

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS JUNE 6, 2008
Flag Salute

Meeting came to order: 7:00 p.m.

Clerk called the roll: Mayor Joseph H. Mancini PRESENT
 Commissioner DiAnne C. Gove PRESENT
 Commissioner Ralph H. Bayard PRESENT

Also in attendance: Bonnie M. Leonetti, Municipal Clerk
 Katherine M. Shackleton, Esq.

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on May 28, 2008; and filed with the Municipal Clerk.

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

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

Commissioner Gove presented **Municipal Clerk Bonnie Leonetti** with a certificate of acknowledgement commemorating her placement in the General Code Honor Roll of Municipal Clerks. She noted the many years of service, vital duties and significant contributions to the Township of Long Beach by Mrs. Leonetti, and thanked her for her support to the Board of Commissioners.

AGENDA

PROCLAMATION: Myasthenia Gravis Awareness Month: June 2008

Bonnie Leonetti, Municipal Clerk / Administrator explained Myasthenia Gravis was a neuromuscular disorder which inhibits the control of voluntary muscles.

ORDINANCES/PUBLIC HEARINGS

1. First Reading Ordinance 08-10C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 51 PERTAINS TO BEACHES**

Bonnie Leonetti, Municipal Clerk / Administrator advised this prohibited littering or disposing of trash, etc. on the beaches; launching or landing of boats in guarded areas (any activity of this nature would be at the persons' own risk). Seasonal beach badges sold prior to June 15th shall be \$25 and windsurfing or Bayview Park badges would be replaced with regular beach badges.

Motion to approve Ordinance 08-10C on First Reading:

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

ADOPTIONS, APPROVALS

2. Resolution 08-0606.01: Appoint Mayor Mancini to the Local Emergency Planning Committee and Hazardous Mitigation Planning Committee

RESOLUTION 08-0606.01

WHEREAS, pursuant to Resolution 07-1214.01(a) passed on Dec 14, 2007, the Township of Long Beach Office of Emergency Management appointed a Local Emergency Planning Committee (LEPC) and a Hazardous Mitigation Planning Committee (HMPC) to serve through December 31, 2008; and

WHEREAS, as a result of the Local Municipal Election held May 13th 2008, Joseph H. Mancini was elected to the Office of Commissioner of the Township of Long Beach, has been designated as Mayor, and shall serve as a member of the LEPC and the HMPC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Mayor Joseph H. Mancini be and he is hereby appointed as a member of the 2008 Local Emergency Planning Committee and the 2008 Hazardous Mitigation Planning Committee from June 6, 2008 through December 31, 2008.

Bonnie Leonetti, Municipal Clerk / Administrator noted it was customary that the Mayor serve on these boards.

3. Resolution 08-0606.02: Designate dates requiring use of beach badges for the 2008 season

RESOLUTION 08-0606.02

WHEREAS, the Township of Long Beach wishes to designate the official 2008 summer season in reference to the required use of beach badges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby designate June 22nd through September 1st as the 2008 summer season whereby beach badges will be required between the hours of 10:00 a.m. and 5:00 p.m.

Bonnie Leonetti, Municipal Clerk / Administrator stated June 22nd through September 1st beach badges would be required between the hours of 10:00 a.m. and 5:00 p.m.

4. Resolution 08-0606.03: Authorize free beach access during the 2008 Beach Season to all active military personnel and their immediate families

RESOLUTION 08-0606.03

A RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES RECOGNIZING THE SACRIFICES BEING MADE BY THEM AND ALSO BY THEIR FAMILIES, AND PROCLAIMING THE CONTINUED PARTICIPATION OF THE TOWNSHIP OF LONG BEACH IN "OPERATION: THANK YOU", AUTHORIZING FREE BEACH ACCESS DURING THE 2008 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND THEIR IMMEDIATE FAMILIES

WHEREAS, the Board of Commissioners, on behalf of all the families of Long Beach Township, wish to honor and recognize our active military personnel and their families by continuing a special program for the summer of 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that in honor and recognition of our active military personnel and their families, and to demonstrate the gratitude of the residents of the Township of Long Beach for the daily sacrifices they are

making, the Board of Commissioners hereby announce their continued participation in "OPERATION: THANK YOU"; and

BE IT FURTHER RESOLVED that this waiver of fees also be extended to include Beach Buggy Permit fees and any other beach access fees that Long Beach Township may require now or in the remainder of 2008;and

BE IT FURTHER RESOLVED, that free daily beach admission, free beach buggy access, etc. be provided during the 2008 season to each member of the active military and their dependents upon the presentation of a valid military identification card to any badge-checker, lifeguard, or appropriate Beach Patrol personnel or Long Beach Township police officer; and

BE IT FURTHER RESOLVED, that Long Beach Township's business community be invited and encouraged to participate in "OPERATION: THANK YOU" by providing discounts to our active military and their dependents, and by otherwise recognizing their sacrifices and service and joining the residents of Long Beach Township in welcoming them to our community; and

BE IT FURTHER RESOLVED, that New Jersey's other coastal communities be and hereby are invited to join with the Township of Long Beach in providing free daily beach admission to members of our active military and their immediate families and/or in otherwise demonstrating their support for our troops and their families, and the Township Clerk is hereby directed to forward copies of this Resolution to the governing bodies of New Jersey's other Coastal communities, and to forward a copy of the Resolution to the New Jersey League of Municipalities; and

BE IT FINALLY RESOLVED that this Resolution shall take effect immediately and shall remain in effect throughout the year 2008.

Bonnie Leonetti, Municipal Clerk / Administrator advised there would be no charge for beach badges or beach buggies.

5. Resolution 08-0606.04: Approve personnel actions

RESOLUTION 08-0606.04

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

BEACH PATROL

Approval of the following actions are subject to submission of all required paperwork.

Hire the following as a Seasonal Part Time Laborer at the rate of \$16.10 per hour to be paid from Lifeguard Salary & Wage effective retro-active to May 24, 2008.

Matthew Edson

Hire the following as a Seasonal Part Time Laborer at the rate of \$9.85 per hour to be paid from Lifeguard Salary & Wage effective retro-active to May 24, 2008.

Daniel Strasser

Hire the following as a Seasonal Lifeguard at a rate of \$95.00 per day to be paid from the Lifeguard Salary & Wage effective June 7, 2008.

Sarah Mitchell

Hire the following Seasonal Beach Badge Program Seller/Checker at the rate of \$8.45 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Wilkie, Brian

Hire the following Seasonal Beach Badge Program Seller/Checkers at the rate of \$8.35 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Cotter, Caitlin

Lettera, Erin

McGuire, Lindsey

Hire the following Seasonal Beach Badge Program Seller/Checkers at the rate of \$8.25 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

O'Brien, Katie

Rosker, Ashleigh

Smith, David

Whetstone, Catherine

Hire the following Seasonal Beach Badge Program Seller/Checkers at the rate of \$8.15 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Gray, John

Kuti, Lily

Rothstein, Leah

Schneider, Rebecca

Hire the following Seasonal Beach Badge Program Seller/Checkers at the rate of \$8.05 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Cittadino, Brynn

Corasaniti, Dana

Covine, Kristen

Fay, Erin

Franco, Samantha

Giraud, Elisabeth

Gray, Brian

Gresko, Gary

Hepp, Christina

Ludington, Maureen

Nelke, Heather

Ondik, Alexandra

Shoemaker, Rebecca

Hire the following Seasonal Beach Badge Program Seller/Checkers at the rate of \$7.95 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Barabar, Candice

Bayard, Emily

Cleary, Patrick

Corasaniti, Joseph

Dalrymple, Colleen

Davies, Rachel

Giuffre, Angelica

Gresko, Alicia

Hom, Kalie

Howarth, Andrew

Kuti, Julia

Lombardi, Christina

Miller, Anna Kate

Royston, Melissa

Sapienza, Teresa

Stutz, Brian

Wheaton, Michael

Hire the following Seasonal Beach Badge Program Seller/Checkers at the rate of \$7.85 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Bohn, Grace

Boyan, Lauren

Camp, Ivy

Cossman, Julianna

DiMauro, Nicholas

Farley, Andrew

Fay, Eamon

Fay, Keri

Feeney, Caitlin

Fiore, Amanda

Gardiner, Michael

Gray, Mary Kate

Harrop, Tara

Herring, Autumn

Irons, Damien

Jonas, David

Kinney, Megan

Knopf, Lucas

Mead, Ashley

Nelke, Marissa

Pijanowski, Megan

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Piterski, Brielle
Scarchilli, Brittney
Swenson, Brian
Vurlicer, Melissa

