

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS SEPTEMBER 7, 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  
Katharine M. 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 and the PRESS OF ATLANTIC CITY on August 22, 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**

**PROCLAIM:**

- Constitution Week: September 17 through 23, 2007

**Mayor Gove** read the Proclamation aloud and the **Commissioners** presented the document to Ellie Ollivier, a representative of the Daughters of the American Revolution.

- National Preparedness Month: September 2007

**Mayor Gove** noted Long Beach Island was a barrier island and vulnerable to natural disasters. Appropriate preparedness was essential to public safety and welfare.

**APPROVALS**

1. Resolution 07-0907.01: Approve personnel actions

**Mayor Gove** listed the various actions that were to be taken.

**RESOLUTION 07-0907.01**

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

**BEACH PATROL**

Michael Fitzpatrick	William Galese	Sean Kelly
Lauren Marchese	Paige Sawin	

Change the following employee's title to Seasonal Part Time Laborer with a new rate of pay to \$9.75 per hour to be paid from the Lifeguard Salary & Wage effective retro-active to September 4, 2007.

Norman Roberts

Approve a correction to a departmental error and change the following employee's rate of pay to \$73.34 per day to be paid from the Lifeguard Salary & Wage effective retro-active to June 17, 2007.

Emily Olson

**HEALTH**

Approve a paid Medical Leave of Absence for Sue Parker using accumulated sick days effective retro-active to August 29, 2007.

**POLICE**

Approve attendance of the following to the Ocean County Police Academy to become Class II Special Law Enforcement Officers effective retro-active to August 27, 2007.

Anthony O'Cone	William Lawlor	Joseph Stanziano
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Change the following Special Law Enforcement Officers rate of pay to the minimum wage rate of \$7.15 per hour to be paid from the Police Salary & Wage effective retro-active to September 4, 2007.

Anthony O'Cone	William Lawlor	Joseph Stanziano
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**PUBLIC WORKS**

Approve the removal of Bill Frankel as per Department of Personnel Departmental Procedures effective retro-active to August 7, 2007.

**WATER/SEWER**

Acknowledge the end of a paid medical leave of absence and return to work for Robert Pinto effective Retro-active to August 20, 2007.

Motion to approve Item 1:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

**CONTRACTS AND AWARDS**

2. Resolution 07-0907.02: Award various renewal Interlocal Agreements for MDT Look-up services: Ship Bottom, Beach Haven, Harvey Cedars, Pine Beach

**RESOLUTION 07-0907.02**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE LONG BEACH TOWNSHIP POLICE DEPARTMENT TO ACT AS LEAD AGENCY REGARDING INTERLOCAL SERVICES AGREEMENTS WITH VARIOUS LAW ENFORCEMENT AGENCIES FOR MOBIL DATA TERMINAL LOOK-UP SERVICES**

**WHEREAS**, the Interlocal Services Act., N.J.S.A. 40:8A-1 et seq. authorizes the Township of Long Beach to enter into contracts for the provision of certain governmental services with other municipalities; and

**WHEREAS**, N.J.S.A. 40:8A-4 requires such contracts to be authorized by resolution; and

**WHEREAS**, the Long Beach Township Police Department operates and maintains a server-based Mobile Data Terminal system to link mobile computers to agency systems in order to increase the sworn officers' ability to perform report and record checks in the field; and

**WHEREAS**, it is the desire of the governing body to authorize the Long Beach Township Police Department to execute an interlocal government services agreement, effective retroactive from June 1, 2007 through December 31, 2008, for the aforesaid services with the following agency at a rate of \$75.00 per Mobile Data Terminal or other device connected to the MDT system server:

- Borough of Ship Bottom Police Department
- Borough of Beach Haven Police Department

**WHEREAS**, it is the desire of the governing body to authorize the Long Beach Township Police Department to execute an interlocal government services agreement, effective retroactive from August 1, 2007 through December 31, 2008, for the aforesaid services with the following agency at a rate of \$75.00 per Mobile Data Terminal or other device connected to the MDT system server:

- Borough of Harvey Cedars Police Department

**WHEREAS**, it is the desire of the governing body to authorize the Long Beach Township Police Department to execute an interlocal government services agreement, effective retroactive from September 1, 2007 through December 31, 2008, for the aforesaid services with the following agency at a rate of \$75.00 per Mobile Data Terminal or other device connected to the MDT system server:

- Borough of Pine Beach Police Department

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey as follows:

