

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS AUGUST 2, 2013
Flag Salute

Meeting came to order: 4:05 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 19, 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 13-27 – **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 explained read the Statement of Purpose.

Passed on first reading at a regular meeting held on July 19, 2013 and advertised in the BEACH HAVEN TIMES issue of July 25, 2013.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Statement of Purpose

The purpose of this Ordinance is 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.

SECTION I

Ordinances 77-1, each as amended, and all other Ordinances prior or subsequent thereto regarding Sick Leave, as amended, are hereby further amended as follows:

Section 11. Sick Leave

- (h) [Replaced with:] Absence without notice for five (5) consecutive days shall constitute job abandonment.
- (i) [Add:] An employee who is absent three (3) or more consecutive days will be required to submit a certification from their health care provider which conforms to the Township's requirements.
- (j) [Add:] An otherwise eligible employee may be deemed ineligible for payment of accrued but unused sick leave under the following circumstances:
 - a. an employee who, in the Township's discretion, exhibits a pattern of abusing sick leave or, upon request by the Township, fails to submit a certification from their health care provider which conforms to the Township's requirements.
 - b. examples of a pattern of sick leave abuse are:
 - i. Calling out sick the day(s) before or after a scheduled holiday;
 - ii. Calling out sick the day(s) before or after a scheduled vacation;
 - iii. Calling out sick the day(s) before or after a scheduled personal day;
 - iv. Calling out sick the day(s) before or after a weekend.
 - c. the examples provided above are intended solely for illustrative purposes and do not constitute an exhaustive list.
 - d. the employee is not at home ill or home caring for an immediate family member who is ill, at an appointment with a healthcare provider or, for a limited period, collecting necessities connected with healthcare and recuperation (e.g., prescriptions from pharmacy) on the day the employee calls out sick. Immediate family member, as defined pursuant to Civil Service regulations, includes an employee's spouse, domestic or civil union partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-

in-law, mother-in-law, and other relatives living in the employee's household. (N.J.A.C. § 4A:1-1.3)

- (k) [Add:] In addition to non-payment of accrued sick leave, abuse of sick leave time may result in discipline up to and including discharge from employment.
- (l) [Add:] This Ordinance incorporates by reference the provisions of the Township's Employee Handbook, as may be amended from time to time, applicable to absences including but not limited to policies regarding sick leave use, call-in and all other procedures. Failure to adhere to those requirements or the requirements within this Section may result in non-payment of sick leave time at the discretion of the Township.

SECTION II

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION III

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

SECTION IV

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

Motion to adopt Ordinance 13-27 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 2. Second 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.**

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DO ORDAIN:

Passed on first reading at a regular meeting held on July 19, 2013 and advertised in the BEACH HAVEN TIMES issue of July 25, 2013.

STATEMENT OF PURPOSE

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.

SECTION 1

§64-13B(1)(e) of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and in lieu and instead thereof the following is adopted:

- (e) The top of any bayside or lagoon bulkhead shall have an elevation of 7 feet above mean sea level NAVD 1988.

SECTION II

Chapter 94 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is amended by the addition of the letter "E" after each letter "V" and the letter E or the letter "O" after each "A" which refer to the FEMA map or FIRM.

SECTION III

§94-3 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the addition of the following words or terms immediately before the definition of the word "appeal":

Flood Hazard Map - - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

SECTION IV

§94-3 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the addition of the following definition between the definition of erosion and the definition of flood or flooding:

FEMA Map of June 17, 2013 shall be the Flood Insurance Rate Map, hereinafter referred to as the FIRM referred to in this Chapter. That map delineates three (3) the

oceanfront VE Zones, VE12, VE13 and VE14 only the VE14 elevation shall be utilized in the Township of Long Beach. The same map delineates two (2) bay front VE Zone, VE Zone 9 & 10.

For purposes of this ordinance Uniform Regulations will apply to the oceanfront V Zone which shall maintain minimum elevation VE14 and bay front VE Zones shall be elevation VE10.

The FIRM also delineates six (6) A Zones:

- a. AE7;
- b. AE8;
- c. AE9;
- d. AE10;
- e. AO1; and
- f. AO3

For purposes of this Ordinance the AE7 Zone shall have height elevations identical with those required in the AE8 Zone.

