

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS JULY 25, 2008

Flag Salute

Meeting came to order: 4:03 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
Lynda J. Wilkie, Deputy Municipal Clerk
Christopher DiFrancia, Esq.

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

AGENDA

PROCLAIM

"Choose Your Cover Day" August 2nd 2008

Mayor Mancini noted this was requested by the Ocean County Board of Health to help raise awareness about skin cancer and the importance of the use of sunscreen products.

ORDINANCES/PUBLIC HEARINGS

1. First Reading Ordinance 08-26C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN SECTION 205 AS THE SAME PERTAINS TO ZONING.**

Bonnie M. Leonetti, Municipal Clerk / Administrator stated this Ordinance was provided to clarify and make additional specific, permitted exceptions to the maximum height code limits provided for by the Zoning Ordinance of the Township of Long Beach.

Motion to approve Ordinance 08-26C on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

2. First Reading Ordinance 08-27C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 64 AS THE SAME PERTAINS TO INSPECTION FEES.**

Bonnie M. Leonetti, Municipal Clerk / Administrator explained this amended building and zoning permits and the required fees charged for building permits by establishing the fixed fees for plumbing sub-code inspection, fire protection sub-code inspection and electrical sub-code inspection. This was required as Ocean County was no longer providing those inspection services for the Township of Long Beach.

Motion to approve Ordinance 08-27C on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

3. First Reading Ordinance 08-28C: **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 82 PROVIDES FOR FEES FOR PLUMBING SUB-CODE INSPECTION, ELECTRIC SUB-CODE INSPECTION AND FIRE SUB-CODE INSPECTION.**

Bonnie M. Leonetti, Municipal Clerk / Administrator advised this set forth, in Chapter 82, the consolidated fee section for the Ordinances of Long Beach Township, the inspection fees for plumbing, fire and electrical sub-code inspections as established in Chapter 64.

Motion to approve Ordinance 08-28C on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

ADOPTIONS AND APPROVALS

4. Resolution 08-0725.01: Approve changes to various Water/Sewer accounts

RESOLUTION 08-0725.01

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:

Blk:	Lot:	Acct:	Year:	Cancel/Change:	Amount:
1.69	2	535-0 Water	2008	To Stand-by	\$124.00
13.09	11	4387-0 Sewer	2008	Remove garbage disp.	\$ 89.50
15.134	2	6138-0 Water	2008	To Stand-by	\$263.00

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.

Bonnie M. Leonetti, Municipal Clerk / Administrator gave a brief description of the changes.

5. Resolution 08-0725.02: Authorize application for the Over the Limit Under Arrest 2008 Statewide Crackdown Grant: Lt. Paul Vereb \$5,000.00

RESOLUTION 08-0725.02

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Lt. Paul Vereb, Long Beach Township Police Dept., be and he hereby is authorized and directed to apply for the following grant:

- Over the Limit Under Arrest 2008 Statewide Crackdown Grant

Bonnie M. Leonetti, Municipal Clerk / Administrator noted this would be used to bolster shift crews over the Labor Day weekend.

6. Resolution 08-0725.03: Designate location of an additional surfing beach for a trial basis: 99th Street in Beach Haven Park (to be reviewed after Labor Day)

RESOLUTION 08-0725.03

RESOLUTION ESTABLISHING AN ADDITIONAL SURFING BEACH IN THE TOWNSHIP OF LONG BEACH

WHEREAS, the Board of Commissioners of the Township of Long Beach has received an increasing number of requests for the establishment of an additional surfing beach where surfers may surf the waves of Long Beach Island using their surfboards; and

WHEREAS, the Board of Commissioners has requested that the Long Beach Township Beach Patrol survey the beaches and make recommendations as to where beach areas exist which are suitable for both surfing and swimming; and

WHEREAS, three criteria were established for the selection of such beaches; and

WHEREAS, the first of the three criteria was an adequate distance along the beach between the jetties in order to allow a reasonable safety buffer zone separating surfers from swimmers as well as having safety buffer zones to protect both swimmers and surfers from the jetties; and

WHEREAS, the second criteria was to select beaches which were relatively uncrowded when compared with other Long Beach Township beaches in order that surfers and swimmers both would have room to enjoy the ocean in their designated areas; and

WHEREAS, the third criteria was that the designated beaches for surfing have a decent sandbar for good wave break to ride; and

WHEREAS, the Long Beach Township Beach Patrol has identified an additional beach area located at East 99th Street, Beach Haven Park, which meets all three criteria; and

WHEREAS, the Long Beach Township Beach Patrol recommends that the use of blue flags to designate surfing areas should be used and further recommends that surfers under the age of fourteen be required to utilize a surfboard leash/leg rope and that persons using kayaks shall wear safety helmets while kayaking in the surfing area; and

WHEREAS, the Board of Commissioners of the Township of Long Beach has considered the requests of surfers and the recommendations of the Long Beach Township Beach Patrol.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, July 25, 2008 that the above identified beach shall be and is hereby designated as a surfing area and that such beach be designated by the use of blue flags to be placed daily by the lifeguard staff.

BE IT FURTHER RESOLVED that persons using the surfing area who are under the age of fourteen (14) shall be required to wear a leash/leg rope and that persons using kayaks shall wear safety helmets while kayaking in the surfing area.

BE IT FURTHER RESOLVED that all other beach regulations of the Township of Long Beach including, *inter alia* and without limitation, the requirement for beach badges, the requirements for strict observance of lifeguards' actions including, closing of beaches, shall be strictly observed.

7. Resolution 08-0725.04: Approve personnel actions

RESOLUTION 08-0725.04

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

BEACH PATROL

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

Change the following Seasonal Lifeguard's title to Seasonal Lifeguard Lieutenant with the new rate of pay to \$145.00 per day to be paid from the Lifeguard Salary & Wage effective retro-active to July 9, 2008.

Stephen Burke

Change the following Seasonal Lifeguard's rate of pay to \$75.00 per day to be paid from the Lifeguard Salary & Wage effective retro-active to June 27, 2008.

Toni Dworkin

Hire the following as a Seasonal Lifeguard at the rate of \$75.00 per day to be paid from the Lifeguard Salary & Wage effective July 26, 2008.

Julian Durando

Hire the following as a Seasonal Lifeguard at the rate of \$88.34 per day to be paid from the Lifeguard Salary & Wage effective July 26, 2008.

Mary Catherine McGinley

Hire the following Seasonal Beach Badge Program Seller/Checker at the rate of \$7.85 per hour to be paid from the Beach Badge Salary & Wage effective July 26, 2008.

Jaime Leigh Brosnan

Ryan Friedmann

Samuel Gross

Madison McNeill

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 July 26, 2008.

Steven Griffin

Hire the following Seasonal Beach Badge Program Seller/Checker at the rate of \$8.15 per hour to be paid from the Beach Badge Salary & Wage effective July 26, 2008.

Katie Pryslak

PUBLIC WORKS

Acknowledge the end of an unpaid medical leave of absence and return to work for Suzette Meoni effective July 21, 2008.

Approve the termination of Scott Hampton's employment retro-active to 3-7-08 as per Judge Wendell E. Daniels order to forfeit public employment as per N.J.S.A. 2C:51-2.

Bonnie M. Leonetti, Municipal Clerk / Administrator provided a concise description of the actions.

8. Resolution 08-0725.05: Approve various 3-year appointments:

Emergency Management Coordinator: Dep. Chief Leslie Houston

Deputy Emergency Management Coordinator: Dsg. Steven Melega

RESOLUTION 08-0725.05

NOW, THEREFORE, BE IT RESOLVED by Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that Leslie A. Houston be and is hereby re-appointed Emergency Management Coordinator of the Township of Long Beach, and that Steven B. Melega be and is hereby re-appointed Deputy Emergency Management Coordinator of the Township of Long Beach, each for a term of three (3) years commencing August 19, 2008 and terminating August 18, 2011; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided by the Township Clerk to the Ocean County Office of Emergency Management.

Bonnie M. Leonetti, Municipal Clerk / Administrator stated the appointments were effective August 19, 2008 through August 18, 2011.