1. That the Mayor and Municipal Clerk are hereby authorized to execute an interlocal government service agreement with the abovementioned agency and with other municipalities that may desire participation in accordance with the provisions of law. A copy of said agreement is attached hereto and made a part hereof as Schedule A.
2. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.
3. Resolution 07-0907.03: Award a contract for the purchase of influenza vaccine, per state contract: Sanofi Pasteur \$21,855.02

**RESOLUTION 07-0907.03**

**RESOLUTION AUTHORIZING A CONTRACT TO PURCHASE 2010 DOSES OF FLUZONE TRIVALENT INACTIVATED INFLUENZA VACCINE FOR THE LONG BEACH ISLAND HEALTH 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**, Sanofi Pasteur, 12458 Collections Center Drive, Chicago, IL 60693 has been awarded New Jersey State Contract No. 68267 for Serums, Toxoids, and Vaccines: Influenza Vaccine, DHSS for the period April 1, 2007 to March 31, 2008; and

**WHEREAS**, the Commissioner of Public Works 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 of 2010 doses of Fluzone Trivalent Inactivated Influenza Vaccine shall not exceed Twenty One Thousand Eight Hundred Fifty Five Dollars and Two Cents (\$21,855.02); and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that Sanofi Pasteur be awarded a contract for the purchase of 2010 doses of Fluzone Trivalent Inactivated Influenza Vaccine in an amount not to exceed Twelve Thousand Three Hundred Fifty One Dollars (\$12,351.00).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that Sanofi Pasteur, Discovery Drive, Swiftwater, PA 18370-0187 be awarded a contract for the purchase of 2010 doses of Fluzone Influenza Virus Vaccine for the Long Beach Island Health Department in an amount not to exceed Twenty One Thousand Eight Hundred Fifty Five Dollars and Two Cents (\$21,855.02).

Motion to approve Items 2 & 3:

Motion: Palmer                      Ayes: Bayard, Palmer, Gove

Second: Bayard                      Nays:

**FINANCIAL APPROVALS**

4. Resolution 07-0907.04(a&b): Approve various Chapter 159's:
  - a. DARE Program Donations \$2,000.00
  - b. Community Development Block Grant \$15,000.00

**RESOLUTION 07-0907.04(a)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2007 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159): DONATIONS DARE PROGRAM**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, the Beach Haven Exchange Club has approved a donation to the Township of Long Beach in the amount of \$2,000.00; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2007 Municipal Budget to provide for the insertion of this donation as a source of revenue and an expenditure appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey as follows:

1. That the Board of Commissioners do hereby authorize an amendment to the 2007 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenue offset with appropriations:

DONATION DARE PROGRAM \$2,000.00

2. That the Board of Commissioners do hereby further authorize an appropriation of an equal sum under the caption of:

**GENERAL APPROPRIATION:**

OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

BEACH HAVEN EXCHANGE CLUB \$2,000.00

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.
5. Resolution 07-0907.05: Approve reduction of a Performance Bond: LUB-17-05, Blk 1.19, Lot 1, \$7,496.50

**RESOLUTION 07-0907.04(b)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2007 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159): COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, the County of Ocean has approved a donation to the Township of Long Beach in the amount of \$15,000.00; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2007 Municipal Budget to provide for the insertion of this donation as a source of revenue and an expenditure appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey as follows:

1. That the Board of Commissioners do hereby authorize an amendment to the 2007 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenue offset with appropriations:

COMMUNITY DEVELOPMENT BLOCK GRANT \$15,000.00

2. That the Board of Commissioners do hereby further authorize an appropriation of an equal sum under the caption of:

**GENERAL APPROPRIATION:**

OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

COMMUNITY DEVELOPMENT BLOCK GRANT \$15,000.00

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

**RESOLUTION 07-0907.05**

**WHEREAS**, pursuant to Resolutions 05-0902.15 and 06-0505.17(b), the Township of Long Beach accepted Cashier's Check #0125115 as a Performance Bond in the amount of Twenty Two Thousand One Hundred Ninety Three Dollars (\$22,193.00) drawn on Bank of America from William Paul, Jr. for Minor Subdivision LUB-17-05; Block 1.19, Lot 1 in Holgate, NJ; and authorized a partial release of the Performance Bond in the amount of Eight Thousand Two Hundred Fifty Dollars (\$8,250.00) as per the recommendation and certification of the Municipal Engineer; and

**WHEREAS**, Sub-Divider William Paul, Jr. has requested an additional reduction of the Performance Bond, as per his letter dated August 4, 2007.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners authorize an additional partial release of the Performance Bond in the amount of Seven Thousand Four Hundred Ninety Six Dollars and Fifty Cents (\$7,496.50) as per the recommendation and certification of the Municipal Engineer.

6. Resolution 07-0907.06: Approve Bills & Payroll  
Bills in the amount of: \$1,957,977.15  
Payrolls in the amount of: \$1,189,581.26

**Mayor Gove** explained payment of school taxes were included in the Bills total, and the Payrolls figure included two payroll periods.

**RESOLUTION 07-0907.06**

**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 \$1,189,581.26.

**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 \$1,957,977.15 be and the same are hereby authorized to be paid on September 7, 2007.

2. The said approved payroll amounting to the sum of \$1,189,581.26 be and the same are hereby authorized to be paid on September 7, 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.

Motion to approve Items 4 - 6:

Motion: Palmer                      Ayes: Bayard, Palmer, Gove

Second: Bayard                      Nays:

**Mayor Gove** abstained from Ocean County Utilities Authority vouchers.

**COMMISSIONERS' REPORTS**

**Commissioner Bayard** had no comments.

**Commissioner Palmer** thanked the public for a successful summer. Good weather promoted an increase to beach attendance and revenue.

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

**OPEN PUBLIC SESSION**

**Phil Lloyd / Peahala Park** read a statement he had prepared pertaining to his career as a Lifeguard and his employment experiences in Long Beach Township. He has requested an investigation.

**Karen Ray / Barnegat, Karen Garcia / Peahala Park, Bill Hutson / Holgate, Bill Knarre / Brant Beach, Bob Irvine / Beach Haven Crest, and Zach Kerzner / Beach Haven Crest** provided opinions regarding the personnel matter concerning Mr. Lloyd as it pertained to his Beach Patrol employment, and the training programs offered by the LBT Beach Patrol.

**Katharine Shackleton, Esq.** advised the public and Commissioners that employee grievances must be handled in a different manner and venue.

**Commissioner Palmer** added all actions taken regarding this personnel matter were under advice of legal counsel.

**Katharine Shackleton, Esq.** advised there was potential litigation involved and therefore must be discussed in closed session of the governing body.

**Commissioner Bayard** stated he had been excluded from discussions regarding the employee grievance and subsequent personnel action. He had voted "No" on the matter due to lack of information.

**Bonnie Leonetti, Municipal Clerk / Administrator** confirmed she had advised Commissioner Bayard regarding the matter prior to the public meeting of July 20, 2007.

**Peter Trainor / North Beach Haven** suggested there be more public information and discussion regarding personnel matters, and discussion of pending ordinances be allowed prior to the public hearing.

**Mary DeRogatis / North Beach** asked for information regarding Ordinance 07-36C.

**Mayor Gove** replied the Ordinance placed no restrictions on the percentage of impervious surface coverage for commercially zoned lots.

**Carl Mendell / North Beach** was concerned by flooding that could result from impervious lot coverage or large footprint structures. He asked the Commissioners to address this issue when reviewing the proposed update to the Master Plan.

**Katharine Shackleton, Esq.** explained the matter must be presented to and discussed with the Land Use Board.

**Dick Jeffries / Beach Haven Terrace** displayed a craft item used for the deposit of cigarette butts that he would be offering at the LBI Arts Foundation art show. He complimented the Board of Commissioners on their openness and willingness to communicate with members of the public.

**Bob Irvine / Beach Haven Crest** asked that interested property owners contact him to become members of the LBT10 Taxpayers Association. He told the Board of Commissioners he felt there was a lack of transparency in the way they conducted township business. He inquired as to the status of easements received regarding the Beach Storm Protection Project.

**Mayor Gove** provided information as to the number of easements needed, as well as the number that have been received. She would speak with the Department of Environmental Protection in the near future to verify the sections of Long Beach Township where executed deeds of easement no longer needed to be submitted.

**Zach Kerzner / Beach Haven Crest** was concerned with pedestrian as well as vehicle traffic on Ocean Blvd. and Beach Ave. He suggested foliage along the roads be trimmed to relieve view obstructions, and that property assessment liens be added to require the installation of curbs and sidewalks. He asked that municipal trash bins be outfitted with lids.

**Commissioner Bayard** assured Mr. Kerzner that he would consider his suggestions and noted that Ocean Blvd. was scheduled to be paved in the near future.

**Mayor Gove** announced the township website was nearly complete and thanked Bill Hutson for his helpful advice.

**CLOSE PUBLIC SESSION**

Motion for adjournment at: 5:02 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.