

MINUTES

MINUTES REGULAR SESSION BOARD OF COMMISSIONERS NOVEMBER 30, 2007

Flag Salute

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

Clerk called the roll: Mayor DiAnne C. Gove PRESENT
Commissioner Robert A. Palmer PRESENT
Commissioner Ralph H. Bayard PRESENT
Also in attendance: Bonnie M. Leonetti, 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 December 6, 2006; the PRESS OF ATLANTIC CITY on December 8, 2006; the ASBURY PARK PRESS on January 4, 2007; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting and to approve the same as recorded in the minute book:

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

AGENDA

ADOPTIONS, APPROVALS

1. Resolution 07-1130.01: Establish a gift certificate program:
For the sale of 2008 pre-season beach badges in
December 2007

RESOLUTION 07-1130.01

WHEREAS, it has come to the attention of the Board of Commissioners of the Township of Long Beach that adjacent Island municipalities have offered gift certificates to the public for the sale of the subsequent year's pre-season beach badges during the month of December; and

WHEREAS, the Long Beach Township Governing Body wishes to foster the goodwill of the holiday season and to facilitate the sale of pre-season beach badges for 2008 beachgoers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that gift certificates, in the amount of Twenty Five Dollars (\$25.00) each, for the sale of the upcoming year's pre-season beach badges shall be available for purchase during the month of December 2007.

Mayor Gove explained the new program and noted information was also available on the Township website, the local television station, and from the Beach Patrol.

2. Resolution 07-1130.02: Appoint CDBG Representatives for 2008:
Andrew Baran (designee) and Lynda Wilkie (alternate)

RESOLUTION 07-1130.02

WHEREAS, the Ocean County Department of Economic Development has requested, pursuant to a Cooperative Agreement between the County of Ocean and the Municipality of the Township of Long Beach, that a representative and/or an alternate be appointed to serve on the Community Development Block Grant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Andrew Baran be and he hereby is appointed as Community Development Block Grant Representative for the year 2008 and that Lynda J. Wilkie, Deputy Municipal Clerk, be and she hereby is appointed the Alternate for the year 2008.

3. Resolution 07-1130.03: Approve Executive Session & Public Meeting dates
through May 2008

RESOLUTION 07-1130.03

NOTICE

Pursuant to Chapter 231, P.L. 1975, PUBLIC NOTICE IS HEREBY GIVEN that the Board of Commissioners of the Township of Long Beach may hold daily work sessions Monday, Tuesday, Wednesday, Thursday and Friday of each week. Executive Sessions in the Mayor's Office of the Long Beach Township Municipal Administrative Building, and Regular Meetings in the Public Safety Building, 6805 Long Beach Boulevard, Brant Beach NJ will be held on the following dates and times:

Executive Sessions

Jan. 2, 2008	9:30 AM		January 15, 2008	9:30 AM
Feb. 6, 2008	9:30 AM		Feb. 20, 2008	9:30 AM
March 5, 2008	9:30 AM		March 18, 2008	9:30 AM
April 2, 2008	9:30 AM		April 16, 2008	9:30 AM
April 30, 2008	9:30 AM		May 21, 2008	9:30 AM

The agenda, to the extent known for the Executive Sessions shall be:

1. Call the meeting to order;
2. Discussion of new business;
3. Discussion of old business;
4. Adjournment.

MINUTES

No formal action will be taken at the Executive Sessions.

Regular Public Meetings

Jan. 4, 2008	4:00 PM		Jan. 18, 2008	4:00 PM
Feb. 8, 2008	4:00 PM		Feb. 22, 2008	4:00 PM
March 7, 2008	4:00 PM		March 20, 2008	4:00 PM
April 4, 2008	4:00 PM		April 18, 2008	4:00 PM
May 2, 2008	4:00 PM		Reorganization: May 20, 2008	12:00 PM
May 23, 2008	4:00 PM			

The agenda, to the extent known, for the Regular Meetings shall be:

1. Call the meeting to order;
2. Approval of the minutes;
3. Disposition of old business;
4. Disposition of new business;
5. Adjournment.

