

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS AUGUST 21, 2009

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, Administrator
Lynda J. Wells, Deputy Municipal Clerk
Richard J. Shackleton, Esq.

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES 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:

AGENDA

ORDINANCES/PUBLIC HEARINGS

1. First Reading Ordinance 09-15C: **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 SECTIONS 64-7B(7) AND 205-6 DEALS WITH THE PLACEMENT OF MONUMENTATION AT THE INTERSECTION OF STREET LINES, EASEMENT LINES OR STREET AND EASEMENT LINES.**

Bonnie M. Leonetti, Municipal Clerk, Administrator stated this Ordinance amended Building/Construction requirements to make it clear where survey monuments shall be placed in order for officials to enforce the corner site triangle requirements imposed by the Zoning Ordinance.

Motion to approve Ordinance 09-15C on First Reading:

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

ADOPTIONS AND APPROVALS

2. Resolution 09-0821.01: Authorize application for the FY2009 Drunk Driving Enforcement Fund: Deputy Chief Houston \$8,497.19

RESOLUTION 09-0821.01

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Long Beach Township Deputy Police Chief Leslie Houston be and she hereby is authorized and directed to apply for the 2009 Drunk Driving Enforcement Fund Grant offered through the New Jersey Division of Highway Traffic Safety in the amount of \$8,497.19.

3. Resolution 09-0821.02: Approve a refund to a sewer account

RESOLUTION 09-0821.02

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:
7.11	18	2318-0	Sewer	Jennifer Cassels	\$868.00

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.

4. Resolution 09-0821.03: Approve various traffic reg's: Bike Rodeo: 8/23/09 & Rock 'n Ride:9/13/09

RESOLUTION 09-0821.03

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:

- **Long Beach Township Bike Rodeo:**
Alternate side parking will be suspended on August 23rd from 8:00 a.m. until 4:00 p.m. on the following streets to accommodate participants:
East 67th Street: From Long Beach Blvd. to Ocean Blvd.
East 68th Street: From Long Beach Blvd. to Ocean Blvd.
East 69th Street: From Long Beach Blvd. to Ocean Blvd.
- **American Red Cross Rock 'n Ride:**
Allow participants to ride through various portions of Long Beach Township on September 13th, 2009 commencing at 9:00 a.m.

Bonnie M. Leonetti, Municipal Clerk, Administrator noted this suspended alternate side parking regulations on 67, 68 & 69th Streets for the bike rodeo.

5. Resolution 09-0821.04: Approve personnel actions

RESOLUTION 09-0821.04

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 (FMLA) for JO effective August 9, 2009. Approve an extension of an unpaid medical leave of absence for 30 days (August 24, 2009 to September 24, 2009) based on disability pension notification for MB.

BEACH PATROL

Approval of the following actions are subject to receipt and acceptance of all required paperwork.

Hire the following as Seasonal Lifeguards at a rate of \$76.67 per day to be paid from the Lifeguard Salary & Wage effective August 22, 2009. Stephen Janiec Megan Pijanowski

Change the following employees' title to Seasonal Lifeguard with a new rate of pay to \$76.67 per day to be paid from the Lifeguard Salary & Wage effective August 22, 2009. Melissa Royston

Change the following employees' title to Seasonal Lifeguard Lieutenant with a new rate of pay to \$128.00 per day to be paid from the Lifeguard Salary & Wage effective August 22, 2009. Richard Saldibar

Change the following employees' rate of pay to \$88.33 per day to be paid from the Lifeguard Salary & Wage effective August 22, 2009. Ian Logue

HEALTH

Accept & approve a PERS Ordinary Disability Retirement for Susan Parker effective September 1, 2009.

POLICE

Approve attendance of the following to the Ocean County Police Academy to become Class II Special Law Enforcement Officers at the minimum wage rate of \$7.25 per hour to be paid from the Police Salary & Wage effective August 28, 2009. Sean Ferguson Justin Hoffman

Approve a Military Leave of Absence for Ptl. Thomas Franks effective September 1, 2009 for serving in the US Coast Guard.

Bonnie M. Leonetti, Municipal Clerk, Administrator listed the proposed actions to be taken.

6. Resolution 09-0821.05(a-d): Approve various events in Long Beach Township:

a. Long Beach Island Annual Triathlon/ Duathlon

End of Summer Race – Bayview Park:

September 20, 2009 Sponsored by the LBI Business Alliance, operated by DQ Events.

b. ESA Surfing Contest: 110th Street beach on August 29th or August 30th (weather permitting)

c. Alliance for a Living Ocean: LBI Longboard Classic and concert on August 29th (Raindate: August 30th) on the 65th Street beach

d. Long Beach Township Activities Committee:

Free movie on August 28th (raindate: August 29th) at the municipal complex: Shrek

RESOLUTION 09-0821.05(a)

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:

• Triathlon/Duathlon:

September 20th 2009: Allow the Long Beach Island Business Alliance / DQ Events Triathlon/Duathlon to take place as per the route attached hereto and named "Schedule A". Suspend alternate side parking regulations from 58th Street to 78th Street (for their entire lengths) on September 20th from 6:00a.m. to 12:00p.m.

RESOLUTION 09-0821.05(b)

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach approve the below-listed annual event:

• Eastern Surfing Association, Central New Jersey Chapter:

Approve a surfing contest on 110th Street in the Haven Beach Section of the Township on August 29th or August 30th 2009 (weather permitting) from 8:00a.m to 4:00p.m.

Bonnie M. Leonetti, Municipal Clerk, Administrator provided this allowed additional dates for the competition should weather conditions not be favorable on August 22nd or 23rd.

RESOLUTION 09-0821.05(c)

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach approve the below-listed annual event:

• Alliance for a Living Ocean: First Annual LBI Longboard Classic and Concert

o Surfing contest at 65th Street in the Brant Beach section of the Township on August 29th ("No Wave" or "Rain" date August 30th) between the hours of 8:00am and 4:00pm.

o Concert on the 65th Street beach from 4:00 pm to 6:00 pm.

RESOLUTION 09-0821.05(d)

WHEREAS, the Long Beach Township Board of Commissioners received a request for permission to waive alternate side parking regulations on the following streets for the below-listed event between the hours of 5:00 p.m. and 11:00 p.m.:

EVENT

- Friday, August 28, 2009 (raindate August 29th): Free movie at dusk, "Shrek", shown at the municipal complex.

STREETS

- Goodrich: entire length
- Brownson: from Long Beach Blvd. to Ocean Blvd.
- Dayton: from Long Beach Blvd. to Ocean Blvd.
- Burwell: from Long Beach Blvd. to Ocean Blvd.
- Coughlin: from Long Beach Blvd. to Ocean Blvd.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby approve the waiver of parking regulations as described above.

7. Resolution 09-0821.06: Approve Outdoor Retail events for Township businesses:

Labor Day Weekend: Sept. 5th, 6th & 7th 2009 and Chowderfest Weekend: October 3rd & 4th 2009

RESOLUTION 09-0821.07(c)

WHEREAS, Resolution 09-0710.16(a) approved Change Order #1 for Mathis Construction regarding upgrades to the North Beach Sanitary Sewer Pump Station in the Township of Long Beach awarded pursuant to Resolution 09-0417.08; and

WHEREAS, due to a scrivener's error, the name of the contractor was incorrectly noted as Conti/Haskell Joint Venture for publication purposes within the Resolution; and

WHEREAS, Change Order #1 was, however, published with the correct name of the contractor, Mathis Construction, in the July 15th 2009 edition of the Beach Haven Times newspaper.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Resolution 09-0710.16(a) be and is hereby amended naming Mathis Construction as contractor regarding publication of Change Order #1.

Bonnie M. Leonetti, Municipal Clerk, Administrator advised this would provide corrected information regarding the legal publication of Change Order #1.

Motion to approve Item 8:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

9. Resolution 09-0821.08: Approve a change order in excess of 20% of the contract cost:
Mathis Construction: North Beach Pump Station Change Order #2: \$16,433.94

RESOLUTION 09-0821.08

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE NORTH BEACH PUMP STATION PROJECT IN THE TOWNSHIP OF LONG BEACH

WHEREAS, N.J.A.C. 5:30-11.9 et seq. provides for a procedure wherein a contract previously awarded may be increased more than 20%; and

WHEREAS, Mathis Construction was awarded a contract for upgrades to the North Beach Sanitary Sewer Pump Station in the Township of Long Beach in an amount not to exceed Ninety Two Thousand Six Hundred Seventy Nine Dollars and Twenty Cents (\$92,679.20) as per bid received April 14, 2009, and as per Resolution 09-0417.08; and

WHEREAS, based on the actual project, changes to the scope of the project resulting in unexpected additional costs were incurred which exceeded 20% of the original contract; and

WHEREAS, those changes resulted in Change Order #1 approved pursuant to Resolution 09-0710.16(a) that was approved and certified by the Municipal Engineer and the Public Works Deputy Municipal Department Head. Said detailed Certification contained all the facts associated with Change Order #1 in accordance with state statutes; and

WHEREAS, unanticipated and unforeseen site conditions have resulted in Change Order #2 which exceeds 20% of the original contract and has been approved and 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 21st day of August 2009 that Mathis Construction, 1510 Route 539, Suite 1, Little Egg Harbor, NJ 08087 be and is hereby awarded Change Order #2 not to exceed Sixteen Thousand Four Hundred Thirty Three Dollars and Ninety Four Cents (\$16,433.94) for payment of the additional work required to complete the upgrades to the North Beach Sanitary Sewer Pump Station; and

BE IT FURTHER RESOLVED by the Board of Commissioners that the Municipal Clerk is hereby directed to have published in the official newspaper at least once, a notice indicating the amount awarded to Mathis Construction and a brief description of why it was necessary to expend such additional funds; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to maintain a copy of said advertisement for public inspection.

10. Resolution 09-0821.09: Approve a Chapter 159 from the State of New Jersey,
Division of Highway Traffic Safety:
Over the Limit Under Arrest 2009 Statewide Crackdown Grant: \$6,000.00

RESOLUTION 09-0821.09

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) OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN 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 State of New Jersey, Division of Highway Traffic Safety has approved a grant in the amount of \$6,000.00; 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:

OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN GRANT \$6,000.00

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:

OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN GRANT \$6,000.00

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 Twp Auditor and the Twp Treasurer.

Bonnie M. Leonetti, Municipal Clerk, Administrator noted this was money the Township was not aware of when the 2009 Municipal Budget was approved.

11. Resolution 09-0821.10: Approve Bills & Payroll

Bills in the amount of: \$613,279.33

Payrolls in the amount of: \$681,865.54

RESOLUTION 09-0821.10

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 \$681,865.54.

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 \$613,279.33 be and the same are hereby authorized to be paid on August 21, 2009.

2. The said approved payroll amounting to the sum of \$681,865.54 be and the same are hereby authorized to be paid on August 21, 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 9 - 11:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Commissioner Gove abstained from Ocean County Utilities Authority voucher(s).

Lt. Paul Vereb / Long Beach Township Police Department provided a weather update regarding Hurricane Bill, expected to move in proximity to the New Jersey shoreline over the upcoming weekend. He advised the public to listen to AM Radio Station 1670 for local conditions and to be cautious when participating in ocean or bay activities. Lt. Vereb announced the annual Bike Rodeo to be held on Sunday, and advised Vacant Home Registration forms were available from the Police Department or on the Police Department website.

Mayor Mancini added the Beach Supervisor, Don Myers, observed that most ocean-related incidents occur after 5:00 p.m. and beach-goers should only enter the water when lifeguards were on duty. He noted the Treasurer's Report for the month of July 2009 was on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Mayor Mancini congratulated Commissioner Gove on her appointment to the New Jersey State Assembly for the 9th District and wished her success.

Commissioner Gove announced upcoming special activities sponsored by the Township. She offered thanks to the Recreation and Special Activities Committee for their successful 2009 program of events, and to Pat and Chet Kaletkowski who had donated promotional banners to the Township.

Commissioner Bayard also congratulated Commissioner Gove on her appointment. He hoped the beaches would not be damaged as a result of the impending hurricane.

Mayor Mancini announced the next meetings of the Board of Commissioners and the Land Use Board.

OPEN PUBLIC SESSION

No Comments

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, Administrator

Joseph H. Mancini, Mayor

DiAnne C. Gove, Comm.

Ralph H. Bayard, Comm.