

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS MAY 20, 2011
Flag Salute

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

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

Also in attendance: Lynda J. Wells, Municipal Clerk
Sharon Bongiovani, Personnel 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 1st 2010; and filed with the Municipal Clerk.

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

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

AGENDA

PROCLAMATION: Rip Current Awareness Week is June 5th through 11th 2011
Lynda J. Wells, Municipal Clerk noted the Commissioners urged all residents and visitors to be cautious and to take the appropriate measures to protect themselves from dangerous rip currents.

ORDINANCES/PUBLIC HEARINGS

1. **Second Reading Ordinance 11-15C AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 205 PERTAINS TO ZONING BY THE ADOPTION OF A NEW SECTION GOVERNING THE INSTALLATION, ERECTION AND MAINTENANCE OF SMALL WIND ENERGY SYSTEMS.**

STATEMENT OF PURPOSE

The purpose of this Ordinance is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The Township of Long Beach has found that these regulations are necessary to ensure that small wind energy conversion systems are appropriately designed, sited and installed. The Ordinance is adopted pursuant to the provisions of *N.J.S.A. 40:55D-66.12* through *N.J.S.A. 40:55D-66.15* inclusive and is made pursuant to the provisions thereof.

SECTION I

Chapter 205 of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended in §205-4D by the addition of a new Section 63 as follows:

§205-63. SMALL WIND ENERGY SYSTEMS

A. The Legislature of New Jersey has found and determined that the scope of a Municipality's authority to regulate the installation and operation of SMALL WIND ENERGY SYSTEMS is not unrestricted and that it is against the policy of the State of New Jersey for any Municipality to impose unreasonable limits or hindrances on the installation and operation of SMALL WIND ENERGY SYSTEMS by property owners in a Municipality therefore this Ordinance has been adopted by the Board of Commissioners of the Township of Long Beach.

B. Definitions:

HEIGHT, TOTAL SYSTEM: The height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.

LOT (or Parcel): Any legally established lot or parcel which contains or could contain a permitted or permitted conditional principal use as provided by the Township Code.

GRADE: The finished surface of the center line of the nearest public road giving access to the lot as such surface elevation may be shown on the official records of the Township of Long Beach.

OFF GRID: An electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.

SHADOW FLICKER: Changing light Intensity caused by sunlight through the moving blades of a wind energy system.

SMALL WIND ENERGY SYSTEM: A wind energy system which has a nameplate rated capacity of up to fifteen (15) kilowatts for residential uses and districts and up to one hundred (100) kilowatts for commercial districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered a SMALL WIND ENERGY SYSTEM only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on site use may be used by the utility company in accordance with the Laws of the State of New Jersey as adopted by the Legislature or as adopted by any appropriate State Administrative Agency.

SMALL WIND ENERGY SYSTEM, FREE STANDING: A SMALL WIND ENERGY SYSTEM which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non-monopole style towers shall not meet this definition and are not permitted.

SMALL WIND ENERGY SYSTEM, HORIZONTAL AXIS: A small wind energy conversion system that has blades which rotate through a horizontal plane.

SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED: A SMALL WIND ENERGY SYSTEM which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure which is in turn fastened to the principal building.

SMALL WIND ENERGY SYSTEM, VERTICAL AXIS: A small wind energy system that has blades which rotate through a vertical plane.

STROBE/STROBOSCOPIC AFFECT: Synonymous with shadow flicker.

TOWER/MAST: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

WIND ENERGY SYSTEM: An aggregation of parts including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.

WIND TURBINE GENERATOR: The component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.

C. **GENERAL REGULATIONS**

Conditional Use: A SMALL WIND ENERGY SYSTEM shall be allowed only as a Conditional Use accessory use to a permitted principal use or approved permitted Conditional principal use. Zoning: SMALL WIND ENERGY SYSTEMS are allowed in all zoning districts subject to the provisions contained herein and elsewhere within The Township Code.

3. Permit Required:

a. It shall be unlawful to construct, erect, install, alter or locate any SMALL WIND ENERGY SYSTEM within the Township of Long Beach, unless a permitted conditional use permit has been obtained from the Land Use Board of the Township of Long Beach. The permitted conditional use permit may be revoked by the Board of Commissioners of the Township of Long Beach, after public hearing at which the property owner shall be afforded all rights of due process and an opportunity to be heard, at any time the approved system does not comply with the rules set forth in this Section and with the conditions, if any, imposed by the Land Use Board of the Township of Long Beach. The owner and operator of the SMALL WIND ENERGY SYSTEM shall also obtain and secure any other permits required by other federal, state and local agencies or departments prior to the construction of the system.

4. Number Of Systems Per Zoning Lot:

A. Residential Use: No more than one (1) SMALL WIND ENERGY SYSTEM may be placed on any parcel or lot zoned for residential use.

B. Commercial Use: No more than one (1) SMALL WIND ENERGY SYSTEM may be placed on any parcel or lot with a commercial use.

C. Mixed Use: Any building containing both residential and commercial uses or described as a "Mixed Use" building, shall be considered to be a commercial use for the purposes of this Section.

Tower or Mast: Only monopole towers shall be permitted for freestanding any SMALL WIND ENERGY SYSTEM. Lattice, guyed or towers of any other type shall not be considered to be in compliance with this Section and are prohibited.

Color: Freestanding SMALL WIND ENERGY SYSTEM shall be a neutral color such as white, sky blue or light gray. Building mounted SMALL WIND ENERGY SYSTEM shall match the color of the building on which it is mounted. Other colors may be allowed at the discretion of the Land Use Board of the Township of Long Beach. The surface shall be non-reflective.

Lighting: No lights shall be installed on the tower, unless required to meet FAA regulations.

Signage: No signage or advertising of any kind shall be permitted on any tower or any SMALL WIND ENERGY SYSTEM.

Climbing Apparatus: Any tower must be designed to prevent climbing within the first ten feet (10').

Maintenance: Facilities shall be well maintained in accordance with manufacturer's specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this Section or elsewhere within the Long Beach Township Code.

11. Displacement Of Parking Prohibited: The location of the Small Wind Energy System shall not result in the net loss of required parking as specified elsewhere in the Long Beach Township Zoning Ordinance.

Utility Notification: The Board of Commissioners of the Township of Long Beach shall notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.

Interconnection: The SMALL WIND ENERGY SYSTEM, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility and the New Jersey Board of Public Utilities. No permit of any kind shall be issued until the Township of Long Beach has been provided with a copy of an executed interconnection agreement. Off-grid systems shall be exempt from this requirement.

Restriction On Use Of Electricity Generated: A SMALL WIND ENERGY SYSTEM shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess

electrical power generated by the SMALL WIND ENERGY SYSTEM and not presently needed for use by the owner may be used by the utility company in accordance with the Laws of the State of New Jersey as adopted by the Legislature or as authorized by any appropriate State Administrative Agency.

Noise: A SMALL WIND ENERGY SYSTEM shall be designed, installed and operated so that the noise generated does not exceed the maximum noise levels established elsewhere in the Code of the Township of Long Beach.

Shadow Flicker/Strobe or Stroboscopic effect: No SMALL WIND ENERGY SYSTEM shall be installed and operated so to cause a shadow flicker/strobe or stroboscopic effect to fall on or in any existing structure or in an area where a lawfully constructed structure might be erected on a nearby lot either as a result of initial construction of such structure or as the result of the demolition of an existing structure and the rebuilding of a new structure in accordance with the various Codes of the Township of Long Beach.

Safety Controls: Each SMALL WIND ENERGY SYSTEM shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.

Shut Off: A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Fire Marshal and the Building Official of the Township of Long Beach.

Electromagnetic Interference: All SMALL WIND ENERGY SYSTEM shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SMALL WIND ENERGY SYSTEM is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate Township authority. A permit granting a SMALL WIND ENERGY SYSTEM may be revoked if electromagnetic interference from the SMALL WIND ENERGY SYSTEM becomes evident.

20. Wind Access Easements: The enactment of this chapter does not constitute the granting of an easement by the Township of Long Beach. The SMALL WIND ENERGY SYSTEM owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may not be necessary to operate the SMALL WIND ENERGY SYSTEM.

21. Insurance: The owner/operator of a SMALL WIND ENERGY SYSTEM must demonstrate and maintain liability insurance of not less than \$1,000,000.00 coverage.

22. Engineer Certification: Applications for any SMALL WIND ENERGY SYSTEM shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of all components of the SMALL WIND ENERGY SYSTEM showing compliance with the applicable regulations and certified to a New Jersey Licensed Professional Engineer shall also be submitted.

23. Installation: Installation must be done by a New Jersey Licensed Electrical Contractor according to manufacturer's recommendations. All wiring and electrical work must be completed according to the applicable building and electric codes. All electrical components must meet code recognized test standards.

24. Removal: If the SMALL WIND ENERGY SYSTEM remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed to be abandoned. The SMALL WIND ENERGY SYSTEM owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems representatives of Township of Long Beach shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter. The SMALL WIND ENERGY SYSTEM owner/operator and successors shall make available to the Director of Public Affairs and Public Safety or his designee all reports to and from the purchaser of energy from the SMALL WIND ENERGY SYSTEM if requested. If removal of towers and appurtenant facilities is required, the Director of Public Affairs and Public Safety or his designee shall notify the SMALL WIND ENERGY SYSTEM owner/operator. Removal shall be completed within six (6) months of written notice to remove being provided to the owner/operator by the Township of Long Beach.

25. Right Of Entrance: As a condition of approval of a Conditional use permit an applicant seeking to install SMALL WIND ENERGY SYSTEM shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the of The Township of Long Beach to enter the property to remove the SMALL WIND ENERGY SYSTEM pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

D. Setbacks:

1. The following setbacks shall be required.

The minimum distance between any SMALL WIND ENERGY SYSTEM and any property line shall be a distance of two hundred (200) feet. The setback shall be measured from the property line to the point of the SMALL WIND ENERGY SYSTEM closest to the property line.

2. Maximum Height: Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades.
 - a. The maximum height shall not exceed 40 feet above the lowest established grade on the lot.
 - b. Building mounted SMALL WIND ENERGY SYSTEM may be a maximum of 8 feet higher than the point of attachment to the building on which they are attached, provided, however, that the maximum height of any such building mounted SMALL WIND ENERGY SYSTEM shall not exceed forty (40) feet above the lowest established grade on the lot.

3. **Minimum Lot Size:**

The minimum lot size for any Small Wind Energy System shall be two acres.

4. Clearance Of Blade: No portion of a horizontal axis SMALL WIND ENERGY SYSTEM blade shall extend within 20 feet of the ground. No portion of a vertical axis SMALL WIND ENERGY SYSTEM shall extend within 20 feet of the ground. No blades may extend over public parking areas, public driveways or public sidewalks. No blade may extend within 20 feet of the nearest tree, structure or above ground utility facilities. No blade may extend beyond the property boundary lines of the lot upon which the SMALL WIND ENERGY SYSTEM is located.

5. **Location:**

- a. No part of a SMALL WIND ENERGY SYSTEM shall be located within or over drainage, utility or other established easements.
- b. A freestanding SMALL WIND ENERGY SYSTEM shall be located entirely in the rear yard provided, however, such rear yard may not abutt a public street or any public right of way.
- c. A SMALL WIND ENERGY SYSTEM shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.
- d. No SMALL WIND ENERGY SYSTEM shall be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least eight (8) feet.
- e. No building mounted SMALL WIND ENERGY SYSTEM shall be permitted unless the owner has obtained a written analysis from an New Jersey licensed professional engineer determining that installation of a SMALL WIND ENERGY SYSTEM will not cause damage to the structure and that the SMALL WIND ENERGY SYSTEM can be securely fastened so as to not pose a hazard caused by detaching from the structure.
- f. No SMALL WIND ENERGY SYSTEM shall be permitted on any lot without a principal structure.
- g. No building mounted SMALL WIND ENERGY SYSTEM shall be permitted except on the principal building located on the lot.

E. **APPLICATION REQUIRED**

1. Application for SMALL WIND ENERGY SYSTEM shall be made on forms provided by the Land Use Board of the Township of Long Beach. No action may be taken regarding requests for SMALL WIND ENERGY SYSTEM until completed applications have been filed and fees paid.

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 only after publication thereof after final passage according to law.

Lynda J. Wells, Municipal Clerk stated this Ordinance balanced the need for clean, renewable energy resources with the need to protect the public health, safety and welfare of the community. The Township of Long Beach had found that these regulations were necessary to ensure that small wind energy conversion systems were appropriately designed, sited and installed. The Long Beach Township Land Use Board had reviewed and was in support of this ordinance.

Passed on first reading at a regular meeting held on April 1, 2011 and advertised in the BEACH HAVEN TIMES issue of April 6, 2011.

OPEN PUBLIC HEARING

John Petralia, Loveladies opposed the Ordinance. He spoke of his background and knowledge on the subject and explained why he was against this Ordinance.

Mayor Mancini replied that the Township had a committee and anyone that wished to join could leave their name and telephone number which would be passed along to the appropriate person.

John Mastronardo, Loveladies opposed the Ordinance. He asked that this Ordinance could be tabled for further discussion.

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

SECTION VI

This ordinance shall take effect after the first publication thereof after final passage according to law.

Lynda J. Wells, Municipal Clerk advised this Ordinance created one (1) new position for the Police Department "Director Communications Center".

Passed on first reading at a regular meeting held on May 6, 2011 and advertised in the BEACH HAVEN TIMES issue of May 11, 2011.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 11-16C on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

Second Reading Ordinance 11-17 **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE FIXING AND DETERMINING THE ANNUAL SALARIES, DESIGNATING HOLIDAYS AND PROVIDING FOR OVERTIME COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY. THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, DOES ORDAIN:**

STATEMENT OF PURPOSE

THIS ORDINANCE ESTABLISHES A RANGE FOR THE NEW TITLE CREATED IN ORD 11-16C. THE NEW JERSEY CIVIL SERVICE COMMISSION REQUIRES THAT EVERY POSITION HAS A RANGE ESTABLISHED THAT EACH SALARY WILL FALL WITHIN.

SECTION I

Ordinance No.77-1, as amended, the title of which is set forth in full in the title hereof, is hereby further amended regarding the annual salaries of the officers and employees of the Township of Long Beach as follows:

PUBLIC AFFAIRS AND SAFETY

MINIMUM

MAXIMUM

Director Communications Center

\$50,000.00

\$65,000.00

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 May 26, 2011.

Lynda J. Wells, Municipal Clerk explained this ordinance established a salary range for the new title created by Ord 10-16C.

Passed on first reading at a regular meeting held on May 6, 2011 and advertised in the BEACH HAVEN TIMES issue of May 11, 2011.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 11-17 on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

ADOPTIONS AND APPROVALS

1. Resolution 11-0520.01: Approve an increase to the municipal threshold for the purchase of goods and services requiring formal contracts

RESOLUTION 11-0520.01

RESOLUTION AUTHORIZING AN INCREASE TO THE MUNICIPAL THRESHOLD FOR THE PURCHASE OF GOODS AND SERVICES REQUIRING FORMAL CONTRACTS IN THE TOWNSHIP OF LONG BEACH PURSUANT TO ORDINANCE 06-10C

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that the acquisition of all goods and / or services, where the amount meets or exceeds Long Beach Township's bid threshold of Thirty Six Thousand Dollars (\$36,000.00) approved as per Resolution 10-1119.05, shall require the execution of a formal contract; such contract shall be executed by the Mayor and attested by the Clerk of the Township of Long Beach, effective May 20th 2011.

Lynda J. Wells, Municipal Clerk noted the purchase order would act as the contract for all purchases up to the legal bid threshold of \$36,000.00. Formal contracts must be executed at or above the bid threshold.

2. Resolution 11-0520.02: Approve the following special events at Bayview Park:
- NJ Windsurfing & Watersports Assoc.:
Flip, Flop, Fly Race Series - Sat. or Sun. between 5/14/2011 and 10/23/2011 and
Fun Fest on 7/11/2011– 9 a.m. to 3:30 p.m.
 - South Jersey Running & Triathlon, LLC:
Kids 2K Run on June 5, 2011
 - South Jersey Running & Triathlon LLC:
Group Run and Ride – every Tuesday from Memorial Day to Labor Day
 - Re Clam the Bay: Environmental Education
Thursdays in June, July & August, 2011

RESOLUTION 11-0520.02

WHEREAS, the following events are scheduled to be held at Bayview Park in the Township as follows:

HOST	DESCRIPTION	TIME & DATE(S)
New Jersey Windsurfing Watersports Association (NJWWA)	"Flip Flop & Fly Race Series"	Saturdays and Sundays May 14th to Oct. 23 rd , 2011 9 AM to 5 PM
New Jersey Windsurfing Watersports Association (NJWWA)	"Fun Fest"	Mon. July 11, 2011 9 AM to 3:30 PM
South Jersey Running & Triathlon, LLC	"2K Run for kids"	June 5, 2011
South Jersey Running & Triathlon, LLC	"Group Run/Ride"	every Tues. from Memorial Day to Labor Day 2011
ReClam the Bay Inc.	"Environmental Education"	Thursdays June 16, 23, 30, 2011 July 7, 14, & 28, 2011, Aug. 4, 11, 18, 25, 2011

WHEREAS, all the necessary and required insurance documents have been submitted, received and are on file with the Township.

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.

3. Resolution 11-0520.03: Support ASSEMBLY BILL A-3412: Property Tax Appeal Refund Sharing

RESOLUTION 11-0520.03

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY IN SUPPORT OF ASSEMBLY BILL A-3412 REQUIRING PROPERTY TAX ASSESSMENT APPEAL REFUND SHARING

WHEREAS, there is now pending in the Assembly A-3412 which would require fire districts, school districts and county governments to share in property tax appeal refunds; and

WHEREAS, the economic recession has caused a statewide lowering of property values resulting in increased property tax appeals in municipalities, including Long Beach Twp.; and

WHEREAS, when a taxpayer is successful either at the County Tax Board or at the State Tax Court on appeal, resulting in a return of some portion of a property tax, the municipality must reimburse the taxpayer 100% of the money ordered to be reimbursed; and

WHEREAS, currently the municipal school, county or other special tax districts are not contributing to the return of such reimbursement, increasing the burden on the municipal tax fund balance or surplus; and

WHEREAS, the result of a successful tax appeal causes a further decline in the property tax base used to support municipal, county and school budgets; and

WHEREAS, in light of the 2% CAP now placed on spending and revenue, the declining property values will cause an additional burden to be placed on municipal officials.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, hereby supports the passage of A-3412 for the aforesaid reasons; and

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

Governor Chris Christie
New Jersey State Legislature
9th, 10th, and 30th Legislative Districts
Ocean County Municipalities
Ocean County Tax Board

Lynda J. Wells, Municipal Clerk advised this resolution endorsed other taxing districts; such as schools and counties, contribute towards paying refunds on successful property tax appeals. Currently, the municipality must reimburse the taxpayer 100% of the money ordered to be reimbursed.

4. Resolution 11-0520.04: Approve personnel actions

RESOLUTION 11-0520.04

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach: Acknowledge the end of a paid FMLA/FLA for SL effective retro-active to April 29, 2011 and approve an unpaid FMLA/FLA effective retro-active to May 2, 2011.

ASSESSOR/CLERK

Hire the following as a Seasonal Part Time Laborer at the rate of \$15.00 per hour to be paid from Assessor and Clerk Salary & Wage effective May 20, 2011.

Julius Coppola

BEACH PATROL

Hire the following as a Seasonal Beach Badge Program Supervisor at the rate of \$15.00 per hour to be paid from Beach Badge Salary & Wage effective May 21, 2011.

Jeffrey Davis

Hire the following as Seasonal Beach Badge Program Assistant Supervisors at the rate of \$9.95 per hour to be paid from Beach Badge Salary & Wage effective May 21, 2011.

Caitlin Cotter Megan Kinney

Hire the following as a Seasonal Beach Badge Program Assistant Supervisor at the rate of \$9.70 per hour to be paid from Beach Badge Salary & Wage effective May 21, 2011.

Christina Hepp

Hire the following as Seasonal Part Time Laborers at the rate of \$10.00 per hour to be paid from Lifeguard Salary & Wage effective May 21, 2011.

Dillon Durando Aaron Fritz Jonathan Howarth
Evan Scarlatelli Courtney Tallon

Hire the following as a Seasonal Part Time Laborer at the rate of \$10.25 per hour to be paid from Lifeguard Salary & Wage effective May 21, 2011.

Ian Logue

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 23, 2011.

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 23, 2011.

Eugene Mulgrew

POLICE

Appoint Gary Gore as Police Sergeant effective May 20, 2011 as per Dept. of Personnel Certified List No. PL110455 with a base salary of \$94,084.88 to be paid from the Police Salary & Wage.

Hire the following as a Seasonal Part Time Telecommunicator at a rate of \$7.25 per hour to be paid from the Police Salary & Wage effective May 20, 2011.

Nathaniel Ehlers

Approve attendance of the following to the Beach Haven Satellite Police Academy to become a Class I Special Law Enforcement Officer at the minimum wage rate of \$7.25 per hour to be paid from the Police Salary & Wage effective May 21, 2011.

Ursula Sharkey Richard Reynolds

Appoint the following as a Seasonal Class I Special Law Enforcement Officer at a rate of \$10.00 per hour to be paid from the Police Salary & Wage effective May 21, 2011.

Matthew Compitello

Appoint the following as a Seasonal Class II Special Law Enforcement Officer at a rate of \$15.00 per hour to be paid from the Police Salary & Wage effective May 21, 2011.

Sean Ferguson William Lawlor

Appoint the following as a Seasonal Class II Special Law Enforcement Officer at a rate of \$15.50 per hour to be paid from the Police Salary & Wage effective May 21, 2011.

Todd Devito Donald Haines
Roelof Minnes Daniel Petrone

Appoint the following as Seasonal Class II Special Law Enforcement Officer at a rate of \$10.00 per hour while completing field training to be paid from the Police Salary & Wage effective May 21, 2011.

Kyle Rickvalsky Brian Woodruff

PUBLIC WORKS

Hire the following as Seasonal Full Time Laborers at the rate of \$8.25 per hour to be paid from Public Works Salary & Wage effective May 28, 2011.

James R. O'Brien Nicholas Teyssier

Hire the following as Seasonal Full Time Laborers at the rate of \$8.00 per hour to be paid from Public Works Salary & Wage effective May 28, 2011.

Ryan Keller Stephen Sheldon Cody Tomczyk

Hire the following as a Seasonal Full Time Laborer at the rate of \$8.25 per hour to be paid from Public Works Salary & Wage effective May 28, 2011.

Tyler Weldon

Motion to approve Items 4 thru 7:

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

LICENSES AND PERMITS

5. Resolution 11-0520.05: Approve a special alcohol permit for the LBI Business Alliance, Inc.
- LBI Fest, June 11, 2011

RESOLUTION 11-0520.05

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach grants a SPECIAL PERMIT FOR SOCIAL AFFAIR to the Long Beach Island Business Alliance, Inc. to be held at the James J. Mancini Administration Building, 6805 Long Beach Blvd., Brant Beach. This permit will allow the Long Beach Island Business Alliance to serve alcoholic beverages at the LBI Fest fundraiser on June 11, 2011 between the hours of 11:00 A.M. and 6:00 P.M.

6. Resolution 11-0520.06: Approve the 2011 Motorized Ice Cream Vendors for Long Beach Township

RESOLUTION 11-0520.06

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 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 2011.

<u>Vendor Name</u>	<u>Vendor ID Number</u>
Cold Waves	ICM 11-01
Surf Ice Cream	ICM 11-02
Bun-Jim Ice Cream	ICM 11-03
Bay Berry Ice Cream	ICM 11-04
Ice Cream N Dreams	ICM 11-06
Michael Fiorentino	ICM 11-07
Touchdown Tommy's	ICM 11-08
Good 'Ol Dayz Ice Cream	ICM 11-09
Michelle's Treats	ICM 11-10
<u>VETERAN</u>	
Joseph Basinski	ICV-11-11

Lynda J. Wells, Municipal Clerk confirmed a total of 11 vendors for 2011.

Motion to approve Items 8 & 9:

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

CONTRACTS AND AWARDS

7. Resolution 11-0520.07: Award a contract for repairs to the North Beach Sewer Mains, per bid: P&A Construction - \$92,894.76

RESOLUTION 11-0520.07

A RESOLUTION AWARDING A CONTRACT FOR THE 2011 SANITARY SEWER MAIN REPLACEMENT PROJECT IN THE NORTH BEACH SECTION OF THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach solicited bids for the 2011 Sanitary Sewer Main Replacement Project in the North Beach Section of the Township of Long Beach; and

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

WHEREAS, P & A Construction, Inc. gave the lowest responsible bid in accordance with the bid specifications for the 2011 Sanitary Sewer Main Replacement Project in the North Beach Section of the Township of Long Beach pursuant to the municipal engineer and the municipal attorney's review and certification; and

WHEREAS, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the appropriation created by: Ordinance 11-14 Authorizing the Acquisition and Replacement of Sewer Mains; Account #U-08-55-943-901 and #U-08-55-943-951.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 20th day of May 2011, for the reasons aforesaid, that a contract be and is hereby awarded to:

P & A Construction, Inc.
P.O. Box 28
Colonia, NJ 07067

for the 2011 Sanitary Sewer Main Replacement Project in the North Beach Section of the Township of Long Beach in an amount not to exceed Ninety Two Thousand Eight Hundred Ninety Four Dollars and Seventy Six Cents (\$92,894.76) as per their bid received on May 12, 2011.

8. Resolution 11-0520.08: Approve the purchase of one (1) 2011 Chevrolet Tahoe 4x4 for the LBI Health Dept. per state contract: Day Fleet Sales - \$26,078.00

RESOLUTION 11-0520.08

A RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF ONE (1) 2011 CHEVROLET TAHOE SUV 4 x 4 FOR THE LONG BEACH ISLAND HEALTH DEPARTMENT IN 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, Day Chevrolet, Inc. has been awarded New Jersey State Contract No.A73849 (Index #T2097) for AFV, SUV, Law Enforcement/Special Service, 2WD/4WD, Flexible Fuel effective March 16, 2009 through November 15, 2010, extended from November 16, 2010 to May 15, 2011; and

WHEREAS, the Chief Financial Officer has issued a Letter of Intent dated May 12th 2011 to purchase one (1) 2011 Chevrolet Tahoe SSV 4X4 pursuant to Sales Quote #AAAO1755 dated May 12th 2011 received from Day Fleet Sales, 1600 Golden Mile Highway, Monroeville, PA 15146; said Letter of Intent shall secure the purchase price and date of order in compliance with State Contract #A73849; and

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

WHEREAS, the actual cost of one (1) 2011 Chevrolet Tahoe SSV 4X4 is Twenty Six Thousand Seventy Eight Dollars (\$26,078.00); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract available as an appropriation created by Ordinance 10-26 authorizing the acquisition of one (1) 4-wheel drive vehicle: Account #C-04-55-300-022 and Account # 1-01-27-330-051.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby authorizes the purchase and delivery of one (1) 2011 Chevrolet Tahoe SSV 4X4 in an amount not to exceed Twenty Six Thousand Seventy Eight Dollars (\$26,078.00) from Day Chevrolet, Inc., 1600 Golden Mile Highway, Monroeville, PA 15146.

Motion to approve Items 10 & 11:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

FINANCIAL APPROVALS

- | | |
|---------------------------|--|
| 9. Resolution 11-0520.09: | Approve Bills & Payroll |
| | Bills in the amount of: \$9,781,249.09 |
| | Payrolls in the amount of: \$ 436,474.75 |

RESOLUTION 11-0520.09

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 \$436,474.75

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 \$9,781,249.09 be and the same are hereby authorized to be paid on May 20, 2011.

2. The said approved payroll amounting to the sum of \$436,474.75 be and the same are hereby authorized to be paid on May 20, 2011.

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.

Lynda J. Wells, Municipal Clerk stated Regional school taxes and County taxes were being paid.

Motion to approve Items 12:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

Mayor Mancini stated the Tax Collector's and Treasurer's Reports for the month of April 2011 are on file in the Municipal Clerk's Office.

Mayor Mancini announced the next meeting of the Board of Commissioners would take place on Friday, June 10, 2011 at 4:00 p.m. He also announced the next regular meeting of the Land Use Board would be held on Wednesday, June 8th at 7:00 p.m. in the 2nd floor multi-purpose room.

COMMISSIONERS' REPORTS

Commissioner Bayard announced that the summer trash schedule was now in effect. Trash, Recycle cans and benches had been placed on the beaches. He also stated that the Township received grant from the State for the energy audit. Funding was pending for implementation of the energy audit recommendations.

Mayor Mancini reported that the speed limits had been lowered on the Island, the traffic lights will be turned on next week, and the pedestrian crosswalk law was in effect. He also stated that

the Police Dept. had applied for a Traffic Safety Grant and he recognized Lt. Vereb for his efforts.

Mayor Mancini also stated that the Primary Election was on June 7, 2011. He noted the Health Dept. would be hosting a walk on May 21, 2011, and skin cancer screenings on June 25, 2011.

OPEN PUBLIC SESSION

Charlie Farrell, Loveladies thanked Andy Baran for quickly fixing a handicap ramp in Loveladies. He also asked the Mayor if Surf city would be closing their beaches.

Mayor Mancini responded that the dredging equipment needed to be repaired but the beaches would remain open.

Don Boone, Brant Beach asked if the Township had an Ordinance pertaining to smoking on the beach and asked for an update on the beach replenishment project.

Mayor Mancini replied that the Township does not have an Ordinance regarding smoking on the beach and then gave an update on the recent approval of funds for beach replenishment and urged everyone to look on the Township website for the names of those who have not signed their easements and encouraged them to sign.

John Fiore, Brant Beach asked why different towns have different rules on recycling.

Commissioner Bayard agreed that there should be uniform rules throughout the state. He explained the Township communicated with local real estate agencies to get the word out to the renters and owners regarding our rules and regulations.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:50p.m.

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

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

William P. Knarre, Commissioner