

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS JULY 19, 2013
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 Joseph P. Lattanzi PRESENT

Also in attendance: Lynda J. Wells, Municipal Clerk
Teresa S. Sgro, Deputy Municipal Clerk

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES and the ASBURY PARK PRESS on December 13th 2012; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the July 5, 2013 meeting and to approve the same as recorded in the minute book:

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

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 13-26C **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 64 PERTAINS TO BUILDING CONSTRUCTION REGULATIONS**

Lynda Wells, Municipal Clerk explained this ordinance provided the Board of Commissioners the authority to remedy violations of Chapter 64, assess costs and charge costs to the property as a lien.

STATEMENT OF PURPOSE

This ordinance amends the existing Chapter 64 – Building Construction, to provide the Board of Commissioner of Township of Long Beach with the authority, by resolution, to abate, correct, and/or remedy any violations of Chapter 64 in order to protect persons, property, and the public health, welfare, and safety, and to assess costs for the aforesaid abatement, correction and/or remedy incurred by Township of Long Beach upon the owner and/or lessor and to charge same against the property and/or premises as a lien.

This Ordinance adds the designations/titles of Article I, Article II, and Article III, and adds §64-22 to -27 under Article II, and adds §64-28 to -30 under Article III.

SECTION I

§64-1 through -21 is hereby amended as follows:

§64-1 through -21 shall be designated/entitled ARTICLE I – Construction and Property Maintenance.

SECTION II

There shall be created a designation/title of ARTICLE II – Additional Remedies, which shall include the following sections.

ARTICLE II

Additional Remedies

§64-22. Authority of Board of Commissioners.

In addition to the authorities and powers provided to the Code Enforcement Officer and other employees, officers, and officials of Township of Long Beach, as provided herein and as set forth in the International Property Maintenance Code and New Jersey Uniform Construction Code, the Board of Commissioners shall have the authority and power, as provided by N.J.S.A. 40:48-1, *et seq.*, to elect, in its discretion, to abate any nuisance, correct any defect, remedy any violation, and/or put any property and/or premises (hereinafter collectively "Property") in proper condition so as to comply with the requirements of Chapter 64, including the International Property Maintenance Code and the New Jersey Uniform Construction Code, at the cost of the owner and/or lessor of the Property as provided herein.

§64-23. Investigation and resolution.

A. Upon complaint of any resident or property owner of Township or any officer or employee of Township or upon his or her own election, the Code Enforcement Officer or his or her designated agent shall make an investigation of the condition complained of at any Property in Township relating to and in furtherance of requirements of Chapter 64, and, if the conditions at the Property warrant one, the Code Enforcement Officer or his or her designated agent shall prepare and file a written report with the Board of Commissioners and the Township Clerk setting forth the alleged violations of Chapter 64 located at the Property.

B. Upon receiving the report prepared pursuant to Section 64-23(A), the Board of Commissioners shall review the report and determine whether or not the Property is in violation of Chapter 64. In the event that the Board of Commissioners determines that one (1) or more violations exist, the Board of Commissioners may elect, in its discretion, to adopt a resolution directing the Township Clerk to issue a notice of violation and the Code Enforcement Officer to take any and all necessary actions pursuant to and in furtherance of the provisions herein.

§64-24. Notice of violation.

The notice of violation shall be in writing and shall set forth the specific provisions of Chapter 64 that have been found to have been violated, and shall set forth that the owner and/or lessor have ten (10) days from the receipt of that notice to remove the violation(s) from the Property. The notice shall further set forth that if the owner and/or lessor fail to remove the violation(s) from the Property within ten (10) days of receipt of the notice, Township shall abate any nuisance, correct any defect, remedy any violation, and/or put the subject Property in proper condition so as to comply with the requirements of Chapter 64 at the cost of the owner and/or lessor of the Property as provided herein.

§64-25. Service provisions.

Notices shall be served in writing either personally or by registered mail to the owner and may be served upon the lessor, if the lessor is a separate juridical person from owner, is known to Township, and Township intends to take action against the lessor, and by posting it upon the Property, if possible, in a conspicuous place. If the whereabouts of an owner is unknown and cannot be ascertained by and through the exercise of reasonable diligence, and service cannot be made by way of personal service or registered mail, the Township Clerk shall make an affidavit to that effect and then cause notice to be published in a newspaper circulating in Township at least once and not less than thirty (30) days before the actions, as specified by the notice, are taken by Township. Proof by affidavit of service of the notice shall be filed with the officer in charge of the records of tax liens, but failure to file the proofs shall not invalidate the proceedings if service has been made as hereinbefore provided.

