

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS DECEMBER 20, 2013
Flag Salute

Meeting came to order: 4:03 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 and the ASBURY PARK PRESS on December 13th 2012; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the December 6, 2013 meeting and to approve the same as recorded in the minute book:

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

AGENDA

PROCLAMATION PROCLAIM JANUARY 11, 2014 – HUMAN TRAFFICKING AWARENESS DAY

Vilma Applegate, President of the A.A.U.W. , Ocean County Branch stated New Jersey was the 4th largest area in the nation concerning human trafficking.

“HUMAN TRAFFICKING AWARENESS DAY”
JANUARY 11, 2014

WHEREAS, human trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom; and,

WHEREAS, human trafficking occurs when a person is recruited, harbored, obtained or exported through force, fraud or coercion for the purposes of sexual or labor exploitation, involuntary servitude and other types of mental and physical abuse; and

WHEREAS, human trafficking target impoverished and marginalized children, women and men, isolating them from society and supportive networks and exploiting them for personal and monetary gain; and

WHEREAS, human trafficking is the fastest growing criminal enterprise in the world today, and is tied with arms smuggling as the second largest international criminal industry, falling only behind the illicit drug trade; and

WHEREAS, the United Nations’ International Labor Organization has estimated that at least 12.3 million adults and children worldwide are currently in forced labor, bonded labor or forced prostitution; it is estimated that more people are now harmed by Human Trafficking worldwide than have been at any other point in human history; approximately 80% if the victims are women and girls, and 50% are younger than age 18; and,

WHEREAS, many victims trafficked into the United States do not speak or understand English and are unable to communicate to seek rescue; under U.S. law, any person under 18 involved in the commercial sex industry is considered a Human Trafficking victim; and victims include U.S. citizens and documented immigrants; and,

WHEREAS, the Township of Long Beach recognizes that New Jersey is a prime location for Human trafficking because it is a major national and international transportation corridor and a culturally diverse state, and,

WHEREAS, the Township of Long Beach commends the work of the NJ Coalition Against Human Trafficking for its statewide efforts to end human trafficking through education, advocacy and assistance to survivors and to increase coordination and visibility of New Jersey’s commitment to end human trafficking;

NOW, THEREFORE, BE IT PROCLAIMED, that the Board of Commissioners of the Township of Long Beach does hereby designate January 11, 2014 as **“Human Trafficking Awareness Day”** in the Township of Long Beach, to raise awareness about the signs and consequences of human trafficking, to promote opposition to human trafficking in all of its forms and to encourage support for the survivors of human trafficking throughout the State of New Jersey and across the world to put an end to this criminal activity and restore freedom and dignity to its survivors.

**PROCLAIM DECEMBER 2013 – NATIONAL DRUNK AND
DRUGGED DRIVING PREVENTION MONTH - 3D**

Mary Ann Vinceguerra , AKA Mrs. Claus stepped forward and wished everyone a Merry Christmas.

DECEMBER 2013: 3D

NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH

WHEREAS, nearly thirty people die every day in the United States as a result of motor vehicle crashes that involve an alcohol-impaired driver; and

WHEREAS, one in five underage teenage drivers involved in a fatal crash had some alcohol in their system in 2010. Most of these (81%) had a Blood Alcohol Content higher than the legal limit for adults; and

WHEREAS, 86% of teens in high school who reported drinking and driving in the past month also say they “binge drink” (5 or more drinks within 2 hours); and

WHEREAS, the National Survey on Drug Use and Health (NSDUH) states that driving under the influence of illicit drugs poses a significant threat to public safety because these substances can impair perception, cognition, attention, balance, coordination and other brain functions necessary for safe driving; and

WHEREAS, impaired driving crashes are most likely to occur in the evening hours, on weekends and during specific holidays such as Christmas, New Years, Halloween, St. Patrick’s Day, Prom, Graduations and other celebrations.

NOW, THEREFORE, BE IT PROCLAIMED, that the Board of Commissioners of the Township of Long Beach does hereby proclaim the month of December 2013 as **3D – NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH** in Long Beach Township and encourages safe and responsible driving for the mutual benefit of the motoring public and all pedestrians this Holiday Season and throughout the year.

BE IT FURTHER PROCLAIMED that a copy of this proclamation shall be forwarded to the Ocean County Board of Chosen Freeholders, the Ocean County Prosecutor’s Office; Ocean County Police Chiefs Association and Ocean County Municipalities.

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 13-45C: **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 5 PERTAINS TO ADMINISTRATION**

Passed on first reading at a regular meeting held on December 6, 2013 and advertised in the BEACH HAVEN TIMES issue of December 12, 2013.