9. Resolution 08-0725.06: Authorize various traffic regulations for the Haven Beach Yacht Club:

- Craft Fair: 7/26/08
- Regatta: 8/13/08
- Swimming Championships: 8/14/08

RESOLUTION 08-0725.06

WHEREAS, various annual events held in Long Beach Township require the suspension of certain traffic regulations in order to insure the safety and welfare of residents and summer visitors, and the safe flow of traffic within the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following actions shall be taken:

- Haven Beach Club Regatta held August 13th; Craft Show held July 26th; Swimming Championships held August 14th:

Alternate side parking will be suspended on the above dates from 6:00 a.m. until 6:00 p.m. on the following streets to accommodate participants:

North Carolina:	Entire Length
South Carolina:	Entire Length
Kentucky:	Entire Length
Tennessee:	Entire Length
Idaho:	Entire Length
Mississippi:	Entire Length

Bonnie M. Leonetti, Municipal Clerk / Administrator listed the specific streets and times that parking regulations would be suspended.

10. Resolution 08-0725.07: Authorize the Municipal Solicitor to accept service on behalf of Long Beach Township pursuant to the Federal rules of Civil Procedure

RESOLUTION 08-0725.07

RESOLUTION AUTHORIZING THE LONG BEACH TOWNSHIP ATTORNEY TO ACCEPT SERVICE PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE ON BEHALF OF THE TOWNSHIP IN THE MATTER OF DONALD S. MEYERS V. THE TOWNSHIP OF LONG BEACH

WHEREAS, the Federal Rules of Civil Procedure provide that prior to forwarding a filed complaint to the United States Marshall for formal service, an attempt be made to secure the cooperation of named defendants by requesting that they accept service of the complaint without the formality of service by the United States Marshall; and

WHEREAS, the Federal Rules of Civil Procedure further provide that in the event a defendant declines to accept service and a verdict ultimately be rendered against that defendant, the costs of service by the United States Marshall will be added to any recovery; and

WHEREAS, Donald S. Meyers has instituted suit in the United States District Court for the District of New Jersey against Robert Palmer, former Commissioner of Long Beach Township and the Township of Long Beach pursuant to Section 1983 of the Civil Rights Act for allegedly depriving the said Donald Meyers of constitutionally protected rights under color of law; and

WHEREAS, counsel for the said Donald S. Meyers has requested that the Township of Long Beach's attorney, Richard J. Shackleton, Esq., accept service on behalf of Long Beach Township in the said litigation; and

WHEREAS, the Township's solicitor, Richard J. Shackleton, has advised the Board of Commissioners of the Township of Long Beach of the provisions of the Federal Rules of Civil Procedure and the Board of Commissioners has determined that it is in the best interest of the Township of Long Beach to authorize its solicitor, Richard J. Shackleton, to accept service on behalf of the Township of Long Beach in that matter; and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, July 25, 2008 that Richard J. Shackleton, Esq., Township Solicitor of the Township of Long Beach, shall be and is hereby authorized to accept service on behalf of the Township and only on behalf of the Township in the matter of Donald S. Meyers v. The Township of Long Beach.

Bonnie M. Leonetti, Municipal Clerk / Administrator explained this pertained to a litigation matter.

11. Resolution 08-0725.08: Authorize the Township of Long Beach to enter into a land-exchange agreement with the Spray Beach Yacht Club

RESOLUTION 08-0725.08

RESOLUTION AUTHORIZING THE TWP. OF LONG BEACH TO ENTER INTO A LAND EXCHANGE AGREEMENT WITH THE SPRAY BEACH YACHT CLUB TO SETTLE THE OWNERSHIP OF A PORTION OF 22ND STREET LYING IN A WESTERLY DIRECTION FROM THE WESTERLY SIDELINE OF LONG BEACH BOULEVARD, IN THE SPRAY BEACH SECTION OF LONG BEACH TWP.

WHEREAS, for many years the Township of Long Beach had maintained that portion of West 22nd Street lying in a westerly direction from of Long Beach Boulevard between the westerly sideline of Long Beach Boulevard and the waters of Little Egg Harbor Bay as a public thorofare; and

WHEREAS, in early 2007, a title issue surfaced concerning the propriety of 22nd Street being maintained by the Township west of Long Beach Boulevard; and

WHEREAS, meetings took place involving the Long Beach Township Police Department, who was represented by Safety Officer Lieutenant Paul Vereb, Ron Pingaro, the Director of the Long Beach Township Construction/Zoning Department, as well as Frank Little, P.E., the Long Beach Township Engineer; and

