

**MINUTES**  
**REGULAR SESSION: BOARD OF COMMISSIONERS MARCH 7, 2008**  
**Flag Salute**

Meeting came to order: 4:05 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; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on December 5, 2007; and filed with the Municipal Clerk.

**AGENDA**

**PROCLAMATIONS: Proclaim March 2008 as Women's History Month**

Honoring Long Beach Township women:

Dorothy Whiting, Karen Janiszewski, Rosemarie Kunz, Leslie Houston, Shirley Devitt, Mildred Leonetti, Ellen Pfeider, Patricia Seddon, Ruth Reeder, Marie Federico, Norma Clark, Kimberly McGowan, Margaret Daly, Anne Bock, Elizabeth Dooner, Daina Dale, Vija Dale-Kleedorfer, Karen Kiss, and Dorothy Kimmel.

**Mayor Gove** introduced and provided a brief biography for each Proclamation recipient, and noted the many ways in which these local women were inspirational.

**Proclaim March 2008 as Brain Injury Awareness Month**

**Mayor Gove** announced approximately 5.3 million Americans live with disabilities resulting from brain injury, including 160,000 New Jersey residents. She advocated the importance of safety as a preventive measure for brain trauma.

**ADOPTIONS & APPROVALS**

1. Resolution 08-0307.01(a&b): Authorize the advertisement of various bids
  - (a) Authorize Municipal Clerk to advertise for competitive bids for:  
Water/Sewer Dept.: 2008 EIT water main replacement, Project #1517001-08  
Beach Patrol: Pick-up truck

**RESOLUTION 08-0307.01(a)**

**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 the following bids:

- Water mains (NJEIT #1517001-008)
  - One (1) Toyota Tacoma pick-up truck or equivalent
- (b) Authorize Municipal Engineer to advertise for competitive bids for:  
Bulkhead removal / replacement at 31<sup>st</sup> & 32<sup>nd</sup> Streets in Long Beach Township

**RESOLUTION 08-0307.01(b)**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that the Municipal Engineer be and he is hereby retroactively authorized to advertise for bids for the following:

- Removal and replacement of existing bulkheads located at 31<sup>st</sup> and 32<sup>nd</sup> Streets in Beach Haven Gardens

2. Resolution 08-0307.02: Authorize a change to a Water/Sewer account

**RESOLUTION 08-0307.02**

**WHEREAS**, the following Water / Sewer account requires 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 this change be made as follows:

<b>Blk:</b>	<b>Lot:</b>	<b>Acct:</b>	<b>Year:</b>	<b>Cancel/Change:</b>	<b>Amount:</b>
4.05	4	836-0 Sewer	2008	From duplex to single	\$421.00

**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.

3. Resolution 08-0307.03: Approve temporary traffic regulations in North Beach and Loveladies:  
SOCH Great Causeway Challenge 4-19-2008

**RESOLUTION 08-0307.03**

**WHEREAS**, the following events being held in Long Beach Township require various traffic regulations in order to insure the health, safety and welfare of residents and summer visitors, and facilitate the safe flow of traffic within the Township of Long Beach;

- Southern Ocean County Hospital Great Causeway Challenge:  
Allow participants to run through the North Beach and Loveladies sections of Long Beach Township on April 19<sup>th</sup> 2008 commencing at 8:00 a.m.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that permission is hereby granted, as per the approval of the Long Beach Township Police Department, for the above listed event to be held in Long Beach Township.

4. Resolution 08-0307.04: Approve personnel actions

**Mayor Gove** related the proposed actions to be taken.

**RESOLUTION 08-0307.04**

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

**POLICE**

Acknowledge the end of an paid medical leave of absence and return to work for Linda Mauro effective retro-active to February 16, 2008.

## **PUBLIC WORKS**

Approve a paid Medical Leave of Absence for Daniel Thurston using accumulated sick days effective retro-active to March 3, 2008.

## **WATER/SEWER**

Accept and approve a PERS Service Retirement for Allen Wilbert effective retro-active to March 1, 2008.

Motion to approve Items 1 - 4:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

## **CONTRACTS AND AWARDS**

5. Resolution 08-0307.05: Approve a professional service contract: Judge Seltzer: Hearing Officer **Mayor Gove** advised this pertained to a personnel matter.

### **RESOLUTION 08-0307.05**

#### **RESOLUTION APPOINTING A HEARING OFFICER TO CONDUCT A HEARING REGARDING A PERSONNEL MATTER**

**WHEREAS**, the Township of Long Beach has a need to acquire various professional services as listed below as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.4 or 20.5; and

**WHEREAS**, P.L. 195, Chapter 353 of the laws of the State of New Jersey provide that certain professional services are exempt from public bidding; and

**WHEREAS**, the Township of Long Beach wishes to award a contract without competitive bidding for professional services pursuant to NJSA 40A:11-5(a)(a)(i). Such contract and resolution are available for public inspection at the office of the Township Clerk; and

**WHEREAS**, the statute defines professional services as services rendered by a person authorized by law to practice a recognized profession, which practice is regulated by law; and

**WHEREAS**, upon the advice of counsel the Township of Long Beach has determined that it would be prudent to have the hearing conducted by a responsible independent Hearing Officer regarding a personnel matter; and

**WHEREAS**, retired Superior Court Judge Douglas T. Hague was recommended as a Hearing Officer and awarded a professional service contract with the Township of Long Beach pursuant to Resolution 08-0104.05; and

**WHEREAS**, objections have been raised that the Honorable Douglas T. Hague would not be a fair and impartial Hearing Officer; and

**WHEREAS**, the Honorable George L. Seltzer has been recommended as an impartial replacement as Hearing Officer in the above-mentioned personnel matter; and

**WHEREAS**, neither side has raised an objection nor rejected the professional services of the Honorable George L. Seltzer.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, March 7, 2008 that the Honorable George L. Seltzer be and is hereby appointed as Hearing Officer to conduct the Hearing concerning a personnel matter at a rate of Five Hundred Dollars (\$500.00) per hour.

**BE IT FURTHER RESOLVED** the award of this contract for professional services is made without bidding pursuant to law and the Clerk of the Township of Long Beach is authorized and directed to forward a certified copy of this resolution together with an appropriate contract to the Honorable George L. Seltzer, Central Square Unit 42A, New Rd. & Central Ave., P.O. Box 405, Linwood, NJ 08225 with a request that the Hearing be scheduled as soon as the same conveniently may be done in order that a determination in the matter may expeditiously be made.

6. Resolution 08-0307.06: Approve award of contract for various repairs of Beach Patrol equipment, per quote: David Wood Boat Service: \$3,816.91

### **RESOLUTION 08-0307.06**

#### **A RESOLUTION AWARDING A CONTRACT FOR THE REPAIR OF SAFETY EQUIPMENT FOR THE LONG BEACH TOWNSHIP BEACH PATROL DEPARTMENT, PER QUOTATION**

**WHEREAS**, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Beach Patrol Department solicited quotations for the repair safety equipment, including seven (7) beach patrol boats; and

**WHEREAS**, in response to the invitation for solicitation two (2) 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 Wood's Boat Service provided the lowest qualified quotations in accordance with the specifications, said quotations in the total amount of Three Thousand Eight Hundred Sixteen Dollars and Ninety One Cents (\$3,816.91); and

**WHEREAS**, it is in the public interest of the Township of Long Beach to award a contract to Wood's Boat Service for repair/refurbishment of various Beach Patrol safety equipment; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Lifeguards: Other Expenses.

**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 7<sup>th</sup> day of March 2008 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with Wood's Boat Service, 10 West 17<sup>th</sup> St., P.O. Box 173, Barnegat Light, NJ 08006 in an amount not to exceed Three Thousand Eight Hundred Sixteen Dollars and Ninety One Cents (\$3,816.91).

7. Resolution 08-0307.07: Authorization to enter into an Interlocal Agreement with the Borough of Barnegat Lt. to permit Long Beach Twp to handle conflict builder inspections

### **RESOLUTION 08-0307.07**

**RESOLUTION AUTHORIZING EXECUTION OF INTER-LOCAL MUNICIPAL AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LONG BEACH, A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY, AND THE BOROUGH OF BARNEGAT LIGHT, A MUNICIPAL CORPORATION OF THE**

STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF LONG BEACH TO PROVIDE BUILDING INSPECTION SERVICES FOR BUILDERS IN THE SAID BOROUGH WHICH BUILDER HAS A CONFLICT OF INTEREST WHICH DISQUALIFIES THE BARNEGAT LIGHT BUILDING DEPARTMENT FROM ISSUING BUILDING PERMITS AND INSPECTING OTHER CONSTRUCTION IN THE BOROUGH PURSUANT TO N.J.A.C. 5:23-4.5 (l) 2 (j) 1

**WHEREAS**, the Township of Long Beach and the Borough of Barnegat Light have contiguous borders; and

**WHEREAS**, the Department of Community Affairs adopted a regulation codified in N.J.A.C. 5:23-4.5 (l) 2 (j) 1 providing that "No person employed by an enforcing agency as a construction or sub-code official or as an inspector shall carry out any inspection or enforcement procedure with respect to any property or business in which ... any other public official or employee having any direct or indirect control over the funding or operations of the enforcing agency or any close relative or household member of any such public official or employee, has an economic interest ... "; and

**WHEREAS**, N.J.A.C. 5:23-4.5 (l) 2 (j) 1 provides, "Where an inspection or enforcement procedure is necessary or required in any such property or business and there is no other person employed by the enforcing agency who is qualified, pursuant to this chapter, to perform the inspection or enforcement procedure and who is not a subordinate of the person with the direct or indirect economic interest in such property or business, the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the department."; and

**WHEREAS**, the Borough of Barnegat Light has requested that members of The Long Beach Township Building Department issue permits and provide inspection services as Building Inspector for buildings being constructed, or to be constructed in the Borough of Barnegat Light in cases where conflict as described above exist; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach has determined that if an appropriate agreement can be worked out in the form of an Inter-local Agreement by and between the Township of Long Beach, a Municipal Corporation of the State of New Jersey, and the Borough of Barnegat Light, a Municipal Corporation of the State of New Jersey, that in a spirit of cooperation Long Beach Township would be willing to enter into such an Inter-local Agreement provided the Township Attorney of The Township of Long Beach approves the form and substance thereof; and

**WHEREAS**, Long Beach Township is always cognizant of being a good neighbor to other Municipalities located on Long Beach Island; and

**WHEREAS**, the local Building Departments of all Island Municipalities rely on the County of Ocean Building Inspection Department to perform electrical inspection, plumbing inspection and fire inspection services and compensate the County of Ocean for such services, being compensated themselves by receiving 10% of the fees charged to compensate said municipalities for time and effort and issuing such permits and in being involved in scheduling certain inspections.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, March 7, 2008, that the Mayor of Long Beach Township is hereby authorized and directed to enter into an Inter-local Agreement with the Borough of Barnegat Light for Building Inspection Services; and

**BE IT FURTHER RESOLVED**, that the actual issuance of permits after having been approved by the Director of the Construction / Zoning Department of the Township of Long Beach, shall be issued individually by the Borough of Barnegat Light, and for such clerical work the Borough shall receive compensation in the same percentage as all Long Beach Island municipalities receive from the County of Ocean for inspections of electrical, plumbing and fire on construction in Long Beach Island municipalities, with the balance of required fees paid to Long Beach Township.

Motion to approve Items 5 - 7:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

#### **FINANCIAL APPROVALS**

8. Resolution 08-0307.08: Approve increase to the Temporary Budget

**Mayor Gove** explained this would increase various appropriations until the adoption of the 2008 municipal budget.

#### **RESOLUTION 08-0307.08**

**WHEREAS**, the Chief Financial Officer of the Township of Long Beach has determined that an increase to the 2008 Temporary Budget, approved by Resolution 08-0104.11 and amended by Resolution 08-0222.02, is necessary due to various reasons; and

**WHEREAS**, the following appropriations shall be increased to the following amounts:

• Publicity O/E	8-01-20-101-100	\$150.00
• Election O/E	8-01-20-121-100	1,500.00
• Tax Collector O/E	8-01-20-145-100	750.00
• Tax Assessor	8-01-20-150-100	1,000.00
• Public Affairs/Director O/E	8-01-25-200-100	500.00
• Streets & Roads O/E	8-01-26-290-100	5,000.00
• Group Insurance O/E	8-01-23-220-000	168,000.00
• Municipal Alliance S/W	8-01-41-703-011	3,500.00
• Municipal Alliance O/E	8-01-41-703-100	7,000.00
• Advertising O/E	8-01-20-120-205	1,000.00
• Emergency Management	8-01-25-252-030	1,000.00

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Total Increase \$189,400.00

Total Temporary Budget \$5,825,317.00

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that the Chief Financial Officer be and she is hereby authorized to increase the 2008 Temporary Budget as recorded above.

9. Resolution 08-0307.09: Approve various transfers of budget appropriations  
**Mayor Gove** noted transfers were statutorily allowed from January through March of each year.

**RESOLUTION 08-0307.09**

**WHEREAS**, the statutes provide for the making of Reserve Appropriation transfers between the period of January 01, 2008 and March 31, 2008; and

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

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

**RESERVE APPROPRIATIONS**

<u>FROM:</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Sanitary Landfill O/E	7-01-26-306-029	<b>\$5,140.00</b>
<hr/>		
<u>TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Other Insurance O/E	7-01-23-210-000	5,140.00
		Total <b>\$5,140.00</b>

10. Resolution 08-0307.10: Approve various specifications regarding the land auction of Block 8.01 Lot 4.01

**Mayor Gove** announced the auction date of Wednesday March 19, 2008 at 2:00 p.m., with a \$15,000.00 minimum bid.

**RESOLUTION 08-0307.10**

**RESOLUTION SETTING FORTH TIME FRAME FOR PAYMENT OF BID PRICE AND CONVEYANCE OF TITLE FOLLOWING THE AUCTION OF UNNEEDED LANDS OWNED BY THE TOWNSHIP OF LONG BEACH KNOWN AS BLOCK 8.01 LOT 4.01, SCHEDULED FOR WEDNESDAY MARCH 19, 2008 AT 2:00 P.M.**

**WHEREAS**, the Township of Long Beach has, by Ordinance, declared that Block 8.01, Lot 4.01 is land which is owned by the Township of Long Beach and which is not needed for Township purposes; and

**WHEREAS**, Ordinance 08-02 adopted by the Township on second reading on February 8, 2008 has authorized the sale of such lands at public auction; and

**WHEREAS**, Long Beach Township Clerk's Office has established an auction date of Wednesday March 19, 2008 at 2:00 p.m. for the auction of the unneeded public property; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach is desirous of concluding the matter as soon as practical after the auction; and

**WHEREAS**, The Board of Commissioners of the Township of Long Beach is further desirous of setting forth the amount of deposit to be paid by the successful bidder and the general terms of the contract to be executed by the successful bidder.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday March 7, 2008 that the payment of the bid price and conveyance of title shall occur as follows:

1. The successful bidder shall present to the Clerk of the Township of Long Beach at the time of his or her successful bid a Certified Check or a Bank Draft made out to the Township of Long Beach in the amount of \$15,000.00, which sum shall be held in escrow by the Township of Long Beach until such time as the said Township shall tender a Deed of Conveyance for the lands being sold pursuant to the auction.
2. At the conclusion of the auction the successful bidder shall enter into a contract with the Township of Long Beach a copy of which may be obtained upon request from the Long Beach Township Clerk's Office.

11. Resolution 08-0307.11: Designate custodian for the Beach Badge Program Change Fund

**Mayor Gove** stated MaryAnn Murphy was designated as custodian.

**RESOLUTION 08-0307.11**

**WHEREAS**, Michael Baker, the designated custodian for the Beach Badge Program Change Fund, is no longer employed by the Township of Long Beach.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby designate Marianne Murphy as custodian for the Beach Badge Program Change Fund in the amount of \$250.00.

12. Resolution 08-0307.12: Approve Bills & Payroll

Bills in the amount of:	\$1,797,778.55
Payrolls in the amount of:	\$ 369,846.93

**RESOLUTION 08-0307.12**

**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 \$369,846.93.

**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 \$1,797,778.55 be and the same are hereby authorized to be paid on March 7, 2008.
2. The said approved payroll amounting to the sum of \$369,846.93 be and the same are hereby authorized to be paid on March 7, 2008.

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 8 - 12:

Motion: Palmer                   Ayes: Bayard, Palmer, Gove

Second: Bayard               Nays:

**COMMISSIONERS' REPORTS**

**Commissioner Bayard** drew attention to new carpeting that had been installed in the Court Room as the prior carpeting had been damaged by flooding from frozen water lines. Insurance had covered the cost of replacement. He stated new bulkheading had recently been installed, and a storm drain located on 31<sup>st</sup> Street had been replaced by Public Works employees who had done an excellent job. The Public Works Department was also in the process of labeling and assessing all storms drains in the Township. He announced the Brant Beach Homeowner's Association recently had Neighborhood Watch signs posted in the area. New greenhead fly traps had been constructed by the Boy Scouts and by the MATES program at Southern Regional High School. He added that he planned to contact Rutgers University for additional help with the greenhead fly traps.

**Commissioner Palmer** had no comments.

**Mayor Gove** announced the next meetings of the Board of Commissioners and the Land Use Board. She noted Long Beach Township was recognized with a Certificate of Achievement by the Ocean County Municipal Joint Insurance Fund for reducing the total number of job related injuries by 15% or more for the years 2004, 2005, and 2006. The Township was additionally recognized for earning 94 out of a possible 100 points in the 2007 Safety Incentive Program. She thanked the Long Beach Township Safety Coordinators for their efforts and the resulting recognition. She announced there would be a Special Public Meeting regarding beach safety on March 18<sup>th</sup> at 2:00 p.m., however there would be no public participation at the meeting.

**OPEN PUBLIC SESSION**

**John Connelly / Beach Haven Crest** asked for a cost estimate for water quality and infrastructure improvement projects in the short and long term timeframe.

**Commissioner Palmer** advised that due to fluctuating costs, estimates were difficult to project. The current sewer project was a high priority and others projects would be examined in the near future.

**Dick Jeffries / Beach Haven Terrace** thanked the Mayor for the ceremony honoring local women. He asked the Commissioners to make local businesses aware of the fact that Ocean County would inspect recycling practices at their locations and issue fines to non-compliant owners.

**CLOSE PUBLIC SESSION**

Motion for adjournment at: 5:15 p.m.

Motion: Palmer                   Ayes: Bayard, Palmer, Gove

Second: Bayard               Nays:

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Bonnie M. Leonetti, RMC, CMC  
Municipal Clerk

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DiAnne C. Gove, Mayor

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Robert A. Palmer, Comm.

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Ralph H. Bayard, Comm.