Lynda Wells explained this Ordinance created the new position/ title of ASSISTANT HEALTH OFFICER for the Health Department.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

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 5 PERTAINS TO ADMINISTRATION

STATEMENT OF PURPOSE

The Ordinance creates the new position/ title of ASSISTANT HEALTH OFFICER for the Health Department:

SECTION I

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

The following title is hereby created in Chapter 5 entitled to read as follows:

“5-66” ASSISTANT HEALTH OFFICER

Job Summary –Assists the Health Officer in planning, developing, coordinating and directing the work programs of a municipal Health Department and in directing the enforcement of public health laws within the municipality; does other related duties.

Job Duties and Responsibilities –Assists the Health Officer in recommending local health policies and programs. Plans and directs the measures required to control and prevent communicable diseases. Directs and coordinates the inspection, investigation, legal and other measures required by local and state health laws. Supervises sanitation measures and inspections throughout the municipality. Plans and directs the measures required to abate nuisances which may affect health and sanitation. Ensures that an adequate program of child health service is provided. Directs the placing of warning signs at homes where cases of communicable diseases are reported. Maintains a current record of all diseases reported within the

community. Investigates or directs the investigations of contacts and contagious diseases. Issues certain licenses and permits. Supervises inspections of food and drug establishments to assure compliance with the law. Prepares correspondence and reports. Supervises the establishment and maintenance of records and files. Will be required to learn various types of electronic and/or manual recording and information systems used by the agency, office, or related units.

Licenses - Appointees are required to possess a valid Health Officer License issued by the New Jersey Department of Health and Senior Services and a Driver's License valid in New Jersey.

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 after the first publication thereof after final passage according to law.

Motion to adopt Ordinance 13-45C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

2. Second Reading Ordinance 13-46: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE FIXING AND DETERMINING THE ANNUAL SALARIES, DESIGNATING HOLIDAYS AND PROVIDING FOR OVERTIME COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY".**

Passed on first reading at a regular meeting held on December 6, 2013 and advertised in the BEACH HAVEN TIMES issue of December 12, 2013.

Lynda Wells explained this ordinance established a range for the new title created in Ord. 13-45C. New Jersey Civil Service Commission requires that every position has a range established that each salary should fall within.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE FIXING AND DETERMINING THE ANNUAL SALARIES, DESIGNATING HOLIDAYS AND PROVIDING FOR OVERTIME COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY".

STATEMENT OF PURPOSE

THIS ORDINANCE ESTABLISHES A RANGE FOR THE NEW TITLE CREATED IN ORD 13-45C. NEW JERSEY CIVIL SERVICE COMMISSION REQUIRES THAT EVERY POSITION HAS A RANGE ESTABLISHED THAT EACH SALARY WILL FALL WITHIN.

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, DOES ORDAIN:

SECTION I

Ordinance No.77-1, as amended, the title of which is set forth in full in the title hereof, is hereby further amended regarding the annual salaries of the officers and employees of the Township of Long Beach as follows:

REVENUE AND FINANCE

ASSISTANT HEALTH OFFICER

MINIMUM

\$50,000.00

MAXIMUM

\$100,000.00

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 after the first publication thereof after final passage according to law.

Motion to adopt Ordinance 13-46 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. First Reading Ordinance 13-47C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" RELATING TO CHAPTER 64 ENTITLED BUILDING CONSTRUCTION**

Lynda Wells explained this Ordinance set minimum construction standards and piling requirements for residential buildings, with the following exceptions: additions, alterations, and substantial improvements to existing buildings on masonry foundations.

Motion to approve Ordinance 13-47C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. First Reading Ordinance 13-48C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" RELATING TO CHAPTER 205 ENTITLED "ZONING" CONCERNING TO ENTRYWAYS, ENTRANCES, LANDINGS AND STAIRS**

Lynda Wells explained, the purpose of this Ordinance was to amend §205-2 and 205-54.B. setting the cumulative total of square feet for entryways, entrances, landing and stairs at 70 square feet.

Motion to approve Ordinance 13-48C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS & APPROVALS

5. Resolution 13-1220.01: Oppose Assembly Bill 4147 requiring bid advertisements to include engineers cost estimate and calling for a 50% bid guarantee on bids not to exceed \$100,000.00

RESOLUTION OPPOSING ASSEMBLY BILL NO. 4147 WHICH WOULD REQUIRE CERTAIN CONTRACT BID ADVERTISEMENTS TO CONTAIN CERTIFIED COST ESTIMATE RANGES, WOULD SPECIFY THE GROUNDS FOR THE REJECTION OF ALL BIDS AND WOULD REQUIRE A 50% GUARANTY ON BIDS NOT TO EXCEED \$100,000.00

WHEREAS, this legislation would defeat the intended purpose and cost benefits of competitive bidding as it provides contractors with little incentive to submit proposals below projected cost estimates; and

WHEREAS, this legislation would increase the cost of doing business with local governments as preparing bid solicitations become more complex and may require local governments to hire professional consultants to prepare comprehensive cost estimates; and

WHEREAS, this legislation would lead to costly litigation if the reasonableness of a projected cost estimate is challenged in court further driving up project expenses; and

WHEREAS, this legislation would eliminate the important flexibility local governments exercise under current law when making decisions concerning the acceptance or rejection of all bid proposals- including those that deal with the purchase of goods and services; and

WHEREAS, this legislation would adversely impact the ability of local governments to execute cost effective public contracts under terms and conditions most favorable to taxpayers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby strongly oppose Assembly Bill No. 4147, which would require certain public contract bid advertisements to contain certified cost estimates, specify grounds for the rejection of all bids, and require bid guarantees not less than 50% of the bid total in an amount not to exceed \$100,000.00; and

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor Chris Christie, the President of the New Jersey Senate, the Speaker of the

General Assembly, and the Clerks of the Boards of Chosen Freeholders of all twenty-one counties.

6. Resolution 13-1220.02: Approve amendment to Resolution 13-1206.08 to clarify the cost per unit/per year of License Plate Recognition Service with the Borough of Harvey Cedars

WHEREAS, pursuant to Resolution 13-1206.08, Long Beach Township approved a shared service agreement with the Borough of Harvey Cedars to provide License Plate Recognition services; and

WHEREAS, due to a typographical error, an amendment is necessary to clarify certain terms of the Shared Service Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Harvey Cedars, the participating member, shall pay to Long Beach Township a flat fee of \$500.00 per unit, per year; for a two-year period effective January 1, 2014 through December 31, 2015 for use of the "P.I.P.S." Server for License Plate Recognition data.

7. Resolution 13-1220.03: Approve the release of a Maintenance Bond
LUB 16-10: \$1,260.00

WHEREAS, pursuant to Resolution 10-1203.10(b) the Township of Long Beach had received from Mancini Custom Homes, Inc., Official Check #50641638-6 in the amount of \$9,240.00 representing the performance Bond for a Minor Subdivision Application #LUB 16-10, Block 14.09 Lot 1, 7807 Long Beach Blvd., Beach Haven Crest; and

WHEREAS, pursuant to Resolution 11-1118.07(b), the Municipal Engineer inspected the site of the minor subdivision and certifies the Performance Bond in the amount of Nine Thousand Two Hundred Forty Dollars (\$9,240.00) be released and a Maintenance Bond be retained in the amount of One Thousand Two Hundred Sixty Dollars (\$1,260.00); and

WHEREAS, the Municipal Engineer has inspected the site and recommends release of the Maintenance Bond in the amount of One Thousand Two Hundred Sixty Dollars (\$1,260.00).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach approves the release of the Maintenance Bond in the amount of One Thousand Two Hundred Sixty Dollars (\$1,260.00) as per the recommendation and certification of the Municipal Engineer.

8. Resolution 13-1220.04: Approve personnel actions

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

Approve a Family Medical Leave of Absence (FMLA) for MC effective retro-active to December 9, 2013.

POLICE

Change the following employees rate of pay to \$8.25 per hour effective January 1, 2014.

Thomas Ruble

Ursula Sharkey

Sean Farrell

Daniel Voorhees

Jeffrey Pharo

PUBLIC WORKS

Hire the following employee as a Temporary Full-time Clerk at the rate of \$15.00 per hour to be paid from Public Works Salary & Wage effective December 21, 2013.

Gabrielle Albert

Change the following employee's title to Provisional Clerk 2 pending Civil Service approval effective December 21, 2013.

Angela Andersen

Change the following employee's title to Provisional Clerk 3 pending Civil Service approval effective December 21, 2013.

Debra Thompson

WATER/SEWER

Hire the following employee as a Temporary Full-Time Laborer at the rate of \$12.00 per hour to be paid from Water/Sewer Salary & Wage effective December 21, 2013.

Ian Walker

Hire the following employee as a Temporary Full-Time Laborer at the rate of \$12.00 per hour to be paid from Water/Sewer Salary & Wage effective December 21, 2013.

James O'Brien

Motion to approve Items 5 thru 8:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

Auditing	O&E	3-01-20-130-228	\$10,000.00
Construction (o/c)	S&W	3-01-22-195-201	\$15,000.00
Unemployment	O&E	3-01-23-225-000	\$9,000.00
Police	S&W	3-01-25-240-011	\$55,000.00
TOTAL			\$ 119,000.00
TO:	DEPT:	ACCT#	AMOUNT
Legal	O&E	3-01-20-155-029	\$34,000.00
Police	O&E	3-01-25-240-100	\$ 55,000.00
Group Insurance	O&E	3-01-23-220-000	\$ 30,000.00
TOTAL			\$119,000.00

11. Resolution 13-1220.07: Authorize the purchase of portable radio equipment, hardware, software, accessories, installation, programming and licensing: Quality Communications, NTE \$110,000.00, per state contract

A RESOLUTION AUTHORIZING THE PURCHASE OF PORTABLE RADIO EQUIPMENT, HARDWARE, SOFTWARE, ACCESSORIES, INSTALLATION, PROGRAMMING AND LICENSING FOR THE BEACH PATROL AND THE POLICE DEPARTMENT, PER STATE CONTRACT

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, Quality Communications, 1985 Swarthmore Avenue, Suite 4, Lakewood, NJ 08701, has been awarded New Jersey State Contract No. 83904 for Radio Communication Equipment and Accessories (Index #T-0109) effective through April 30, 2018; 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 purchase of the portable radio equipment, hardware, software, accessories, installation, programming and licensing for the Beach patrol and Police Department shall be in an amount not to exceed One Hundred Ten Thousand Dollars (\$110,000.00); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase available as an appropriation created by: Police- Police Radio Account #3-01-25-240-048 in the amount not to exceed One Hundred Ten Thousand Dollars (\$110,000.00).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby authorizes the purchase of the portable radio equipment, hardware, software, accessories, installation, programming and licensing for the Beach patrol and Police Department is not to exceed One Hundred Ten Thousand Dollars (\$110,000.00).

12. Resolution 13-1220.08: Approve the creation of a reserve account for insurance funds received to replace various equipment lost due to a lightning strike in June 2012

WHEREAS, Long Beach Township was struck by lightning on June 30, 2012; and

WHEREAS, various Long Beach Township equipment sustained significant damage and needed replacement; and

WHEREAS, Long Beach Township has received insurance funds as a result of this event; and

WHEREAS, it is the desire of the Commissioner of Revenue and Finance to create a reserve for the purchase of replacement equipment; and

WHEREAS, it is also the desire of the Commissioner of Revenue and Finance to utilize these insurance proceeds to fund this reserve for the replacement of equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach do hereby authorize the creation of a reserve account for the purchase of replacement equipment.

13. Resolution 13-1220.09: Approve Bills & Payroll
Bills in the amount of: \$2,352,984.72
Payroll in the amount of: \$ 362,546.96

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 \$362,546.96.

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 \$2,352,984.72 be and the same are hereby authorized to be paid on Friday, December 20, 2013.

2. The said approved payroll amounting to the sum of \$362,546.96 be and the same are hereby authorized to be paid on Friday, December 20, 2013.

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: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini states the Tax Collector Reports for the months of October and November 2013 are on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Lattanzi wished everyone a Happy Holiday.

Commissioner Bayard also wished everyone a Happy Holiday.

Mayor Mancini: the next meeting of the Board of Commissioners would take place on Monday, December 30, 2013 at 10:00 a.m.

Mayor Mancini: the next regular meeting of the Land Use Board would be held on Wednesday, January 8, 2014 at 7:00 p.m. in the Multi Purpose Room.

Mayor Mancini read the Police Report:

The Long Beach Police secured a vest grant from both the state and federal governments in the amount of \$11,266.00 dollars. This was made possible through the efforts of Lt. Paul Vereb. This money was provided at no cost to the tax payers.

Patrol Officer Megan Keller was available upon request to provide seminars to interested groups on the following: scam trends, identity theft, and computer scams.

The Police also asked everyone with the holiday season upon us, **do not drink and drive**.

Mayor Mancini reported the Army Corps of Engineers should let him know a start date for the Beach Replenishment Project. He also wished everyone a wonderful holiday.

OPEN PUBLIC SESSION

Ellen Kehr, Holgate, asked when the water tower would be painted and also inquired about the color choice.

Commissioner Bayard replied that the infrastructure was currently being repaired and was not sure when the tower would be painted.

Mayor Mancini suggested she contact the taxpayers association and coordinate for a color choice.

Peter Trainor, North Beach Haven, asked why the County had been surveying the Boulevard for two months.

Commissioner Bayard replied that he would find out and let him know at the following meeting.

Hank DePasquale, Brant Beach thanked the Commissioners and Twp. employees for the great job assisting the residents during the storm.

OPEN PUBLIC SESSION

CLOSE PUBLIC SESSION

Motion for adjournment at 4:23 p.m.

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner