

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS OCTOBER 19, 2012**  
**Flag Salute**

Meeting came to order: 4:00 p.m.

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

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

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 October 5, 2012 meeting and to approve the same as recorded in the minute book:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**AGENDA**

**ORDINANCES**

1. First Reading Ordinance 12-27C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS IN SECTION 64-3.G.(9)(D) PERTAINS TO PERMIT FEES.**

Municipal Clerk Lynda Wells explained the purpose of this ordinance was to set the administrative cost per permit for sub-code inspection fees performed by a private agency.

Motion to approve Ordinance 12-27C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**ADOPTIONS AND APPROVALS**

2. Resolution 12-1019.01: Approve various actions to water & sewer accounts

**RESOLUTION 12-1019.01**

**WHEREAS**, the following Water account requires a change in the 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:

| <b><u>BLOCK</u></b> | <b><u>LOT/QUAL</u></b> | <b><u>ACCT #/ACCT</u></b> | <b><u>YEAR</u></b> | <b><u>CANCEL/CHANGE</u></b> | <b><u>AMOUNT</u></b> |
|---------------------|------------------------|---------------------------|--------------------|-----------------------------|----------------------|
| 7.02                | 14                     | 2194-1                    | Water 2012         | Corrected meter reading     | \$2769.05            |

**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 12-1019.02: Authorize the Municipal Clerk to advertise for bids:

- One (1) bucket truck for the Department of Public Works
- Storm Watch Windows for the Township Municipal Complex

**RESOLUTION 12-1019.02**

**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 advertise for bids for the following:

- One (1) refurbished 1997 or newer F450 Super Duty Bucket Truck, 92,500 miles or less
- Purchase, delivery and onsite storage unit for Storm Watch Windows for the Township Municipal Complex

4. Resolution 12-1019.03: Authorize the purchase and storage of Storm Watch Windows for the entire Township Municipal Complex

**RESOLUTION 12-1019.03**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach do hereby deem it the best interest of the citizens for the health, safety and welfare and for the continuity of governmental services, and

authorize the entire Municipal Complex, along with the Public Safety Building be outfitted with Storm Watch Windows.

5. Resolution 12-1019.04: Approve personnel actions

**RESOLUTION 12-1019.04**

**BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach: Approve a Family Medical Leave of Absence (FMLA) for EJ effective retro-active to September 25, 2012

Approve the end of a paid Family Medical Leave of Absence for EJ effective retro-active to October 5, 2012.

Approve a paid intermittent Family Medical Leave of Absence (FMLA) for EJ effective retro-active to October 9, 2012.

**Police**

Hire the following as a part-time P.S. Telecommunicator trainee at the rate of \$10.00 per hour to be paid from Police Salary & Wage effective retro-active to October 10, 2012.

Brian Woodruff

Motion to approve Items 2 thru 5:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**PURCHASES, CONTRACTS AND AWARDS**

6. Resolution 12-1019.05: Award a professional service contract for Phase I of the Grounding & Lightening Protection Study and Optional Train Tower Report Review:  
RCC Consultants, LLC: NTE \$12,300.00

**RESOLUTION 12-1019.05**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH RCC CONSULTANTS, INC. FOR PHASE I GROUNDING AND LIGHTENING PROTECTION CONSULTING SUPPORT AND OPTIONAL TRAIN TOWER REPORT REVIEW FOR THE POLICE DEPARTMENT OF THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, Local Public Contracts Law, N.J.S.A. 40A:1 1-1 et. seq. provides that professional services are exempt from the requirement of public bidding; (N.J.S.A. 40A: 11-5(a)(i); and

**WHEREAS**, the statute further requires that where contracts are awarded without public bidding, notice of such contract shall be published at least one time in a newspaper circulating in the community; and

**WHEREAS**, the statute defines professional services as "services rendered by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training." (N.J.S.A. 40A:1 1-2(6)); and

**WHEREAS**, pursuant to their proposal dated September 5, 2012, RCC Consultants, Inc. shall provide Phase I (Needs Assessment /Plan Development) services in the amount of Eleven Thousand Three Hundred Dollars (\$11,300.00) as well as the optional Train Tower Report Review in the amount of One Thousand Dollars (\$1,000.00) for a total amount not to exceed Twelve Thousand Three Hundred Dollars (\$12,300.00); and

**WHEREAS**, RCC Consultants, Inc. completed and submitted Business Entity Disclosure and Political Contribution Disclosure Certifications which certify that they have not made any reportable contributions to a political or candidate committee in the Township of Long Beach in the previous one year, and that the contract will prohibit those listed from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach has determined that the aggregate value of services provided by RCC Consultants, Inc. may exceed \$17,500.00; and

**WHEREAS**, the Chief Financial Officer of the Township of Long Beach pursuant to N.J.A.C. 5:30-5.4., has certified the availability of funds for this project in the following accounts: Ordinance 12-26: Lightening Protection Phase Account # 1 C-04-56-105-901 in the amount of \$11,300.00; and Bldg & Grounds Contractual Account #2-01-26-310-029 in the amount of \$1,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, October 19, 2012 that the Mayor and Municipal Clerk shall and are hereby authorized to execute a contract, effective October 21<sup>st</sup> 2012 through December 31<sup>st</sup> 2012 with RCC Consultants, Inc., 100

Woodbridge Center Drive, Suite 201, Woodbridge, New Jersey, 07095, in accordance with the proposal dated September 5, 2012; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk shall send a notice of the professional service contract and have same published at least once in the official newspaper of the Township of Long Beach and shall keep the resolution and contract on file for public inspection.

7. Resolution 12-1019.06: Award a contract to Furnish and Deliver Gasoline, per Stafford Co-op: Petroleum Traders Corporation: mark-up margin of \$0.0727 for regular grade gasoline; \$0.0306 for mid-grade gasoline; and \$0.0479 for super grade gasoline

Municipal Clerk Lynda Wells noted this was a two year contract.

**RESOLUTION 12-1019.06**

**RESOLUTION AUTHORIZING A CONTRACT FOR THE SUPPLY AND DELIVERY OF GASOLINE FUEL BASED ON THE PROCUREMENT OBTAINED THROUGH THE STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM**

**WHEREAS**, Long Beach Township is a participating entity of the Stafford Township Cooperative Pricing System, Identifier #33-OCCPS-2012-006; and

**WHEREAS**, the Township wishes to utilize the Stafford Township Cooperative Pricing System to contract for the supply and delivery of gasoline fuel as may be required for various municipal vehicles; and

**WHEREAS**, the governing body deems this contract to be necessary for Township use, and is in the best interest of the Township; and

**WHEREAS**, Petroleum Traders Corporation, 7110 Pointe Inverness Way, Fort Wayne, IN 46804-7928 was the lowest qualified bidder (Bid #2012-006) whose bid agreed to extend its prices for the supply and delivery of gasoline to the Stafford Township Cooperative Pricing Members.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, October 19, 2012 that the Mayor and Municipal Clerk shall be and are hereby authorized execute a contract for the supply and delivery of gasoline as follows:

- Effective through October 18, 2014, with an option to extend said contract for one (1) two-year period, or two (2) one-year periods, for the supply and delivery of regular gasoline at a fixed margin of \$0.0727; mid-grade gasoline at a fixed margin of \$0.0306; and super gasoline at a fixed margin of \$0.0479. Should the renewal option be agreed to by both parties under the provisions of NJSA 40A:11-15, the index rate shall be the basis to determine the appropriate increase in the contract price.

8. Resolution 12-1019.07: Approve the purchase of three (3) radios for police vehicles, per state contract: WPCS International \$9,384.00

**RESOLUTION 12-1019.07**

**A RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) RADIOS FOR THE NEW POLICE VEHICLES FOR THE LONG BEACH TOWNSHIP POLICE 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**, WPCS International, Inc., 1985 Swarthmore Ave., Suite 4, Lakewood, NJ 08701 has been awarded New Jersey State Contract No. 53766 for Radio Communication Equipment and Accessories (Index #T-0109) effective January 1, 2003 through January 31, 2013; and

**WHEREAS**, the Commissioner of Public Safety 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 for the three (3) radios for the new police vehicles for the Township of Long Beach Police Department is Nine Thousand Three Hundred Eighty Four Dollars (\$9,384.00); and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract available as an appropriation created by: Police Maintenance of Motor Vehicles, Account #2-01-25-240-025 in the amount of \$9,384.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach that WPCS International, Inc., 1985 Swarthmore Ave., Suite 4, Lakewood, NJ 08701 hereby authorizes the purchase of three (3) radios for the new police vehicles for the Township of Long Beach Police Department in an amount not to exceed Nine Thousand Three Hundred Eighty Four Dollars (\$9,384.00).

9. Resolution 12-1019.08: Approve the purchase of various automotive supplies and services, per quote: Beach Haven Auto

**RESOLUTION NO. 12-1019.08**

**RESOLUTION REGARDING LOCAL PUBLIC CONTRACTS  
LAW**

**FIRST WHEREAS**, the Public Works Department in the Township of Long Beach has upon occasion the need to acquire, on short notice, certain goods and materials which have not been advertised for bidding; and

**SECOND WHEREAS**, these items are commonly stocked items by Beach Haven Auto Parts, providing certain supplies and services and other materials to be purchased by the Public Works Department in the Township of Long Beach; and

**THIRD WHEREAS**, the provisions of the New Jersey Local Public Contracts Law provide for specifics on bidding and bid thresholds but further provides that where the bid threshold is not met purchases may be made without public bidding provided quote solicitations are secured prior to making a purchase.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday October 19, 2012 that Public Works Department shall be and are hereby advised that where they need to purchase materials, goods, supplies and equipment which does not meet the bid threshold, and is of an urgent nature, they nonetheless must receive and record quotations from at least three (3) vendors and acquire the product from the lowest quote; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Clerk of the Township of Long Beach as a true copy shall be forwarded to the Long Beach Township Public Works Department and all employees in that department who may be required to make purchases.

Motion to approve Items 6 thru 9:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**FINANCIAL APPROVALS**

10. Resolution 12-1019.09(a-c): Approve the following:

- a) Accept Performance Bond; LUB 17-12, Block 12.20 Lots 14.01 & 14.02; \$31,130.00
- b) Approve the release of the Performance Bond for LUB 6-04, Block 12.20 Lot 14; \$22,704.00
- c) Accept Performance Bond; LUB 11-12-PF; Block 11.35, Lot 28; \$20,212.50

**RESOLUTION 12-1019.09(a)**

**WHEREAS**, the Township of Long Beach has received from F & W Partners, LLC, Cashier's Check #2438290 drawn on Bank of America, dated October 3, 2012 in the amount of Thirty One Thousand One Hundred Thirty Dollars (\$31,130.00), representing the required Performance Bond for Minor Subdivision #LUB-17-12, Block 12.20, Lots 14.01 & 14.02 (16 E. Sailboat Drive, Long Beach Blvd., Peahala Park, NJ).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach accepts this bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

**RESOLUTION 12-1019.09(B)**

**WHEREAS**, the Township of Long Beach received from Randy & Yvonne Reitz, Bond No. 1003149 in the amount of \$16,512.00 from Lexon Insurance Company, and Certified Check #0314 drawn on Commerce Bank in the amount of \$6,192.00 representing the required Performance Bond amount of \$22,704.00 for Minor Subdivision, Application LUB-6-04, Block 12.20, Lot 14, (12 & 16 E. Sailboat, Peahala Park, NJ) pursuant to Resolution 04-1119.11 dated November 19<sup>th</sup> 2004; and

**WHEREAS**, Long Beach Township approved the following extensions of this performance bond pursuant to various inspections by the Township Engineer who determined that certain work had not been satisfactorily completed;

- Resolution 07-1214.09(a) through November 17, 2008
- Resolution 08-1107.14 through November 7, 2009

- Resolution 10-0205.10(a) through February 5, 2011
- Resolution 11-0304.11(a) through March 4, 2012
- Resolution 12-0720.12(a) through July 20, 2013

**WHEREAS**, a new application for a minor subdivision has been submitted and a new Performance Bond has been accepted for this property pursuant to Resolution 12-1019.09(a).

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

**RESOLUTION 12-1019.09(c)**

**WHEREAS**, the Township of Long Beach has received from ACME Markets, Inc., a Performance Surety Bond drawn on Fidelity and Deposit Company of Maryland in the amount of Fourteen Thousand Seven Hundred Dollars (\$14,700.00) and check #05710108 drawn on Supervalu, Inc., Wachovia Bank, N.A. dated September 27, 2012 in the amount of Six Thousand Seven Hundred Ninety Eight Dollars and Seventy Five Cents (\$6,798.75), in payment of a portion of the required Performance Bond (\$5,512.50) and also for the required inspection fee of (\$1,286.25) for subdivision #LUB-11-12-PF, Block 11.35, Lot 28 ( Long Beach Blvd., Beach Haven Gardens, NJ).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach accepts this bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

11. Resolution 12-1019.10: Approve an amendment to Resolution 12-0921.09(b) to correct a typographical error.

**RESOLUTION 12-1019.10**

**WHEREAS**, pursuant to Resolution 12-0921.09(b), passed at a public meeting of the Board of Commissioners on September 21, 2012, a Chapter 159 for the 966 Reimbursement Grant (2013) for an emergency generator in the amount of \$45,000.00 was approved; and

**WHEREAS**, due to a typographical error, the matching funds in the amount of \$40,000 were not included in that resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach hereby amend Resolution 12-0921.09(b) to include the Local Match of \$40,000.00 for the Chapter 159 to 966 Reimbursement Grant (2013) Emergency Generator.

12. Resolution 12-1019.11: Authorize the cancellation of General Capital Improvement Appropriation Balance

**RESOLUTION 12-1019.11**

**WHEREAS**, a General Capital Improvement appropriation balance shall be formally cancelled; and

**WHEREAS**, it is necessary to formally cancel said balance as this project was approved by New Jersey Infrastructure Trust for funding.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach that the following unexpended and dedicated balance of a General Capital Appropriation be cancelled effective October 19, 2012:

| <b><u>ORDINANCE NO.</u></b> | <b><u>PROJECT DESCRIPTION</u></b>     | <b><u>AMOUNT CANCELLED</u></b> |
|-----------------------------|---------------------------------------|--------------------------------|
| 12-17                       | Improvements to Public Works Facility | \$ 700,000.00                  |
|                             | <b>TOTAL</b>                          | <b>\$ 700,000.00</b>           |

13. Resolution 12-1019.12: Approve Bills & Payroll  
 Bills in the amount of: \$484,819.18  
 Payroll in the amount of: \$373,362.10

**RESOLUTION 12-1019.12**

**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 \$373,362.10

**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 \$484,819.18 be and the same are hereby authorized to be paid on October 19, 2012.

2. The said approved payroll amounting to the sum of \$373,362.10 be and the same are hereby authorized to be paid on October 19, 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 10 thru 13:

Motion: Lattanzi Ayes: Bayard, Mayor Mancini (invoked the Doctrine of Necessity)

Abstain: Lattanzi (from a voucher for Meridian Corp)

Nays:

**Mayor Mancini** stated the Treasurer's Report for the month of September was on file in the Municipal Clerk's Office.

#### **COMMISSIONERS' REPORTS**

**Commissioner Lattanzi** announced the Health Department would be holding multiple flu clinics and encouraged all to get a flu shot.

**Commissioner Bayard** announced the Township access road in Holgate was open but the Wildlife Refuge was closed to vehicles.

**Mayor Mancini** announced the next meeting of the Board of Commissioners would take place on Friday, November 2, 2012 at which time a public hearing would be held for Ordinance 12-27C.

**Mayor Mancini** also announced the next regular meeting of the Land Use Board would be held on Wednesday November 14, 2012 at 7:00 p.m. in the 2<sup>nd</sup> floor multi-purpose room.

**Mayor Mancini** stated that Election Day was November 6<sup>th</sup>, stating Long Beach Twp. had three polling places, District 1 – Public Safety Bldg, Court Room; District 2 – First United Methodist Church, BH Terrace; and District 3 – LBI Foundation of the Arts & Sciences. Polls would be open from 6 AM to 8 PM

**Mayor Mancini** also reported from the Police Department that Long Beach Township had been designated a Storm Ready Community since 2003. The Office of Emergency Management reported that the Department of Commerce and National Weather Service had announced that Long Beach Township remains a Storm Ready Community. The renewal process was done by Patrolman James Hartmann the Deputy Coordinator OEM for Long Beach Township. The benefits of being designated as a Storm Ready Community were:

1. The community was better prepared for severe weather events
2. The community was educated on preparation standards
3. Weather information was received and disseminated to the community immediately
4. The Township was better prepared to safeguard lives and property during these critical events.

**Mayor Mancini** also stated that in addition the designation may benefit those that qualify for flood insurance at reduced rates.

**Mayor Mancini** also stated the Police Department wanted to remind the public that Beach Buggy Permits were required and may be purchased at the Long Beach Police station 24 hours a day. Please use caution while driving speed permitted on beach is 15 MPH. The Long Beach Police were continually investigating crimes involving fraud: these were primarily through the internet, mail and telephonic mediums. They urged residents to please take every precaution to limit their exposure in becoming a victim-report any suspicious emails to the police at 609-494-3322. Useful information and helpful hints regarding precautions and safety could be found on LBTPD.ORG

**OPEN PUBLIC SESSION**

**Bill Hutson**, Holgate reported that he was continuing to contact property owners to sign the easements in Holgate for the Beach Replenishment Project. He also reported he would like to expand the dune grass planting next year, noting he would coordinate plans with Angela Andersen.

**CLOSE PUBLIC SESSION**

Motion for adjournment at: 4:16 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