§64-26. Abatement, remedies, and costs established as a lien.

A. If the owner and/or lessor of the Property in question fails to abate the condition(s) complained of in the notice within ten (10) days after receipt of same or thirty (30) days after publication in the newspaper, if service is not effectuated by personal or registered mail, Township may correct the defect, remedy any violation, and/or put the Property in proper condition so as to comply with the requirements of Chapter 64 at the direction of the Code Enforcement Officer or his or her designated agent, by either Township employees or by third-party contractors pursuant to the provisions of the "Local Public Contracts Law," unless the action is necessary to prevent imminent danger to life, limb, or property, in which case no-bid contracts may be entered.

B. Where Township has taken the actions as set forth in Section 65-25(A), the Code Enforcement Officer or his or her designated agent shall certify the cost thereof to the Board of Commissioners. The Board of Commissioners shall examine the certificate, and if it shall be found correct, the Board of Commissioners shall cause the cost as shown thereon to be charged against the Property where the aforesaid actions were taken by Township and/or its third-party agents. The amount so charged shall forthwith become a lien upon the Property and shall be added to become and form a part of the taxes next to be assessed and levied upon the Property, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

C. The responsibilities of the owners and lessors shall not be diminished by the provisions providing for the corrective actions that may be taken by Township herein. Abatement and corrective action by Township shall be an alternate, optional procedure to remedy, abate, and alleviate the threats to persons and property and the public health and dangers to public health, safety, and welfare in the event that the owners and lessors do not comply with their duties and the notice provided herein.

D. In the event that Township removes, abates, and/or remedies pursuant to its authority herein and does not secure the services of third-party contractors, Township shall charge for all costs related to the services provided by Township employees and officials for the removal, abatement, and remedies performed, as to be determined by the Board of Commissioners. In the event that Township removes, abates, and/or remedies pursuant to its authority herein and secures the services of third-party

contractors pursuant to the terms herein, Township shall charge the amount for the costs and fees charged by the third-party contractors.

E. In addition to the assessment of a municipal lien against the Property, as aforesaid, Township may also elect to enforce the payment of the assessment of the entire cost, together with interest, as a debt of the owner of the premises and may authorize the institution of an action at law for the collection thereof.

§64-27. Authorities of public officers, designated persons, and contractors.

The Code Enforcement Officer and his or her designated agent are charged with and authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including all powers provided by N.J.S.A. 40:48-1, *et seq.*, the International Property Maintenance Code, and the New Jersey Uniform Construction Code, and, in addition to the others granted herein, the following powers: (i) to investigate the conditions of the Property; (ii) enter upon the Property for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the person(s) in possession, except in circumstances that poses imminent threat and harm to the public health, welfare, and safety; (iii) to appoint and fix the duties of such officers, agents, and employees as (s)he deems necessary to carry out the purpose of this ordinance; and (iv) to delegate any of the functions and powers under the ordinance to such officers and agents as (s)he may designate. All third-party contractors retained by Township have the right to enter upon the premises and/or property to effectuate all actions required to conduct the removal and filling and actions related thereto under the direction of the Code Enforcement Officer or his or her designated agent.

SECTION III

There shall be created a designation/title of ARTICLE III – Additional Remedies, which shall include the following sections.

ARTICLE III

General Provisions

§64-28. Violations and penalties.

A violation of this Chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.

§64-29. Repealer.

All ordinances, or parts of ordinances, inconsistent with this Chapter are hereby repealed to the extent of such inconsistency, except that this Chapter shall be deemed cumulative to and not inconsistent with the provisions and remedies set forth in both Chapter 60 and Chapter 127 of the Code.

§64-30. Severability.

If any word, phrase, clause, section, or provisions of this Chapter 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.

Effective date.

Passed on first reading at a regular meeting held on July 5, 2013 and advertised in the BEACH HAVEN TIMES issue of July 11, 2013.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 13-26C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. First Reading Ordinance 13-27 – **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)” AS THE SAME APPLIES TO SICK LEAVE OF TOWNSHIP EMPLOYEES**

Lynda Wells, Municipal Clerk explained this Ordinance was to update the Township’s policy regarding sick leave for various employees. A Township employee taking sick leave in conjunction with personal time off, vacations, holidays and/or weekends may be required to submit written certification by a health care provider.

