

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS SEPTEMBER 18, 2009

Flag Salute

Meeting came to order: 4:00 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.

AGENDA

ORDINANCES/PUBLIC HEARINGS

1. Second 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.**

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 DEAL WITH THE PLACEMENT OF MONUMENTATION AT THE INTERSECTION OF STREET LINES, EASEMENT LINES OR STREET AND EASEMENT LINES.

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

STATEMENT OF PURPOSE

This Ordinance amends the requirements in the Building/Construction Section of the Code of Long Beach Township to make it clear where survey monuments shall be placed in order for officials of Long Beach Township to enforce the corner site triangle requirements imposed by the Zoning Ordinance or Long Beach Township.

SECTION I

§64-7B(7) 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an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and in lieu and instead thereof the following is adopted:

(7) On any corner lot, as that term is defined in the Zoning Ordinance of the Township of Long Beach, the owner of the lot shall, prior to making application for a building permit, a certificate of occupancy or a resale certificate of occupancy, present proof to the Building Department of the Township of Long Beach that a permanent survey monument, as the same may be specified by the Long Beach Township Engineer, has been installed on the corner of the lot which is corner to the two intersecting streets, easements or intersecting street and easement. Where the corner is created by the intersection of a public street and a private easement the monument shall be installed at the intersection of the street sideline and the easement sideline which delineates the line between the easement and the buildable portion of the lot. The monument shall be shown on the current plot plan required in sub-section B(5) above. Where the corner lot is created, not with a right angle as a result of two perpendicular intersecting sidelines but rather as the result of a curvature a pin shall be driven in the street or sidewalk. at the point of intersection of the two sidelines extended beyond the point of curvature and such pin shall constitute an adequate permanent survey monument as required in the preceding paragraph.

SECTION II

§205-6 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:

§205-6 Vision clearance on corner lots.

In any district in the Township of Long Beach any corner lot, as that term is defined in this Ordinance, shall maintain a site triangle established by determining the point 25 feet removed from the point of intersection of the two lines constituting the streets or easements which intersect to form the corner lot and connecting those two points with a straight line. In the corner site triangle no fence, sign or other structure, planting or obstruction to vision higher than 2 feet 6 inches above the established grade at the center line of the intersecting street, streets, easement or easements shall be erected or maintained.

SECTION III

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

SECTION IV

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 V

This Ordinance shall take effect upon publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday August 21, 2009 at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday September 18, 2009 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

CERTIFICATION

I, **BONNIE M. LEONETTI, RMC, CMC** Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 09-15C was duly adopted by the Board of Commissioners at their meeting held on Friday, September 18, 2009 at 4:00 p.m.

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.

Passed as on first reading at a regular meeting held on August 21, 2009; advertised in the BEACH HAVEN TIMES issues of August 26, 2009 and September 9, 2009.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-15C on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

- 2. Second Reading Ordinance 09-16C: **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 51, ARTICLE II, SECTION 18 AND ARTICLE III, SECTIONS 20-23 DEALS WITH THE TRESPASSING ON DUNES AND MOTOR VEHICLES ON BEACHES**

ORDINANCE 09-16C

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 51, ARTICLE II, SECTION 18 AND ARTICLE III, SECTIONS 20-23 DEALS WITH THE TRESPASSING ON DUNES AND MOTOR VEHICLES ON BEACHES

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

STATEMENT OF PURPOSE

This Ordinance amends the Code of Long Beach Township regarding beaches. Specifically, it re-iterates and clarifies the already established rule that there shall be no trespassing on dune areas. It also updates and/or revises the regulations for motor vehicles (beach buggies) on the beaches.

SECTION I

Article II of Chapter 51, Section 18. shall be amended by the addition of two (2) new paragraphs as follows:

51-18.O. Walking on, sitting on, or standing on or otherwise occupying the dune area as that term is defined in Section 51-3 in the Code of Long Beach Township.

51-18.P. There shall be no feeding of wildlife.

Article III of Chapter 51, Section 20. shall be amended as follows:

51-20. Permit required.

A. In the first sentence, the word vehicle shall be preceded by the words "4 wheel drive".

C. A new paragraph shall be added as follows: Permits shall not be transferable.

D. A new paragraph shall be added as follows:

Requests for replacement decals must be accompanied by a paid receipt and "old" decal, regardless of its condition.

Article III of Chapter 51, Section 21. shall be amended as follows:

51-21. Registration of vehicle.

A. In the first sentence, the word vehicle shall be preceded by the words "4 wheel drive".

Article III of Chapter 51, Section 22. shall be amended as follows:

51-22. Fees.

A. The first paragraph shall be designated in the Code as "A." In the first sentence of paragraph A, the word registration shall be preceded by the words "non-refundable".

B. A new paragraph, designated as "B." shall read: Violators of the Code regarding Motor Vehicles on Beaches may have permit privileges suspended without a refund.

Article III of Chapter 51, Section 23. shall be amended as follows:

51-23. Regulations.

A. The paragraph shall be deleted and replaced with the following: No vehicle (except municipal, state or federal vehicles) shall be operated on the strand or beachfront from May 15 to September 15, except that portion thereof lying south of that northerly boundary of the Holgate Unit of the Brigantine National Wildlife Refuge as designated allowable by the federal authorities.

C. There shall be added to the end of this paragraph the words: "as follows:

HOLGATE

TWP FROM SHIP BOTTOM – BEACH HAVEN

| | | |
|--|----------------------|----------------------------|
| Nelson Ave. | 31 st St. | 87 th St. |
| Washington Ave. | 46 th St. | 106 th St. |
| Holgate Beach, Wildlife Refuge | 66 th St. | 34 th St. (BHG) |
| Entrance via end of Blvd.(closed April 15 to August 15) | 79 th St. | 15 th St. (NBH) |

Scott Drive

NORTH BEACH

25th St.
Tract 1065 (behind tennis courts)

LOVELADIES

Coast Rd.

F. The existing sentence shall be deleted and replaced with: Vehicles are allowed access in permitted areas 24 hours each day, but no vehicle shall be operated on the beachfront at night without adequate lights.

I. There shall be added a new item after "H." labeled I. to read: Vehicles shall maintain or have readily available emergency equipment such as, but not limited to: a First Aid Kit, Shovel, Tow chain or equivalent, Road Flares, Coast Guard or I.C.C. approved Fire Extinguisher, Jack w/a large support board (min. 12" X 12"), Flashlight, Spare Tire.

J. There shall be added a new item after "I" labeled J. to read: No vehicle shall be left unattended. Driver must stay within close proximity to his/her vehicle while fishing, etc.

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 upon publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday, September 4, 2009 at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday, September 18, 2009 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

CERTIFICATION

I, **BONNIE M. LEONETTI, RMC, CMC** Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 09-16C was duly adopted by the Board of Commissioners at their meeting held on Friday, September 18, 2009 at 4:00 p.m.

Bonnie M. Leonetti, Municipal Clerk / Administrator explained the ordinance clarified the rule that there shall be no trespassing on dune areas. It also updated and/or revised the regulations for motor vehicles (beach buggies) on the beaches.

Passed as on first reading at a regular meeting held on September 4, 2009; advertised in the BEACH HAVEN TIMES issue of September 9, 2009.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-16C on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

- 3. First Reading Ordinance 09-17: **BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR RESURFACING OF PACIFIC AVENUE IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$200,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$190,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 09-17 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

- 4. First Reading Ordinance 09-18: **BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS DRAINAGE IMPROVEMENTS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$75,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$71,200; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 09-18 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

- 5. First Reading Ordinance 09-19: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF A BULLDOZER FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$120,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$114,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 09-19 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

6. First Reading Ordinance 09-20: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF A BEACH TRACTOR FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$90,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$85,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 09-20 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

7. First Reading Ordinance 09-21: **BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS IMPROVEMENTS TO THE PUBLIC WORKS FACILITY IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$50,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$47,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 09-21 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

8. First Reading Ordinance 09-22: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$17,500 FROM THE GENERAL CAPITAL FUND FOR ENGINEERING AND RELATED WORK FOR THE CLOSURE OF AN UNDERGROUND TANK**

Motion to approve Ordinance 09-22 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

9. First Reading Ordinance 09-23: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$23,000 FROM THE GENERAL CAPITAL FUND FOR THE RESURFACING OF THE ALLEY BETWEEN 37TH AND 38TH STREETS IN THE TOWNSHIP**

Motion to approve Ordinance 09-23 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

10. First Reading Ordinance 09-24: **BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS IMPROVEMENTS TO THE NORTH BEACH SEWER STATION IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$250,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$250,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 09-24 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

11. First Reading Ordinance 09-25: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VALVES FOR WATER MAINS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$40,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$40,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 09-25 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

12. First Reading Ordinance 09-26: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$40,000 FROM THE UTILITY CAPITAL FUND FOR THE ACQUISITION OF METER READING EQUIPMENT**

Motion to approve Ordinance 09-26 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

13. First Reading Ordinance 09-27: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$29,000 FROM THE UTILITY CAPITAL FUND FOR THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT**

Motion to approve Ordinance 09-27 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

14. First Reading Ordinance 09-28: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$5,000 FROM THE UTILITY CAPITAL FUND FOR THE ACQUISITION OF HEATING EQUIPMENT FOR WELL #13**

Motion to approve Ordinance 09-28 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

15. First Reading Ordinance 09-29: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$40,000 FROM THE UTILITY CAPITAL FUND FOR VARIOUS REPAIRS TO WELL #14**

Motion to approve Ordinance 09-29 on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

ADOPTIONS AND APPROVALS

16. Resolution 09-0918.01(a&b): Approve the appointment of Land Use Board Members Effective October 1st through December 31st 2009:
a. Class III - Commissioner Ralph Bayard
b. Class II - Mary Cleary

RESOLUTION 09-0918.01(a)

A RESOLUTION APPOINTING A MEMBER TO THE LAND USE BOARD

BE IT RESOLVED THAT in accordance with law, the following Township Official be and is hereby appointed to serve on the Long Beach Township Land Use Board:

Commissioner Ralph H. Bayard as the Class III member for a term commencing October 1, 2009 and expiring December 31, 2009.

BE IT FURTHER RESOLVED that a certified copy of this Resolution will be forwarded to the Secretary of the Long Beach Township Land Use Board.

RESOLUTION 09-0918.01(b)

A RESOLUTION APPOINTING A MEMBER TO THE LAND USE BOARD

BE IT RESOLVED THAT in accordance with law, the following Township Official be and is hereby appointed to serve on the Long Beach Township Land Use Board:

Mary Cleary as the Class II member for a term commencing October 1, 2009 and expiring December 31, 2009.

BE IT FURTHER RESOLVED that a certified copy of this Resolution will be forwarded to the Secretary of the Long Beach Township Land Use Board.

17. Resolution 09-0918.02: Approve traffic regulations: Suspend alternate side parking regulations on Beach Avenue for various Garden Club 2009/2010 meetings

RESOLUTION 09-0918.02

WHEREAS, the Terrace First United Methodist Church has approved the use of their building for scheduled meetings of the Garden Club of Long Beach Island, wherein temporary conditions will exist causing the need to suspend the no parking regulations on Beach Avenue from 10:00 A.M. to 2:00 P.M. in the area of New Jersey and Indiana Avenues on the following dates:

- Thursday, October 8, 2009
- Thursday, November 12, 2009
- Thursday, January 14, 2010
- Thursday, February 11, 2010
- Thursday, March 11, 2010
- Thursday, April 8, 2010

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited temporary parking allowances as requested.

18. Resolution 09-0918.03: Approve an amendment to Resolution 09-0821.05(a):
Route change for the September 20th Triathlon/Duathlon

RESOLUTION 09-0918.03

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby grant permission to amend the September 20th 2009 Triathlon / Duathlon runners' portion of the route, now confined to various roads within the Brant Beach section of Long Beach Township, initially approved pursuant to Resolution 09-0821.05(a). The amended route is attached hereto and designated as "Schedule B".

Bonnie M. Leonetti, Municipal Clerk / Administrator advised the Runners' portion of the route would take place in Brant Beach.

19. Resolution 09-0918.04: Approve personnel actions

RESOLUTION 09-0918.04

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

BEACH PATROL

Change the following employee's title to Seasonal Part Time Laborer with a new rate of pay to \$15.25 per hour to be paid from the Lifeguard Salary & Wage effective September 19, 2009.

Andrew Croft

PUBLIC WORKS

Extend the Temporary Part Time employment for the following Public Works Clerk at the same rate of pay effective retro-active to August 1, 2009.

Angela Andersen

Accept and approve a PERS Service Retirement for David Ward effective October 1, 2009.

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

20. Resolution 09-0918.05: Authorize the closing of the Bayview Park Dog Park from October 1st 2009 until further notice

RESOLUTION 09-0918.05

RESOLUTION CLOSING THE NORTH RECREATION AREA DOG PARK AT BAYVIEW PARK IN BRANT BEACH, LONG BEACH TOWNSHIP

WHEREAS, pursuant to Resolutions 09-0501.06 and 09-0710.03, the Board of Commissioners of the Township of Long Beach created a special area in Bayview Park to be known as the North Recreation Area at Bayview Park with a designated "dog park" portion within the section; and

WHEREAS, according to Ordinance, the ocean beaches are accessible to dogs with their owners from October 1st to May 1st each year; and

WHEREAS, due to seasonal climate changes and temperature variations, the bay waters adjacent to the North Recreation Area at Bayview Park are subject to salt ice resulting in unsafe conditions for dog park patrons and their pets who could possibly venture onto the ice.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Dog Park in the North Recreation Area of Bayview Park shall be officially closed as of October 1st 2009 for the reasons stated above until further notice is given.

Motion to approve Items 16 – 20:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

21. Resolution 09-0918.06: Authorize Island Medical Professional Associates to act as the Provider for the 2009 A(H1N1) Monovalent Vaccine Vaccination Effort on behalf of the Long Beach Island Board of Health

RESOLUTION 09-0918.06

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Long Beach Township does hereby approve Island Medical Associates, P.A. to act as the Medical Director for the 2009 Influenza A(H1N1) Monovalent Vaccine Vaccination Effort and submit a Vaccine Provider Agreement on behalf of the Long Beach Island Health Department for participation in the program.

Bonnie M. Leonetti, Municipal Clerk / Administrator noted this pertained to the Swine flu vaccine, and that the LBI Board of Health would hold the clinics for regular seasonal flu and swine flu vaccinations in the near future.

22. Resolution 09-0918.07: Award a contract for the purchase of seasonal influenza vaccine, per State Contract:
Sanofi Pasteur, Inc.: \$10,052.18 / 1210 doses

RESOLUTION 09-0918.07

RESOLUTION AUTHORIZING A CONTRACT TO PURCHASE FLUZONE INFLUENZA VACCINE FOR THE LONG BEACH ISLAND HEALTH DEPARTMENT, PER STATE CONTRACT

WHEREAS, the Township of Long Beach wishes to purchase from an authorized vendor under the State of New Jersey Cooperative Purchasing Services Program INJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Sanofi Pasteur, Discovery Drive, Swiftwater, PA 18370-0187 (attn: Jill Bingham) has been awarded New Jersey State Contract No. 73936 for Influenza Vaccine, DHSS – Revised Various for the period April 1, 2009 to March 31, 2013; and

WHEREAS, the Commissioner of Revenue and Finance recommends the utilization of this contract on the grounds that it represents the most cost effective method for the needs of the Township; and

WHEREAS, the actual cost of 10 doses of Fluzone No Preser ADL Dose 0.5 mL SYR 2009 (009-50) Vaccine shall not exceed Ninety Dollars and Sixty Six Cents (\$90.66) and 1,200 doses of Fluzone 5mL Multidose Vial (Ten 0.5mL doses) 2009 (384-15) shall not exceed Nine Thousand Nine Hundred Sixty One Dollars and Fifty Two Cents (\$9,961.52), resulting in a combined total for both vaccine types not to exceed Ten Thousand Fifty Two Dollars and Eighteen Cents (\$10,052.18); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in the appropriation created by: Board of Health Other Expenses, Account #9-01-27-33030.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Sanofi Pasteur be awarded a contract for the purchase of 1,210 doses of Fluzone Vaccine in an amount not to exceed Ten Thousand Fifty Two Dollars and Eighteen Cents (\$10,052.18).

23. Resolution 09-0918.08: Authorize the one-year option to extend a contract with Municipal Code Inspection, Inc. for the provision of Subcode / Inspections for Electric, Plumbing, and Fire

RESOLUTION 09-0918.08

A RESOLUTION EXTENDING BY OPTION A CONTRACT FOR THIRD PARTY ELECTRIC, PLUMBING, AND FIRE SUBCODE / INSPECTION SERVICES FOR THE TOWNSHIP OF LONG BEACH

WHEREAS, the Township of Long Beach in 2008 awarded a contract to Municipal Code Inspection, Inc. (MCI) for third party subcode / inspection services for electric, plumbing, & fire resulting from a public bidding process; and

WHEREAS, those bid specifications, and therefore the contract, contained an option to extend said contract for a second year upon agreement of the two parties, Long Beach Township and MCI, Inc.; and

WHEREAS, it is in the opinion of the Board of Commissioners of the Township that the services provided by MCI, Inc. have been extremely acceptable and warrant the exercise of the option to extend the contract for the period of October 1st 2009 through September 30th 2010 and MCI, Inc. has agreed to continue its services; and

WHEREAS, the original contract had been amended to include MCI, Inc.'s services to three Long Beach Island towns through an Interlocal / Shared Services Agreement with Long Beach Township and it is desired that these services be continued as well in the extended contract based on the renewal of the Interlocal / Shared Services Agreement between Long Beach Township and the towns of Ship Bottom, Harvey Cedars, and Barnegat Light; and

WHEREAS, this resolution shall be deemed to be the extension to the contract awarded pursuant to Resolution 08-0822.09(b) passed on August 22nd 2008 and the contract addendum approved pursuant to Resolution 08-1230.12 passed on December 30th 2009 and shall serve as the written contract extension.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 18th day of September 2009, for the reasons aforesaid, that the contract with Municipal Code Inspection, Inc., 40 Jones Lane, Sicklerville, NJ 08081 be and is hereby extend for one additional year as per an option contained in the original contract. MCI, Inc. will be paid for their services at the rate of 85% of the fees established by Long Beach Township in Ordinance 08-27C and contained in the current contract; and

BE IT FURTHER RESOLVED, that MCI, Inc. will also provide its inspection services to the Boroughs of Ship Bottom, Harvey Cedars, and Barnegat Light as part of an Interlocal / Shared Service with Long Beach Township; payment made by those Boroughs shall be directly to MCI, Inc. at the identical rates and fees as those of Long Beach Township.

Bonnie M. Leonetti, Municipal Clerk / Administrator stated the one-year option to extend was part of the original contract in 2008.

24. Resolution 09-0918.09: Authorize the renewal of a Shared Services Agreement for the provision of Subcode / Inspections for Electric, Plumbing, and Fire between Ship Bottom Borough, Harvey Cedars Borough, Barnegat Light Borough, and Long Beach Township acting as Lead Agency

RESOLUTION 09-0918.09

RESOLUTION AUTHORIZING THE RENEWAL OF AN INTERLOCAL/ SHARED SERVICES AGREEMENT AMONG THE BOROUGHS OF SHIP BOTTOM, HARVEY CEDARS, AND BARNEGAT LIGHT WITH THE TOWNSHIP OF LONG BEACH AS LEAD AGENCY, FOR THE PURPOSE OF PROVIDING ELECTRIC, PLUMBING, AND FIRE INSPECTION SERVICES THROUGH A CONTRACT WITH MUNICIPAL CODE INSPECTIONS

WHEREAS, Long Beach Township (LBT) solicited bids and awarded a contract in 2008 for the above titled services to Municipal Code Inspection (MCI); and

WHEREAS, the Township of Long Beach upon requests from the Borough of Barnegat Light, the Borough of Harvey Cedars and the Borough of Ship Bottom, entered into an Interlocal Services Agreement so the three towns could utilize the services of Municipal Code Inspections through the contract MCI has with Long Beach Township as per Resolution 08-1121.09; and

WHEREAS, Municipal Code Inspections has agreed to continue providing the above mentioned services to the three additional towns for the same monetary charge that Long Beach Township pays to MCI through a contract extended by option for the term of October 1, 2009 through September 30, 2010. Long Beach Township has been advised that Ship Bottom, Harvey Cedars, and Barnegat Light will submit either a Resolution or a Mayor's Letter of Intent to renew the Interlocal/Shared Service Agreement with LBT prior to October 1, 2009.

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, September 18, 2009 that the Mayor and Municipal Clerk are hereby authorized and directed to enter into an Interlocal/Shared Service Agreement with Barnegat Light, Harvey Cedars and Ship Bottom and to be the lead agency in providing electric, plumbing and fire inspections services by Municipal Code Inspections through an extended contract and according to the terms of the Interlocal/Shared Service Agreement to be signed by the four participating parties.

Bonnie M. Leonetti, Municipal Clerk / Administrator explained this Shared Service allowed other municipalities to work through Long Beach Township for inspections provided by MCI, Inc..

25. Resolution 09-0918.10: Authorize execution of the renewal of the Harvey Cedars Water Contract that provides water to the southern end of Loveladies:
3-year contract

RESOLUTION 09-0918.10

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HARVEY CEDARS AND THE TOWNSHIP OF LONG BEACH

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Long Beach at a regular meeting held September 18, 2009 that Joseph H. Mancini, Mayor and Municipal Clerk / Administrator, Bonnie M. Leonetti are hereby authorized to execute a three-year Shared Services Agreement with the Borough of Harvey Cedars to furnish and supply potable water to properties in the southern section of Loveladies, Long Beach Township, in accordance with the terms and conditions as described in the Shared Services Agreement, effective from January 1, 2010 through December 31, 2012.

Motion to approve Items 21 - 25:

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

FINANCIAL APPROVALS

26. Resolution 09-0918.11: Approve acceptance of the 2008 Audit

RESOLUTION 09-0918.11

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by William E. Antonides and Company, Registered Municipal Accountants, with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION

I, **BONNIE M. LEONETTI**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Resolution 09-0918.11 was duly adopted by the Board of Commissioners at their regular meeting held Friday, September 18, 2009.

STATE OF NEW JERSEY }
TOWNSHIP OF LONG BEACH }
COUNTY OF OCEAN }

We, members of the governing body of the Township of Long Beach, County of Ocean, of full age, being duly sworn according to law, upon oath depose and say:

1. We are duly elected members of the Board of Commissioners of the Township of Long Beach, County of Ocean.
2. In the performance of our duties, and pursuant to the Local Finance Board Regulation, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2008.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

General Comments
Recommendations

Joseph H. Mancini
DiAnne C. Gove
Ralph H. Bayard

Commissioner DiAnne C. Gove proudly announced Long Beach Township had received an excellent report from the Auditor. No deficiencies and no non-compliance issues had been recorded. The Commissioner attributed this excellent standing to the efforts and expertise of CFO Lisa Jones and her staff.

Bonnie M. Leonetti, Municipal Clerk / Administrator noted the Audit Summary would be published in the newspaper and was available for review in the Municipal Clerk's office.

27. Resolution 09-0918.12(a&b): Authorize the extension of various Performance Bonds:
- a. LUB 10-06: 108 W. 17th Street, North Beach Haven
 - b. LUB 17-05: 5111 West Avenue, Holgate

RESOLUTION 09-0918.12(a)

WHEREAS, pursuant to Resolution 06-1006.13, the Township of Long Beach received from Paul & Evelyn Hladchuk Official Check No. 376426579 dated September 26, 2006 in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950.00) drawn on Wachovia Bank, as the required Performance Bond for Sub-division Application #LUB-10-06, Block 4.22, Lot 13 (108 West 17th Street, North Beach Haven, NJ); and

WHEREAS, the property was inspected on September 11, 2009 by the Township Municipal Engineer who concluded the work was not complete and recommended the Performance Bond be extended for one additional year to September 17, 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 09-0918.12(b)

WHEREAS, pursuant to Resolution 06-0505.17(b), the Township of Long Beach received from William Paul Cashier's Check #376426579 drawn on Bank of America in the amount of Twenty Two Thousand One Hundred Ninety Three Dollars (\$22,193.00) as a Performance Bond for Subdivision Application #LUB-17-05, Block 1.19, Lot 1 (Holgate, NJ); and

WHEREAS, pursuant to Resolution 07-0907.05, the Township of Long Beach approved a partial release of the Performance Bond in the amount of Eight Thousand Two Hundred and Fifty Dollars (\$8,250.00) as per the recommendation and certification of the Municipal Engineer; and

WHEREAS, pursuant to Resolution 08-1003.09(b) the Township Municipal Engineer determined certain work items had not been satisfactorily completed and recommended the Performance Bond be extended for one additional year; and

WHEREAS, the property was inspected on September 3, 2009 by the Township Municipal Engineer who concluded the work was not complete and recommended the Performance Bond be extended again for one additional year to September 17, 2010.

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

28. Resolution 09-0918:13 Approve Bills & Payroll

Bills in the amount of: \$684,333.21
Payrolls in the amount of: \$495,091.09

RESOLUTION 09-0918.13

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 \$495,091.09.

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 \$684,333.21 be and the same are hereby authorized to be paid on September 18, 2009.

2. The said approved payroll amounting to the sum of \$495,091.09 be and the same are hereby authorized to be paid on September 18, 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 26 - 28:

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

Mayor Mancini stated the Tax Collector and Treasurer's Reports for the month of August 2009 were on file in the Municipal Clerk's Office.

Mayor Mancini and **Commissioner Bayard** presented **Commissioner Gove** with a Proclamation, flowers, and an autographed picture of themselves to honor her years of dedicated service to Long Beach Township. Commissioner Gove would be sworn in as State Assemblywoman and also running for State Assembly in November's election. She would leave her Township office October 1st 2009 to do so.

Commissioner Gove thanked Mayor Mancini and Commissioner Bayard and felt they had been a good team that had worked hard to lead the Township. She spoke about her experiences serving the public in Long Beach Township and thanked the late Mayor James Mancini for mentoring her in her early years in public office. The Commissioner went on to recognize the many employees who had contributed to a successful team; all sharing the common goal to help and better Long Beach Township. She looked forward to moving ahead as a legislator and vowed to work hard to help all the constituents of the 9th Legislative District.

COMMISSIONERS' REPORTS

Commissioner Bayard advised the Public Works Department was working to curtail erosion resulting from recent storms.

Mayor Mancini announced the next meetings of the Board of Commissioners and the Land Use Board. He noted that the Shared Service for Subcode / Inspections for Electric, Plumbing, and Fire had been very successful which was a tribute to working together. He advised the annual Triathlon/Duathlon would take place on Sunday, September 20th. The Mayor explained the New Jersey Department of Environmental Protection had issued a letter of entry allowing for 5,000' of beach replenishment for Brant Beach which was currently under review by the State Attorney General. Once approved, by the Attorney General, the letter would go to the Army Corp of Engineers. They would start the process bringing this portion of Long Beach Township closer to beach replenishment.

OPEN PUBLIC SESSION

Bob Irvine / Beach Haven Crest presented the Commissioner and Municipal Clerk with a letter from Richard Plunkett, proprietor of the Wizard of Odds, listing various problems he had encountered as a result of construction / repair projects on Long Beach Boulevard in the area of his store.

Commissioner Bayard and **Mayor Mancini** were aware of the situation and asked that Mr. Plunkett contact them to discuss possible ways to address his concerns.

Bill Hutson / Holgate thanked Commissioner Gove for her help in addressing the needs of the southern section of Long Beach Township during her time as Mayor and Commissioner. He thanked the municipal employees who had assisted with the Triathlon / Duathlon. He also noted various local merchants who sponsored and donated goods for the event.

Bill Kunz / Brant Beach wished Commissioner Gove well in her bid for the State Assembly seat and hoped she would be successful. He thanked CFO Lisa Jones for her expertise that resulted in the glowing Audit Report.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:36 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.