

RD OF COMMISSIONERS OCTOBER 22, 2010

Flag Salute

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

Also in attendance: Bonnie M. Leonetti, Municipal Clerk, Administrator
Lynda J. Wells, 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 December 30th 2009; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the October 8th 2010 meeting and to approve the same as recorded in the minute book:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

AGENDA

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 10-47C: 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 205 PERTAINS TO ZONING

Bonnie M. Leonetti, Municipal Clerk, Administrator explained this ordinance, approved by the LUB, addressed mixed use and also the posting of various signs in relation to easements.

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

ORDINANCE NO. 10-47C

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 160 PERTAINS TO CONSTRUCTION AND REAL ESTATE SIGNS AND IN CHAPTER 205 AS PERTAINS TO ZONING.

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to provide in §205-2 the definition section, a definition for Mixed Use. Mixed Use is defined as a use, in a single building, combining commercial enterprise and residential use. Also it provides in §205-42A a provision to permit Mixed Commercial and Residential Use in the Commercial Zone, and in §205-42C to provide yard space requirements for Mixed Use. The Ordinance also repeals the language in Section 205-45 paragraph A(2) which permits advertising signs in residential zones. This Ordinance also provides in Section 160-24A and Section 160-24Q for the installation of real estate and construction signs at the intersection of an easement granting access to the real estate with the public road or street on which said easement terminates.

SECTION I

§205-2 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by inserting between the definitions of Marina and Model Home the following:

Mixed Use--is a combination of commercial and residential use in a single building, generally the residential portion being on the second story of a building which is occupied as a commercial use on the first floor.

SECTION II

§205-42A of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby further amended by the addition of a new Section as follows:

(20) Mixed Use Buildings

SECTION III

§205-42C of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby further amended by the addition of a new number 5 as follows

(5) Mixed Use Buildings shall be subject to the area and yard requirements hereinabove set forth in paragraphs 1 through 4 inclusive. And also in number 3 say an attached group of stores of Mixed Uses.

SECTION IV

§205-45A(2)and (4) of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**"are hereby repealed and in §205-45A, of that Ordinance, paragraph 3 is renumbered to be (2).

SECTION V

§160-24A 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 of a new sub-section (1) as follows:

(1) Where work is being done on a property on a private easement having no frontage on any public street or thoroughfare Construction signs are also permitted as

Graph "A" are also permitted in the site triangle where the public street or right of way provided that such signs conform with the requirements of §205-6.

SECTION VI

§160-24Q 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 of new sub-section (2) as follows:

(2) One real estate sign advertising a property located on a private easement and having no frontage on any public street or thoroughfare advertising a property on the private easement "For Sale" or "For Rent" is permitted in the site triangle where the private easement meets the public street or right of way provided that it conforms with the requirements of §205-6.

SECTION VII

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

SECTION VIII

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 according to law the remainder of the Ordinance shall remain in full force and effect.

SECTION IX

This Ordinance shall take effect upon publication thereof after final passage

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 10-47C on Second Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

2. First Reading Ordinance 10-49C: 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 PERTAINS TO BEACHES

Bonnie M. Leonetti, Municipal Clerk, Administrator stated both pre-season and seasonal beach badges would increase in cost by \$5.00 each for the 2011 summer season.

Motion to approve Ordinance 10-49C on First Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

3. First Reading Ordinance 10-50C: 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 47 PERTAINS TO ANIMALS.

Bonnie M. Leonetti, Municipal Clerk, Administrator advised this would prohibit the feeding of unconfined wildlife on private property so as not to interfere with neighboring premises.

Motion to approve Ordinance 10-50C on First Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS AND APPROVALS

4. Resolution 10-1022.01: Approve various changes to Water Accounts

RESOLUTION 10-1022.01

WHEREAS, the following Water account require 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 these changes be made as follows:

Blk:	Lot:	Acct:	Year:	Cancel/Change
Amount:				
15.115	11	5979-0 Water	2010	Credit hosebib per fixt count 29.00
15.115	11	5979-0 Water	2009	Credit hosebib per fixt count 27.00

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 these changes.

5. Resolution 10-1022.02: Approve the sale of pre season beach badge certificates for the 2011 beach season beginning Nov. 1st.

RESOLUTION 10-1022.02

WHEREAS, the holiday season is upon us once again; and

WHEREAS, the Long Beach Township Board of Commissioners did foster the good will of the holiday season in 2009 by facilitating the sale of pre season beach badge gift certificates for the 2010 beachgoers; and

WHEREAS, the Long Beach Township Governing Body wishes to again foster the goodwill of the holiday season and to facilitate the sale of pre-season holiday gift certificates for 2011 beachgoers; and

The Board of Commissioners of the Township of Long Beach, in the amount of Thirty Dollars (\$30.00) each shall be available for purchase beginning November 1, 2010.

Bonnie M. Leonetti, Municipal Clerk, Administrator noted this related to Ordinance 10-49C which set the cost for each badge.

6. Resolution 10-1022.03: Authorize a date change for a special event: Jetty Clam Jam
RESOLUTION 10-1022.03

WHEREAS, the following event, previously approved by the Board of Commissioners pursuant to Resolution 10-0910.01, to be held on October 17th was postponed due unfavorable surf conditions; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach approves the below-listed event for the following dates:

- Jetty Clam Jam: (1) day Surf Festival in Holgate on a Saturday or Sunday contingent upon favorable surf / wave conditions shall be held either on October 30th, 31st, November 7th, 13th, 14th, 20th, 21st, 27th, or 28th. Permission is granted for use of the Holgate Parking Lot and Public Bathrooms (subject to availability), and the erection of various tents and scaffolding during the Festival.

Motion to approve Items 4 - 6:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

7. Resolution 10-1022.04: Approve an agreement for a Local Government Energy Audit:
CHA: \$15,298.00 to evaluate / audit energy saving opportunities for the Police Dept & the Municipal Complex. Costs are reimbursable thru the NJ Clean Energy Program.

RESOLUTION 10-1022.04

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT TO CONDUCT A LOCAL GOVERNMENT ENERGY AUDIT OF THE POLICE BUILDING AND THE MUNICIPAL COMPLEX IN THE TOWNSHIP OF LONG BEACH

WHEREAS, pursuant to Resolution 08-1219.02, the Township of Long Beach Police approved the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities; and

WHEREAS, an Application Approval Notice was received by the Township from TRC Energy Services, the commercial and industrial market manager for New Jersey's Clean Energy Program, dated September 9, 2010; and

WHEREAS, the Township of Long Beach received four (4) proposals from audit firms approved under State Contract #T2545 and authorized to perform energy audits; and

WHEREAS, the proposals were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that CHA, Inc. provided the lowest proposal in accordance with the specifications, said proposal, dated April 21, 2010, in the amount of Fifteen Thousand Two Hundred Ninety Eight Dollars (\$15,298.00); and

WHEREAS, it is in the public interest of the Township of Long Beach to award a contract to CHA, Inc. to perform an energy audit on the Police Department and the Municipal Complex at a rate of Seven Thousand Six Hundred Forty Nine Dollars (\$7,649.00) per building; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by NJ Clean Energy Program Grant Account # G-02-40-724-001.

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 22nd day of October 2010 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with:

CHA, Inc.
6 Campus Drive
Parsippany, NJ 07054-4406

in an amount not to exceed Fifteen Thousand Two Hundred Ninety Eight Dollars (\$15,298.00) to perform an energy audit on the Police Department and the Municipal Complex under State Contract #T2545.

8. Resolution 10-1022.05: Award a contract for fuel oil, per Cooperative Pricing Agreement (with the Township of Stafford); Pedroni Fuel Co.: Diesel (summer & winter) and SuperGasoline

RESOLUTION 10-1022.05

RESOLUTION AUTHORIZING A CONTRACT FOR THE SUPPLY AND DELIVERY OF SUPER GASOLINE AND DIESEL FUEL BASED ON THE BID PROCURED BY THE STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM

WHEREAS, Long Beach Township is a participating entity of the Stafford Township Cooperative Pricing System, Identifier #33-OCCP-2010-036; and

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

this contract to be necessary for Township use, and is

WHEREAS, [redacted] was the lowest qualified bidder whose bid agreed to extend its prices for gasoline and diesel fuel to the Stafford Township Cooperative Pricing
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, October 22, 2010 that the Mayor and Municipal Clerk shall be and are hereby authorized to execute contracts as follows:

1. Effective through October 18, 2012, with an option to extend said contract for one (1) two-year period (10/18/2012 through 10/17/2014), for super gasoline pursuant to the bid specifications at the bid price of \$.00574 (fixed margin). Should the renewal option be agreed to by both parties under the provisions of N.J.S.A. 40A:11-15, the index rate shall be the basis to determine the appropriate increase in the contract price.
2. Effective through October 18, 2011 and pursuant to Bid #2009-021 specifications for ultra low sulfur diesel fuel at the bid price of \$.0470 (fixed margin) with an addition of \$.0050 for diesel winter blend.
9. Resolution 10-1022.06: Award various contracts, per bid:
 - a. Video Pipe Services: for the cleaning and video inspection of the sanitary sewer system; \$130,524.72

RESOLUTION 10-1022.06

A RESOLUTION AWARDING A CONTRACT FOR THE 2010 CLEANING AND VIDEO INSPECTION OF THE SANITARY SEWER SYSTEM IN THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach has solicited bids for the 2010 cleaning and video inspection of the sanitary sewer system in the Township of Long Beach; and

WHEREAS, it is in the opinion of the Board of Commissioners of the Township that the lowest qualified bid be accepted for same; and

WHEREAS, Video Pipe Services, Inc. gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract available as an appropriation created by Ordinance 10-15 authorizing the removal/replacement of sewer pipes NJEIT, Account #U-08-55-937-901.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 22nd day of October 2010, for the reasons aforesaid, that a contract be and is hereby awarded to:

Video Pipe Services, Inc.
1566 Harding Highway
Newfield, NJ 08344-5220

for the 2010 cleaning and video inspection of the sanitary sewer system in the Township of Long Beach in an amount not to exceed One Hundred Thirty Thousand Five Hundred Twenty Four Dollars and Seventy Two Cents (\$130,524.72) as per the bid received October 19th 2010.

Motion to approve Items 7 - 9:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

10. Resolution 10-1022.07: Approve the 2009 Annual Audit

Bonnie M. Leonetti, Municipal Clerk, Administrator stated the audit was available for review in the clerk's office.

RESOLUTION 10-1022.07

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 2009 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



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Bonnie M. Leonetti, RMC, CMC
Municipal Clerk, Administrator

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

William P. Knarre, Commissioner