Motion to approve Ordinance 13-27 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. First Reading Ordinance 13-28C – **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 64 PERTAINS TO BUILDING CONSTRUCTION, THE SAME IN CHAPTER 94 DEALS WITH FLOOD DAMAGE PREVENTION AND THE SAME IN CHAPTER 205 DEALS WITH HEIGHT REGULATIONS PURSUANT TO THE LONG BEACH TOWNSHIP ZONING ORDINANCE.**

This ordinance is prepared to amend certain sections of Chapters 64, 94 and 205 of the Code of the Township of Long Beach in order to conform with all recent FEMA Map Elevation Changes and changes in the various FEMA Zones shown on the FEMA Maps.

Motion to approve Ordinance 13-28C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS & APPROVALS

4. Resolution 13-0719.01(a&b) Approve temporary traffic regulations for various events:
 - a) Suspend parking regulations on Beach Ave for the following First United Methodist Church events:
 - Pancake Breakfast - July 20th 7:30 am to 12:00 PM
 - Fish Dinner – Aug. 9th 4:00 to 8:30 PM
 - Pork Dinner – Oct. 19th 4:00 to 8:30 PM
 - b) Suspend alternate side of the street parking for Eastern Surfing Assoc. surf contest on 110th Street July 27th or 28th 8:00AM to 4:00 PM

RESOLUTION 13-0719.01(a)

WHEREAS, the Terrace First United Methodist Church scheduled special events in 2013 wherein temporary conditions will exist causing the need to suspend the no parking regulations on Beach Avenue in the area of New Jersey, Indiana, and Pennsylvania Avenues on:

- Saturday, July 20th, Annual Pancake Breakfast, 7:30 A.M. to 12:00 P.M.
- Friday, August 9th, Annual Fish and Chips Dinner, 4:00 P.M. to 8:30 P.M.
- Saturday, October 13th, Annual Roast Pork Dinner, 4:00 P.M. through 8:30 p.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 temporary parking allowances as requested.

RESOLUTION 13-0719.01(b)

WHEREAS the Board of Commissioners of the Township of Long Beach previously approved a surfing contest at 110th Street on August 3rd or 4th, as per Resolut

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach the previously approved contest is cancelled and rescheduled as follows:

Eastern Surfing Association, Central New Jersey Chapter, Surfing Contest:

Surfing contest at 110th Street in the Haven Beach section of the Township on July 27th or 28th between the hours of 8:00 a.m. and 4:00 p.m.

“No Wave” or “Rain” dates August 10th or 11th

BE IT FURTHER RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approves the suspension of alternate side parking regulations from 6:00 a.m. to 6:00 p.m. from 106th to 112th Streets on the above date(s) for this annual event.

5. Resolution 13-0719.02(a&b): Approve the following Special Events:
 - a) Long Beach Twp. Police Dept. Bike Rodeo: July 28th, 9am to 1 pm at the Municipal Complex (68th Street)
 - b) Long Beach Twp. Police Dept. Southern Regional Special Needs Students Bike

Rodeo-August 2nd 8:30 to 9:00 AM at
Bayview Park

WHEREAS, the Long Beach Township Board of Commissioners received a request for permission to close the Long Beach Township Municipal Complex Parking Lot and Tennis Courts to visitors for the below-listed event between the hours of 9:00 a.m. and 1:00 p.m.:

PBA Local #373 Bike Rodeo held on July 28, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby actively approve the closure of the Long Beach Township Municipal Complex Parking Lot and Tennis Courts to visitors for the event as described above.

RESOLUTION 13-0719.02(b)

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

<u>HOST</u>	<u>DESCRIPTION</u>	<u>TIME & DATE(S)</u>
Long Beach Twp. Police Dept. for the: Southern Regional Special Ed	Fri. Aug. 2 nd , 13 2013 Bike Rodeo	8 am to 10 am

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

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.

6. Resolution 13-0719.03: Authorize the Police Department to transfer ownership of an impounded vehicle to Undertoe Service Center

Lynda Wells, Municipal Clerk stated this was a 2002 Chrysler minivan.

WHEREAS, on March 8th 2011 the Long Beach Township Police Department impounded one (1) unregistered and uninsured 2002 Chrysler Town & Country minivan, VIN# 2C4G4434R793124, and placed said vehicle in secure storage at Undertoe Service Center; and

WHEREAS, written notice was provided via certified mail posted March 20th of 2012 by the Long Beach Township Police Department to the last known owner of the above-named vehicle; said notice returned by the Post Office as "Not deliverable as addressed, no forwarding address on file".