Formal action will be taken on matters placed before the Board of Commissioners at Regular Meetings.

Mayor Gove stated this information would be published in the newspaper and noted on the Township website.

4. Resolution 07-1130.04(a&b): Approve personnel actions
 - a. Routine actions
 - b. Designate February 11, 2008 as Lincoln's Birthday observance

RESOLUTION 07-1130.04(a)

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

FINANCE

Change Elizabeth Jones' title to Chief Financial Officer / Municipal Treasurer each in part time capacities according to DOP regulations effective November 30, 2007.

PUBLIC WORKS

Approve a paid Leave of Absence for George Rhubarb using accumulated vacation and sick days effective retro-active to November 7, 2007 with the exception of November 19 thru November 27 using bereavement days.

RESOLUTION 07-1130.04(b)

WHEREAS, it is the policy of Long Beach Township to observe Lincoln's Birthday as one of its annual employee holidays; and

WHEREAS, in 2008 this holiday falls on Tuesday, February 12th.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that they do and hereby declare that Monday, February 11th 2008 Long Beach Township offices shall be closed to observe Lincoln's Birthday thereby creating

5. Resolution 07-1130.05: Authorize settlement of litigation:
Campana *et ux* v. Long Beach Township: \$5,000.00

RESOLUTION 07-1130.05

WHEREAS, the Township of Long Beach was sued by Peter D. and Margaret C. Campana; and
WHEREAS, after extensive negotiation, the plaintiff agreed to accept the sum of \$5,000.00 in settlement of all claims; and

WHEREAS, the Board of Commissioners of the Township of Long Beach deems the settlement, which is made without admission of liability or fault, an economic benefit to the Township.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, at a regular meeting held Friday, November 30, 2007, hereby authorizes the Township Solicitor to settle the matter without concession of liability or fault and tender to the plaintiff through their counsel, Richard B. Supnick, Esq., the sum of \$5,000.00.

Motion to approve Items 1 - 5:

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

CONTRACTS AND AWARDS

6. Resolution 07-1130.06: Award a contract for computer equipment,
per state contract: Tektron \$10,394.56

RESOLUTION 07-1130.06

AUTHORIZE A CONTRACT WITH TEKTRON CORPORATION FOR THE PURCHASE OF ONE (1) MACOM VJVT3H VOTER FOR THE POLICE DISPATCH SYSTEM OF THE TOWNSHIP OF LONG BEACH, PER STATE CONTRACT

MINUTES

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, Tektron Corporation, 6845 Westfield Avenue, Pennsauken, NJ 08110 has been awarded New Jersey State Contract No. 53752 for Radio Communication Equipment and Accessories effective January 1, 2003 to March 31, 2008; 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 to purchase one (1) Macom VJVT3H Voter for the Police Dispatch System is Ten Thousand Three Hundred Ninety Four Dollars and Fifty Six Cents (\$10,394.56); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in the appropriation created by: Interlocal Police Other Expenses.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Tektron Corporation be awarded a contract for the purchase of one (1) Macom VJVT3H Voter in an amount not to exceed Ten Thousand Three Hundred Ninety Four Dollars and Fifty Six Cents (\$10,394.56).

Mayor Gove advised this was for the Police Department radio dispatch system.

7. Resolution 07-1130.07(a-c): Award various contracts, per quote:
 - a. Handicapped accessible door operators (2006 CDBG project):
Besam Automated Entrance Systems Corp: \$8,475.00
 - b. TVSS surge protection for the Police Department:
Alan's Electric: \$6,400.00
 - c. Leak detection equipment for the W/S Dept., as required by the State of New Jersey:
Fluid Conservation Systems, Inc.: \$15,090.00

RESOLUTION 07-1130.07(a)

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE, INSTALLATION AND WARRANTY OF FOUR (4) SWING DOOR OPERATORS AND EIGHT (8) PUSH PLATES FOR THE PUBLIC WORKS DEPARTMENT IN THE TOWNSHIP OF LONG BEACH, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotes for the purchase, installation, and warranty of four (4) swing door operators and eight (8) push plates for the Municipal Court doors and the handicapped entrance to the Long Beach Township Municipal Complex pursuant to the 2006 Community Development Block Grant awarded to Long Beach Township; and

