

BOARD OF COMMISSIONERS OCTOBER 8, 2010

Flag Salute

Deputy Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner William P. Knarre PRESENT

Also in attendance: Lynda J. Wells, Deputy Municipal Clerk
Teresa S. Sgro, Assistant Municipal Clerk

Deputy 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 December 30th 2009; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the September 24th 2010 meeting and to approve the same as recorded in the minute book:

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

AGENDA

PROCLAIM:

PUT THE BRAKES ON FATALITIES DAY: October 10, 2010 is designated to increase awareness regarding safe driving behaviors.

Lynda J. Wells, Deputy Municipal Clerk noted this had been requested by the NJ Dept of Highway Traffic Safety.

PROCLAMATION

"PUT THE BRAKES ON FATALITIES DAY"

October 10, 2010

WHEREAS, across the nation, traffic crashes caused nearly 34,000 fatalities in 2009 and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 583 individuals lost their lives in traffic crashes in 2009; and

WHEREAS, alcohol-related crashes accounted for 31% of the State's traffic fatalities, while 16% of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways as people opt for alternative modes of transportation; and

WHEREAS, 65 motorcyclists, 14 bicyclists and 157 pedestrians were killed in New Jersey in traffic-related crashes in 2009; and

WHEREAS, safer driving behaviors such as buckling up for every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear when riding a motorcycle or bicycle; and focusing solely on driving by avoiding distractions can dramatically reduce the number of traffic-related injuries and deaths.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach do hereby proclaim October 10, 2010 as:

"PUT THE BRAKES ON FATALITIES DAY"

in Long Beach Township and call upon all citizens to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

PRETTY IN PINK DAY: October is National Breast Cancer Awareness Month. October 15th will be recognized as Pretty in Pink Day in Long Beach Township to encourage awareness and education about Breast Cancer.

Lynda J. Wells, Deputy Municipal Clerk stated this was requested by the Ocean County Board of Health.

PROCLAMATION

Proclaim National Breast Cancer Awareness Month and "Pretty in Pink" Day

WHEREAS, October is National Breast Cancer Awareness Month and since the program began in 1985, mammography rates have more than doubled for women age 50 and older and breast cancer deaths have declined; and

WHEREAS, this is exciting progress, however, there are still women who do not take advantage of early detection at all, and others who do not get screening mammographies and clinical breast exams at regular intervals; and

WHEREAS, women age 65 and older are less likely to get mammograms than younger women even though breast cancer risk increases with age; and

WHEREAS, Hispanic women have fewer mammograms than Caucasian women and African American women; and

WHEREAS, women below poverty level are less likely than women at higher incomes to have had a mammogram within the past two years; and

WHEREAS, mammography use has increased for all groups except American Indians and Alaska Natives; and

WHEREAS, the National Breast Cancer Society adds that 76% of all women aged 40 and older took advantage of early detection methods: mammography plus clinical breast exam, breast cancer death rates would drop much further, up to 30%; and

WHEREAS, the key to mammography screening is that it be done routinely; **Once Is Not Enough**; and

WHEREAS, the Ocean County Health Department, in collaboration with the Ocean County Cancer Coalition and the Long Beach Island Health Department has announced that October 15th 2010 will be celebrated as Ocean County's **Pretty in Pink Day**; and

WHEREAS, the Board of Commissioners of the Township of Long Beach encourages all residents to wear pink on Friday, October 15, 2010.

The Board of Commissioners of the Township of Long Beach do Breast Cancer Awareness Month and October 15, 2010 as:

"PRETTY IN PINK DAY"

in Long Beach Township and urge all New Jersey women and their families to get the facts about mammography.

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 10-46C: **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 12 PERTAINS TO THE DRUG-FREE WORKPLACE POLICY**

Lynda J. Wells, Deputy Municipal Clerk advised there had been updates to the testing procedures established by the Federal Department of Transportation and this would bring the Township policy into compliance with the current regulations.

ORDINANCE 10-46C

AN ORDINANCE AMENDING Chapter 12 of the "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" pertaining to Drug and Alcohol Testing

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

STATEMENT OF PURPOSE

This Ordinance amends Chapter 12 of the Code of Long Beach Township by adopting regulatory changes to drug and alcohol testing established by the Federal Department of Transportation (DOT)

SECTION I

Chapter 12-1. as the same refers to adoption of a drug and alcohol testing policy, is hereby amended by the addition of the following language:

Any additions, deletions or changes established by the Federal DOT are hereby adopted by Long Beach Township so as to provide for testing to the fullest extent permitted by law and to include any other testing standards or procedures adopted by the Federal DOT, now or in the future.