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby approve the transfer of interest from Long Beach Township to Undertoe Service Center, 12000 Long Beach Blvd., Haven Beach, NJ 08008 of one (1) 2002 Chrysler Town & Country minivan, VIN# 2C4G4434R793124.

7. Resolution 13-0719.04: Approve personnel actions

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

Approve a Family Medical Leave of Absence (FMLA) for EM effective retro-active to June 28, 2013.

BEACH PATROL

Change the following employee's title to Seasonal Lifeguard Captain with a new rate of pay of \$150.00 per day to be paid from the Lifeguard Salary & Wage effective July 20, 2013.

Fran Campana

Change the following employees's title to Seasonal Lifeguard Lieutenants with a new rate of pay to \$137.50 per day to be paid from the Lifeguard Salary & Wage effective July 20, 2013.

Nathan Boyd

Jill Lambert

Change the following employee's title to Seasonal Lifeguard Lieutenant with a new rate of pay of 137.50 per day to be paid from Lifeguard Salary & Wage effective retro-active to July 13, 2013.

Terrance Lennon

Change the following employee's rate of pay to \$96.67 per day to be paid from the Lifeguard Salary & Wage effective retro-active to July 13, 2013.

Andrew Howarth

Stephen Janiec

Hire the following employees as Seasonal Lifeguards at a rate of \$78.33 per day to be paid from the Lifeguard Salary & Wage effective retro-active to July 13, 2013..

James Loftus

Tyler White

Hire the following employee as a Seasonal Lifeguard at a rate of \$78.33 per day to be paid from the Lifeguard Salary & Wage effective retro-active to July 31, 2013.

Avery Rose Myrick

Hire the following employees as Seasonal Beach Badge Program Sellers/Checkers part time, per hour, at the rate of \$8.25 per hour to be paid from the Beach Badge Salary & Wage effective retro-active to July 13, 2013.

Julia Gruber

Justin Harttraft

PUBLIC WORKS

Change the following employee's title to Provisional Building Maintenance Worker pending Civil Service approval and change the following employee's annual base salary to \$36,239.50 to be paid from Public Works Salary & Wage effective July 20, 2013.

Sherry Rahrer

Change the following employee's title to Provisional Supervising Equipment Operator pending Civil Service approval and change the following employee's annual base salary to \$44,050.53 to be paid from Public Works Salary & Wage effective July 20, 2013.

Dustin Martin

WATER/SEWER

Change the following employee's title to Provisional Public Works Repairer pending Civil Service and change the following employee's annual base salary to \$34,676.00 to be paid from Water/Sewer Salary & Wage effective July 20, 2013.

Stuart McGowan

- 8. Resolution 13-0719.05: Approve various changes to water and sewer accounts

WHEREAS, the following Water/Sewer accounts require changes in their billing and/or classification due to various reasons; and

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

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
1.48	4	395-0/Water	2013	Remove irrigation	\$304.00
6.01	3.04	1678-0/Water	2013	Remove irrigation	\$304.00
7.19	4	2429-0/Water	2013	To Standby/per C&C	\$163.00
7.19	4	2429-0/Sewer	2013	To Standby/per C&C	\$265.50
15.95	15	5841-0/Water	2013	Remove pool	\$182.00
15.104	4/CB	5897-0/Water	2013	To Standby/per C&C	\$16.00

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, that the Municipal Clerk be and she is hereby authorized to make these changes.

- 9. Resolution 13-0719.07(a&b): Approve the abatement of public health nuisances:

- a) Secure unsafe conditions at Block 20.60., Lot 2
Lynda Wells explained there was debris and an unsecured swimming pool on the property.
- b) Secure unsafe conditions at Block 10.27, Lot 12
– Lynda Wells explained there was an underground storage tank exposed cables and concrete on the property.

RESOLUTION AUTHORIZING THE ABATEMENT OF A NUISANCE AT BLOCK 20.60, LOT 2

WHEREAS, Long Beach Township Code §127-6 provides for the abatement of public health nuisances; and

WHEREAS, the Board of Health has taken the required actions to notify the property owner of the condition of Block 20.60, Lot 2 (47 Harbor Lane, Loveladies) that has not been maintained in a clean, safe condition but exhibits an unsecured swimming pool and various debris; and

WHEREAS, the Board of Health found the same to constitute a nuisance and safety issue; and

WHEREAS, the Township has attempted to make contact with the owner to correct the violation; and

WHEREAS, the owner has failed to remove the nuisance and the Township seeks to abate the continuing nuisance; and

WHEREAS, the Long Beach Township Code §127-6 and Section 8.3 of the Public Health Nuisance Code titled Abatement of Nuisances authorizes the Township of Long Beach to abate the same.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners at a regular scheduled meeting this 19th day of July, 2013 that the Long Beach Island Board of Health is hereby authorized to take the necessary action to facilitate the abatement of the nuisance; and

BE IT FURTHER RESOLVED that any and all costs incurred by the Township of Long Beach Public Works Department to abate the nuisance at Block 20.60, Lot 2 (47 Harbor Lane, Loveladies) may be placed as a lien against the property.