The firm also delineates two (2) X Zones:

- a. X Zone shaded; and
- b. X Zone unshaded

If in comparing the elevations as provided in the FIRM with the elevations provided on the FEMA website for a specific address and the specific address is listed as being in a different Zone the Zone identification in the FEMA website shall prevail.

SECTION V

§94-3 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the repeal of the amendment to §94-3 Section I of Ordinance No. 12-32C adopted by the Governing Body of the Township of Long Beach on second reading Friday January 18, 2013.

SECTION VI

§94-4B(1) of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and in lieu and instead thereof the following is adopted:

(a) A scientific and engineering report "Flood Insurance Study, Ocean County, New Jersey," dated September 29, 2006 and all revisions, amendments, replacements, modifications or substitutions thereto proposed or finally adopted by the Federal Emergency Management Agency including but not limited to preliminary work maps dated June 17, 2013 and any revisions, amendments, modifications or replacements thereto which may be adopted in the future.

(b) Flood Insurance Rate Map for Ocean County, New Jersey as shown on Index and numbers 0584, 0592, 0603, 0611, whose effective date was September 29, 2006 and any and all revisions, amendments, replacements, modifications or thereto which may be adopted in the future.

SECTION VII

§94-4 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is amended by the addition of a new paragraph, paragraph G as follows:

G. In fixing height elevation requirements for purposes of Chapter 94, X Zones as delineated on the FIRM Preliminary Map of June 17, 2013 shall not be considered for purposes of fixing elevations. The latest FIRM which contained no X Zones shall be utilized in establishing elevation requirements.

(1) In all X Zones as shown on the June 17, 2013 preliminary maps, elevation requirements shall be established by making reference to the closest A Zone. Provided, however, all oceanfront lots which are delineated in the preliminary FIRM Maps of June 17, 2013 as being in an X Zone shall be considered to be and administered as though they were in the VE Zone.

SECTION VIII¹

¹ The Section references made hereinafter in this Ordinance use new Section numbers since §94-8 of an Ordinance entitled "Code of the Township of Long, County of Ocean, State of New Jersey, (1997)" was amended by Ordinance No. 12-32C by repealing §94-8 with resulted in renumbering all subsequent sections to a lower number, therefore, the reference in this Ordinance to §94-9A & B will in the new Ordinance

§94-9A & B of an Ordinance entitled “Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)” are hereby repealed and in lieu and instead thereof the following is adopted:

A. Residential Zones

(1) In all A Zones new construction and substantial improvement of any residential structures shall have the top of the lowest finished floor and all attended utilities, mechanical equipment and sanitary facilities elevated at or above the base flood elevation plus one (1) foot or more; provided, however, that if the base flood elevation is less than 8 the elevation shall be at elevation 8 plus one (1) foot or more.

(2) Require that in any AO Zone on the Municipalities Firm that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, foyer and any area housing mechanical equipment, elevated above the highest adjacent grade one (1) foot or more above the depth number specified in feet (at least three (3) feet if no number is specified) or at or above the base flood elevation plus one (1) foot, whichever is more restrictive and such new construction or substantial improvement shall be required to install and maintain adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

B. Non Residential Construction

In any area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other non-residential structure shall have the lowest floor, including basement and any room housing mechanical equipment together with the attendant utilities and sanitary facilities constructed to meet one of the following two construction standards:

STANDARD 1

(1) Elevated to or above the base flood elevation plus one (1) foot or more;

(2) Require within any AO Zone on the municipality's firm that all new construction substantial improvement any commercial, industrial or other non-residential structure shall have the lowest floor, including basement and any room housing utilities or mechanical equipment elevated above the highest adjacent grade plus one (1) foot or more above the depth number specified in feet (the depth number shall be the number following the letter AO and the elevation shall be at least three (3) feet if no depth number is specified) plus one (1) foot whichever is more restrictive and shall further require and to install and maintain adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

STANDARD 2

(1) Be flood proof so that below base flood level plus one (1) foot or more the structure is water tight with walls substantially impermeable to the passage of water; and

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of poignancy;

SECTION IX

§94-9D of an Ordinance entitled “Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)” is hereby amended by the elimination of the period and the addition of the following language:

carry the § number 94-8A & B and all subsequent references in this Ordinance, though referring to the Ordinance Section in the printed Code will when incorporated into the printed Code bear a lower Section number.

Or base flood elevation, plus one (1) foot or more
whichever is more restrictive.

SECTION X

§94-10A(1) of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" as amended by Section XI Ordinance 12-32C is hereby amended by repeal of the following language:

"Provided, however, structures approved pursuant to the Coastal Area Facilities Review Act may be located as approved"

SECTION XI

§94-10B of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by repeal of paragraphs 2 and 3 of the amendment to §94-11B as amended by Section XIII of Ordinance No. 12-32C adopted by the Governing Body of the Township of Long Beach on second reading Friday January 18, 2013 and renumbering paragraph 4 to become paragraph 2.

§94-10B of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is then further amended by the addition of the following paragraphs:

3. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:

(i) the bottom of the lowest horizontal structural member of the lowest elevated floor and any room or area housing mechanical equipment or utilities (excluding the pilings or columns) is elevated to or above the base flood elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23) whichever is more restrictive

(ii) with all space below the lowest floor horizontal supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in §94-11E.

4. In the areas defined as the VE9 and VE10 Zones as set forth in the Code of the Township of Long Beach no building or structure should be erected or enlarged which will have the lowest horizontal structural member of the first elevated floor at less than 11 feet above sea level datum as referenced in sub-paragraph 1 above.

5. Structural support

(a) All new construction and substantial improvements in all V Zones shall be securely anchored on piling.

(b) The pilings and all structures attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effective wind and water loading values each of which shall have a 1% chance of being equal or exceeded in any given year (100 year reoccurrence interval).

(c) There shall be no fill use for any structural support in any V Zone.

(d) All pilings shall have a minimum diameter of ten (10) inches and shall be driven or jetted so that the lowest point of such piling shall be 10 feet below sea level as determined by the 1988 North American Vertical Datum. If any such pilings are jetted they must be driven to resistance.

(e) All pilings shall be appropriately pressure treated as specified in §94-9B(3) of the Long Beach Township Code.

(f) Compliance with all structural support requirements as set forth in paragraphs a through e

above shall be certified to by a New Jersey Licensed Professional Engineer.

6. Elevation of breakaway walls.

In all V Zones breakaway walls as above provided for in subparagraph (2) are required. Such breakaway walls shall not be permitted, however, to extend below the required elevations, required by §51-3 and §51-5 of the Code of the Township of Long Beach.

7. Specifications for slab construction in the VE14 Zone.

(a) Any slab floor in the VE14 Zone on the oceanfront shall be a monolithic pour with the perimeter no more than 10 inches thick for a distance of 6 inches from the edge of the pour with the balance of the monolithic pour being 4 inches thick. No such slab shall contain wire mesh, rebar or other supporting membrane other than fiber mesh.

(b) In all Oceanfront VE Zones, as shown on the current FEMA Flood Insurance Rate Map, the FIRM, any building or structure which has below the first floor a concrete slab the bottom of such slab shall be a minimum of 14 feet above mean sea level as determined by NAVD 1988, except as provided in paragraph XII below.

8. In all zones other than VE14 Zones all slabs shall be a minimum of one (1) foot above the crown of the road or easement upon which the structure being serviced by such slab is located.

9. Non-conforming exception.

(a) Any building or structure which had a concrete slab below the elevation as required by this Ordinance prior to October 29, 2012 which is being replaced under the same building or structure existing prior to October 29, 2012 may have the concrete slab replaced at the elevation at which it existed prior to October 29, 2012.

(b) In all oceanfront VE Zones as shown on the current FEMA Flood Insurance Rate Map, the FIRM, any building or structure which has, below the first floor, a concrete slab the bottom of such slab may be lower than the 14 feet above mean sea level as called for in paragraph 7(b) above provided, however that such lower elevation shall be permitted only for use as a garage, a storage area or an entrance foyer. This non-conforming exception will not affect requirements of this Chapter for breakaway walls.

SECTION XII

§94-10E(3) of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and in lieu and instead thereof the following is adopted:

In all Zones other than V Zones, if breakaway walls are utilized such enclosed space shall be solely for parking of vehicles, building access or storage.

SECTION XIII

§205-10A of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the repeal of paragraph A, B and C and the adoption and in lieu and instead thereof the following is adopted.

§205-10A Height Limits:

A. In all AE Zones and AO Zones as shown on the current FEMA Flood Insurance Rate Map, the FIRM, no building shall be erected or enlarged which shall exceed 34 feet in height.

B. In the Bay Front VE9 and VE10 Zones as shown on the current FEMA Flood Insurance Rate Map, the FIRM, no building shall be erected or enlarged which shall exceed 35 feet in height.

C. In all Oceanfront VE Zones as shown on the current FEMA Flood Insurance Rate Map, the FIRM, no building shall be erected or enlarged which shall exceed 36 feet in height.

SECTION XIV

§205-10C of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and paragraph D shall be relettered to be paragraph C and paragraph E shall be relettered to be paragraph D.

SECTION XV

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. In addition to the foregoing general repealer any part of Chapter 94 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" which is in conflict with or inconsistent with the provisions of Sections II through XIV inclusive of this Ordinance are hereby repealed to the extent of any such conflict or inconsistency even though such sections have not been expressly repealed by Section II through XI of this Ordinance.

SECTION XVI

This Ordinance shall take effect upon publication thereof after final passage and approval by the Long Beach Township Land Use Board all as required by law.

Lynda Wells explained this ordinance was 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

Passed on first reading at a regular meeting held on July 19, 2013 and advertised in the BEACH HAVEN TIMES issue of July 25, 2013.

3. Resolution 13-0802.01: Approve an amendment to Ordinance 13-28C

Lynda Wells explained this amendment also provided for the addition of the AO Flood Zone and the requirements for slab construction on ocean front V zones.

RESOLUTION MODIFYING AND ADOPTING AS SO MODIFIED ON SECOND READING ORDINANCE NO. 13-28C ENTITLED "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."

FIRST WHEREAS, Ordinance No. 13-28C was adopted on First Reading at a regular meeting of the Board of Commissioners of the Township of Long Beach held Friday July 19, 2013; and

SECOND WHEREAS, the Board of Commissioners has determined that certain minor modifications are appropriate thereto before introducing and passing the Ordinance on second reading; and

THIRD WHEREAS, having consulted the Long Beach Township Solicitor and having received a formal opinion from the said Solicitor that the changes proposed to be made prior to adoption on second reading are not material changes, material enough to require re-notification to the public prior to introduction of the Ordinance for passage thereof on second reading.

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 August 2, 2013 that Ordinance No. 13-28C shall be and is hereby amended in the following particulars and as so amended shall be passed on second and final reading. The changes are:

1. **SECTION VIII** is amended by the insertion following the letter "A" by the term "Residential Zones" and changing the language in paragraph (1) to shorten it and incorporate the language contained in paragraphs 5, 6 and 7 of **SECTION XI**. PARAGRAPHS 5, 6 AND 7 of **SECTION XI** are, therefore, deleted, having been replaced by **SECTION VIII A**. (1) as noted above.

SECTION XI paragraph 9 sub-paragraph (b) is inserted since it is declarative of the existing limitation on uses in the oceanfront V Zones where a concrete slab has been installed at an elevation of less than 14 feet above mean sea level. This change does not change the existing Ordinance Limitations.

SECTION XV of the original Ordinance however as revised it makes it more clear as to the extent of the repealer by law.

As amended by this Resolution, Ordinance No. 13-28C which was introduced on first reading Friday July 19, 2013 shall be and is hereby adopted.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 13-28C as amended by Resolution 13-0802.01:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. First Reading Ordinance 13-29C - **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 5 PERTAINS TO ADMINISTRATION**

Lynda Wells explained, this Ordinance amended Chapter 5 of the Code of Long Beach Township in Section 5-8.A(4) which provided the various employee positions in the Police Department. In accordance with the New Jersey Civil Service regulations the total number of Police Patrolmen permissible should be increased from twenty six (26) to a maximum of twenty seven (27) in order to adequately staff the Department at the current time.

Motion to approve Ordinance 13-29C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS & APPROVALS

5. Resolution 13-0802.02: Approve a Community Service Project:
Jersey Surf; Tuesday July 30

WHEREAS, the Jersey Surf Inc., a Non-Profit Corporation, has requested permission to hold a community clean-up on Tuesday, July 30, 2013; and

WHEREAS, the Jersey Surf Inc. has submitted the required insurance certificate and hold harmless agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited event to be held in Long Beach Township retroactively to Tuesday, July 30th 2013.

6. Resolution 13-0802.03: Authorize the Municipal Clerk to advertise for bids:

- Miscellaneous Plumbing Supplies

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 advertise for bids for the following:

- Miscellaneous Plumbing Supplies

7. Resolution 13-0802.04: Approve personnel actions

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

Approve the end of a Family Medical Leave of Absence (FMLA) for EJ effective retro-active to July 22, 2013.

BEACH BADGE

Hire the following employee as a Seasonal Beach Badge Program Seller/Checker 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 29, 2013.

Jonathan George

POLICE

Change the following employee's rate of pay to \$10.00 per hour due to the completion of in-house training to be paid from Police Salary & Wage effective retro-active July 27, 2013.

Thomas Cannon

PUBLIC WORKS

Change the following employee's title to a Permanent Full-Time Laborer with an annual salary of \$30,000.00 to be paid from the Public Works Salary & Wage effective August 3, 2013.

Shane Fairhurst

8. Resolution 13-0802.05: 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>
1.28	2	215-0/Water	2013	To Standby/per C&C	\$441.00
1.16	2	8153-0/Sewer	2013	To Standby/per C&C	\$36,771.75
15.63	8	5562-0/Water	2013	To Standby/per C&C	\$211.00
15.63	8	5562-0/Sewer	2013	To Standby/per C&C	\$265.50
15.141	11	6180-0/Water	2013	To Standby/per C&C	\$242.00
18.33	1	6373-0/Water	2013	Remove pool	\$304.00

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 13-0802.06: Amend Resolution 13-0719.09(d) to correct a typographical error

Resolution 13-0802.06

WHEREAS, Resolution 13-0719.09(d) passed on July 19th 2013 requires amendment as the date was incorrectly recorded; and

WHEREAS, the correct information is as follows:

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 August 3, 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.

10. Resolution 13-0802.07: Approve the LBI Fishing Club 67th Annual "World Series of Surf Fishing" Invitational Tournament – 9/28/13 from 6:30 am to 1:00 pm

WHEREAS, the Long Beach Island Fishing Club is holding its 67th Annual "World Series of Surf Fishing Invitational Tournament", on Saturday, September 28, 2013 between the hours of 6:30 a.m. and 1:00 p.m.; and

WHEREAS, permission has been requested for the tournament to take place in the North Beach and Loveladies sections of the Township.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners grants permission, BEACH CONDITIONS PERMITTING, and waives the beach buggy fees for this special event.

11. Resolution 13-0802.08(a&b): Approve the following personnel actions:

- a) Re-appoint Municipal Tax Assessor: 4-year term
Tracy Hafner: July 1, 2013 through June 30, 2017
- b) Appoint an Alternate Deputy Registrar: Katlyn Forsyth

RESOLUTION 13-0802.08(a)

BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, at the Public Meeting held this 2nd day of August 2013 that, pursuant to N.J.S.A. 40A:9-148, Tracy Hafner be and is hereby appointed the Municipal Tax Assessor of the Township of Long Beach effective retroactive from July 1, 2013 through June 30, 2017.

RESOLUTION 13-0802.08(b)

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby appoints Katlyn Forsyth as Alternate Deputy Registrar of Vital Statistics for the Township of Long Beach, effective retro-active to August 1, 2013 for a term of 3 (three) years.

12. Resolution 13-0802.09: Authorizing the abatement of a nuisance at Block 1.32, Lot 1

Resolution 13-0802.09

**RESOLUTION AUTHORIZING THE ABATEMENT OF A NUISANCE, CORRECTION OF DEFECTS, AND TO PLACE PREMISES IN PROPER CONDITION AT
BLOCK 1.32, LOT 1**

WHEREAS, Township of Long Beach Code §64 provides for the abatement of

nuisances, correction of defects, and the putting of premises in proper condition so as to comply with the requirements of the provisions of Township of Long Beach Code §64 and in order to protect the public health, welfare, and safety; and

WHEREAS, a Township of Long Beach Code Enforcement Officer has submitted to the Board of Commissioners a written report setting forth certain alleged violations located at Block 1.32, Lot 1, and commonly known as 4803 S. Long Beach Boulevard (hereinafter "Property") of Township of Long Beach Code §64; and

WHEREAS, the written report sets forth allegations that the Property is in violation of Township of Long Beach Code §64, specifically BOCA National Existing Structures Code/2009, Sections ES-301.2, ES-301.3, ES-302.3, ES-304.6, ES-304.10, and ES-305.2, along with the results of the investigations of the Property by the Code Enforcement Officer, and evidence relating to those investigations; and

WHEREAS, the Board of Commissioners, on the basis of the allegations and evidence set forth in and attached to the written report submitted by the Code Enforcement Officer, find and have determined that the Property is in violation of Township of Long Beach Code §64 and that the violations constitute threats to the public health, welfare, and safety; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners at a regular scheduled meeting this 2nd day of August, 2013, that the Board of Commissioners hereby authorizes and directs the Township of Long Beach Clerk to serve a notice of violation to the owner of the Property pursuant to the requirements of Township of Long Beach Code §64, and hereby further authorizes and directs the Township of Long Beach Code Enforcement Officer to take any and all necessary actions pursuant to Township of Long Beach Code §64 to ensure that the violations are abated and corrected, and that the Property is placed in proper condition; and

BE IT FURTHER RESOLVED that any and all costs incurred by the Township of Long Beach to abate the nuisances, correct the defects, and to put the Property in proper condition may, pursuant to provisions of Township of Long Beach Code §64, be placed as a lien against the Property.

Motion to approve Items 5 through 12:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini introduced Lt. Vereb who explained the current Pedestrian Safety Program and that T-shirts were purchased through a grant for the program. Lt. Vereb also commented on the traffic turning lane in Harvey Cedars.

PURCHASES, CONTRACTS & AWARDS

13. Resolution 13-0802.10: Approve a "Police Off Duty" Agreement
Verizon of New Jersey: Effective through 12-31-13

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Mayor and the Municipal Clerk be and they hereby are authorized and directed to execute an annual contract with Verizon of New Jersey for various Police Off-Duty Services during the 2013 calendar year.

14. Resolution 13-0802.11: Approve a change order: 2011 Sewer Project
P & A Construction – 2011 Sewer Project
Additional labor required: \$96,226.03

RESOLUTION AUTHORIZING A CHANGE ORDER #2 FOR THE 2011 SEWER MAIN REPLACEMENT PROJECT # S340023-04 IN THE TOWNSHIP OF LONG BEACH

WHEREAS P&A Construction Co. Inc, was awarded a contract for the 2011 Sewer Main Installation Project #S340023-04 in the Township of Long Beach per Resolution 12-0104.07(b), in the amount of Two Million Thirty Three Thousand Six Hundred Twenty Three Dollars and Fifty Three Cents (\$2,033,623.53) on January 4, 2012; and

WHEREAS, during the installation various unknown and unanticipated problems were encountered causing changes to the scope of the project resulting in unexpected additional costs; and

WHEREAS, these changes resulted in the following change orders:

- Change Order #1: \$62,705.98 approved pursuant to Resolution 12-0518.11(b)
- Change Order #2: approved pursuant to Resolution 12-1221.12(a) in an amount not to exceed Ten Thousand Dollars (\$10,000.00)

WHEREAS, as a result of additional unforeseen subsurface conditions, wherein the exact location of the sewer services as well as other utilities were unknown, the Contractor incurred additional costs of excavation to locate utilities and adjust main location as a result of utility conflicts; and

WHEREAS, these changes have resulted in Change Order #3 of the original contract and has been approved and certified by the Municipal Engineer and the Commissioner of Public Works and Property. Said detailed Certification contains all the facts associated with this Change Order in accordance with state statutes and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 2nd day of August 2013 that P&A Construction Co., Inc., PO Box 28, Colonia, NJ 07067 be and is hereby awarded Change Order #3 in the amount of Ninety Six Thousand Two Hundred Twenty Six Dollars and Three Cents (\$96,226.03) for payment of the additional work required to complete the 2011 Sewer Main Installation Project #S340023-04 in the Township of Long Beach.

Motion to approve Items 13 & 14:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

15. Resolution 13-0802.12: Approve a Chapter 159:
Cops in Shops \$1,200.00

RESOLUTION 13-0802.11

RESOLUTION AUTHORIZING A CHANGE ORDER #2 FOR THE 2011 SEWER MAIN REPLACEMENT PROJECT # S340023-04 IN THE TOWNSHIP OF LONG BEACH

WHEREAS P&A Construction Co. Inc, was awarded a contract for the 2011 Sewer Main Installation Project #S340023-04 in the Township of Long Beach per Resolution 12-0104.07(b), in the amount of Two Million Thirty Three Thousand Six Hundred Twenty Three Dollars and Fifty Three Cents (\$2,033,623.53) on January 4, 2012; and

WHEREAS, during the installation various unknown and unanticipated problems were encountered causing changes to the scope of the project resulting in unexpected additional costs; and

WHEREAS, these changes resulted in the following change orders:

- Change Order #1: \$62,705.98 approved pursuant to Resolution 12-0518.11(b)
- Change Order #2: approved pursuant to Resolution 12-1221.12(a) in an amount not to exceed Ten Thousand Dollars (\$10,000.00)

WHEREAS, as a result of additional unforeseen subsurface conditions, wherein the exact location of the sewer services as well as other utilities were unknown, the Contractor incurred additional costs of excavation to locate utilities and adjust main location as a result of utility conflicts; and

WHEREAS, these changes have resulted in Change Order #3 of the original contract and has been approved and certified by the Municipal Engineer and the Commissioner of Public Works and Property. Said detailed Certification contains all the facts associated with this Change Order in accordance with state statutes and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 2nd day of August 2013 that P&A Construction Co., Inc., PO Box 28, Colonia, NJ 07067 be and is hereby awarded Change Order #3 in the amount of Ninety Six Thousand Two Hundred Twenty Six Dollars and Three Cents (\$96,226.03) for payment of the additional work required to complete the 2011 Sewer Main Installation Project #S340023-04 in the Township of Long Beach.

16. Resolution 13-0802.13: Approve Bills & Payroll
Bills in the amount of: \$4,814,636.03
Payroll in the amount of: \$ 647,787.06

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 \$ 647,787.06.

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 \$4,814,636.03 be and the same are hereby authorized to be paid on Friday, August 2, 2013.

2. The said approved payroll amounting to the sum of \$647,787.06 be and the same are hereby authorized to be paid on Friday, August 2, 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 15 & 16:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini stated the Treasurer's Report for the month of June 2013 was on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Lattanzi announced the Haven Beach Yacht Club 2013 Swim A Thon, August 18th and noted they were looking for sponsors for the event .

Commissioner Lattanzi also reported the Twp. was slowly receiving the FEMA reimbursement noting the Twp. might have to bond and the auditor would make a recommendation.

Commissioner Lattanzi also stated he would be meeting with the State Senate Committee the following week for help and clarification on the many programs being offered.

Commissioner Bayard reported the Community service project by the Jersey Surf Drum & Bugle Corps was a success and the Twp. appreciated their help. He explained that 150 members cleaned the street ends from Ship Bottom to Beach Haven and the area behind the ACME.

Mayor Mancini reported Harvey Cedars Taxpayers were petitioning the County to make changes to Long Beach Blvd, down to three lanes to make shoulders for bicycle lanes. He stated most High Bar Harbor and Loveladies residents were not in favor because it would cause traffic to bottleneck and the first responders were concerned about responding to emergency calls.

Mayor Mancini announced the Freeholder meeting was on August 7th at 4:00 PM in Toms River to discuss the issue.

OPEN PUBLIC SESSION

Dan Macone, Holgate Taxpayers reported he had a petition with 134 signatures supporting bicycle lanes in Holgate. He stated he had spoken to the County Engineer and he suggested the Twp. make an application.

Mayor Mancini asked Lt. Vereb and Twp. engineer to meet with Dan to discuss the project and safety issues.

Dan Macone reported 102 people wanted a tennis court with benches and small playground equipment and announced the Holgate Taxpayers Assoc. would hold its' BBQ on September 7th. He was also happy to report there were no greenheads this summer.

Bill Hutson, Holgate, spoke of the many FEMA grants and programs, noting residents and business owners were still not seeing any money.

Commissioner Lattanzi responded it was very frustrating, stating he couldn't get any answers or money.

CLOSE PUBLIC SESSION

Motion for adjournment at 4:30 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