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

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

WHEREAS, Besam Entrance Solutions Northeast gave the lowest qualified quote; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Ordinance 07-03: Handicapped access doors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 30th day of November 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Besam Entrance Solutions Northeast
92 N. Main Street, P.O. Box 519
Windsor, NJ 08561

for the purchase, installation, and warranty of four (4) swing door operators and eight (8) push plates for the Municipal Court doors and the Long Beach Township Municipal Complex handicapped entrance in an amount not to exceed Eight Thousand Four Hundred Seventy Five Dollars (\$8,475.00) as per quotation #10752 received September 26, 2007.

RESOLUTION 07-1130.07(b)

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO SUPPLY AND INSTALL FULL SERVICE TVSS PROTECTION DEVICES ON PANEL BOARDS IN THE LONG BEACH TOWNSHIP POLICE DEPARTMENT, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotes for the supply and installation of Full Service TVSS Protection Devices on the panel boards in the Long Beach Township Police Department for electrical surge protection; and

WHEREAS, in response to the solicitation of quotations, two (2) quotes were received; and

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

WHEREAS, Alan's Electric, LLC gave the lowest qualified quote; and

MINUTES

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Ordinance 07-04: Improvements to the Municipal Complex.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 30th day of November 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Alan's Electric, LLC
66 Parker Street
Manahawkin, NJ 08050

for the supply and installation of Full Service TVSS Protection Devices on the panel boards in the Long Beach Township Police Department for electrical surge protection in an amount not to exceed Six Thousand Four Hundred Dollars (\$6,400.00) as per quotation #34 received August 24, 2007.

RESOLUTION 07-1130.07(c)

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE AND WARRANTY OF ONE (1) SOUND-SENS i (3-POD SYSTEM) AND A TWO (2) DAY TRAINING CLASS FOR THE LONG BEACH TOWNSHIP WATER/SEWER DEPARTMENT, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotes for the purchase and warranty of one (1) Sound-Sens i (3-pod System) for leak detection and a two (2) day training class for the Long Beach Township W/S Department as mandated by the State of New Jersey; and

WHEREAS, in response to the solicitation of quotations, two (2) quotes were received; and

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

WHEREAS, Fluid Conservation Systems, Inc. gave the lowest qualified quote; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Ordinance 07-04: Water/Sewer Other Expenses.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 30th day of November 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Fluid Conservation Systems, Inc.
2001 Ford Circle, Suite F
Milford, OH 45150

for the purchase and warranty of one (1) Sound-Sens i (3-pod System) for leak detection and a two (2) day training class for the Long Beach Township W/S Department as mandated by the State of New Jersey in an amount not to exceed Fifteen Thousand Ninety Dollars (\$15,090.00) as per quotation #7,609 received November 26, 2007.

Motion to approve Items 6 & 7:

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

FINANCIAL APPROVALS

8. Resolution 07-1130.08(a-c): Approve various actions regarding Performance & Maintenance Bonds:

- a. Release Performance Bond & Accept Maintenance Bond:
LUB 32-04, Blk 7.21 Lots 6 & 7
- b. Release Performance Bond:
LUB 39-05, Blk 11.12 Lots 5,7, & 8
- c. Release Performance Bond:
LUB 40-05, Blk 4.39 Lots 1,2,3, & 3.01

RESOLUTION 07-1130.08(a)

WHEREAS, pursuant to Resolutions 04-0907.12(b) and 06-1117.03(a) the Township of Long Beach received from Shore Prospects, LLC , Check No. 318897 in the amount of \$23,375.00 drawn on Brown Brothers Harriman and Co., as the required Performance Bond for Subdivision #LUB-32-04, Block 7.21, Lots 6 & 7 (127 & 131 E. New Jersey Avenue, Beach Haven Terrace, NJ); and

WHEREAS, the municipal engineer inspected Subdivision #LUB-9-06 and certified the release of the Performance Bond and the retention of a Maintenance Bond in the amount of \$1,687.50.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby releases the amount of \$23,375.00 plus interest representing the required Performance Bond for the above mentioned property, and retains the amount of \$1,687.50 as the Maintenance Bond per the certification and recommendation of the Township Engineer.

