salary & Wage effective May 8, 2008.

Ed McNicholas

Hire the following as a Seasonal Part Time Senior Registered Environmental Health Specialist at a rate of \$28.00 per hour to be paid from the Health Department Salary & Wage effective May 8, 2008.

Eugene Mulgrew

**RESOLUTION 08-0502.04b**

**RESOLUTION AUTHORIZING AN INDETERMINATE LEAVE OF ABSENCE FOR PATROLMAN KEVIN C. LYONS TO ACCEPT A POSITION TO ASSIST IN THE ADMINISTRATION OF THE NEW JERSEY STATE POLICEMEN'S BENEVOLENT ASSOCIATION.**

**WHEREAS**, the Township of Long Beach, a Municipal Corporation of the State of New Jersey, currently employs Kevin C. Lyons as a full time police officer currently assigned to the Detective Bureau, under terms and conditions of employment that are substantially provided for in a Collective Negotiations Agreement (hereinafter "CNA") between the Township and Long Beach Township P.B.A. Local #373 (hereinafter "Local 373"; and

**WHEREAS**, Patrolman Lyons is a member of the PBA; and

**WHEREAS**, Patrolman Lyons has been offered a position to assist in the administration of the New Jersey State Policemen's Benevolent Association on a full time basis; and

**WHEREAS**, to permit Patrolman Lyons to take an indeterminate leave of absence to accept a position with the State of New Jersey Policemen's Benevolent Association has certain financial benefits for the Township of Long Beach; and

**WHEREAS**, the financial benefits will inure to the Township as a result of replacing Patrolman Lyons with a lower paid police officer at an estimated savings to the Township of Long Beach of approximately \$45,000.00 over the next 2 year period; and

**WHEREAS**, the proposed Agreement between the Township of Long Beach and the New Jersey State Policemen's Benevolent Association provides that at such time as the leave of absence no longer of financial benefit to the Township of Long Beach the Township may terminate that Agreement on 60 days notice to the New Jersey State Policemen's Benevolent Association and have Patrolman Lyons return as a patrolman with Long Beach Township; and

**WHEREAS**, N.J.A.C., the Administrative Code governing personnel in New Jersey specifically provides in N.J.A.C. 4A:6-1.1(e) that where specific procedures are not set forth in Chapter 4A:6-1 for procedures, appointing authorities may establish procedures subject to applicable negotiation requirements; and

**WHEREAS**, N.J.A.C. 4A:6-1.16 provides that appointing authorities may grant leaves of absence without pay to employees elected or appointed as officials of the employee's union with the maximum period of such leaves to be the subject of negotiation between the employer and the Union; and

**WHEREAS**, a contract has been negotiated by and between the Township of Long Beach and the State of New Jersey Patrolmen's Benevolent Association which provides that although Patrolman Lyons shall continue to be a salaried employee of the Long Beach Township Police Department his salary will be reimbursed to the Township by the State of New Jersey Policemen's Benevolent Association; and

**WHEREAS**, the contract further provides that it may be terminated by the Township of Long Beach in the event that the monetary savings of utilizing a lower paid police officer to perform the work presently being performed by Patrolman Lyons cease to exist, the Township may terminate the contract on 60 days notice to the State of New Jersey Policemen's Benevolent Association if the Township's expenditure of sufficient monies to temporarily fill Patrolman Lyons position with replacement personnel results in an expenditure in salary and wages and benefits costing the Township more than the Township is being reimbursed by the State of New Jersey Policemen's Benevolent Association; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach have consulted with counsel and have received a written opinion from counsel that the leave of absence as negotiated may be granted in conformity with law; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach have determined that such a leave of absence coupled with a contract with the State of New Jersey Policemen's Benevolent Association will result in substantial monetary savings to the Township of Long Beach for a period of at least two (2) years and further that when substantial savings are no longer accruing the contract may be terminated.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday May 2, 2008 that Patrolman Kevin C. Lyons shall be and is hereby granted an indeterminate leave of absence to assume a position with the State of New Jersey Policemen's Benevolent Association pursuant to a certain Agreement to be executed during the first week in May by and between the Township of Long Beach and the New Jersey State Policemen's Benevolent Association in a form approved by the Township Solicitor;

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk of the Township of Long Beach are hereby authorized to execute such an Agreement on behalf of the Township when the same has been approved by the Township Solicitor.

6. Resolution 08-0502.05: Approve the use of Bayview Park for the Long Beach Island School District 6<sup>th</sup> Grade Class "Day at the Bay" on Tuesday, June 10<sup>th</sup> 2008 and for So. Regional High School Senior Service Day on June 6<sup>th</sup> 2008

**RESOLUTION 08-0502.05**

**WHEREAS**, the Long Beach Island School District and the Southern Regional School District have requested the use of Bayview Park and municipal facilities for the following events:

- Long Beach Island School District: "Day at the Bay" for the 6<sup>th</sup> grade class on Tuesday, June 10<sup>th</sup> (raindate of June 11<sup>th</sup>) from 10:00 a.m. to 1:00 p.m.
- Southern Regional School District "Senior Service Day" on Friday, June 6<sup>th</sup> commencing at 10:00 a.m.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited events.

7. Resolution 08-0502.06: Authorize a contract to Gov Deals, per State Contract, for online auctioning services

**RESOLUTION 08-0502.06**

**WHEREAS**, pursuant to Resolution 08-0222.12(c) and New Jersey Department of Community Affairs Local Finance Notice #LFN 2008-9 dated April 28, 2008 approval has been granted for the sale of surplus personal property no longer needed for public use through online auctions by approved vendors; and

**WHEREAS**, pursuant to the above noted LFN, requirements of N.J.S.A. 40A:11-36 must be followed by the Governing Body must, for each online auction, authorize such sale by resolution stating the surplus property is no longer; and

**WHEREAS**, the approved vendor may provide an option of continuing or re-opening a sale after the close (i.e. in the event a minimum reserve price was not met), which must be provided for in agreement between the local unit and the auction company and made clear to bidders from the sale

webpage. In the event of a continuance or a re-opening, participating bidders must be notified of the new date; and

**WHEREAS**, GovDeals, Inc., 5307 Carmichael Place, Montgomery, AL 36117 has been awarded New Jersey State Contract No. A70967 for Auctioneering Services for Internet Auctions to Sell Surplus Property effective January 29, 2008 to January 28, 2011; and is one of the four vendors approved in LFN#2008-09; and

**WHEREAS**, the Commissioner of Public Works, Parks and Property recommends the utilization of this contract for various items from time to time on the grounds that it represents the most cost effective method for the needs of the Township; and

**WHEREAS**, the actual fee to provide Auctioneering Services for the Online Sale of Surplus Property is as follows:

- 7.5% of sales from \$0.00 to \$100,000.00 total
- 5.5% of sales from \$100,000.01 to \$500,000.00 total
- 3.5% for all sales in excess of \$500,000.00

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that GovDeals, Inc., 5307 Carmichael Place, Montgomery, AL 36117 be awarded a contract for Auctioneering Services, upon written request from Long Beach Township for each specified auction date, for the Online Sale of Surplus Property in accordance with the above noted fee schedule. Authorization is also hereby granted for the execution of related documents between Gov Deals and Long Beach Township pursuant to LFN# 2008-09 and NJSA 40A:11-36.

**Mayor Gove** advised the fee for the Online Auction/Sale of Surplus Property was as follows:

- 7.5% of sales from \$0.00 to \$100,000.00 total
  - 5.5% of sales from \$100,000.01 to \$500,000.00 total
  - 3.5% for all sales in excess of \$500,000.00)
8. Resolution 08-0502.07: Oppose Senate Bill 1455 which calls for a referendum for the transfer of the administration of various municipal functions to the County level

#### **RESOLUTION 08-0502.07**

**WHEREAS**, Senate Bill 1455 calls for a binding referendum to consolidate the Municipal Tax Assessor, Municipal Tax Collector, Municipal Health Services and Municipal Animal Control Services at the county government level; and

**WHEREAS**, Senate Bill 1455 does not give the municipality any option if the county voters cast a majority to consolidate; and

**WHEREAS**, the plan for the consolidation of tax assessment and tax collection functions, pursuant to Senate Bill 1455, shall be provided only after enactment of the proposal, therefore failing to provide voters with information needed in order to make an educated decision on the referendum; and

**WHEREAS**, current statutes place responsibility for tax assessment and tax collection under municipal jurisdiction including the responsibility to collect property taxes due and distribute same to other taxing authorities, as well as enforcing laws on delinquents; and

**WHEREAS**, current statutes also provide for the reserve for uncollected taxes to be included in the municipal budget; and

**WHEREAS**, consolidation would cause unnecessary hardship on citizens who currently rely on their local municipal offices for information and assistance; and

**WHEREAS**, it is the belief of the Board of Commissioners of Long Beach Township, that Senate Bill 1455 provides no real benefit to the residents of Long Beach Township, and could result in a decrease of services at the local government level and an increase in cost to taxpayers.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Long Beach Township is hereby opposed to Senate Bill 1455 that advocates the consolidation of the abovementioned municipal services and forced consolidation of said services at the county level.

**Mayor Gove** explained Senate Bill 1455 provided no real benefit to the residents of Long Beach Township, and could result in a decrease in Home Rule.

Motion to approve Items 2 - 8:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

#### **LICENSES AND PERMITS**

9. Resolution 08-0502.08: Approve 2008 Motorized Ice Cream Vendor licenses

#### **RESOLUTION 08-0502.08**

**WHEREAS**, the Revised General Code of the Township of Long Beach 1997 Chapter 195 provides that the Board of Commissioners shall limit the number of persons desiring to sell or vend ice cream or ice cream products in the Township of Long Beach; and

**WHEREAS**, it is the desire of said Board to place a limitation on same in order to avoid undue crowding, littering, traffic congestion and the like.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach that the following vendors, subject to receipt all required clearances, shall be issued a license for the selling or vending of ice cream or ice cream products subject to all requirements and restrictions for the year 2008.

<b><u>Vendor Name</u></b>	<b><u>Vendor ID Number</u></b>
Cold Waves	ICM 08-01
Surf Ice Cream	ICM 08-02
Bun-Jim Ice Cream	ICM 08-03
Bay Berry Ice Cream	ICM 08-04
Midlantic Vending Corp.	ICM 08-05
Ice Cream N Dreams	ICM 08-06
Michael Fiorentino	ICM 08-07
Touchdown Tommy's	ICM 08-08

Good 'Ol Dayz Ice Cream	ICM 08-09
Bruce M. Brodbeck	ICV 08-01
Henry J. Klos, Jr.	ICV 08-02

**Mayor Gove** stated there were 11 Motorized vendors, two of which were veterans.

Motion to approve Item 9:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

**CONTRACTS AND AWARDS**

10. Resolution 08-0502.09: Approve a contract, per state contract:

50 trash and recycling receptacles: Best Litter Receptacle, Inc.: \$9,575.00

**RESOLUTION 08-0502.09**

**AUTHORIZE A CONTRACT FOR THE PURCHASE OF TRASH AND RECYCLING RECEPTACLES FOR THE TOWNSHIP OF LONG BEACH, 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**, Best Litter Receptacle, Inc. has been awarded New Jersey State Contract No. 59073 for Park and Playground Equipment & Parts for the period June 10, 2004 to June 9, 2008; and

**WHEREAS**, the Commissioner of Public Works 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 Fifty (50) RTC-100 trash and recycling receptacles is Nine Thousand Five Hundred Seventy Five Dollars (\$9,575.00); and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract in the appropriations created by: Recycling Revenue/Replacement Disbursement Grant.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that Best Litter Receptacle, Inc., P.O. Box 5038, Florence, SC 29502 be awarded a contract for the purchase of Fifty (50) RTC-100 trash and recycling receptacles in an amount not to exceed Nine Thousand Five Hundred Seventy Five Dollars (\$9,575.00).

11. Resolution 08-0502.10(a-c): Approve various contracts, per quote:

a. Stafford Engraving \$5,191.23 for tournament medals

**RESOLUTION 08-0502.10(a)**

**A RESOLUTION AWARDED A CONTRACT FOR THE PURCHASE OF AWARD MEDALS 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 award medals for various intra-patrol competitions for the 2008 summer season; and

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

**WHEREAS**, said quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that Stafford Engraving provided the lowest qualified quotation in accordance with the specifications, said quotation being Five Thousand One Hundred Ninety One Dollars and Twenty Three Cents (\$5,191.23); and

**WHEREAS**, it is in the public interest of the Township of Long Beach to award a contract to Stafford Engraving for award medals for various intra-patrol competitions for the 2008 summer season; 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 2<sup>nd</sup> day of May 2008 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with Stafford Engraving, 265 East Bay Ave., Manahawkin, NJ 08050 in an amount not to exceed Five Thousand One Hundred Ninety One Dollars and Twenty Three Cents (\$5,191.23).

b. Van Duyne Bros., Inc. \$7,950.00 for a surf rescue boat

**RESOLUTION 08-0502.10(b)**

**RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF ONE (1) VAN DUYN SURF RESCUE BOAT FOR THE BEACH PATROL IN THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Beach Patrol Department solicited quotations for the purchase of one (1) Van Duyne Surf Rescue Boat for the Long Beach Township Beach Patrol; and

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

**WHEREAS**, said quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that Van Duyne Bros., Inc., 507A Barr Avenue, Linwood, NJ 08221 provided the lowest qualified quotation in accordance with the specifications, said quotation being Seven Thousand Nine Hundred Fifty Dollars (\$7,950.00); and

**WHEREAS**, it is in the public interest of the Township of Long Beach to award a contract to Van Duyne Bros., Inc. for the purchase of one (1) Van Duyne Surf Rescue Boat; 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 2<sup>nd</sup> day of May 2008 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with Van Duyne Bros., Inc., 507A Barr Avenue, Linwood, NJ 08221 in an amount not to exceed Seven Thousand Nine Hundred Fifty Dollars (\$7,950.00).

c. Diamond M Lumber Co.: \$8,087.91 for lumber for the 94<sup>th</sup> St.  
handicapped ramp reconstruction

**RESOLUTION 08-0502.10(c)**

**RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF LUMBER FOR THE  
RECONSTRUCTION OF THE 94<sup>TH</sup> STREET HANDICAPPED RAMP IN THE TWP OF LONG BEACH**

**WHEREAS**, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Beach Public Works Department solicited quotations for the purchase of lumber for the reconstruction of the 94<sup>th</sup> Street Handicapped Ramp; and

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

**WHEREAS**, said quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that Diamond M Lumber provided the lowest qualified quotation in accordance with the specifications, said quotation being Eight Thousand Eighty Seven Dollars and Ninety One Cents (\$8,087.91); and

**WHEREAS**, it is in the public interest of the Township of Long Beach to award a contract to Diamond M Lumber for the purchase of lumber for the reconstruction of the 94<sup>th</sup> Street Handicapped Ramp; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Community Development Block Grant – Handicapped Access Various Streets.

**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 2<sup>nd</sup> day of May 2008 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with Diamond M Lumber, 1883 Rt. 38, Southampton, NJ 08088 in an amount not to exceed Eight Thousand Eighty Seven Dollars and Ninety One Cents (\$8,087.91).

12. Resolution 08-0502.11: Approve a contract for water main replacements, per bid:  
Mathis Construction: \$533,304.52

**RESOLUTION 08-0502.11**

**A RESOLUTION AWARDING A CONTRACT FOR THE NJ DEPARTMENT OF ENVIRONMENTAL  
PROTECTION INFRASTRUCTURE TRUST WATER MAIN REPLACEMENT PROJECT #1517001-008  
IN THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, the Township of Long Beach solicited bids for the NJ DEP Water Main Replacement Project 1517001-008 in the Township of Long Beach utilizing the New Jersey Environmental Infrastructure Trust; and

**WHEREAS**, first lowest bid was received from Haskell Site Work in the amount of \$469,889.00, the second lowest bid was received from DSC Construction Company in the amount of \$487,178.00, and the third lowest bid was received from Mathis Construction Company, Inc. in the amount of \$533,304.52; and

**WHEREAS**, the bid packets from each of the three (3) above noted contractors was reviewed by the municipal solicitor for compliance with the bid specifications; and

**WHEREAS**, the municipal solicitor determined the bids submitted by Haskell Site Work and DSC Construction Company were not compliant to the bid specifications, pursuant to NJSA 40A:11-23.2(f), as the Business Registration Certificate(s) of their listed sub-contractors were not included in their bid packets; and

**WHEREAS**, the municipal solicitor has certified that Mathis Construction Company, Inc. gave the lowest responsible bid in accordance with the bid specifications for the NJ DEP Water Main Replacement Project 1517001-008; and

**WHEREAS**, it is in the opinion of the Township that the lowest responsible bid, publicly opened and read aloud on April 10, 2008, be accepted for same.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 5<sup>th</sup> day of May 2008, for the reasons aforesaid, that a contract be and is hereby awarded, subject to receipt of written authorization from the State of New Jersey Department of Environmental Protection, to:

Mathis Construction Company, Inc.  
1510 Route 539, Suite 1  
Little Egg Harbor, NJ 08087

for the NJ DEP Water Main Replacement Project 1517001-008 in an amount not to exceed Five Hundred Thirty Three Thousand Three Hundred Four Dollars and Fifty Two Cents (\$533,304.52) as per bid received on April 10, 2008

13. Resolution 08-0502.12: Approve a contract for the purchase of beach  
badges, per sheltered workshop:  
Jersey Cape Diagnostics: \$16,107.50

**RESOLUTION 08-0502.12**

**WHEREAS**, the Board of Commissioners of the Township of Long Beach believe that it is prudent to award a contract to Jersey Cape Diagnostic Training, Inc., a sheltered work shop employing handicapped persons, to manufacture and supply daily, weekly, and seasonal beach badges for the 2008 summer season; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach this 2<sup>nd</sup> day of May 2008, for the reasons aforesaid, that a contract be and is hereby awarded, retroactive to February 27<sup>th</sup> 2008, to:

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

in the amount of Sixteen Thousand One Hundred Seven Dollars and Fifty Cents (\$16,107.50) for the manufacture and supply of daily, weekly, and seasonal beach badges for the 2008 summer season.

14. Resolution 08-0502.13: Approve a change order to a contract, per quote:  
George Koustas Painting: \$5,760.00 for painting the Beach Patrol  
Headquarters Building (\$4,800.00 contract, \$960.00 change order)

**RESOLUTION 08-0502.13**

**RESOLUTION AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH GEORGE  
KOUSTAS PAINTING**

**WHEREAS**, the Municipal Engineer solicited quotations for the painting of the Long Beach Township Beach Patrol Building; and

**WHEREAS**, three (3) quotations were obtained; with the lowest qualified contractor being George Koustas dba George Koustas Painting, 70 Beechwood Avenue, West Long Branch, NJ 07764; and

**WHEREAS**, pursuant to Resolution 06-0505.05 passed May 5, 2006 by the Board of Commissioner, a resolution awarding a contract was not required as the total quotation in the amount of Four Thousand Eight Hundred Dollars (\$4,800.00) was below the Long Beach Township contract resolution threshold of Five Thousand Dollars (\$5,000.00); and

**WHEREAS**, based on the actual project, a change to the scope of the project resulting in unexpected additional costs was incurred; and

**WHEREAS**, this change has resulted in Change Order #1 to the originally quoted project and has been approved and certified by the Municipal Engineer. This Change Order will also cause the cost and payment for this project to exceed the aforementioned threshold so a written contract must now be approved and executed. 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 2<sup>nd</sup> day of May 2008 that George Koustas dba George Koustas Painting, be and is hereby issued a written contract from Long Beach Township to be executed by both parties which shall include the original amount agreed to for the project as well as Change Order #1 not to exceed Nine Hundred Sixty Dollars (\$960.00) for payment of the additional work required to complete the painting of the Long Beach Township Beach Patrol Building. Said contract shall be in the total amount of Five Thousand Seven Hundred Sixty Dollars (\$5,760.00).

Motion to approve Items 10 - 14:

Motion: Palmer                   Ayes: Bayard, Palmer, Gove

Second: Bayard               Nays:

**FINANCIAL APPROVALS**

15. Resolution 08-0502.14(a-d): Approve various actions regarding  
Performance and Maintenance Bonds:

- a. Extend Performance Bond: LUB 35-05

**RESOLUTION 08-0502.14(a)**

**WHEREAS**, the Township of Long Beach received from S-J Developers, LLC, Cashier's Check No. 0249128 in the amount of \$13,750.00 drawn on the Bank of America representing the required Performance Bond for Sub-division Application LUB-35-05, Block 11.30, Lot 4 (111 East Muriel Ave., Beach Haven Park).

**WHEREAS**, upon inspection of the property by the Township Engineer it has been determined that certain work items have not been satisfactorily completed and he recommends the Performance Bond be extended for one year to April 9, 2009.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners approves the extension of this Performance Bond as recommended by the Township Engineer.

- b. Release Maintenance Bond: LUB 30-04

**RESOLUTION 08-0502.14(b)**

**WHEREAS**, the Township of Long Beach, pursuant to Resolution 06-0317.11, authorized the release of a Performance Bond in the amount of Sixteen Thousand Six Hundred Ninety Three Dollars (\$16,693.00) plus accrued interest, and the retention of a Maintenance Bond in the amount of Two Thousand Two Hundred Seventy Five Dollars (\$2,275.00) for Subdivision No. LUB-30-04, Block 15.26, Lots 1 & 2 (6511 Long Beach Blvd., Brant Beach, NJ).

**WHEREAS**, the Municipal Engineer of the Township of Long Beach inspected Subdivision No. LUB-30-04 on April 25, 2008 and has recommended the release of the Maintenance Bond in the amount of Two Thousand Two Hundred Seventy Five Dollars (\$2,275.00).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners authorizes the release, as per the certification and recommendation of the Municipal Engineer, of the Maintenance Bond in the amount of Two Thousand Two Hundred Seventy Five Dollars (\$2,275.00).

- c. Release Performance Bond: LUB 03-06

**RESOLUTION 08-0502.14(c)**

**WHEREAS**, pursuant to Resolution 06-0407.17, the Township of Long Beach received from Mark Davies Certified Check No. 0824/805001506 in the amount of \$6,363.50 drawn on Commerce Bank, as the required Performance Bond for Subdivision #LUB-3-06, Block 7.02, Lots 14 & 15 (Southwest corner of Baltic and Maryland Avenues, Beach Haven Terrace, NJ); and

**WHEREAS**, upon final inspection by Municipal Engineer Frank J. Little, Jr., PE, PP, CME it was determined that a Maintenance Bond would not be required for this subdivision.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach hereby releases the amount of \$6,363.50 plus interest representing the required

Performance Bond for the above mentioned property, per the certification and recommendation of the Township Engineer.

d. Release Performance Bond: LUB 02-04F

**RESOLUTION 08-0502.14(d)**

**WHEREAS**, pursuant to Resolution 07-1214.09(b), the Township of Long Beach received from Galuzzi Family, LLC, Cashier's Check No. 252093368 in the amount of \$14,850.00 drawn on Fleet Bank, as the required Performance Bond for Subdivision #LUB-02-04F, Block 18.109, Lot 1 (1109 Long Beach Blvd., North Beach, NJ); and

**WHEREAS**, upon final inspection by Municipal Engineer Frank J. Little, Jr., PE, PP, CME it was determined that a Maintenance Bond would not be required for this subdivision.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach hereby releases the amount of \$14,850.00 plus interest representing the required Performance Bond for the above mentioned property, per the certification and recommendation of the Township Engineer.

16. Resolution 08-0502.15: Approve a Section 125 Cafeteria Plan for Long Beach Township regarding the Health Benefits Opt-out Incentive

**RESOLUTION 08-0502.15**

**WHEREAS**, the Board of Commissioners of the Township of Long Beach adopted an a healthcare incentive program for its municipal employees pursuant to Resolution 08-0208.16 passed on February 8<sup>th</sup> 2008; and

**WHEREAS**, it is required that the Township of Long Beach, in accordance with Section 125 of the Internal Revenue Code of 1986, adopt a "Section 125 Cafeteria Plan" for employees choosing to utilize the opt-out policy.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach this 2<sup>nd</sup> day of May 2008, authorize the following:

- The execution of the "Section 125 Cafeteria Plan" an original copy of which shall be forwarded to Commerce Insurance Services.
- The remittance of a one-time \$500.00 fee payable to PayFlex, 700 Blackstone Centre, Omaha, NE 68131.

**Mayor Gove** advised this was required by the IRS.

17. Resolution 08-0502.16: Amend the 2008 Municipal Budget

Total reduction in expenditures of:	\$149,800.00
Additional grant revenue of:	\$ 15,000.00
Donation of:	\$ 7,750.00

**RESOLUTION 08-0502.16**

**WHEREAS**, the local budget for the year 2008 was approved on the 20<sup>th</sup> day of March 2008; and

**WHEREAS**, the public hearing on said budget has been held as advertised; and

**WHEREAS**, it is desired to amend said approved budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, that the following amendments to the approved budget of 2008 be made:

Recorded vote:

Member	Ayes	Nays	Abstained	Absent
Bayard	x			
Palmer	x			
Gove	x			

From:                      To:

**CURRENT FUND**

Anticipated Revenues

Special Items of General Revenue Offset with Appropriations		
Donation for Purchase of Lifeguard Boat		7,750.00
County of Ocean – Recycling Mini-grant		15,000.00
Total Miscellaneous Revenues	4,424,900.00	4,447,650.00
4. Receipts from Delinquent Taxes	295,000.00	295,350.00
5. Subtotal General Revenues (Items 1,2,3 and 4)	7,119,900.00	7,143,000.00
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a. Local Tax for Municipal Purposes		
including Reserve for Uncollected Taxes	15,030,000.00	14,879,000.00
7. Total General Revenues	<u>\$22,149,900.00</u>	<u>\$22,022,000.00</u>

Appropriations

8. (A) Operations – within "CAPS"		
Insurance		
Employee Group Insurance	2,744,000.00	2,669,000.00
Police		
Salaries & Wages	4,390,333.87	4,371,333.87
Other Expenses	304,040.00	291,040.00
Streets & Roads Maintenance		
Salaries & Wages	365,400.00	341,800.00
Public Works		
Salaries & Wages	740,200.00	721,000.00
(H-1) Total Appropriations for Municipal Purposes within "CAPS"	17,224,773.87	17,074,973.87
(A) Operations – Excluded from "CAPS"		
Public & Private Programs Offset by Revenues		

Donation for Purchase of Lifeguard Boat		7,750.00
County of Ocean Recycling Mini-Grant		15,000.00
Total Operations – Excluded from “CAPS”	2,465,178.33	2,487,928.33
(O) Total General Appropriations:		
Excluded from “CAPS”	4,299,165.34	4,321,915.34
(L) Sub-total General Appropriations		
Items (H-1) and (O)	21,523,939.21	21,396,889.21
(M) Reserve for Uncollected Taxes	625,960.79	625,110.79
9. Total General Appropriations	<u>\$22,149,900.00</u>	<u>\$22,022,000.00</u>

**BE IT FURTHER RESOLVED** that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the 2008 municipal budget so amended.

**Elizabeth Jones, CFO** explained the changes to the budget due to the receipt of additional grant revenue and a donation.

18. Resolution 08-0502.17: Adopt the 2008 Municipal Budget as amended: \$22,022,000.00

**Brian Logan, Auditor** provided facts and information regarding the introduced budget, the public hearing, and the amendments to the budget. He stated another public hearing on the amendments was not required as they did not change any one line item by more than 10%.

**RESOLUTION 08-0502.17**

**BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean that the amended budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$14,879,000.00 for municipal purposes, and certification to the County Board of Taxation of the following summary of general revenues and appropriations on this 2<sup>nd</sup> day of May 2008.

(Summary annexed hereto)

19. Resolution 08-0502.18: Approve Bills & Payroll

Bills in the amount of: \$1,835,838.99  
Payrolls in the amount of: \$ 375,959.84

**RESOLUTION 08-0502.18**

**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 \$375,959.84.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach as follows:

1. The said approved vouchers amounting to the sum of \$1,835,838.99 be and the same are hereby authorized to be paid on May 2, 2008.

2. The said approved payroll amounting to the sum of \$375,959.84 be and the same are hereby authorized to be paid on May 2, 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 15 - 19:

Motion: Palmer                   Ayes: Bayard, Palmer, Gove

Second: Bayard                 Nays:

**COMMISSIONERS' REPORTS**

**Commissioner Bayard** felt the contractor had done a good job striping the recently paved employee parking lot and Ocean Blvd.

**Commissioner Palmer** explained the new Health Benefits Program would realize substantial savings to the town over a twelve-month period.

**Mayor Gove** asked that no electioneering take place at this public meeting. She announced the reorganization meeting of the Board of Commissioners would take place on Tuesday, May 20<sup>th</sup> at 12:00 p.m.; the first regular meeting of the new Board of Commissioners would take place on Friday, May 23<sup>rd</sup> at 4:00 p.m.; and the next regular meeting of the Land Use Board would take place on Wednesday, May 14<sup>th</sup> at 7:00 p.m. in the 2<sup>nd</sup> floor multi-purpose room. She noted that document “Shred Day” would be held in Ship Bottom on May 17<sup>th</sup>, the Long Beach Island Board of Health would sponsor a Mobile Mammography on May 9<sup>th</sup>, and Hazardous Waste Day would be held on May 3<sup>rd</sup> in Stafford Township. She announced the locations of the three voting districts in Long Beach Township, thanked the public for their interest and participation at meetings over the last four years.

**OPEN PUBLIC SESSION**

**Robert Irvine / Beach Haven Crest** was disappointed in the adopted Amended 2008 Municipal Budget; he felt the expenditures had not been significantly reduced.

**Peter Nolan / Brant Beach** spoke regarding his concerns about the proposed Beach Storm Replenishment Project. He felt that the Department of Environmental Protection handled the process poorly which could result in substantial expense to municipalities. He asked the Board of Commissioners consider the passage of a resolution to memorialize the total amount of money that could be lost due to the protracted process.

**Mayor Gove** advised the State of New Jersey could help to change some of the requirements of the Department of Environmental Protection pertaining to the Beach Storm Replenishment Project. She provided the most recent information she had received to Mr. Nolan. She explained some of the money would be used in an area of the Island yet to be determined. She hoped Governor Corzine would become more involved and proactive in the project to insure the funds be utilized in accordance with the required timeframes.

**Peter Trainor / North Beach Haven** reviewed three components of the proposed Beach Storm Replenishment Project. He was concerned that available funding be used by the fall of 2008 and stated new Department of Environmental Protection requirements should be announced in the near future. It was his understanding that specific sections of the Township may qualify for the project should easement requirements be met. He wanted all information made available to the public to facilitate an informed decision on the matter. Mr. Trainor and Mr. Irvine displayed a map of Long Beach Island to visually aid in the discussion.

**Mayor Gove** stated a public hearing on the matter would be held prior to any contracting.

**Bill Knarre / Brant Beach** provided a tip from the Neighborhood Watch Program. He asked residents whose neighbors were not at home to pick up telephone books that had been recently delivered. Telephone books that remained outside the homes were obvious indicators that those homes were vacant and could become targets for unlawful activity.

**Mayor Gove** thanked Mr. Knarre and the Neighborhood Watch Program for the good tip.

**Bill Hutson / Holgate** explained a Neighborhood Watch Program was being formed by the Holgate Taxpayers Association with the help of the Long Beach Township Police Department. He thanked Mayor Gove and Commissioner Bayard for their assistance with various issues in the Holgate area over the course of their Administration. He related his disappointment in Commissioner Palmer's performance.

**Commissioner Palmer** explained appropriation transfers he authorized were statutorily allowed and were necessary to cover unforeseen circumstances such as snow removal, water/sewer main breaks, and erosion conditions. He asked that Mr. Hutson focus his concerns on his motel and its occupants.

**Bill Hutson / Holgate** noted many of his winter motel occupants were referred by St. Francis Church and were individuals in need. He distributed a copy of his letter to the Editor of the Sandpaper that was recently published. He referenced his recent Open Public Records Act request pertaining to a long-term Water/Sewer Main Replacement Plan that CMX, the contracted engineer for W/S projects, advised needed to be developed pursuant to their correspondence dated February 8, 2008. He also stated Commissioner Palmer had accepted campaign contributions from the Schoor DePalma engineering firm, who was subsequently awarded a professional service contract with the Township.

**Commissioner Palmer** replied the long-term Water/Sewer Main Replacement Plan was included in the Township Master Plan, a copy of which Mr. Hutson had received.

**Detective Kevin Lyons** commented on recent newspaper articles that he felt were untrue. He explained the facts pertaining to the hours of employment for Police Officers and asked anyone who needed additional information, a copy of the contract, or wanted to discuss the matter further, to contact him directly.

**Peter Trainor / North Beach Haven** stated he had not made any comments regarding the Police Department and felt this was a misunderstanding resulting from a lack of communication between local government and the public.

**Robert Irvine / Beach Haven Crest** started to comment on a flyer mailed to residences by Commissioner Palmer. **Mayor Gove** reminded Mr. Irvine that electioneering was not permitted at this public meeting.

**Dick Jeffries / North Beach Haven** was concerned that anger existed between the Police Department and local businesses.

**Detective Kevin Lyons** asked Mr. Jeffries to speak with him directly regarding the matter.

**CLOSE PUBLIC SESSION**

Motion for adjournment at: 5:05 p.m.

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

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Bonnie M. Leonetti, RMC, CMC  
Municipal Clerk

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DiAnne C. Gove, Mayor

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Robert A. Palmer, Comm.

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Ralph H. Bayard, Comm.