**RESOLUTION AUTHORIZING THE ABATEMENT OF A NUISANCE
BLOCK 10.27, LOT 12**

WHEREAS, Long Beach Township Code §127-6 provides for the abatement of public health nuisances; and

WHEREAS, the Board of Health has taken the required actions to notify the property owner of the condition of Block 10.27, Lot 12 (2 E. Kentucky Avenue, Haven Beach) that has not been maintained in a clean, safe condition but exhibits an open underground tank, cables, concrete and other debris; and

WHEREAS, the Board of Health found the same to constitute a nuisance and safety issue; and

WHEREAS, the Township has attempted to make contact with the owner to correct the violation; and

WHEREAS, the owner has failed to remove the nuisance and the Township seeks to abate the continuing nuisance; and

WHEREAS, the Long Beach Township Code §127-6 and Section 8.3 of the Public Health Nuisance Code titled Abatement of Nuisances authorizes the Township of Long Beach to abate the same.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners at a regular scheduled meeting this 19th day of July, 2013 that the Long Beach Island Board of Health is hereby authorized to take the necessary action to facilitate the abatement of the nuisance; and

BE IT FURTHER RESOLVED that any and all costs incurred by the Township of Long Beach Public Works Department to abate the nuisance at Block 10.27, Lot 12 (2 E. Kentucky Avenue, Haven Beach) may be placed as a lien against the property.

10. Resolution 13-0719.08: Authorizing the abatement of a nuisance at Block 1.31, Lot 20

Lynda Wells explained there was an unstable structure on the property.

**RESOLUTION AUTHORIZING THE ABATEMENT OF A NUISANCE AT
BLOCK 1.31, LOT 20**

WHEREAS, Long Beach Township Code §64 and §127 provide for the abatement of unsafe structures, nuisances, and dangerous conditions that pose a threat to the public health, welfare, and safety; and

WHEREAS, Township of Long Beach and Board of Health have taken the required actions to notify the owners of the residential structure previously located at Block 1.31, Lot 20 (6 West Carolina, Holgate), which is now located on Township property, that said structure poses a risk to the public health, welfare, and safety, is otherwise unfit, damaged, dangerous, and unsafe, and otherwise constitutes a nuisance; and

WHEREAS, the Code Enforcement Officer, Board of Health, and Construction Official found the structure to constitute an unsafe and dangerous structure, nuisance, and public health issue; and

WHEREAS, Township of Long Beach has attempted to make contact with the owner to correct the violation and has served a prior Notice of Unsafe Structure upon the owners of the structure; and

WHEREAS, the owners have failed to demolish and/or remove the unsafe and dangerous structure that constitutes a nuisance, safety, and public health issue and the Township of Long Beach seeks to abate the continuing nuisance and dangerous condition located on Township of Long Beach property; and

WHEREAS, Township of Long Beach Code §64 and §127 and Section 8.3 of the Public Health Nuisance Code titled Abatement of Nuisances authorize Township of Long Beach and Board of Health to abate the unsafe and dangerous structure, nuisance, safety, and public health issue.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners at a regular scheduled meeting this 19th day of July, 2013, that Township of Long Beach Code Enforcement Officer and Construction Official and the Long Beach Island Board of

Health are hereby authorized to take all necessary actions to facilitate the abatement and demolition of the unsafe and dangerous structure, nuisance, safety, and public health issue; and

BE IT FURTHER RESOLVED that any and all costs incurred by Township of Long Beach to abate the unsafe and dangerous structure, nuisance, and public health issue at Block 1.31, Lot 20 (6 West Carolina, Holgate) may be placed as a lien against the property and/or that Township of Long Beach may avail itself of any remedies at law to recover all costs incurred from the owners of Block 1.31, Lot 20 (6 West Carolina, Holgate) and any and all applicable penalties.

Motion to approve Items 4 through 10:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

LICENSES & PERMITS

11. Resolution 13-0719.09: (a-d): Approve the following Block Party Applications:

- a. July 27th, East 53rd Street, Brant Beach 5 to 11 PM
- b. July 27th, East 100th Street, Beach Haven Park 5 pm to midnight
- c. July 27th, West 85th Street, Brighton Beach 10 AM to 9 PM
- d. Aug 3rd, West 84th Street, Brighton Beach 4 to 9 PM

RESOLUTION 13-0719.09(a)

WHEREAS, in response to homeowners' requests for the following:

- Permission to close E. 53rd Street, between Ocean Blvd. and Long Beach Blvd., from 5:00 p.m. to 11:00 p.m. leaving a lane open for emergency vehicles on July 27, 2013 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.

RESOLUTION 13-0719.09(b)

WHEREAS, in response to homeowners' requests for the following:

- Permission to close E. 100th Street, between Ocean Blvd. and Long Beach Blvd., from 5:00 p.m. to 11:00 p.m. leaving a lane open for emergency vehicles on July 27, 2013 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.

RESOLUTION 13-0719.09(c)

WHEREAS, in response to homeowners' requests for the following:

- Permission to close W. 85th Street, between 27 and 28th Streets and the bay., from 10:00 a.m. to 9:00 p.m. leaving a lane open for emergency vehicles on July 27, 2013 for a block party, with a raindate of July 28, 2013.

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.

RESOLUTION 13-0719.09(d)

WHEREAS, in response to homeowners' requests for the following:

Permission to close W. 84th Street, between Long Beach Blvd. and Waverly Road., from 4:00 p.m. to 9:00 p.m. leaving a lane open for emergency vehicles on July 27, 2013 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 11:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:
PURCHASES, CONTRACTS & AWARDS

12. Resolution 13-0719.10: Amend a professional service contract:
additional Alternate Municipal Prosecutors:
Robert Zavistoski, Esq. and Matthew J. Dorry, Esq.

**RESOLUTION AUTHORIZING THE AWARD OF A
PROFESSIONAL SERVICE CONTRACT**

WHEREAS, the Township of Long Beach has a need to acquire various professional services as listed below as an alternative method contract pursuant to the provisions of N.J.S.A.19:44A-20.4 or 20.5; and

WHEREAS, P.L. 195, Chapter 353 of the laws of the State of New Jersey provide that certain professional services are exempt from public bidding; and

WHEREAS, the Township of Long Beach wishes to award contracts without competitive bidding for various professional services pursuant to NJSA 40A:11-5(a)(a)(i). Such contracts and resolutions are available for public inspection at the office of the Township Clerk; and

WHEREAS, the statute defines professional services as services rendered by a person authorized by law to practice a recognized profession, which practice is regulated by law; and

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

WHEREAS, those listed below completed and submitted Business Entity Disclosure and Political Contribution Disclosure Certifications which certify that they have 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; and

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

WHEREAS, the Chief Financial Officer has provided certification of the availability of funds as per N.J.A.C. 5:30-5.4.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach authorizes the Mayor to enter into a contract from July 19, 2013 through December 31st 2013 as per specific contract terms with the Professional listed below as described herein; and

<u>NAME</u>	<u>DESCRIPTION OF SERVICES</u>	<u>AMOUNT</u>
Citta, Holzapfel, & Zabarsky Robert Zavistoski, Esq. Matthew J. Dorry, Esq.	Alt Municipal Prosecutor	NTE Annual \$22,367.60

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Political Contribution Disclosure Form as required be placed on file with the Municipal Clerk; and

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

13. Resolution 13-0719.11: Approve an amendment to Resolution 12-1221.10(h): Gold Type Business Machines for additional work required in the amount of \$3,200.00

Lynda Wells explained there was additional labor required to complete the project.
Motion to approve Items 12 and 13:

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

FINANCIAL APPROVALS

14. Resolution 13-0719. 12(a-c): Approve various actions on Performance Bonds:
a. LUB-10-09-PF, Block 18.08 Lot 5 & 5.01
b. LUB-38-05, Block 11.28 Lots 1.01 & 1.05
c. LUB 35-09, Block 14.08 Lot 19.01

RESOLUTION 13-0719.12(a)

WHEREAS, pursuant to Resolution 10-0108.11, the Township of Long Beach had received from Evan R. Jones Cashier's Check #1353722 dated December 22, 2009 in the amount of Two Thousand Two Hundred Dollars (\$2,200.00) drawn on Bank of America, representing the required Performance Bond for Major Site Plan #LUB-10-09-PF, Block 18.08, Lot 5 and 5.01 (44 Sherwood Way, North Beach, NJ); and

WHEREAS, pursuant to Resolution 12-0302.09(a) the Township Municipal Engineer determined certain work items had not been satisfactorily completed and recommended the Performance Bond be extended for one additional year; and

WHEREAS, upon an inspection by the Township Engineer, it has been determined that all work is complete and the release of the Performance Bond is recommended and no Maintenance Bond is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach approves the release of the Performance Bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer and the Municipal Solicitor.