RESOLUTION 07-1130.08(b)

WHEREAS, the Township of Long Beach accepted from Erik Johnson pursuant to Resolution 05-1216.09(a), cashier's check #123549 drawn on Bank of America in the amount of Three Thousand Six Hundred Thirty Dollars (\$3,630.00), as a Performance Bond for Subdivision No. LUB-39-05, Block 11.12, Lots 5, 7 & 8, 117 East Kansas Ave., Beach Haven Park, NJ; and

WHEREAS, upon final inspection by Municipal Engineer Frank J. Little, Jr., PE, PP, CME it was determined that a Maintenance Bond would not be required for this subdivision.

MINUTES

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners authorize the release, as per the recommendation and certification of the Municipal Engineer, of the Performance Bond in the amount of Three Thousand Six Hundred Thirty Dollars (\$3,630.00).

RESOLUTION 07-1130.08(c)

WHEREAS, pursuant to Resolution 05-1228.06, the Township of Long Beach received from Robert A. Lipinski Cashier's Check No. 100166809 in the amount of \$8,800.00 drawn on Hudson United Bank, as the required Performance Bond for Subdivision #LUB-40-05, Block 4.39, Lots 1,2,3 & 3.01 (1904 - 1912 Bay Terrace, North Beach Haven, NJ); and

WHEREAS, upon final inspection by Municipal Engineer Frank J. Little, Jr., PE, PP, CME it was determined that 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 \$8,800.00 plus interest representing the required Performance Bond for the above mentioned property, per the certification and recommendation of the Township Engineer.

9. Resolution 07-1130.09: Approve various transfers of budget appropriations

Mayor Gove noted transfers were statutorily allowed in November and December of each year.

RESOLUTION 07-1130.09

WHEREAS, the statutes provide for the making of appropriation transfers between the period of November 1, 2007 and December 31, 2007; and

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, desires to make Appropriation Transfers.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following transfers of appropriations be and they hereby are made:

CURRENT FUND			
FROM:	DEPT	ACCOUNT #	AMOUNT
Legal	O/E	7-01-20-155-028	\$15,000.00
Feasibility Study	O/E	7-01-20-157-029	650.00
Engineering	O/E	7-01-20-165-028	15,000.00
Construction code	O/E	7-01-22-195-100	10,000.00
Beach Badge	O/E	7-01-28-381-100	2,500.00
Cele of Publ Events	O/E	7-01-30-420-100	5,000.00
Street Lighting	O/E	7-01-31-435-000	9,000.00
Gasoline	O/E	7-01-31-447-000	8,000.00
Streets & Roads	S/W	7-01-26-290-011	17,000.00
Public Works	S/W	7-01-26-302-011	45,000.00
Sanitary Landfill	O/E	7-01-26-306-029	9,950.00
Beach Erosion	O/E	7-01-26-311-100	2,000.00
			\$139,100.00
TO:	DEPT:	ACCT#	AMOUNT
Group Insurance	O/E	7-01-23-220-000	\$137,100.00
Public Works	O/E	7-01-26-302-100	2,000.00
			\$139,100.00
Water/Sewer			
From:			
Water/Sewer	O/E	7-09-55-549-100	\$3,015.00
To:			
I/L Water: Surf City	O/E	7-09-55-549-203	\$3,015.00

10. Resolution 07-1130.10:

Approve Bills & Payroll

Bills in the amount of: \$2,065,987.73

Payrolls in the amount of: \$ 703,659.75

RESOLUTION 07-1130.10

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

MINUTES

WHEREAS, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$703,659.75.

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 \$2,065,987.73 be and the same are hereby authorized to be paid on November 30, 2007.

2. The said approved payroll amounting to the sum of \$703,659.75 be and the same are hereby authorized to be paid on November 30, 2007.

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.

Mayor Gove stated Long Beach Island and Southern Regional School District taxes were included for payment in the above Bills total.

Motion to approve Items 8 - 10:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Mayor Gove stated the Tax Collector and Treasurers' Reports for the month of October 2007 were on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Bayard provided information regarding dune fencing in the Holgate area of Long Beach Township, and holiday lighting for the municipal complex area. He was anticipating the receipt of an investigative report from the Personnel Attorney, Robert Greitz, as well as a report regarding beach safety in Long Beach Township. He advised he also would like additional information on the report regarding discrepancies in Beach Patrol funds prepared by the Municipal Auditor, William E. Antonides and Company.

Commissioner Palmer was waiting for a review by the North Shore Life Saving Association regarding beach safety in Long Beach Township. He explained the events that led to the audit into the Beach Patrol funding shortfall.

Mayor Gove announced the next meetings of the Board of Commissioners and the Land Use Board.

OPEN PUBLIC SESSION

Bill Knarre / Brant Beach asked for an explanation as to why a large amount of money was transferred into the Water/Sewer Department pursuant to Resolution 07-1109.10.

Robert Irvine / Beach Haven Crest asked Commissioner Palmer numerous questions regarding a memorandum composed in June 2007 concerning discussion between Beach Supervisor Don Myers, Commissioner Ralph Bayard and media representatives. He further questioned Commissioner Palmer about various public record documents he had obtained from Long Beach Township. He noted his concern that the Commissioner was not able to perform the duties of his elected office adequately. He read aloud a letter from a member of the LBT 10 Taxpayers Association that expressed their sentiments concerning the Beach Patrol audit and the manner in which it was conducted. Mr. Irvine requested a re-allocation of areas of responsibility and supervision for each Commissioner. He asked that a copy of the Master Plan draft be posted on the Township website, and a free copy be provided to members of the public upon request.

Richard J. Shackleton, Esq. advised Mr. Irvine that the June 2007 memorandum pertained to an active investigation, and therefore an employee could be directed not to speak with media representatives, Commissioners, or other employees.

Mayor Gove stated the re-allocation of areas of responsibility and supervision for each Commissioner would not be decided at this time. She advised the Master Plan draft was currently a proposed document that could be viewed in the Land Use Board office or purchased in draft form. She stated the final plan would be posted on the Township website.

Rick Jones / North Beach Haven was disappointed that Commissioners Bayard and Palmer voiced their disagreements during the meeting. He felt such discussions should not take place in a public forum.

Bill Kunz / Brant Beach felt Commissioner Palmer was unprepared for the public meeting as he had missed the Executive Session Caucus held November 28th. He was concerned that confidential documents had been sent to the North Shore Life Saving Association and strongly felt that decisions regarding Beach Patrol and personnel issues be made by the Board of Commissioners. He asked that a public forum be scheduled to discuss beach safety.

Commissioner Palmer stated he was fulfilling his duties as Commissioner and that it was appropriate that he investigate any problem that occurred in one of his departments. He would advise Mr. Kunz when he received a response from the North Shore Life Saving Association.

Don Boone / Brant Beach questioned the budgeting process for Beach Patrol as it related to the shortfall in funds.

Commissioner Palmer advised more than the usual number of lifeguards had been hired which caused a higher than expected demand for payroll.

John Connolly / Beach Haven Crest expected all the Commissioners to work together, and share information with each other and the public. He felt there should be no charge for copies of public records

MINUTES

and information should be forthcoming. He asked that more detailed information be included on public agendas.

Bill Hutson / Holgate noted many meetings over several years that had not been attended by Commissioner Palmer and felt these absences compromised his ability to effectively perform his duties.

Richard J. Shackleton, Esq. explained statutorily Commissioner Palmer had not missed any meetings that would create a vacancy in his office. **Commissioner Palmer** further explained he was not required to attend Caucus as it was a work session. His assistant attended Caucus at his direction and relayed the information to him afterwards.

CLOSE PUBLIC SESSION

Motion for adjournment at: 5:00 p.m.

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

Bonnie M. Leonetti, RMC, CMC
Municipal Clerk

DiAnne C. Gove, Mayor

Robert A. Palmer, Comm.

Ralph H. Bayard, Comm.