WHEREAS, as a result of that meeting a proposed land exchange was described by Frank Little whereby the Township of Long Beach would convey to the Spray Beach Yacht Club some 751 sq. ft., +/-, on the Northwesterly part of the said street, and in exchange Spray Beach Yacht Club would convey to the Township of Long Beach some 1,407 sq. ft., +/-, on the westerly and northwesterly part of the said street; and

WHEREAS, the result of the land exchange would be that 22nd Street lying in a generally westerly direction from the westerly sideline of Long Beach Boulevard would have an improved paved width of 22 feet and contiguous to Lots 2.01 and 1.01 in Block 5.04 as delineated on the tax map of the Township of Long Beach; and

WHEREAS, the Township Engineer has recommended that with a paved right-of-way width of 22 feet, appropriate ordinances should be adopted prohibiting parking on that portion of 22nd Street lying in a generally westerly direction from the westerly sideline of Long Beach Boulevard, as the said 22nd Street will exist in the Spray Beach section of Long Beach Township; and

WHEREAS, although the Township of Long Beach could exercise the power of eminent domain and acquire title to the full 50 feet width of the said 22nd Street as it lies in a generally westerly direction from the westerly sideline of Long Beach Boulevard, the anticipated cost would be significant since 50 feet of that property is waterfront property; and

WHEREAS, even were the Township to acquire the full 50 foot right-of-way, the paved cartway would be only 30 feet wide, that is to say, only 8 feet wider than the cartway which will be created pursuant to the proposed land swap; and

WHEREAS, the existing width of the said part of 22nd Street is only 30 feet wide and legally extends only to the easterly line of Highland Drive and the new paved cartway will extend to the bulkhead at the high water line at Little Egg Harbor Bay, thereby extending the street by approximately 30 feet while sacrificing only 8 feet of width; and

WHEREAS, appended hereto is a **PROPOSED PROPERTY LINE ADJUSTMENT BETWEEN BLOCK 5.09, LOT 1 AND 22ND STREET** prepared by Frank Little, the Long Beach Township Engineer, showing the land swap or exchange; and

WHEREAS, the Board of Commissioners has considered all of the various options open to the municipality and has, after a great deal of discussion, determined that the best solution to the problem is to exchange the 751 sq. ft., +/-, by deed to the Spray Beach Yacht Club in exchange for the 1,407 sq. ft., +/-, land deeded by Spray Beach Yacht Club to the Township of Long Beach.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, July 25, 2008, that the Township Solicitor is authorized and instructed to:

- (1) prepare a mutual conveyance whereby the Township of Long Beach conveys approximately 751 sq. ft., +/-, to the Spray Beach Yacht Club in exchange for the Spray Beach Yacht Club's conveying to the Township of Long Beach approximately 1,407 sq. ft., +/-, in order that 22nd Street in the Spray Beach Section of Long Beach Township as the same lies in a generally westerly direction from the westerly sideline of Long Beach Boulevard may be improved with a 22 foot-wide paved cartway as shown on the attached map; and
- (2) prepare an appropriate amendment to the Long Beach Township Codified Ordinances prohibiting parking on 22nd Street in the Spray Beach section of Long Beach Township as the same lies in a generally westerly direction from the westerly sideline of Long Beach Boulevard; and
- (3) authorize and direct the Township Engineer to prepare the necessary metes and bounds description to be incorporated in the mutual deed of conveyance to be drafted by the Long Beach Township Solicitor.

Bonnie M. Leonetti, Municipal Clerk / Administrator stated this was in reference to West 22nd Street.

Motion to approve Items 4 thru 11 :

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

LICENSES AND PERMITS

12. Resolution 08-0725.09(a&b): Authorize various permits for Social Events:
- a. Block Party: West 84th Street on 8/2/08
 - b. Block Party: East 53rd Street on 8/16/08

RESOLUTION 08-0725.09(a)

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

- 1) Permission to close W. New York Avenue, between Waverly Road and Long Beach Blvd. from 3:00 p.m. to 8:00 p.m. leaving a lane open for emergency vehicles on August 2, 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.

RESOLUTION 08-0725.09(b)

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

- 1) Permission to close E. Mears Avenue, between Ocean Blvd. and Long Beach Blvd. from 3:00 p.m. to 10:00 p.m. leaving a lane open for emergency vehicles on August 16, 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 12 :

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

13. Resolution 08-0725.10: Award a Professional Service Contract:
Capehart & Scatchard, P.A. for Labor Employment and Contract
Negotiation legal services: NTE \$155.00 per hour

RESOLUTION 08-0725.10

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, the Township of Long Beach has a need to acquire the professional service listed below as a non-fair and open 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 a contract without competitive bidding for professional services pursuant to NJSA 40A:11-5(a)(a)(i). Such contract and resolution is available for public inspection at the office of the Township Clerk.

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 service is a recognized profession, which profession is regulated by law; and

WHEREAS, the professional service contractor listed below has completed and submitted a Business Entity Disclosure Certification which certifies 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 will likely exceed \$17,500.00; and

WHEREAS, the CFO 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 with the Professional listed below as described herein effective through December 31, 2008; and

<u>NAME</u>	<u>DESCRIPTION OF SERVICES</u>	<u>AMOUNT</u>
Armando V. Riccio, Esq.	Labor Employment and Contract Negotiation legal services	NTE \$155.00 / hour

of Capehart & Scatchard, P.A.

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

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

14. Resolution 08-0725.11: Award a contract for sewer repairs at 36th & 37th streets, per quote: Shoreline Grading: \$15,250.00

RESOLUTION 08-0725.11

RESOLUTION AUTHORIZING A REPAIR OF A SANITARY SEWER MAIN LOCATED ON LONG BEACH BOULEVARD BETWEEN 36TH & 37TH STREETS IN THE BRANT BEACH SECTION OF LONG BEACH TOWNSHIP

WHEREAS, due to age and normal wear and tear, a break in the sewer main located on Long Beach Blvd. between 36th & 37th Streets in the Brant Beach section of Long Beach Township was detected on July 18, 2008; and

WHEREAS, as the repair of the sewer main is required to protect the public health, safety and welfare of its citizens, Long Beach Township has solicited quotes for sewer main repair services at 36th & 37th Streets and Long Beach Boulevard for the Water / Sewer Department; and

WHEREAS, in response to the solicitation of quotations, three (3) quotes were received; and

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

WHEREAS, Shoreline Grading, Inc. gave the lowest qualified quote.

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Water/Sewer Other Expenses.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 25th day of July 2008, for the reasons aforesaid, that a contract be and is hereby awarded to:

Shoreline Grading, Inc.
123 Bartlett Avenue
West Creek, NJ 08092

for sewer main repair services at 36th & 37th Streets and Long Beach Boulevard for the Water / Sewer Department in an amount not to exceed Fifteen Thousand Two Hundred Fifty Dollars (\$15,250.00) as per quote received July 22, 2008.

15. Resolution 08-0725.15 Award an extension by option to an existing contract:
Main Pool & Chemical: Constant Chlor Briquettes \$9,580.00 for the Water Treatment Plants

RESOLUTION 08-0725.15

**RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR THE PURCHASE OF
CONSTANT CHLOR BRIQUETTES**

WHEREAS, by Resolution 07-0202.07 dated February 28, 2007 the Township entered into an agreement with Main Pool & Chemical Co., Inc. for the purchase of Constant Chlor Briquettes for the Township; and

WHEREAS, the said contract referred to specific specifications and prices and provided for a one year option to extend the contract; and

WHEREAS, the contract and the extension subject of this Resolution will not exceed any bid threshold established by the Local Public Contracts Law; and

WHEREAS, this Resolution shall be deemed to be the extension and any changes in the original contract shall be incorporated hereby and this Resolution shall serve as the written contract extension.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at their regular scheduled meeting held Friday July 25, 2008 that the aforesaid contract with Main Pool & Chemical Co., Inc. shall be and is hereby extended for a period of one year pursuant to the terms and conditions stated herein.

Motion to approve Items 13 thru 15:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

16. Resolution 08-0725.12(a&b): Approve the acceptance of Maintenance Bonds and the release of Performance Bonds:

a. LUB 42-03: Blk. 18.85, Lots 1.01, 1.02, 1.03

b. LUB 38-01: Blk. 18.98, Lot 3

RESOLUTION 08-0725.12(a)

WHEREAS, the Township of Long Beach received from Charles R. Jr., and Dorothy B. DeCarlo, LLC, Check No. 409032836 dated November 29, 2006 in the amount of Forty Nine Thousand Four Hundred Seventy Dollars and Thirty Cents (\$49,470.30) drawn on Smith Barney Citigroup, as the required Performance Bond for Major Sub-division Application #LUB-42-03-T-F, Block 18.85, Lot 1 (1065 Long Beach Blvd., North Beach, NJ); and

WHEREAS, upon inspection of the property by the Township Engineer it has been determined that all items have been satisfactorily completed and he recommends issuing of a maintenance bond in the amount of Six Thousand Seven Hundred Fifty Dollars (\$6,750.00); and

WHEREAS, the Township has received a bank check #2313401830 in the amount of Six Thousand Seven Hundred Fifty Dollars (\$6,750.00) from Bay Beach LLC drawn on The WaMu Bank representing said maintenance bond.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach releases the Performance Bond in the amount of Forty Nine Thousand Four Hundred Seventy Dollars and Thirty Cents (\$49,470.30) and accepts the Maintenance Bond in the amount of Six Thousand Seven Hundred Fifty Dollars (\$6,750.00) as per its Municipal Land Use Ordinance and as recommended by the Municipal Engineer.

RESOLUTION 08-0725.12(b)

WHEREAS, pursuant to Resolution 03-1205.09, the Township of Long Beach received from Bay Beach LLC Check #1018 drawn on Bryn Mawr Trust Company in the amount of Fourteen Thousand, Ten Dollars (\$14,010.00) and has additionally received Irrevocable Letter of Credit No. 633 in the amount of Thirty Seven Thousand Three Hundred Sixty Dollars (\$37,360.00) issued by Bryn Mawr Trust Company, for a total of Fifty One Thousand Three Hundred Seventy Dollars (\$51,370.00) as a Performance Bond for Site Improvement No. LUB-38-01-T-F, Block 18.98, Lot 3, North Beach, NJ.; and

WHEREAS, pursuant to Resolution 07-1214.09 (c) upon inspection of the property by the Township Engineer it has been determined that certain work items have not been satisfactorily completed and he recommended the Performance Bond be extended for one year to December 14, 2008; and

WHEREAS, upon subsequent inspection of the property by the Township Engineer it has been determined that all items have been satisfactorily completed and he recommends issuing of a maintenance bond in the amount of Seven Thousand Dollars (\$7,000.00); and

WHEREAS, the Township has received a check # 100 in the amount of Seven Thousand Dollars (\$7,000.00) from Bay Beach LLC drawn on The Bryn Mawr Trust Company representing said maintenance bond.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners authorize the release, as per the certification and recommendation of the Municipal Engineer, of the Performance Bond in the amount of Fourteen Thousand, Ten Dollars (\$14,010.00) and has additionally received Irrevocable Letter of Credit No. 633 in the amount of Thirty Seven Thousand Three Hundred Sixty Dollars (\$37,360.00) issued by Bryn Mawr Trust Company, for a total of Fifty One Thousand Three Hundred Seventy Dollars (\$51,370.00) and accepts the Maintenance Bond in the amount of Seven Thousand Dollars (\$7,000.00) as per its Municipal Land Use Ordinance and as recommended by the Municipal Engineer.

17. Resolution 08-0725.13: Approve the extension of the due date for 2008 Third quarter taxes: August 20, 2008

RESOLUTION 08-0725.13

**A RESOLUTION AUTHORIZING EXTENTION OF GRACE PERIOD FOR
3RD QUARTER 2008 TAXES**

WHEREAS, the Long Beach Township Tax Office failed to receive official notice of the 2008 Tax Rate and the State Certification for CY 2008 Property Tax Bills in a timely manner, a delay in the printing and mailing of the third quarter tax bills beyond the June 14th 2008 deadline (NJSA 54:4-64) resulted; and

WHEREAS, according to NJSA 54:4-66.3, it is necessary to have a grace period of at least 25 days from the mailing date of the tax bills, after which the due date reverts back to the statutory date of August 1st; and

WHEREAS, it is necessary that the Board of Commissioners of the Township of Long Beach grant an extension of the Grace Period for the payment of third quarter taxes statutorily due August 1st.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioner of the Township of Long Beach does hereby extend the due date for payment of 2008 third quarter taxes to August 20, 2008 with no further grace period.

Bonnie M. Leonetti, Municipal Clerk / Administrator reminded the public that payments made after August 20th would be charged interest retroactive to August 1st.

18. Resolution 08-0725.14: Approve Bills & Payroll
 Bills in the amount of: \$2,862,756.72
 Payrolls in the amount of: \$663,704.70

RESOLUTION 08-0725.14

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 \$663,704.70

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 \$2,862,756.72 be and the same are hereby authorized to be paid on July 25, 2008.
2. The said approved payroll amounting to the sum of \$663,704.70 be and the same are hereby authorized to be paid on July 25, 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 16 thru 18 :

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Commissioner Gove abstained from Ocean County Utilities Authority vouchers.

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

COMMISSIONERS' REPORTS

Commissioner Bayard announced recycling container decals were available from the Public Works Department.

Commissioner Gove reiterated that property taxes were due. She commented on the success of the recent free concert and art show sponsored by the Activities & Recreation Committee. She announced Waterfest was scheduled to take place on August 6th.

Mayor Mancini asked the public to be aware of traffic congestion as related to the upcoming St. Francis Festival of the Sea and the LBI Arts Foundation fair. He announced: helmets were required for bicyclists under the age of 18; thanked Walter's Bicycle Shop for their support of the recent Bike Rodeo conducted by the Police Department; advised CERT (Citizen's Emergency Response Team) members were needed and interested parties were asked to contact the Police Department; and a public demonstration by Ptl. Thompson and K-9 Diesel would be held on August 12th at the LBI Arts Foundation. He asked citizens to contact the Police Department regarding any incidents involving graffiti. The Mayor gave a brief summary of the recent Shared Services Committee meeting and advised the public of the date of the 2nd Readings and Public Hearings for Ordinances 08-26C, 08-27C, and 08-28C, as well as the next meetings of the Board of Commissioners and the Land Use Board.

OPEN PUBLIC SESSION

Bob Muroff / Holgate, Dick Jeffries / Beach Haven Terrace, Zach Kerzner / Brighton Beach, Steve DiPietro / North Beach Haven, John Coyle / Haven Beach, Steve Eisenberg / Beach Haven Terrace, Bill Hutson / Holgate, and Bill Kunz / Brant Beach each asked for additional information regarding correspondence recently mailed by the Municipal Tax Assessor pertaining to the Annual Income and Expense Statement. Each individual felt the mailing was unnecessary and intrusive, and were reluctant to complete the form. They asked the Board of Commissioners to place the matter on hold for the present time.

Christopher DiFrancia, Esq. advised the matter was being legally researched and the Municipal Solicitor, Richard Shackleton, Esq., planned to have comprehensive information available at the August 22nd Public Meeting.

Commissioner Gove noted Tax Assessor Tracy Hafner would be present at the August 22nd Public Meeting as well.

Commissioner Bayard stated other municipalities have issued the same mailing to business property owners over the years.

Ruth Malmstrom / Beach Haven Park asked why 99th Street had been chosen to be designated as a surfing beach, asked why the public had not been allowed to vote on the matter, and what the criteria would be to judge its success or failure upon completion of the trial period.

Mayor Mancini explained he had met with residents and others in the area of 99th Street to discuss the designation as a surfing beach. All but one was in favor of the proposal He advised this would be a trial period, with review and public comment accepted after Labor Day.

Commissioner Bayard noted seven beaches had been designated for surfing several years ago. To date, there had been no issues pertaining to these beaches, and everything had worked out well.

Bob Irvine / Beach Haven Crest, Bob Muroff / North Beach Haven and **Bill Hutson / Holgate** were in favor of the designation of 99th Street as a surfing beach.

Pat Kaletkowski / Brant Beach thanked Preston Godschall, Sanitation Inspector, for his swift action in resolving a trash problem.

Preston Godschall, Long Beach Township Sanitation Inspector stated he was proud to work for the Township and was happy to help keep the municipality clean.

Dick Jeffries / Beach Haven Terrace thanked the Board of Commissioners for approving outdoor seating for local businesses on a trial basis. He felt it added a welcoming atmosphere to the Township.

Bill Kunz / Brant Beach asked if the Emergency Management Coordinators received stipends for their designation. He felt the opportunity to be a Coordinator should be offered to other employees as well.

Bonnie M. Leonetti, Municipal Clerk / Administrator and **Mayor Mancini** explained these were reappointments and stipends were paid as compensation for the extensive education and training required.

CLOSE PUBLIC SESSION

Motion for adjournment at 5:00 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.