RESOLUTION 13-0719.12(b)

WHEREAS, the Township of Long Beach received from Callan & Moeller Construction, Inc. Letter of Credit No. 132192080015 dated July 25, 2008 in the amount of One Hundred Twenty Seven Thousand One Hundred Ninety Eight Dollars and Fifty Cents (\$127,198.50) drawn on Commerce Bank, as the required Performance Bond for Major Sub-division #LUB-38-05-PFA, Block 11.28, Lots 1.01 & 1.05 (Long Beach Blvd between Alabama and Jerome Avenues) pursuant to Resolution 08-0808.09 passed on August 8th 2008; and

WHEREAS, pursuant to Resolution 12-0720.12(c) it was determined that certain work items had not been satisfactorily completed and he recommended the Performance Bond be extended for one year to July 20, 2013; and

WHEREAS, upon further inspection of the property by the Township Engineer, it has been determined that certain work items are not satisfactorily complete and he recommends the Performance Bond be extended for one more year until July 20, 2014.

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

RESOLUTION 13-0719.12(c)

WHEREAS, pursuant to Resolution 10-0618.19(b), the Township of Long Beach had received from Charles Schraishuhn, Cashier's Check #5003564281 dated June 11, 2010, in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950.00) drawn on Regions Bank, representing the required Performance Bond for Minor Subdivision #LUB-35-09, Block 14.08, Lots 19 & 20 (7805 Bayview Ave., Beach Haven Crest, NJ); and

WHEREAS, pursuant to Resolution 11-0304.11(c) upon inspection by the Township Engineer it had been determined that the sufficient work items had been completed and he recommended the partial release of the Performance Bond) in the amount of Three Thousand Three Hundred Dollars (\$3,300.00); and

WHEREAS, pursuant to Resolution 11-0506.16 and upon further inspection of the property by the Township Engineer it had been determined that all work items have been satisfactorily completed and he recommended receipt of a Maintenance Bond in the amount of Six Hundred Seventy Five Dollars (\$675.00) and release of the Performance Bond balance in the amount of One Thousand Six Hundred Fifty Dollars (\$1,650.00).

WHEREAS, upon final inspection by the Township Engineer, it has been determined that the all work items are complete and recommends the release of the Maintenance Bond.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the release of the Maintenance Bond in the amount of Six Hundred Seventy Five Dollars (\$675.00) as recommended by the Township Engineer.

15. Resolution 13-0719.13(a&b): Approve various reverse Change Orders:
- a) Earle Asphalt: 2011 DOT Road Project
pave Winifred Ave (12-0504.18)
Reduction of \$22,413.59
 - b) All Surface Asphalt Paving: 22013 Street-end
Reconstruction Project
(13-0419.10(a) Reduction of \$33,995.01

RESOLUTION 13-0719.13(a)

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE 2011 ROAD IMPROVEMENT PROJECT IN THE BEACH HAVEN CREST SECTION OF THE TOWNSHIP OF LONG BEACH

WHEREAS Earle Asphalt, was awarded a contract for the 2011 Road Improvement Project – Winifred Avenue in the Township of Long Beach as per Resolution 12-0504.13, in the amount of One Hundred Fifty Five Thousand One Hundred Thirteen Dollars and Thirteen Cents (\$155,113.13); and

WHEREAS, as a result of the total as-built quantities and sub-surface conditions, the final cost of the project was One Hundred Thirty Two Thousand Six Hundred Ninety Nine Dollars and Fifty Four Cents (\$132,699.54); and

WHEREAS, these changes have resulted in Reverse Change Order #1 of the original contract and has been approved and certified by the Municipal Engineer. Said detailed Certification contains all the facts associated with this Reverse Change Order in accordance with state statutes and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approve Reverse Change Order #1 in the amount of Twenty Two Thousand Four Hundred Thirteen Dollars and Fifty Nine Cent (\$22,413.59) for the 2011 Road Improvement Project – Winifred Avenue in the Township of Long Beach.

RESOLUTION 13-0719.13(b)

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE 2013 STREET END RECONSTRUCTION & HOLGATE PUBLIC PARKING AREA PROJECT IN THE TOWNSHIP OF LONG BEACH

WHEREAS ASAP Paving, Inc., was awarded a contract for the 2013 Road Reconstruction Project and Holgate Parking Area in the Township of Long Beach per Resolution 13-0419.10(a), in the amount of Three Hundred Eighty Three Thousand Two Hundred Sixty Two Dollars and Thirteen Cents (\$383,262.00); and

WHEREAS, as a result of the total as-built quantities, the final cost of the project was Three Hundred Forty Nine Thousand Two Hundred Sixty Six Dollars and Ninety Nine Cents (\$349,266.99); and

WHEREAS, these changes have resulted in Reverse Change Order #1 of the original contract and has been approved and certified by the Municipal Engineer. Said detailed Certification contains all the facts associated with this Reverse Change Order in accordance with state statutes and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approve Reverse Change Order #1 in the amount of Thirty Three Thousand Nine Hundred Ninety Five Dollars and One Cent (\$33,995.01) for the 2013 Road Reconstruction Project and Holgate Parking Area in the Township of Long Beach.

16. Resolution 13-0719.14: Approve Bills & Payroll
Bills in the amount of: \$918,277.01
Payroll in the amount of: \$746,268.21

RESOLUTION 13-0719.14

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 \$746,268.21.

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 \$918,277.01 be and the same are hereby authorized to be paid on Friday, July 19, 2013.

2. The said approved payroll amounting to the sum of \$746,268.21 be and the same are hereby authorized to be paid on Friday, July 19, 2013.

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 through 16:

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

COMMISSIONERS' REPORTS

Commissioner Lattanzi noted the Health Department was monitoring a metallic substance that washed up on the beach in Spray Beach. The Health Department determined it had been dune fencing components.

Commissioner Lattanzi reported there was a false and erroneous statement about the beaches made by the Alliance for a Living Ocean (ALO) on a social network which caused unnecessary concern by all. He also noted meeting with the ALO and expressing the extreme disappointment felt by the Board of Commissioners. The ALO understood they must work with the Township or risk changing their relationship in the future.

Commissioner Bayard reported the bathrooms were open in Holgate from 8 am to 5 pm while running on a generator, but would be open longer once the electric was connected to the site. He also reported the walkway in Loveladies was in progress.

Mayor Mancini stated the next meeting of the Board of Commissioners would take place on Friday, August 2, 2013 at 4:00 p.m. at which time we would hold a public hearing for Ordinances 13-27 and 13-28C.

Mayor Mancini also stated the next regular meeting of the Land Use Board would be held on Wednesday, August 14, 2013 at 7:00 p.m. in the Municipal Court Room.

Mayor Mancini reported the Police continued enforcement and education details to promote bike and pedestrian safety. Bicyclist and pedestrians must follow appropriate state traffic laws. The Police also encouraged motor vehicle owners to remove key fobs and secure vehicles when unattended.

Mayor Mancini reported from the Emergency Management Office that the NJ Division of Consumer Affairs had reopened the application process for the Renew Jersey Stronger program. House raising funding could be applied for at renewjerseystronger.org through August 1.

Mayor Mancini added that he was looking for an apology from the ALO for making an ill informed and erroneous statement.

Mayor Mancini also stated his disappointment that the Sandpaper printed an article written by Michael Molinaro that contained and erroneous information.

OPEN PUBLIC SESSION

Dan Macone, Holgate Taxpayers Association submitted a survey of Holgate property owners to the Board of Commissioners concerning various recreational matters in Holgate. He thanked the Commissioners for all of their accomplishments, especially in Holgate.

Cathy Macone, Holgate asked which FEMA maps the Township was using as she was in the process of working with her insurance.

Mayor Mancini replied that the new maps were not final yet but that the Twp. was adopting the new maps **Anthony Becker**, Brant Beach asked if there were changes being made to the handicap ramp on 47th Street.

Mayor Mancini replied that he was working with the ACOE to change that design, noting he would be looking at the newly designed handicap ramp in Harvey Cedars for ideas and directed him to take a look also.

Bill Hutson, Holgate stated he was happy with the new restrooms in Holgate.

Bull Kunz, Brant Beach Taxpayers reported that the Ship Bottom school was planning to re-open and they were not planning to send the children to the EJ School in Surf City as was approved by the election.

CLOSE PUBLIC SESSION

Motion for adjournment at 4:40 PM.

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner