

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS OCTOBER 5, 2012**  
**Flag Salute**

Meeting came to order: p.m.

Clerk called the roll: Mayor Joseph H. Mancini  
Commissioner Ralph H. Bayard  
Commissioner Joseph P. Lattanzi

Also in attendance: Lynda J. Wells, Municipal Clerk  
Kyle Ominski, Municipal Clerk's Office

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on November 9<sup>th</sup>, 2011; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting of September 21<sup>st</sup> 2012 and to approve the same as recorded in the minute book:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**AGENDA**

**PROCLAMATIONS October - Italian American Month**

Lynda Wells, Municipal Clerk stated this commemorated the any contributions and achievements of Italian Americans.

**SUPPORT THE DESIGNATION OF OCTOBER 2012 AS  
"ITALIAN AND ITALIAN-AMERICAN HERITAGE MONTH"**

**WHEREAS**, "Italian and Italian-American Heritage Month" recognizes the enormous contributions the Italian and Italian-American people have made to the United States and the world throughout history, including generals, admirals, philosophers, statesmen, musicians, athletes and Nobel Prize winning scientists; and

**WHEREAS**, Italian and Italian-American Heritage Month salutes the Italian and Italian-American community and expresses appreciation for their culture and heritage that have immeasurably enriched the lives of the people of the United States and the world; and

**WHEREAS**, the strength and success of the Unites States, the vitality of its communities and the effectiveness of its society depend, in great measure, upon the distinctive and sterling qualities demonstrated by various ethnic groups, exemplified by members of the Italian and Italian-American Community, who share their rich and unique heritage; and

**WHEREAS**, the month of October would be an appropriate month to designate as "Italian and Italian-American Heritage Month.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey does hereby proclaim October 2012 as "Italian and Italian-American Heritage Month" in Long Beach Township.

**Pretty In Pink Day: Wednesday, October 17, 2012**

**Lynda Wells also explained this would increase awareness of the importance of early detection of breast cancer.**

**WHEREAS**, breast cancer is the most common cancer among women in the State of New Jersey with many new cases of invasive breast cancer occurring in women in New Jersey this past year; and

**WHEREAS**, although the use of mammography combined with breast self-exam and clinical breast exam is one of the best ways to diagnose breast cancer in its earliest stages when the disease is the most treatable; and

**WHEREAS**, although mammography rates have risen, many women are still not making breast self-examination, clinical breast examination and mammography screening part of their preventive health care routine requiring new effort to reach older women, racial and ethnic minorities, and women of low income; and

**WHEREAS**, working through an Ocean County Campaign dedicated to increasing awareness of breast cancer issues, the importance of early detection is vigorously advocated; and

**WHEREAS**, the Ocean County Board of Chosen Freeholders join us in supporting "Pretty in Pink Day" for increasing awareness of the importance of early detection of breast cancer.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Commissioners of the Township of Long Beach do hereby proclaim **October 17, 2012** as

**"PRETTY IN PINK DAY"**

in Long Beach Township and urge all citizens to learn about the importance of increasing awareness of breast cancer issues.

**ORDINANCES/PUBLIC HEARINGS**

1. Second Reading Ordinance 12-26: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$11,300.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PROVIDE FUNDING FOR PHASE I OF THE LIGHTENING PROTECTION CONSULTING PROPOSAL OF LONG BEACH TOWNSHIP**

Passed on first reading at a regular meeting held on September 21, 2012 and advertised in the BEACH HAVEN TIMES issue of September 27, 2012.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated from the General Capital Improvement Fund the sum of \$11,300.00 to provide funding for Phase I of the Lightning Protection Consulting Proposal which will cover the needs assessment and plan development.

**Section 2.** It is hereby determined and stated that the improvements set forth in Section 1. are general capital improvements and are not a current expense.

**Section 3.** The general capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended general capital budget and general capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

**Date of Introduction: Sept 21, 2012**

**Date of Final Adoption: Oct 5, 2012**

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 12-26 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**ADOPTIONS AND APPROVALS**

2. Resolution 12-1005.01: Approve various changes to water/sewer accounts

**RESOLUTION 12-1005.01**

**WHEREAS**, the following Water account requires a change in its billing and/or classification due to various reasons; and

**WHEREAS**, it is requested by the Director of Revenue and Finance that this change 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>
6.24	6	1920-0 Water	2012	Removed irrigation	\$195.00

**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 this change.

3. Resolution 12-1005.02: Approve a community project for Cub Scout Pack 42: Dune Grass Planting 10-6-12

**RESOLUTION 12-1005.02**

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach that Cub Scout Pack 42 has been approved to camp overnight on the municipal ball field on 68<sup>th</sup> Street and the Boulevard and have a bonfire on the 68<sup>th</sup> Street beach, on Friday October 5, 2012; and

**BE IT FURTHER RESOLVED** by the Board of Commissioners of the Township of Long Beach that Cub Scout Pack 42 has been approved to plant dune grass between the 46<sup>th</sup> and 48<sup>th</sup> Street beach dunes on Saturday, October 6, 2012 and all required documents have been filed with the Municipal Clerk.

4. Resolution 12-1005.03: Approve personnel actions

**RESOLUTION 12-1005.03**

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

Approve an extension of an unpaid leave for AM, pursuant to permission from the PBA Local 373, acknowledging that the leave extension does not constitute a past practice. The leave extension shall be for a time period of 30 days effective October 7, 2012.

Approve a paid intermittent Family Medical Leave of Absence (FMLA) for RG effective retro-active to September 18, 2012.

Motion to approve Items 2 thru 4:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**CONTRACTS AND AWARDS**

5. Resolution 12-1005.04: Approve the purchase of (1) Four ton portable diesel asphalt recycling hot patcher with dump capability, per competitive quote for Dept. of Public Works; McGrath Municipal Equipment, LLC, \$26,836.00

**RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF ONE (1) 2012 FOUR (4) TON DIESEL ASPHALT RECYCLING HOT PATCHER WITH DUMP CAPABILITY FOR THE LONG BEACH TOWNSHIP PUBLIC WORKS DEPARTMENT, PER COMPETITIVE QUOTATION**

**WHEREAS**, the Township of Long Beach solicited competitive quotations, received no later than October 1, 2012 at 10:00 am, for the purchase of one (1) 2012 Four (4) Ton Portable Diesel Asphalt Recycling Hot Patcher with Dump Capacity for the Long Beach Township Public Works Dept.; and

**WHEREAS**, in response to the solicitation for competitive quotations, the following business responded as noted:

**McGrath Municipal Equipment, LLC, \$26,836.00**, as per competitive quote received 09/28/12.

**WHEREAS**, it is in the opinion of the Board of Commissioners of the Township of Long Beach that the qualified competitive quote received from McGrath Municipal Equipment, LLC be accepted for same; and

**WHEREAS**, the Acting Chief Financial Officer has certified sufficient funds are available in the appropriation created by: Reserve for Beach Replenishment in the Capital Fund, Account #C-04-55-300-029 in the amount of Twenty Six Thousand Eight Hundred Thirty Six Dollars (\$26,836.00).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 5<sup>th</sup> day of October 2012, for the reasons aforesaid, that a purchase order be and is hereby authorized for issuance to:

McGrath Municipal Equipment, LLC  
36 North Derby Road  
Springfield, NJ 07081

for the purchase and delivery of one (1) 2012 Four (4) Ton Portable Diesel Asphalt

Recycling Hot Patcher with Dump Capacity, in an amount not to exceed Twenty Six Thousand Eight Hundred Thirty Six Dollars (\$26,836.00) as per the competitive quote dated September 28, 2012.

Motion to approve Item 5:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

#### **FINANCIAL APPROVALS**

6. Resolution 12-1005.05(a-d): Approve one year extensions on the following Performance Bonds:
  - a) LUB-17-05; Blk. 1.19, Lot 1
  - b) LUB-41-05; Blk. 4.45, Lots 1 & 1.01
  - c) LUB-27-07; Blk. 20.26, Lot 1
  - d) LUB-16-07; Blk. 6.19, Lots 1.02 & 1.03

#### **RESOLUTION 12-1005.05(a)**

**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**, pursuant to Resolution 09-0918.12(b) 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; and

**WHEREAS**, pursuant to Resolution 10-1008.03(b) the property was inspected on September 29, 2010 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 28, 2011; and

**WHEREAS**, pursuant to Resolution 11-1104.13(a) the property was inspected on October 12, 2011 by the Municipal Engineer who concluded the work was not complete and recommended the Performance Bond be extended again for one additional year to October 11, 2012; and

**WHEREAS**, the property was inspected on August 21, 2012 by the Municipal Engineer who concluded that the work was not complete and recommended the performance Bond be extended again for one additional year to October 5, 2013.

**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.

#### **RESOLUTION 12-1005.05(b)**

**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**, pursuant to Resolution 09-0807.07(a) 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; and

**WHEREAS**, pursuant to Resolution 10-1008.03(c) the property was again inspected on September 27, 2010 by the Township Engineer who concluded the work was not complete and recommended the Performance Bond be extended for one additional year to September 26, 2011; and

**WHEREAS**, pursuant to Resolution 11-1104.13(b) the property was inspected on October 12, 2011 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 October 11, 2012; and

**WHEREAS**, the property was inspected again on August 21, 2012 by the Municipal Engineer who concluded the work was not complete and recommended the performance Bond be extended again for one additional year to October 5, 2013.

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

**RESOLUTION 12-1005.05(c)**

**WHEREAS**, pursuant to Resolution 08-0320.15(b), the Township of Long Beach accepted from Reginald J. Raban Cashier's Check No. 0935893 dated March 14, 2008 in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) drawn on Wachovia Bank, as the required Performance Bond for Minor Sub-division #LUB-27-07, Block 20.26, Lot 1 (26 Long Beach Blvd., Loveladies); and

**WHEREAS**, upon inspection of the property by the Township Engineer it has been determined that various work items remain incomplete and he recommends the Performance Bond be extended for one year to July 8, 2011.

**WHEREAS**, pursuant to Resolution 11-1104.13(c) the property was inspected on October 12, 2011 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 October 11, 2012.

**WHEREAS**, the property was inspected on August 21, 2012 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 October 5, 2013.

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

**RESOLUTION 12-1005.05(d)**

**WHEREAS**, pursuant to Resolution 08-0208.15(b), the Township of Long Beach accepted from Mark Davies Cashier's Check No. 805-04069 dated January 24, 2008 in the amount of One Thousand Three Hundred Twenty Dollars (\$1,320.00) drawn on Commerce Bank, as the required Performance Bond for Major Sub-division #LUB-16-07, Block 6.19, Lots 1.02 & 1.03 (25 W. 30<sup>th</sup> Street., Beach Haven Gardens); and

**WHEREAS**, upon inspection of the property by the Township Engineer it has been determined that various work items remain incomplete and he recommends the Performance Bond be extended for one year to July 8, 2011.

**WHEREAS**, pursuant to Resolution 11-1104.13(d) the property was inspected on October 12, 2011 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 October 11, 2012.

**WHEREAS**, the property was inspected on August 21, 2012 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 October 5, 2013.

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

7. Resolution 12-1005.06: Approve Annual Audit for 2011

**RESOLUTION 12-1005.06**

**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 2011 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, at 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 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.

8. Resolution 12-1005.07: Approve Bills & Payroll

Bills in the amount of: \$2,343,146.96

Payroll in the amount of: \$ 375,404.22

**RESOLUTION 12-1005.07**

**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 \$375,404.22

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

1. The said approved vouchers amounting to the sum of \$2,343,146.96 be and the same are hereby authorized to be paid on October 5, 2012.

2. The said approved payroll amounting to the sum of \$375,404.22 be and the same are hereby authorized to be paid on October 5, 2012.

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 6 thru 8:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

#### **COMMISSIONERS' REPORTS**

**Commissioner Lattanzi** thanked CFO Lisa Jones for a great audit. He also stated he sent a letter to the editor to advocate the efforts of Bill Hutson, regarding oceanfront easements in Holgate.

**Commissioner Bayard** announced that dune grass was available for pick up at the public works yard. He also announced the Barnegat Bay Blitz would be held at Bayview Park, Saturday at 1:00 pm and instructed residents to call Angela Andersen or check the website.

**Commissioner Bayard** also advised the residents of the D.A.R.E. bin at the public works yard for unwanted clothing.

**Mayor Mancini** reported from the Police Department that the Vacant Home Registration Program forms were online and in the Police Station.

**Mayor Mancini** also announced the St. Francis 18 Mile Run was scheduled for Sun. 10/7/12, beginning at 10:30 a, in Holgate and end in Barnegat Light, noting the Police cautioned all to be careful while driving on the Boulevard.

**Mayor Mancini** also reported Traffic Safety Officer Paul Vereb had applied for and received a tentative approval for a grant in the amount of \$20,000.00, stating it would be dedicated to distracted driver enforcement to assist the Dept. in enforcing and educating drivers.

#### **OPEN PUBLIC SESSION**

**Bill Hutson**, Holgate thanked Commissioner Lattanzi for his support. He also announced dune grass planting initiatives, noting he would sit with Angela Andersen to plan for future years.

**Bill Hutson** announced dune grass planting and BBQ scheduled in Holgate, meeting at the parking lot Saturday, October 13<sup>th</sup> at 10:30 am, sponsored by the LBI Business Alliance.

#### **CLOSE PUBLIC SESSION**

Motion for adjournment at 4:15 PM.

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

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Lynda J. Wells, RMC  
Municipal Clerk

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Joseph H. Mancini, Mayor

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Ralph H. Bayard, Commissioner

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Joseph P. Lattanzi, Commissioner