Ramos, Meghan
Sicheri, Matthew
Turczmanovicz, Kelsey
Walker, Kayla

Reynolds, Carly
Strack, Sydney
Vurlicer, Amber
Zafonte, Malysa

Hire the following Seasonal Beach Badge Program Supervisor at the rate of \$13.05 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Erin Connors

Hire the following Seasonal Beach Badge Program Supervisor at the rate of \$12.75 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

D'Angelo, Hillary

Hire the following Seasonal Beach Badge Program Supervisors at the rate of \$12.85 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Donehower, Anna Zino, Astin

Hire the following Seasonal Beach Badge Program Supervisor at the rate of \$12.45 per hour to be paid from the Beach Badge Salary & Wage effective June 22, 2008.

Dultz, Alyssa

Change the following employees title to Seasonal Beach Badge Program Supervisor with a new rate of pay to \$13.45 per hour to be paid from the Beach Badge Salary & Wage effective to June 22, 2008.

Tait, Kimberley

Change the following employees title to Seasonal Beach Badge Program Supervisor with a new rate of pay to \$12.85 per hour to be paid from the Beach Badge Salary & Wage effective to June 22, 2008.

Barclay, Meghan

Change the following employees title to Seasonal Beach Badge Program Seller/Checker with a new rate of pay to \$8.25 per hour to be paid from the Beach Badge Salary & Wage effective to June 22, 2008.

Tamowski, Pamela

Change the following employees title to Seasonal Beach Badge Program Seller/Checker with a new rate of pay to \$8.05 per hour to be paid from the Beach Badge Salary & Wage effective to June 22, 2008.

Myers, Madeline

HEALTH

Hire the following as a Permanent Part Time Public Health Nurse at the rate of \$30.00 per hour to be paid from the Health Salary & Wage effective June 9, 2008.

Alice Shovanec

POLICE

Change the following Class II Seasonal Special Law Enforcement Officers' rate of pay to \$16.50 per hour to be paid from the Police Salary & Wage effective June 7, 2008.

James Jurewicz

PUBLIC WORKS

Extend the unpaid medical leave of absence for Suzette Meoni effective from May 28, 2008 to July 1, 2008 as per Doctor's Certification.

Bonnie Leonetti, Municipal Clerk / Administrator noted on the various proposed actions to be taken.

6. Resolution 08-0606.05: Authorize Municipal Clerk to advertise for bids:
(7) Recycling Roll-off Containers

RESOLUTION 08-0606.05

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:

- Seven (7) Recycling Roll-off Containers for the Public Works Department
7. Resolution 08-0606.06(a&b): Authorize application of various grants:
 - a. Det. Sgt. Melega: 2008 Commercial Equipment Direct Assistance Program for a rapid deployment surveillance system.

RESOLUTION 08-0606.06(a)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Detective Sergeant Steven Melega of the Long Beach Township Police Department be and he hereby is authorized and directed to apply for the FY2008 Commercial Equipment Direct Assistance Program (CEDAP) grant for a Rapid Deployment Kit – Surveillance System for the Police Department.

Bonnie Leonetti, Municipal Clerk / Administrator stated this was for equipment only, with an approximate value of \$25,000.00 – \$35,000.00.

- b. New Jersey Department of Transportation:
MA2009 Pacific & W. Indiana Avenues

RESOLUTION 08-0606.06(b)

AUTHORIZE TO APPLY AND EXECUTE A GRANT AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the Township of Long Beach desires to apply for and execute an agreement with the New Jersey Department of Transportation for the MA2009 Road Reconstruction / Improvement Project in the amount of \$306,296.75 for the following project(s):

Pacific Avenue (from W. So. 33rd St. to Ohio Ave. West)
W. Indiana Avenue (from Little Egg Harbor Bay to Long Beach Blvd.)

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the Township of Long Beach, County of Ocean, formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as #00395 to the New Jersey Department of Transportation on behalf of the Township of Long Beach; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Long Beach and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Bonnie Leonetti, Municipal Clerk / Administrator noted \$306,296.75 in funding was requested.

8. Resolution 08-0606.07: Resolution acknowledging settlement of a litigation matter

RESOLUTION 08-0606.07

RESOLUTION NEITHER APPROVING NOR REJECTING SETTLEMENT OF THE MATTER OF LYNN HABEREK V. THE TOWNSHIP OF LONG BEACH

WHEREAS, Scibal Associates has advised the Township of Long Beach that it proposes, as Claims Administrators for the Municipal Excess Liability Joint Insurance Fund to settle a lawsuit filed by Lynn Haberek v. the Township of Long Beach; and

WHEREAS, under date of June 4, 2008, William H. Bruce, III, Sr. Claims Analyst, wrote to the Township of Long Beach outlining reasons for the settlement; and

WHEREAS, the reasons include, inter alia:

1. The total settlement would be \$36,000.00;
2. This would be in full and complete satisfaction of any of her claims against the Township and the various Township defendants;
3. The settlement would eliminate the real possibility that the court could reinstate the complaint as against Long Beach Township;
4. The uncertainty of trial and/or a protracted appeal process and the added defense costs; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has the right under their insurance policy to settle claims unless the insured rejects the settlement; and

WHEREAS, in the event that the insured rejects a settlement the Municipal Excess Liability Joint Insurance Fund's liability ceases and determines and that fund can no longer be liable for further defense costs nor for any settlement or judgment in excess of the amount of the settlement which they propose to make; and

WHEREAS, in order for Long Beach Township to exercise its right to object to the proposed settlement, Long Beach Township is obligated to advise the name and address of the attorney who will defend the case in the future at the sole cost and expense of the Township; and

WHEREAS, to settle the case at the present time as proposed by the Municipal Excess Liability Joint Insurance Fund will cost the Township approximately \$30,000.00 which is calculated as the \$10,000.00 self insurance reserve which the Township of Long Beach is required to pay under any circumstances plus 20% of the co-insurance as to the first \$100,000.00 of coverage; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has presently expended approximately \$60,000.00 in defense costs which when added to the proposed \$36,000.00 settlement reaches the sum of \$96,000.00 and it is anticipated that to wind the case up would cost an approximate additional \$4,000.00 meaning that Long Beach Township's responsibility for its 20% co-insurance would be \$20,000.00 making the anticipated cost to Long Beach Township \$30,000.00; and

WHEREAS, the Board of Commissioners of the Township of Long Beach are exceedingly displeased at the way this entire matter has been handled since counsel assigned to defend Donald Myers, head of the Long Beach Township Beach Patrol, and Ralph Bayard, Commissioner of the Township of Long Beach secured a voluntary Stipulation of Dismissal of the Haberek case and the same dismissal was not secured for the Township itself; and

WHEREAS, having considered all of the options the Board of Commissioners have determined that they cannot consent to the settlement whereas at the same time they have determined that it would not be in the best interest of the Township of Long Beach to reject the settlement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, June 6, 2008 that the Board of Commissioners will not reject the proposed settlement recommended by Municipal Excess Liability Joint Insurance Fund thereby permitting that Fund to settle the matter of Lynn Haberek v. the Township of Long Beach, et al, Superior Court of New Jersey, Ocean County, Docket No. OCN-L-2050-05 for the sum of \$36,000.00 provided that a total amount to be paid by the Township of Long Beach toward the settlement, is not to exceed \$30,000.00.

Bonnie Leonetti, Municipal Clerk / Administrator advised this pertained to a personnel matter with a proposed settlement in the amount of \$36,000.00.

Motion to approve Items 2 - 8:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

LICENSES AND PERMITS

9. Resolution 08-0606.08(a&b): Approve various Social Events Permits:

- a. East Jerome Ave. on July 3rd, Block Party

RESOLUTION 08-0606.08(a)

WHEREAS, in response to homeowners requests for the following:

- 1) Permission to close E. Jerome Avenue, between Beach Avenue and Long Beach Blvd. from 12:00 p.m. to 10:30 p.m. leaving a lane open for emergency vehicles on July 3, 2008 for a block party.

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 closure as requested with provisions for a lane for emergency vehicles and flashing lights on barriers from dusk to close of event.

- b. East Cape Cod Ln. on June 14th, Block Party

RESOLUTION 08-0606.08(b)

WHEREAS, in response to homeowners requests for the following:

- 1) Permission to close E. Cape Cod Lane, between Beach Avenue and Long Beach Blvd. from 4:00 p.m. to 11:00 p.m. leaving a lane open for emergency vehicles on June 14, 2008 for a block party.

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 closure as requested with provisions for a lane for emergency vehicles and flashing lights on barriers from dusk to close of event.

Motion to approve Item 9:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

10. Resolution 08-0606.09(a&b): Award various Professional Service Contracts

a. Pamela J. Brodowski, MAI, ASA, CTA of BRB Valuation & Consulting Services: Tax Appeals for the Tax Assessor: not to exceed \$20,000.00 per year

RESOLUTION 08-0606.09(a)

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

WHEREAS, the Tax Assessor of the Township of Long Beach has deemed it necessary to obtain the professional services of an appraisal firm to aid in the valuation of various commercial properties located in the Township of Long Beach; and

WHEREAS, Pamela J. Brodowski, MAI, ASA, CTA of BRB Valuation & Consulting Services possess the requisite qualifications and licenses as required by law to provide said services; and

WHEREAS, the Board of Commissioners of the Township of Long Beach believe that it is prudent to award a professional services contract to Pamela J. Brodowski, MAI, ASA, CTA of BRB Valuation & Consulting Services for valuation, consulting, and appraisal services to aid in the appraisal of various commercial properties located in the Township of Long Beach.

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

WHEREAS, Pamela J. Brodowski has been supplied with a Business Entity Disclosure Certification and a Political Contribution Disclosure for certification that she has not made any reportable contributions to a political or candidate committee in the Township of Long Beach in the previous one year, and that the contract will prohibit those listed from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, June 6, 2008 that the Mayor and Municipal Clerk shall and are hereby authorized to execute and bind the Township to a contract entered by and between the Township of Long Beach and Pamela J. Brodowski, MAI, ASA, CTA of BRB Valuation & Consulting Services, 84 West Main St., Freehold, NJ 07728 in an amount not to exceed Twenty Thousand Dollars (\$20,000.00); and

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

b. Robert Kirwan Appraisal, Inc.: Appraisals for the Tax Assessor: not to exceed \$10,000.00 per year

RESOLUTION 08-0606.09(b)

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH ROBERT W. KIRWAN, SRA, SCGRE, CTA, REAL ESTATE APPRAISER, TO AID AND ASSIST THE TAX ASSESSOR OF THE TOWNSHIP OF LONG BEACH

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

WHEREAS, the statute further requires that where contracts are awarded without public bidding, notice of such contract shall be published at least one time in a newspaper circulating in the community; and

WHEREAS, the statute defines professional services as "services rendered by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training." (N.J.S.A. 40A:1 1-2(6)); and

WHEREAS, Robert W. Kirwan, SRA, SCGRE, CTA, has submitted a proposal dated April 23, 2008 which provides that preliminary appraisal services for residential properties would be \$750.00 with an additional fee of \$750.00 (not to exceed a total of \$1,500.00) to complete a full narrative appraisal report for County Tax Board or State Tax Court; deposition and testimony to be billed at \$200.00 per hour for preparation, travel and appearance in court, with a minimum charge of a one-half day fee of \$800.00; and

WHEREAS, the Board of Commissioners of the Township of Long Beach has determined that Robert W. Kirwan, SRA, SCGRE, CTA, possesses the requisite qualifications and licenses as required by law to perform said services, and that the total value of the services will not exceed \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, June 6, 2008 that the Mayor and Municipal Clerk shall and are hereby authorized to execute and bind the Township to a contract entered by and between the Township of Long Beach and Robert W. Kirwan, SRA, SCGRE, CTA, of Robert W. Kirwan Appraisal, Inc., P.O. Box 755, Manahawkin, NJ 08050 in accordance with the above mentioned proposal; and

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

11. Resolution 08-0606.10: Approve a contract for the purchase of a Tilt Trailer for the Public Works Dept., per quote: H.A. DeHart & Son: not to exceed \$20,992.43

RESOLUTION 08-0606.10

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF ONE (1) TOWMASTER T- 40T TILT TRAILER FOR THE PUBLIC WORKS DEPARTMENT OF THE TOWNSHIP OF LONG BEACH, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotes for the purchase of one (1) Towmaster T-40T Tilt Trailer with full ABS sensor air brakes on 2 axels for the Township Public Works

Department; and

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

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

WHEREAS, H.A. DeHart & Son gave the lowest qualified quote.

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by "New Trailer Acquisition" Account #C-04-55-300-004.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 6th day of June 2008, for the reasons aforesaid, that a contract be and is hereby awarded to:

H.A. DeHart & Son
311 Crown Point Road
Thorofare, NJ 08086-9999

for the purchase of one (1) Towmaster T-40T Tilt Trailer with full ABS sensor air brakes on 2 axels the Public Works Department in an amount not to exceed Twenty Thousand Nine Hundred Ninety Two Dollars and Forty Three Cents (\$20,992.43) as per quote received May 19, 2008.

12. Resolution 08-0606.11: Approve a contract for the purchase of office furniture for the Commissioner of Revenue & Finance, per state contract:
OFS Sales Corp.: not to exceed \$13,817.10

RESOLUTION 08-0606.11

RESOLUTION AUTHORIZING A CONTRACT TO PURCHASE FURNITURE FOR THE OFFICE OF THE COMMISSIONER OF REVENUE & FINANCE, 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, OFS Sales Corporation c/o Butler Office Interiors, 1204 East Sixth Street, Huntingburg, IN 47542 has been awarded New Jersey State Contract No. A70302 effective 10/01/04 through 9/30/010 for Furniture, Office & Lounge, Non-modular & Files; and

WHEREAS, the Commissioner of Revenue and Finance 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 to purchase office furniture for the office of the Commissioner of Revenue & Finance pursuant to State Contract #A70302 shall not exceed Thirteen Thousand Eight Hundred Seventeen Dollars and Ten Cents (\$13,817.10); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in the appropriations created by: Ordinance 06-07 in the amount of \$5,985.15 and by Ordinance 07-04 in the amount of \$7,831.95.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that OFS Sales Corporation c/o Butler Office Interiors be awarded a contract for the purchase of office furniture for the office of the Commissioner of Revenue & Finance in an amount not to exceed Thirteen Thousand Eight Hundred Seventeen Dollars and ten Cents (\$13,817.10).

13. Resolution 08-0606.12: Authorize an Interlocal Agreement with Stafford Township to provide building inspection services for Joseph H. Mancini's building interests

RESOLUTION 08-0606.12

RESOLUTION AUTHORIZING EXECUTION OF INTER-LOCAL MUNICIPAL AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LONG BEACH, A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY AND THE TOWNSHIP OF STAFFORD, A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF STAFFORD TO PROVIDE BUILDING INSPECTION SERVICES FOR BUILDERS IN THE TOWNSHIP OF LONG BEACH WHICH BUILDERS HAVE A CONFLICT OF INTEREST WHICH DISQUALIFIES THE TOWNSHIP OF LONG BEACH BUILDING DEPARTMENT FROM ISSUING BUILDING PERMITS AND INSPECTING OTHER CONSTRUCTION IN THE TOWNSHIP PURSUANT TO N.J.A.C. 5:23-4.5 (1) 2 (j) 1

WHEREAS, the Township of Long Beach and the Township of Stafford have contiguous borders; and

WHEREAS, a member of the Board of Commissioners who has been designated Mayor of Long Beach Township, Joseph H. Mancini, is a builder who conducts building and construction business in the Township of Long Beach; and

WHEREAS, the Department of Community Affairs adopted a regulation codified in N.J.A.C. 5:23-4.5 (1) 2 (j) 1 providing that "No person employed by an enforcing agency as a construction or sub-code official or as an inspector shall carry out any inspection or enforcement procedure with respect to any property or business in which . . . any other public official or employee having any direct or indirect control over the funding or operations of the enforcing agency or any close relative or household member of any such public official or employee, has an economic interest. . ."; and

WHEREAS, N.J.A.C. 5:23-4.5 (1) 2 (j) 1 provides. "Where an inspection or enforcement procedure is necessary or required in any such property or business and there is no other person employed by the enforcing agency who is qualified, pursuant to this chapter, to perform the inspection or enforcement procedure and who is not a subordinate of the person with the direct or indirect economic interest in such property or business, the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the department."; and

WHEREAS, the Township of Stafford has a Building Department which provides building inspection, fire inspection, electrical inspection and plumbing inspection for construction being conducted in said Township; and

WHEREAS, the Township of Stafford has agreed to provide inspection services for construction being done by Joseph H. Mancini and his various interests pursuant to the terms of an Inter-Local Services Agreement; and

WHEREAS, the said Joseph H. Mancini, Mayor, has also been selected as the Director of the Division of Public Affairs and Public Safety in the Township of Long Beach, in which department the Long Beach Township Building Department has been designated; and

WHEREAS, the said Joseph H. Mancini has requested that the remaining members of the Board of Commissioners give him authority to enter into an Inter-Local Agreement if the same may be advantageously entered into advantageous to both the Township of Long Beach and the Township of Stafford; and

WHEREAS, the local Building Departments of all Island Municipalities have relied on the County of Ocean Building Inspection Department to perform electrical inspection, plumbing inspection and fire inspection services and compensate the County of Ocean for such services, being compensated themselves by receiving 10% of the fees charged to compensate said municipalities for time and effort and issuing such permits and in being involved in scheduling certain inspection.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey, at a regular meeting held Friday June 6, 2008, that the Mayor of Long Beach Township is hereby authorized and designated to enter into an Inter-Local Service Agreement with the Township of Stafford to provide for building inspection, plumbing inspection, electrical inspection and fire inspection of construction being conducted by the said Joseph H. Mancini and his interests in the Township of Long Beach to be conducted by the Building Inspection Department of the Township of Stafford; and

BE IT FURTHER RESOLVED, the actual issuance of permits after having been approved by the Director of Construction/Zoning Department of the Township of Stafford shall be issued individually by the Township of Long Beach and for such clerical work the Township of Long Beach shall receive 10% if the fees paid by Joseph H. Mancini and his interests to the Township of Stafford Building/Zoning Department for building inspections, electrical inspections, plumbing inspections and fire inspections with the balance of the fee being paid to or retained by the Township of Stafford.

Bonnie Leonetti, Municipal Clerk / Administrator noted the Township of Stafford has agreed to provide inspection services for construction done by Joseph H. Mancini.

Motion to approve Items 10 - 13:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

14. Resolution 08-0606.13(a&b): Approve various Chapter 159's:
a. Phase III Pandemic Influenza Preparedness Mini-Grant \$6,327.00

RESOLUTION 08-0606.13(a)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2008 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) FOR PANDEMIC INFLUENZA PREPAREDNESS

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the State of New Jersey Department of Health and Senior Services has approved a grant to the Township of Long Beach under the Pandemic Influenza Preparedness in the amount of \$6,327.00 which is on a reimbursement basis; and

WHEREAS, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2008 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners do hereby authorize an amendment to the 2008 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenue offset with appropriations:

PANDEMIC INFLUENZA PREPAREDNESS \$6,327.00

2. That the Board of Commissioners do hereby further authorize an appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

PANDEMIC INFLUENZA PREPAREDNESS \$6,327.00

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

b. OCM JIF 2007 Safety Incentive Award: \$300.00

RESOLUTION 08-0606.13(b)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2008 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-87 (CHAPTER 159): OCEAN CO. MUNICIPAL JOINT INSURANCE FUND SAFETY INCENTIVE AWARD

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the Ocean County Municipal Joint Insurance Fund has approved a donation to the Township of Long Beach in the amount of \$300.00; and

WHEREAS, it is the desire of the Township of Long Beach to amend the 2008 Municipal Budget to provide for the insertion of this donation as a source of revenue and an expenditure appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, as follows:

1. That the Board of Commissioners do hereby authorize an Amendment to the 2007 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior

Written Consent of the Director of Local Government Services –

Public and Private Revenues Offset with Appropriations:

OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND –

SAFETY INCENTIVE AWARD \$300.00

2. That the Board of Commissioners do hereby further authorize an Appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

OPERATIONS – Excluded from CAPS:

Public and Private Programs Offset by Revenues:

OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND –

SAFETY INCENTIVE AWARD \$300.00

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

Bonnie Leonetti, Municipal Clerk / Administrator stated this was earned for the reduction of work related accidents in 2007 by 15% or more over the prior three year period.

15. Resolution 08-0606.14: Approve Bills & Payroll

Bills in the amount of: \$ 758,935.79

Payrolls in the amount of: \$ 395,197.81

RESOLUTION 08-0606.14

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 \$395,197.81.

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 \$758,935.79 be and the same are hereby authorized to be paid on June 6, 2008.

2. The said approved payroll amounting to the sum of \$395,197.81 be and the same are hereby authorized to be paid on June 6, 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 14 - 15:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Mayor Mancini stated the Treasurer's Report for the month of April 2008 was on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Bayard was pleased that nine (9) greenhead fly traps had been received from the Southern Regional High School Mainsail Program. They would be placed in the Holgate section of the Township. The roll-off containers authorized for bids would be utilized with the used truck recently purchased by auction from the County of Ocean and would enhance the municipal recycling program. The anticipated cost of the seven (7) roll-off containers was \$30,000.00, however \$15,000.00 in grant money would partially compensate that expense.

Commissioner Gove thanked the Mayor and Commissioner for their Resolution in Memorium for her mother, Anne C. Gove, who had recently passed away. She also thanked the community for their support to her family during this difficult time.

Mayor Mancini had designated two additional surfing beaches in the Holgate section of the Township; one located at Nelson Avenue and one located between Susan and Rosemma Avenues. The Public Works Department was working on restoration in other beach areas and the Mayor would designate more surfing beaches when suitable.

OPEN PUBLIC SESSION

Zach Kerzner / Beach Haven Crest was concerned with commercial vehicle traffic on Ocean Blvd. and Beach Ave. He suggested foliage along the roads be trimmed to relieve view obstructions, noting that properties have encroached into the roadway, obstructing foot and vehicle traffic. He cited public safety concerns for pedestrians and bicyclists on these roads. He asked that an assessment be created for sidewalks and curbs on the west side of Ocean Blvd.

Mayor Mancini explained he had spoken with Chief Bradley and vehicle weight restrictions for these roads, as well as speed control, would be strictly enforced. The Zoning and Construction Departments would do a mailing to various commercial businesses requesting Long Beach Boulevard be traveled by their vehicles in lieu of Ocean Blvd. and Beach Ave. He explained some of the complexities involved for a sidewalk and curb assessment on the west side of Ocean Blvd.

Joann Riss / Manahawkin noted the current surfing beaches were crowded which could result in injury to surfers and / or bathers. She asked that more beaches be designated to keep surfers in each area to a safe number.

Mayor Mancini stated existing jetties did not provide enough space to accommodate both surfing and bathing beaches. The beach replenishment project, when realized, would alleviate some current safety concerns. More surfing beaches would be considered at that time.

Robert Irvine / Beach Haven Crest congratulated Commissioner Bayard on his efforts to increase trash and recycling collections.

Commissioner Bayard complimented the Public Works staff for the work they have done regarding the placement of additional trash and recycling containers. He stated he wished to start a Citizen's Recycling Committee and would welcome volunteers.

Dick Jeffries / Beach Haven Terrace asked that litter and debris on public grounds be removed prior to "weed-wacking" as this caused those items to be broken apart into small particles that scattered onto other properties.

Bill Kunz / Brant Beach asked if Ordinance 08-10C was a new document or a revision of an Ordinance that had been introduced at a prior time.

Bonnie Leonetti, Municipal Clerk / Administrator stated a similar Ordinance had been introduced and tabled. Ordinance 08-10C was a revised version with minor changes.

Bill Kunz / Brant Beach agreed with the enforcement of weight restrictions on Ocean and Beach Avenues. He suggested additional signs be posted on these streets advising travelers of the regulations.

Patrick Moeller / Beach Haven Park suggested unoccupied police vehicles be placed in various locations as speed deterrents.

Eldon Hickerson / Loveladies asked for the proper way to dispose of fluorescent light bulbs.

Peter Trainor / North Beach Haven advised the bulbs would be accepted at the Stafford Township Recycling Center in Manahawkin.

Bill Hutson / Holgate thanked the Board of Commissioners for supporting outdoor seating at dining establishments located within the Township, the greenhead fly traps provided by the Mainsail Program and initiated by Commissioner Gove, and for the new recycling and trash cans placed in the Holgate area.

Mayor Mancini advised outdoor seating would be allowed for a 90-day trial period subject to approval by the Land Use Board. He announced the next meeting of the Board of Commissioners on Friday, June 20th at 4:00 p.m. at which time the 2nd Reading and Public Hearing of Ordinance 08-10C would be held. The next regular meeting of the Land Use Board would take place on Wednesday, June 11th at 7:00 p.m. in the 2nd floor multi-purpose room.

CLOSE PUBLIC SESSION

Motion for adjournment at: 7:45 p.m.

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Bonnie M. Leonetti, RMC, CMC
Municipal Clerk

Joseph H. Mancini, Mayor

DiAnne C. Gove, Comm.

Ralph H. Bayard, Comm.