Furthermore any such additions, deletions or changes shall be included within the Township's Policy regarding same and distributed to all employees as soon as possible after the effective date. This shall currently include, but is not limited to, changes enacted by the Federal Department of Transportation pursuant to 49CFR, Part 40 effective October 1, 2010.

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 only after publication thereof after final passage according to law.

Passed on first reading at a regular meeting held on September 24th 2010 and advertised in the BEACH HAVEN TIMES issue of September 29, 2010.

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 10-46C on Second Reading:

Motion: Knarre Ayes: Mancini, Bayard, Knarre

Second: Bayard Nays:

2. Second Reading Ordinance 10-48C: **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 SECTION 189-5 PERTAINS TO PARKING**

Lynda J. Wells, Deputy Municipal Clerk explained this ordinance authorized that prohibitions regarding parking may be set forth by resolution of the Governing Body.

ORDINANCE 10-48C

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 SECTION 189-5 PERTAINS TO PARKING.

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

STATEMENT OF PURPOSE

This Ordinance amends §189-5 to provide that the prohibitions on parking shall be enforced in the same manner whether they be set forth in a Schedule in the Ordinance or set forth in a Resolution duly adopted pursuant to §189-26.

SECTION I

§189-5 of an Ordinance entitled "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" is hereby amended by the addition thereto of the following language before the period ending the sentence:

icle at anytime upon any of the streets or parts
on duly adopted by the Governing Body of the
to §189-26 of this Chapter.

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. Passed on first reading at a regular meeting held on September 24th 2010 and advertised in the BEACH HAVEN TIMES issue of September 29, 2010.

OPEN PUBLIC HEARING
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 10-48C on Second Reading:

Motion: Knarre Ayes: Mancini, Bayard, Knarre

Second: Bayard Nays:

ADOPTIONS AND APPROVALS

3. Resolution 10-1008.01: Approve changes to various Water Accounts

RESOLUTION 10-1008.01

WHEREAS, the following Water account is due a refund of a penalty charged to new homeowners; and

WHEREAS, Long Beach Township Resolution 10-0924.03 passed on September 24th 2010 recorded, in error, the account number as 733-0; and

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

<u>Blk:</u>	<u>Lot:</u>	<u>Acct:</u>	<u>Year:</u>	<u>Cancel/Change</u>	<u>Amount:</u>
1.102	1.12	773-0 Water	2010	Refund Penalty/New Owners	\$7.79

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.

4. Resolution 10-1008.02: Approve Long Beach Township continued

participation in the 2011 Ocean County CDBG Program

Lynda J. Wells, Deputy Municipal Clerk stated this confirmed the Township's intent to submit an application for a community project that would be funded through the program. These were Federal funds which were provided to qualified counties and their participating municipalities.

RESOLUTION 10-1008.02

A RESOLUTION AUTHORIZING LONG BEACH TOWNSHIP'S CONTINUED PARTICIPATION IN THE OCEAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long, County of Ocean, State of New Jersey, at a regular meeting held this 8th day of October 2010 that the Mayor and the Municipal Clerk be and are hereby authorized to execute the FY 2011 . 2013 Cooperative Agreement with the County of Ocean in order to continue participation in the County's Community Development Block Grant Program.

5. Resolution 10-1008.03(a-c): Approve various actions pertaining to Performance Bonds:

- a. Release a Performance Bond: \$10,230.00 plus interest

LUB-11-06 / 4401 Long Beach Blvd, Brant Beach

RESOLUTION 10-1008.03(a)

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, as per Resolution 09-0807.07(b); and

WHEREAS, upon final inspection conducted on September 29th 2010 by Municipal Engineer Frank J. Little, Jr., PE, PP, CME it was determined that the Performance Bond may be released and a Maintenance Bond would not be required for this subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby releases the amount of Ten Thousand Two Hundred Thirty Dollars (\$10,230.00) plus accrued interest representing the Performance Bond for the above mentioned property, as per the certification and recommendation of the Township Engineer.

- b. Extend a Performance Bond: \$13,943.00

LUB-17-05 / 5111 West Avenue, Holgate

RESOLUTION 10-1008.03(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

tion 07-0907.05, the Township of Long Beach approved a
the amount of Eight Thousand Two Hundred and Fifty Dollars
d 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, 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.

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.

c. Extend a Performance Bond: \$46,722.00

LUB-41-05 / 2000 Waverly Avenue, No. Beach Haven

RESOLUTION 10-1008.03(b)

WHEREAS, pursuant to Resolution 06-0505.17(b), the Township of Long Beach received from William Paul Cashier a 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, 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.

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.

6. Resolution 10-1008.04: Approve personnel actions

Lynda J. Wells, Deputy Municipal Clerk noted the various proposed actions.

RESOLUTION 10-1008.04

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 \$10.25 per hour to be paid from the Lifeguard Salary & Wage effective October 9, 2010.

Jourdan Chiavaro

POLICE

Correct Resolution # 10-0910.04 for Kyle Rickvalsky and Brian Woodruff to state the effective date retro-active to August 30, 2010.

PUBLIC WORKS

According to NJ Civil Service regulations, appoint Andy Baran Provisional Assistant Director of Public Works effective retro-active to 4/1/2009.

Motion to approve Items 3 - 6:

Motion: Knarre Ayes: Mancini, Bayard, Knarre

Second: Bayard Nays:

CONTRACTS AND AWARDS

7. Resolution 10-1008.05: Authorize the purchase of emergency response equipment / accessories for (2) police vehicles, per quote:
Atlas Flasher Supply Co.: \$9,061.24

Lynda J. Wells, Deputy Municipal Clerk advised this was for two Chevrolet Tahoes that were purchased under State Contract.

RESOLUTION 10-1008.05

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF VARIOUS LIGHTS, EMERGENCY RESPONSE EQUIPMENT AND ACCESSORIES FOR TWO (2) POLICE VEHICLES IN THE TOWNSHIP OF LONG BEACH, PER QUOTE

WHEREAS, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Police Department solicited quotations for the purchase of various lights, emergency response equipment and accessories for two (2) police vehicles; and

WHEREAS, in response to the invitation for solicitation three (3) quotations were received; and

WHEREAS, the quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that Atlas Flasher Supply Co., Inc. provided the lowest qualified quotation in accordance with the specifications, said quotation, dated September 13, 2010, in the amount of Four Thousand Five Hundred Thirty Dollars and Sixty Two Cents (\$4,530.62) per vehicle; and

ss was available at the Public Works Garage on October 9th,
ints would be flushed from October 12th through the end of
e a Hazardous Waste Disposal Day in Stafford Township on

October 23rd; appointment required.

Mayor Mancini announced the next meetings of the Board of Commissioners and of the Land Use Board, and the second reading and public hearing for Ordinance 10-47C on October 19th 2010. The Mayor noted the Police Department had been reimbursed by the State of New Jersey for an officer's salary while he was serving on active duty in the armed forces. The Police Department had also received grant monies for the purchase of bulletproof vests. Mayor Mancini announced the annual 18-mile run would be held on the upcoming weekend.

OPEN PUBLIC SESSION

Bill Hutson / Holgate provided information on the Long Beach Island Business Alliance Dune Grass Planting initiative and the need for volunteers. He spoke about the plight of the Surfflight Theatre and advised that donations were being accepted at this time.

Charlie Farrell / Loveladies spoke on behalf of the Loveladies Property Owners Association. Members of the Association suggested realtors include information/regulations regarding the pedestrian crosswalk laws in New Jersey as part of their rental agreement document.

Mayor Mancini felt this information could be provided to renters, but not part of the lease agreement as this could lead to liability exposure.

Tom Kregg / Brighton Beach thanked Commissioner Bayard and Buddy Godschall, Sanitation Inspector for resolving various trash collection issues. He questioned the height of a new home that was under construction in the area of 56th Street and Long Beach Blvd. He asked for information on the bulkhead being constructed on the west-side of the public works yard. He was concerned with flooding in this area and asked that bulkheading be placed at adjacent street ends as well.

Mayor Mancini explained current and pending zoning regulations to Mr. Kregg as it applied to building height.

Commissioner Bayard discussed the bulkheading project with Mr. Kregg. He explained the bulkhead would help stem erosion and provide a visual block of the Public Works Yard in order to beautify the area for residents. The Commissioner assured Mr. Kregg he would research bulkheading adjacent street-ends, however these areas were regulated by the State of New Jersey as they have been designated as wetlands.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:30 p.m.

Motion: Knarre Ayes: Mancini, Bayard, Knarre

Second: Bayard Nays:

Lynda J. Wells, RMC
Deputy Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

William P. Knarre, Commissioner