

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS AUGUST 7, 2009
Flag Salute

Meeting came to order:4:02 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. Wells, 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 on January 7th 2009; the PRESS OF ATLANTIC CITY on January 3rd 2009; and the ASBURY PARK PRESS on December 23rd 2008; and filed with the Municipal Clerk.

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

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

Mayor Joseph H. Mancini introduced Lt. Paul Vereb of the Police Department who spoke regarding Bicycle & Pedestrian Safety Month (August) in Long Beach Township. He advised police officers would be checking on safety during the month; a traffic message board would provide information on the roadways; safe kid awards would be distributed; and warnings and citations would be issued to offenders. He noted bicyclists were required to observe the same statutory traffic regulations as vehicles. Lt. Vereb announced the annual bike rodeos would take place on August 16th in Barnegat Light, and on August 23rd in Long Beach Township. He reminded the public of the importance of wearing helmets when bicycling, and proper locks to deter bicycle thefts. He provided several free helmets to the public.

AGENDA

ADOPTIONS, APPROVALS AND SUPPORT

1. Resolution 09-0807.01: Support the restructure of tax and franchise fees on telecommunication and cable telecommunication service providers in New Jersey

RESOLUTION 09-0807.01

A RESOLUTION REQUESTING THE LEGISLATURE TO RESTRUCTURE AND BRING FAIRNESS TO TAX AND FRANCHISE FEES IMPOSED ON TELECOMMUNICATIONS AND CABLE TELECOMMUNICATIONS SERVICE PROVIDERS IN NEW JERSEY.

WHEREAS, the convergence of telecommunications technologies and regulatory reform has blurred the distinctions among the service providers as each provides a full range of voice, data, and video service; and

WHEREAS, the public rights-of-way are an asset held in trust for the people of the State of New Jersey by state and local governments; and

WHEREAS, taxpayers are entitled to compensation when private corporations use the public rights-of-way to generate profits; and

WHEREAS, telecommunication providers, including but not limited to direct broadcast satellites, open video system, and cable television, employing various technologies and offering multiple services, play an increasingly important role in the life of corporate and individual citizens in New Jersey; and

WHEREAS, tax and right-of-way franchise fee policies, however, should not bias competition among service providers nor distort the efficient use of public properties; and

WHEREAS, the current state system of compensation to municipalities for the use of the public rights-of-way distorts efficient use of these public assets; and

WHEREAS, comparable telecommunications competitors face major anomalies in financial obligations to municipalities and the state; and

WHEREAS, service revenue continues to shift from traditional telecommunication services, such as local and long distance, to advanced services such as wireless / mobile, cable, broadband, and high speed internet access. This shift will continue to intensify over the next decade, further distorting the financial obligations to the state among competing telecommunication service providers; and

WHEREAS, the current situation has proven inequitable among telecommunication competitors or between taxpayer-owners of the rights-of-way and telecommunication companies.

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners of the Township of Long Beach calls upon the State Legislature to:

- Restructure and bring fairness to tax and franchise fees imposed on telecommunication and cable telecommunication service providers in New Jersey.
- Ensure consumers of telecommunication services receive competitively priced, high quality services which are taxed equitably.
- Ensure municipalities are held harmless from the shifts in consumption of telecommunication services from traditional services to more advanced services.
- Ensure tax revenue associated with the provision of telecommunications services be paid directly from the service providers to the local governments.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Connors, Assemblyman Rumpf, Governor Jon Corzine, and the New Jersey State League of Municipalities.

Bonnie M. Leonetti, Municipal Clerk / Administrator explained the resolution supported the provision that telecommunications services revenue be paid directly from service providers to local governments.

2. Resolution 09-0807.02(a&b): a. Approve various changes to Water/Sewer accounts
b. Approve a refund to a Sewer account

RESOLUTION 09-0807.02(a)

WHEREAS, the following Water/Sewer accounts require changes in their billing / 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	Account	Cancel/Change:	Amount:
4.36	12	1254-0	2009	Sewer	Chg to Land Only	\$227.50
6.36	3	2032-0	2009	Water	Misread meter	\$15,888.87
12.22	3	4222-0	2009	Water	Change Duplex to Single	\$24.00
12.22	3	4222-0	2009	Sewer	Change Duplex to Single	\$455.00

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.

RESOLUTION 09-0807.02(b)

WHEREAS, the following Sewer account is due a refund as the Homeowner paid for plumbing services for a problem that was caused by Long Beach Township sewer work being done in the area; and

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

Blk:	Lot:	Acct. #:	Account	Owner:	Amount:
4.19	1.01	1011-0	Sewer	Betty J. Fogel	\$140.00

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 issue this refund.

- 3. Resolution 09-0807.03: Appoint Honorable Daniel F. Sahin to preside at the August 24th 2009 Municipal Court session: \$500.00

RESOLUTION 09-0807.03

RESOLUTION APPOINTING HONORABLE DANIEL F. SAHIN AS SUBSTITUTE JUDGE FOR THE LONG BEACH TOWNSHIP MUNICIPAL COURT SESSION OF AUGUST 24, 2009

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, a municipal corporation of the State of New Jersey, at a regular meeting held on the 7th of August 2009 that the Honorable Daniel F. Sahin shall and hereby is appointed as Substitute Judge for the Long Beach Township Municipal Court Session to be held on August 24, 2009, with compensation not to exceed the amount of Five Hundred Dollars (\$500.00).

Bonnie M. Leonetti, Municipal Clerk / Administrator stated Judge Liguori was unable to attend the August 24th 2009 Municipal Court session.

- 4. Resolution 09-0807.04: Approve personnel actions

RESOLUTION 09-0807.04

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

Acknowledge the end of a paid Family Medical Leave of Absence for SB effective retro-active to July 27, 2009.

Correct Resolution 09-0605.04 to state that a paid Family Medical Leave of Absence (FMLA) was taken by SB and KW, not an unpaid FMLA.

Approve a paid Family Medical Leave of Absence (FMLA) for JO effective retro-active to July 29, 2009 pending receipt of a medical certification acceptable to Long Beach Township. The employee shall use accumulated sick leave, then other paid time while on leave.

Contingent upon the continued validity of the settlement agreement, which is accepted by the Township, the unpaid Administrative Leave of Absence for TH is withdrawn & a paid Administrative Leave of Absence retro-active from April 19, 2009 to and ending on July 1, 2009, and, while health benefits shall continue from July 2, 2009 for 90 days in anticipation of his disability retirement, any other compensation shall cease.

POLICE

Approve a Military Leave of Absence for Ptl.Thomas Franks effective August 8th and August 9th, 2009 for serving in the US Coast Guard.

Amend the classification in Reso.# 09-0619.04 to Seasonal Class I Special Law Enforcement Officers for the following to be paid \$11.00 per hour from the Police Salary & Wage retro-active to June 27, 2009.

- Timothy Butler Matthew LaBue Philip Calanni Justine Hoffman Brian Woodruff

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

Motion to approve Items 1 - 4:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

- 5. Resolution 09-0807.05: Approve a change order: Earle Asphalt \$2,577.62 DOT 2008 Project on Ohio Avenue

RESOLUTION 09-0807.05

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE 2008 ROAD RECONSTRUCTION / IMPROVEMENT PROJECT FOR THE RESURFACING OF NORTH OHIO AVENUE IN THE TOWNSHIP OF LONG BEACH

WHEREAS Earle Asphalt Company was awarded a contract for the 2008 Road Reconstruction / Improvement Project for the resurfacing of North Ohio Avenue, as per Resolution 08-1107.18, in the amount of One Hundred Twenty Six Thousand Four Hundred Thirteen Dollars and Thirteen Cents (\$126,413.13); and

WHEREAS, based on the actual project, changes to the scope of the project resulting in unexpected additional costs were incurred; and

WHEREAS, these changes have resulted in Change Order #1, dated July 16, 2009, which has been certified by the Municipal Engineer and the Public Works Deputy Municipal Department Head. 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 7th day of August 2009 that Earle Asphalt Company, P.O. Drawer 556, Farmingdale, NJ 07727 be and is hereby awarded Change Order #1 not to exceed Two Thousand Five Hundred Seventy Seven Dollars and Sixty Two Cents (\$2,577.62) for payment of the additional work required to complete the 2008 Road Reconstruction / Improvement Project for the resurfacing of North Ohio Avenue.

Bonnie M. Leonetti, Municipal Clerk / Administrator advised additional paving was necessary in order to complete the project. This would be the final payment to the contractor.

6. Resolution 09-0807.06: Award a contract, per quote:
Restoration of six (6) sanitary sewers in various locations:
Video Pipe Services, Inc. \$15,100.00

RESOLUTION 09-0807.06

RESOLUTION AUTHORIZING A CONTRACT FOR THE RESTORATION OF SIX (6) SANITARY SEWERS FOR THE WATER/SEWER DEPARTMENT IN THE TOWNSHIP OF LONG BEACH, PER QUOTATION

WHEREAS, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Water/Sewer Department solicited quotations for the restoration of six (6) sanitary sewers at various locations in the Township; and

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

WHEREAS, said quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that Video Pipe Services, Inc., 1566 Harding Highway, Newfield NJ 08344-5220 provided the lowest qualified quotation in accordance with the specifications, said quotation being Fifteen Thousand One Hundred Dollars (\$15,100.00); and

WHEREAS, it is in the public interest of the Township of Long Beach to award a contract to Video Pipe Services, Inc. for the restoration of six (6) sanitary sewers at various locations in the Township; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Ordinance 08-38 Preliminary Costs-Sewer: Account #U-08-55-924-901.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, at a regular meeting held this 7th day of August 2009 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with:

Video Pipe Services, Inc.
1566 Harding Highway
Newfield NJ 08344-5220

in an amount not to exceed Fifteen Thousand One Hundred Dollars (\$15,100.00) for sanitary sewer restoration at the following locations in Long Beach Township:

- New Jersey Avenue
- 29th Street
- Maryland Avenue
- Utah Avenue
- Long Beach Boulevard
- Waverly Place

Bonnie M. Leonetti, Municipal Clerk / Administrator explained the Long Beach Township Water/Sewer Department staff would assist with the project.

Motion to approve Items 5 & 6:

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

FINANCIAL APPROVALS

7. Resolution 09-0807.07(a&b): Approve the extension of (2) Performance Bonds:
a. LUB-41-05: 2000 Waverly Avenue
b. LUB-11-06: 4401 Long Beach Blvd.

RESOLUTION 09-0807.07(a)

WHEREAS, the Township of Long Beach received, pursuant to Resolution 06-0721.14, Commerce Bank Check #805-02588 in the amount of Forty Six Thousand Seven Hundred Seventy Two Dollars (\$46,722.00) as a Performance Bond for Sub-division Application #LUB-41-05, Block 4.45, Lots 1 & 1.01 (2000 Waverly Place, North Beach Haven); and

WHEREAS, upon inspection of the property by the Township Engineer, and pursuant to Resolution 08-0620.15(c), it was determined that certain work items had not been started and the Performance Bond was extended for one year to June 20, 2009; and

WHEREAS, the property was again inspected on July 30, 2009 by the Township Engineer who concluded the work was not complete and recommended the Performance Bond be extended for one additional year to August 6, 2010.

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

RESOLUTION 09-0807.07(b)

WHEREAS, the Township of Long Beach received, pursuant to Resolution 06-0707.11, Check #1046 in the amount of Ten Thousand Two Hundred Thirty Dollars (\$10,230.00) as a Performance Bond for Sub-division Application #LUB-11-06, Block 15.102, Lots 1 & 2 and Block 15.106, Lots 1, 17, & 18 (4401 Long Beach Blvd., Brant Beach); and

WHEREAS, upon inspection of the property by the Township Engineer, and pursuant to Resolution 08-0620.15(d), it was determined that certain work items had not been started and the Performance Bond was extended for one year to June 20, 2009; and

WHEREAS, the property was again inspected on July 30, 2009 by the Township Engineer who concluded the work was not complete and recommended the Performance Bond be extended for one additional year to August 6, 2010.

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

Bonnie M. Leonetti, Municipal Clerk / Administrator stated the work had not been completed on either of these projects at this time.

8. Resolution 09-0807.08(a&b): Approve various Chapter 159's
 - a. 2009 Pedestrian Safety, Education & Enforcement \$5,000.00
 - b. Emergency Preparedness Grant: \$2,500.00

RESOLUTION 09-0807.08(a)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2009 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159)

2009 PEDESTRIAN SAFETY EDUCATION & ENFORCEMENT

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

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

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety has approved a grant in the amount of \$5,000.00; and

WHEREAS, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2009 Municipal Budget to provide for the insertion of this donation as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2009 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

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

2009 PEDESTRIAN SAFETY EDUCATION & ENFORCEMENT \$5,000.00

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

GENERAL APPROPRIATION:

OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

2009 PEDESTRIAN SAFETY EDUCATION & ENFORCEMENT \$5,000.00

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

RESOLUTION 09-0807.08(b)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2009 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) EMERGENCY PREPAREDNESS GRANT

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

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

WHEREAS, the New Jersey Health Officers Association has approved a grant in the amount of \$2,500.00; and

WHEREAS, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2009 Municipal Budget to provide for the insertion of this donation as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2009 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

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

EMERGENCY PREPAREDNESS GRANT: \$2,500.00

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

GENERAL APPROPRIATION:

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

EMERGENCY PREPAREDNESS GRANT: \$2,500.00

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

Bonnie M. Leonetti, Municipal Clerk / Administrator noted these monies were received subsequent to the adoption of the 2009 Municipal Budget.

- 9. Resolution 09-0807.09: Approve Bills & Payroll

Bills in the amount of: \$9,221,729.03

Payrolls in the amount of: \$ 681,526.83

RESOLUTION 09-0807.09

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS

WHEREAS, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

WHEREAS, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$681,526.83.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach as follows:

- 1. The said approved vouchers amounting to the sum of \$9,221,729.03 be and the same are hereby authorized to be paid on August 7, 2009.

- 2. The said approved payroll amounting to the sum of \$681,526.83 be and the same are hereby authorized to be paid on August 7, 2009.

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 7 - 9:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Mayor Mancini abstained from Southern Ocean County Hospital voucher(s).

Commissioner Gove invoked the Doctrine of Necessity in order to vote on Southern Ocean County Hospital voucher(s).

Commissioner Gove abstained from the Long Beach Island Community Center voucher.

COMMISSIONERS' REPORTS

Commissioner Bayard explained to the public that a recent sewer collapse located on E. 16th Street in North Beach Haven was in an area that had not been taped by Video Pipe, Inc. The Township, as well as the contractor, was not aware that this had been an area in need of repair. Areas east of the Boulevard were scheduled to be taped in the near future. The Commissioner went on to commend the Public Works employees for their vital assistance following the recent break-up of a watercraft in the ocean. The Public Works employees helped remove debris and recover fuel tanks from the boat. He noted a local newspaper article never mentioned the important part played by the municipal employees.

Commissioner Gove stated tax bills were due August 1st and after August 17th interest would be charged retroactively. She announced the many upcoming free activities sponsored by Long Beach Township and invited the public to attend the 9th Annual Waterfest taking place on August 12th in Bayview Park.

Mayor Mancini announced the next meetings of the Board of Commissioners and the Land Use Board. He noted various handouts were available to the public in the back of the meeting room. The Mayor announced the first meeting of the Landscape and Hardscape Advisory Committee had recently taken place. He felt the panel was well qualified to review the subject and anticipated their comments and recommendations. He also praised the Public Works employees whose recovery of the fuel tanks from the disabled boat prevented fuel from seeping out into the ocean.

OPEN PUBLIC SESSION

Tom Walsh / Beach Haven Park complained that the trash and recycling contractor, Pinto Brothers, left refuse and broken glass in the roadways after collection. He recently found it necessary to hose-off the road in front of his residence due to the waste that was left behind. He asked that the Township street-sweeping machine make more frequent trips along the municipal roadways in order to help keep them clean.

Commissioner Bayard commented all trash vehicles experience some leakage. He would contact Pinto Brothers to discuss the matter.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:15 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.