

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS MARCH 2, 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

PROCLAIM: "Women's History Month" March 2007

Mayor Gove announced March 2007 was designated as "Women's History Month – A Generation of Women Moving History Forward".

PROCLAMATION

WHEREAS, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways; and

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State; and

WHEREAS, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women and to:

- Ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- Identify, implement, measure and coordinate programs that address the needs of NJ women.
- Engage in continuous study and research on issues affecting NJ women and their families, develop policy papers, and legislative recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that March 2007 is designated as "Women's History Month – Generation of Women Moving History Forward".

MEMORIAM:

1. Resolution 07-0302.01: In Remembrance of the 45th Anniversary of the March Storm of 1962 and Chief Angelo Leonetti

Mayor Gove provided a history of the event that resulted in vast devastation on Long Beach Island. She asked for a moment of silence in remembrance of those whose lives were lost, especially Chief Angelo Leonetti, who perished in the line of duty as a result of the intense storm. She read aloud Resolution 07-0302.01, presented a copy to the Leonetti family, and thanked them for their sacrifice.

RESOLUTION 07-0302.01

MEMORIAM FOR

LONG BEACH TOWNSHIP POLICE CHIEF ANGELO J. LEONETTI
WHO GAVE HIS LIFE IN THE MARCH STORM OF 1962

WHEREAS, on Tuesday, March 6, 1962 two storm systems and a full moon converged creating a weather event of enormous magnitude which lasted for three days resulting in vast devastation as well as loss of life on Long Beach Island; and

WHEREAS, Chief Angelo J. Leonetti, who had joined the Township Police Department in 1952 and moved up through the ranks to the Chief position in 1957 remained on continuous duty at the onset of the storm and on the morning of March 6th drove a township vehicle into the Holgate section of the Township with Commissioner Kenneth Chipman and local Businessman Robert Osborn to check on the evacuation of Township residents there; and

WHEREAS, when the road gave way under the vehicle, the three were tossed into the raging ocean which had breached the dunes and perished that day. Chief Leonetti valiantly gave his life in the line of duty leaving a bereaved department and municipality, as well as a devoted wife and four young children. Their loss and suffering due to the Chief's devotion to his job and to Long Beach Township was most certainly beyond description.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that Long Beach Township shall remember on the 45th

anniversary of the Storm which will occur on Tuesday, March 6, 2007 the unselfish and untimely sacrifice made by Chief Angelo J. Leonetti to his town.

Motion to approve Item 1:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

ORDINANCES/PUBLIC HEARINGS

2. Second Reading Ordinance 06-41C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" AS SAME IN CHAPTER 5 PERTAINS TO ADMINISTRATION**

Passed as on first reading at a regular meeting held on December 15, 2006 advertised in the BEACH HAVEN TIMES, issue of December 20, 2006.

Motion to **withdraw** Ordinance 06-41C:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

3. Second Reading Ordinance 07-07: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING FEES FOR AN ENGINEERING AND DRAINAGE PROJECT FOR OCEAN BOULEVARD AND PROVIDING FOR THE APPROPRIATION OF FUNDS AND AUTHORIZING ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES TO FINANCE THE COSTS THEREOF. \$150,000.00.**

Passed as on first reading at a regular meeting held on February 16, 2007 advertised in the BEACH HAVEN TIMES, issue of February 21, 2007.

ORDINANCE 07-07

AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING FEES FOR AN ENGINEERING AND DRAINAGE PROJECT FOR OCEAN BOULEVARD AND PROVIDING FOR THE APPROPRIATION OF FUNDS AND AUTHORIZING ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES TO FINANCE THE COSTS THEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH:

SECTION I

An Ordinance of the Township of Long Beach, County of Ocean, State of New Jersey authorizing fees for an engineering and drainage project for Ocean Boulevard and providing for the appropriation of funds and authorizing the issuance of bonds and bond anticipation notes to finance the cost thereof.

SECTION II

It is hereby found, determined and declared as follows:

- A. That the estimated amount to be raised by the Township of Long Beach from all sources for the purposes stated in Section I hereof is \$150,000.00.
- B. That the estimated amount of bonds to be issued for the purposes stated in Section I hereof is \$142,500.00.
- C. That a down payment for the purposes stated in Section I hereof is available in the Capital Improvement Fund of the Township of Long Beach in the amount of \$7,500.00.

SECTION III

That the sum of \$142,500.00 to be raised by the issuance of bonds or bond anticipation notes together with the sum of \$7,500.00 from the Capital Improvement Fund of the Township of Long Beach be and same hereby are appropriated for the purposes stated in this ordinance.

SECTION IV

There is hereby authorized the issuance of negotiable bonds in an aggregate principal amount of \$142,500.00 to finance part of the cost of the purposes stated in Section I hereof. Said bonds shall bear interest at a rate not exceeding the limit authorized thereof which shall be determined by subsequent resolution to be adopted in the manner provided by law.

SECTION V

That in order temporarily to finance the purposes provided for in Section I hereof, there is hereby authorized the issuance of bond anticipation notes of said Township of Long Beach in an aggregate principal amount of \$142,500.00. Said bond anticipation notes shall bear interest at a rate not to exceed the limit authorized by law, and the maturities, method of sale and other details thereof shall be determined by subsequent resolution to be adopted in conformity with the applicable provisions of Local Bond Law.

SECTION VI

The amount of the proceeds of the obligations authorized by this Ordinance which may be used for payment of interest on such obligations, accounting, legal fees and other items as provided in N.J.S.A. 40A:2-20 is not to exceed the sum of \$10,000.00.

SECTION VII

It is hereby found determined and declared as follows:

- A. That the period of usefulness of the improvements for which the obligations hereby authorized by this Ordinance is to be issued is for fifteen (15) years maximum.
- B. That the supplemental debt statement provided for in N.J.S.A. 40A:2-10 was duly filed in the office of the Clerk of the Township of Long Beach prior to passage of this Ordinance on first reading and a complete executed duplicate original thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, the supplemental debt statement shows the gross debt of the Township of Long Beach as defined in N.J.S.A. 40A:2-43 is increased by this Ordinance by \$142,500.00 and the obligations authorized by this Ordinance will be within all debt limitations prescribed by said Local Bond Law.

SECTION VIII

That the full faith and credit of the Township of Long Beach shall be pledged to the punctual payment of the principal of and interest on the bonds and notes authorized by this Bond Ordinance and to the extent

not otherwise provided the Township shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

SECTION IX

The Capital Budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board, showing full detail of the amended Capital Budget and Capital Program as approved by the Director, Division of Local Government Services, is on file with the Municipal Clerk and is available for inspection.

SECTION X

Any grant monies received for the purposes described in Section I hereof shall be applied either to direct payment of the cost of the improvements or repayment of obligations issued to finance the cost of improvements described in Section I above.

SECTION XI

The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to *Income Tax Regulation §1.150-2(e)* promulgated under the *Internal Revenue Code of 1986*, as amended ("Code"), for "original expenditures" as defined in *Income Tax Regulation §1.150-2(c) (2)*, made by the Township prior to the issuance of such bonds or bond anticipation notes.

SECTION XII

The Township hereby covenants as follows:

- (a) It shall take all action to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinances is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to §57(a) (5) of the Code;
- (b) It will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in §148(a) of the Code and the regulations promulgated thereunder;
- (c) It shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in §148 (f) of the Code) of the bonds or bond anticipation notes;
- (d) It shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by §148 (f) and §148 (e) of the Code;
- (e) It shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of §149 (b) of the Code.

SECTION XIII

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

SECTION XIV

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 XV

This Ordinance shall take effect twenty days after the first publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday February 16, 2007 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday March 2, 2007 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

STATEMENT

The bond ordinance published herewith has been finally adopted on Friday, March 2, 2007 at 4:00 P.M. and the 20-day period limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-07 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

4. Second Reading Ordinance 07-08: **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".**

Mayor Gove stated this increased salary ranges for Deputy Municipal Department Head and Public Health Nurse titles.

Passed as on first reading at a regular meeting held on February 16, 2007 advertised in the BEACH HAVEN TIMES, issue of February 21, 2007.

ORDINANCE 07-08

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 ADJUSTS SALARY RANGES FOR TWO POSITIONS ABOUT TO BE UTILIZED. NEW JERSEY DEPARTMENT OF PERSONNEL REQUIRES THAT EVERY POSITION IS PAID A SALARY THAT FALLS WITHIN A DESIGNATED RANGE.

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

SECTION 1. 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:

<u>ADMINISTRATIVE AND EXECUTIVE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Deputy Municipal Department Head	40,000.00	100,000.00
<u>BOARD OF HEALTH</u>		
Public Health Nurse	35,000.00	70,000.00

SECTION VII

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

SECTION VIII

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION VIII

This Ordinance shall take effect upon publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday, February 16, 2007 at 4:00 p.m.

Further public notice is hereby given that said Ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday, March 2, 2007 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

CERTIFICATION

I, Bonnie M. Leonetti, RMC/CMC, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 07-08 was duly adopted by the Board of Commissioners at their meeting held on Friday, March 2, 2007 at 4:00 p.m.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-08 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

5. Second Reading Ordinance 07-09C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTERS 51 AND 205 AS THEY PERTAIN TO BEACH CONSTRUCTION REGULATION AND PLACEMENT OF TRASH BINS

Passed as on first reading at a regular meeting held on February 16, 2007 advertised in the BEACH HAVEN TIMES, issue of February 21, 2007.

6. Resolution 07-0302.02: Approve amendment to Ordinance 07-09C

Mayor Gove noted amended Ordinance 07-09C prohibited the placement of any decorative device in the Beach Dune area of Long Beach Township. She explained regulations for the placement of trash bins had been deleted, and that amended Ordinance 07-09C would be published on March 7th with second reading as amended to be held on March 16th at 2:00 p.m.

RESOLUTION 07-0302.02

RESOLUTION AMENDING AND READOPTING AS AMENDED ON FIRST READING ORDINANCE 07-09C ENTITLED "AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, 'CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997' IN CHAPTERS 51 AND 205 AS THEY PERTAIN TO BEACH CONSTRUCTION REGULATIONS AND PLACEMENT OF TRASH BINS"

WHEREAS, Ordinance No. 07-09C as entitled above was adopted on first reading Friday February 16, 2007, at a regular meeting of the Board of Commissioners of the Township of Long Beach; and

WHEREAS, after further reflection the Board of Commissioners of the Township of Long Beach has determined that Section II of said Ordinance which amended Section 205-25 of an Ordinance entitled "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997) should not be repealed and have a new Section 205-25 adopted in *lieu* and instead of the original; and

WHEREAS, and the laws of the State of New Jersey permit Ordinances to be amended prior to passage on second reading; and

WHEREAS, if the amendment is substantial the Statement of Purpose of the amended Ordinance must be published prior to final passage.

NOW THEREFORE, be it resolved by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey at a regular meeting held this Friday March 2, 2007 that the title of Ordinance 07-09C shall be and is hereby amended to read as follows:

“AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, ‘CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997’ IN CHAPTER 51 AS THE SAME PERTAINS TO BEACH CONSTRUCTION REGULATION”

BE IT FURTHER RESOLVED, that Section II of Ordinance No. 07-09C shall be and is hereby deleted from such Ordinance and Section III of said Ordinance shall become Section II, Section IV of said Ordinance shall become Section III and Section V of said Ordinance shall become Section IV.

BE IT FURTHER RESOLVED, that the Statement of Purpose of Ordinance 07-09C shall be and is hereby amended to read as follows:

STATEMENT OF PURPOSE

This Ordinance adds to Section 51-18 the further prohibited act of placing any decorative or attention attracting devices in the Beach Dune area of Long Beach Township.

BE IT FURTHER RESOLVED, that the Statement of Purpose as amended hereby shall be published in the official newspapers of the Township of Long Beach noticing that the Ordinance as amended by this Resolution shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held Friday, March 16, 2007, at 2:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, New Jersey 08008.

Motion to approve Item 6:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

7. Second Reading Ordinance 07-10: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF TWO BULLDOZER UNDERCARRIAGES FOR THE PUBLIC WORKS DEPARTMENT “CASE” BULLDOZERS AND PROVIDING FOR THE APPROPRIATION OF FUNDS AND AUTHORIZING ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES TO FINANCE THE COSTS THEREOF. \$40,000.00**

Passed as on first reading at a regular meeting held on February 16, 2007 advertised in the BEACH HAVEN TIMES, issue of February 21, 2007.

ORDINANCE 07-10

AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF TWO BULLDOZER UNDERCARRIAGES FOR THE PUBLIC WORKS DEPARTMENT “CASE” BULLDOZERS AND PROVIDING FOR THE APPROPRIATION OF FUNDS AND AUTHORIZING ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES TO FINANCE THE COSTS THEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH:

SECTION I

An Ordinance of the Township of Long Beach, County of Ocean, State of New Jersey authorizing the acquisition of two bulldozer undercarriages for the Public Works Department “CASE” bulldozers and providing for the appropriation of funds and authorizing the issuance of bonds and bond anticipation notes to finance the cost thereof.

SECTION II

It is hereby found, determined and declared as follows:

A. That the estimated amount to be raised by the Township of Long Beach from all sources for the purposes stated in Section I hereof is \$40,000.00.

B. That the estimated amount of bonds to be issued for the purposes stated in Section I hereof is \$38,000.00.

C. That a down payment for the purposes stated in Section I hereof is available in the Capital Improvement Fund of the Township of Long Beach in the amount of \$2,000.00.

SECTION III

That the sum of \$38,000.00 to be raised by the issuance of bonds or bond anticipation notes together with the sum of \$2,000.00 from the Capital Improvement Fund of the Township of Long Beach be and same hereby are appropriated for the purposes stated in this ordinance.

SECTION IV

There is hereby authorized the issuance of negotiable bonds in an aggregate principal amount of \$38,000.00 to finance part of the cost of the purposes stated in Section I hereof. Said bonds shall bear interest at a rate not exceeding the limit authorized thereof which shall be determined by subsequent resolution to be adopted in the manner provided by law.

SECTION V

That in order temporarily to finance the purposes provided for in Section I hereof, there is hereby authorized the issuance of bond anticipation notes of said Township of Long Beach in an aggregate principal amount of \$38,000.00. Said bond anticipation notes shall bear interest at a rate not to exceed the limit authorized by law, and the maturities, method of sale and other details thereof shall be determined by subsequent resolution to be adopted in conformity with the applicable provisions of Local Bond Law.

SECTION VI

The amount of the proceeds of the obligations authorized by this Ordinance which may be used for payment of interest on such obligations, accounting, legal fees and other items as provided in N.J.S.A. 40A:2-20 is not to exceed the sum of \$2,000.00.

SECTION VII

It is hereby found determined and declared as follows:

A. That the period of usefulness of the improvements for which the obligations hereby authorized by this Ordinance is to be issued is for five (5) years maximum.

B. That the supplemental debt statement provided for in N.J.S.A. 40A:2-10 was duly filed in the office of the Clerk of the Township of Long Beach prior to passage of this Ordinance on first reading and a complete executed duplicate original thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New

Jersey, the supplemental debt statement shows the gross debt of the Township of Long Beach as defined in N.J.S.A. 40A:2-43 is increased by this Ordinance by \$38,000.00 and the obligations authorized by this Ordinance will be within all debt limitations prescribed by said Local Bond Law.

SECTION VIII

That the full faith and credit of the Township of Long Beach shall be pledged to the punctual payment of the principal of and interest on the bonds and notes authorized by this Bond Ordinance and to the extent not otherwise provided the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

SECTION IX

The Capital Budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board, showing full detail of the amended Capital Budget and Capital Program as approved by the Director, Division of Local Government Services, is on file with the Municipal Clerk and is available for inspection.

SECTION X

Any grant monies received for the purposes described in Section I hereof shall be applied either to direct payment of the cost of the improvements or repayment of obligations issued to finance the cost of improvements described in Section I above.

SECTION XI

The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation §1.150-2(e) promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures" as defined in Income Tax Regulation §1.150-2(c) (2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

SECTION XII

The Township hereby covenants as follows:

(a) It shall take all action to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinances is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to §57(a) (5) of the Code;

(b) It will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in §148(a) of the Code and the regulations promulgated thereunder;

(c) It shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in §148 (f) of the Code) of the bonds or bond anticipation notes;

(d) It shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by §148 (f) and §148 (e) of the Code;

(e) It shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of §149 (b) of the Code.

SECTION XIII

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

SECTION XIV

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 XV

This Ordinance shall take effect twenty days after the first publication thereof after final passage according to law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday February 16, 2007 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday March 2, 2007 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

STATEMENT

The bond ordinance published herewith has been finally adopted on Friday, March 2, 2007 at 4:00 P.M. and the 20-day period limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-10 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

8. First Reading Ordinance 07-11C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTER 180 AS THE SAME APPLIES TO SWIMMING POOLS.**

Mayor Gove noted this ordinance clarified when in ground swimming pools may be constructed, and how they may be constructed so as not to include lot coverage for the purpose of calculating lot coverage. Second reading and public hearing for this Ordinance would take place on April 20th at 4:00 p.m.

Motion to approve Ordinance 07-11C on First Reading:

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

ADOPTIONS, APPROVALS, OPPOSITION

9. Resolution 07-0302.03: Oppose the exploration, development or production of oil or natural gas off the Mid-Atlantic Coast: Requested by the Ocean Co. Board of Chosen Freeholders

RESOLUTION 07-0302.03

WHEREAS, the Board of Commissioners of the Township of Long Beach has consistently and strongly opposed any plans to use the Atlantic Ocean for the disposal of problem materials and the disruptive use of the coast and ocean floor for activities including the drilling for oil and natural gas and the mining of sand because of the disruptive impact of such activities on the marine environment and coastal tourism; and

WHEREAS, in 2006 the US Department of the Interior released a draft Outer Continental Shelf Drilling for 2007 – 2012 which includes a new lease for drilling and exploration off of the Virginia coast once the current moratorium on offshore leases expires; and

WHEREAS, the proposed location is approximately 75 miles from the New Jersey coast; and

WHEREAS, as recently as September 17, 2003, the Ocean County Board of Chosen Freeholders adopted a Resolution strongly opposing further exploration or production of oil and natural gas off the Atlantic coastline; and

WHEREAS, Congressional Legislation H.R. 944 would permanently ban exploration or extraction of oil or gas on or from submerged lands within 125 miles of any point of the coastline of New Jersey.

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. It strongly opposes the exploration, development or production of oil or natural gas off the Mid-Atlantic Coast.
2. It supports the passage of H.R. 944 in the US House of Representatives to permanently ban exploration and drilling off the New Jersey coastline.
3. Copies of this Resolution shall be made available to the US Department of the Interior, National Oceanic and Atmospheric Administration, Governor Jon S. Corzine, Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, New Jersey Congressional Delegation, the Clerk of the Board of the Counties of Atlantic, Cape May, Cumberland and Monmouth, and the Ocean County Municipal Clerks.

10. Resolution 07-0302.04: Approve personnel actions

Mayor Gove listed the various actions taken.

RESOLUTION 07-0302.04

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

CLERK

Hire the following as a part time Seasonal Clerk at a rate of \$10.75 per hour to be paid from the Clerk Salary & Wage effective March 2, 2007.

Kyle Ominski

HEALTH

Approve the change from Part Time Public Health Nurse to Full Time Public Health Nurse for Anita Miller with an annual base salary of \$56,500.00 effective March 8, 2007.

POLICE

Hire the following as Seasonal Class II Special Law Enforcement Officers at a rate of \$10.00 per hour to be paid from the Police Salary & Wage effective March 3, 2007.

Brian Delpriora

Pat Mazzella

Appoint the following as a Police Lieutenant effective March 2, 2007 as per Dept. of Personnel Certified List No. PL070449 with a base salary of \$95,571.71 to be paid from the Police Salary & Wage.

Anthony Deely

PUBLIC WORKS

Acknowledge the return from a paid medical leave of absence for Robert Parker effective retro-active to February 22, 2007.

WATER/SEWER

Approve a paid Medical Leave of Absence for Linda Appell using accumulated sick days effective retro-active to February 23, 2007.

Approve an Administrative Leave of Absence with pay for Frederick Hulick effective March 2, 2007 through April 30, 2007.

11. Resolution 07-0302.05: Appoint members to the Long Beach Township Senior Citizen's Advisory Board

Mayor Gove stated the appointed individuals would advise the Board of Commissioners on matters impacting senior citizens.

RESOLUTION 07-0302.05

WHEREAS, pursuant to Ordinance 06-39C, adopted December 15th 2006, creating a new chapter of the Code of the Township of Long Beach, Chapter 29, the Board of Commissioners of the Township of Long Beach Office authorized the establishment of a Senior Citizens Advisory Board for the purpose of advising the Board of Commissioners on matters impacting senior citizens; and

WHEREAS, the Mayor, with the concurrence of the Commissioners, wishes to appoint the following individuals to serve as members of the Long Beach Township Senior Citizens Advisory Board:

Three (3) year terms:

John Hall

Phyllis Romano

Kathleen Thulin

Gene Patten

Two (2) year terms:

James O'Hara
Vilma Applegate

One (1) year terms:

Anita Miller
Kathy Shackleton

Municipal Liason:

DiAnne Gove

Ex-officio Members (One (1) year terms):

AARP – LBI: Virginia Josephson
St. Francis Community Center: Wendy Westberg
So. Ocean County Hospital: Joanne Leichte

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the above-named individuals be and they are hereby appointed as members of the Long Beach Township Senior Citizens Advisory Board as per the above-described terms.

12. Resolution 07-0302.06: Approve changes to various Water/Sewer accounts

RESOLUTION 07-0302.06

WHEREAS, the following Water/Sewer accounts require changes in their billing and/or classification due to various reasons; and

WHEREAS, it is requested by the Director of Revenue and Finance that these changes be made as follows:

Blk:	Lot:	Acct:	Year:	Cancel/change:	Amount:
1.89	2.01	668-0 Sewer	2007	Remove Garbage Disp	\$174.00
4.22	7	1061-0 Sewer	2007	Remove Garbage Disp	174.00
4.22	12	1067-0 Sewer	2007	Chg 3 to 2 family & Condos CA and CB	409.00
10.15	4	3079-0 Sewer	2007	Remove Garbage Disp	174.00
11.32	5	3815-0 S/W	2007	To Stand-by	409.00
11.32	5	3815-0 Sewer	2006	To Stand-by	121.62
11.32	5	3815-0 Water	2006	To Stand-by	104.22
15.43	1	5340-0 Sewer	2007	Remove Garbage Disp	174.00
15.64	8	5585-0 Sewer	2007	Change 3 to 2 Family	409.00
15.78	4	5722-0 Sewer	2007	2 to 1 Family per C.O.	409.00
18.45	3	6427-0 Sewer	2007	2 to 1 Family per C.O.	409.00
20.09	1.03	6804-0 Sewer	2007	Remove Garbage Disp	174.00
20.105	7	7304-0 S/W	2007	To Stand-by	174.00
20.145	1.01	7509-0 Sewer	2007	Remove Garbage Disp	174.00

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.

13. Resolution 07-0302.07: Authorize application for various grants:

Fatal Vision Zero Tolerance 2008
Aggressive Driver Enforcement and Pedestrian Safety 2008
Pedestrian Bicycle Safety Enforcement 2008

RESOLUTION 07-0302.07

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that, Lt. Paul Vereb of the Long Beach Township Police Department, be and he hereby is authorized and directed to apply for the following New Jersey Division of Highway Safety Grants:

- Fatal Vision Zero Tolerance 2008 in the approximate amount of \$20,000.00.
- Aggressive Driver Enforcement and Pedestrian Safety 2008 in the approximate amount of \$70,000.00.
- Pedestrian Bicycle Safety Enforcement 2008 in the approximate amount of \$13,000.00.

Motion to approve Items 9 - 13:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

CONTRACTS AND AWARDS

14. Resolution 07-0302.08: Amend Resolution 06-1117.06

Correct typo for Metra Industries: Total contract amount: \$597,897.99

RESOLUTION 07-0302.08

WHEREAS, due to a typographical error on Resolution 06-1117.06, the total amount of the contract awarded to Metra Industries for the replacement of various water mains, per bid was recorded incorrectly as \$597,097.95; and

WHEREAS, the actual amount of said bid and contract is \$597,897.99.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, that the correct amount of the contract awarded pursuant to Resolution 06-1117.06 to Metra Industries for the replacement of various water mains, per bid, is \$597,897.99.

15. Resolution 07-0302.09: Approve an Interlocal Agreement with Ocean County:

2007 Animal Facility Services

RESOLUTION 07-0302.09

A RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8-1 et seq., authorizes two or more local units to enter into joint agreements for the provision of governmental services.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that the Mayor and the Municipal Clerk be and they are hereby authorized and directed to execute a renewal agreement with the Ocean County Board of Health for Animal Facility Services for the year 2007.

16. Resolution 07-0302.10: Award a contract per quotation
Fine Line Home Improvement: \$5,575.00 to replace roof on
the Beach Haven Terrace Water Treatment Plant

RESOLUTION 07-0302.10

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE REPLACEMENT OF THE ROOF ON THE BEACH HAVEN TERRACE WATER TREATMENT PLANT, PER QUOTE

WHEREAS, the Township of Long Beach has solicited quotes for the replacement of the roof on the Beach Haven Terrace Water Treatment Plant; and

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

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

WHEREAS, Fine-Line Home Improvements gave the lowest qualified quote in an amount not to exceed Five Thousand Five Hundred Seventy Five Dollars (\$5,575.00).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 2nd day of March 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Fine-Line Home Improvements
5908 Long Beach Blvd.
Brant Beach, NJ 08008

for the replacement of the roof on the Beach Haven Terrace Water Treatment Plant in an amount not to exceed Five Thousand Five Hundred Seventy Five Dollars (\$5,575.00) as per quote received December 10, 2006.

Motion to approve Items 14 - 16:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

FINANCIAL APPROVALS

17. Resolution 07-0302.11: Approve acceptance of a maintenance bond and release of a performance bond: LUB 32-05, Blk 13.02 Lot 1

RESOLUTION 07-0302.11

WHEREAS, pursuant to Resolution 05-1216.09(b) the Township of Long Beach received from Karen Spinelli (Pinziminio, Inc.), Letter of Credit No. 132192050047 in the amount of \$22,660.00 from Commerce Bank, and Cashier's Check #805-02213 drawn on Commerce Bank in the amount of \$8,497.50 representing the required Performance Bond amount of \$31,157.50 for Sub-division Application #LUB-32-05, Block 13.02, Lot 1 (8701 Long Beach Blvd., Brighton Beach, NJ 08008); and

WHEREAS, the Township of Long Beach has accepted Check #317 drawn on Commerce Bank dated February 27, 2007 in the amount of \$1,135.00 representing the Maintenance Bond for Sub-division Application #LUB-32-05.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby releases Letter of Credit No. 132192050047 in the amount of \$22,660.00 from Commerce Bank, and \$8,497.50 plus interest representing the required Performance Bond for the above mentioned property, and accepts Check #317 in the amount of \$1,135.00 as the Maintenance Bond per the certification and recommendation of the Township Engineer.

18. Resolution 07-0302.12: Approve a refund of a tax overpayment

RESOLUTION 07-0302.12

A RESOLUTION AUTHORIZING REIMBURSEMENT OF EXCESS REAL ESTATE TAXES PAID

WHEREAS, due to reductions in assessed values, exempt properties, errors in assessments, inactive accounts, payments on incorrect accounts, and duplicate payments; over payments have been created; and

WHEREAS, as a result of these payments certain property owners are due reimbursements for taxes paid as set forth below,

<u>Block / Lot</u>	<u>Reason</u>	<u>Name</u>	<u>Amount</u>
4.39 / 3	Overpayment	First American R/E Tax Service Refund Dept PO Box 961250 Fort Worth, TX 76161-9887	\$16,639.53

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, County of Ocean and State of New Jersey that the overpayments as set forth in the above totaling **\$16,639.53** shall be reimbursed and the Tax Collector is directed to make the appropriate adjustments to the records.

19. Resolution 07-0302.13: Amend Resolution 07-0216.08 :
Correct total of temporary budget: \$5,250,786.00

RESOLUTION 07-0302.13

WHEREAS, pursuant to Resolution 07-0216.08, the Chief Financial Officer of the Township of Long Beach determined that an increase to the 2007 Temporary Budget, approved by Resolution 07-0105.01, was necessary due to various reasons; and

WHEREAS, due to an error in addition the new total of the 2007 Temporary Budget was recorded incorrectly on Resolution 07-0216.08 as \$5,378,236.00; and

WHEREAS, the correct new total of the 2007 Temporary Budget was actually \$5,250,786.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the current and correct total of the 2007 Temporary Budget is \$5,250,786.00.

20. Resolution 07-0302.14: Approve increase to the 2007 Temporary Budget

RESOLUTION 07-0302.14

WHEREAS, the Chief Financial Officer of the Township of Long Beach has determined that an increase to the 2007 Temporary Budget, approved by Resolution 07-0105.01 and amended by Resolutions 07-0216.08 and 07-0302.13, is necessary due to various reasons; and

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

• Buildings & Grounds O/E	7-01-26-310-100	\$10,000.00
	Total Increase	\$10,000.00
	Total Temporary Budget	\$5,260,786.00

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 2007 Temporary Budget as recorded above.

21. Resolution 07-0302.15: Approve introduction of the 2007 Municipal Budget

Commissioner Palmer explained there would be a small increase in the municipal tax rate. He advised copies of the 2007 Municipal Budget would be available in the Municipal Clerk's office starting March 14th, and that public comment would take place at the public meeting to be held on April 5th at 4:00 p.m. He thanked Lisa Jones, CFO and William Antonides, Auditor for their assistance in the preparation of the budget.

William Antonides, Auditor added the budget would be published in the Beach Haven Times and mailed to the appropriate state agencies for approval prior to adoption.

RESOLUTION 07-0302.15

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following statements of revenues and appropriations shall constitute the Local Municipal Budget for the year 2007; and

BE IT FURTHER RESOLVED that said Budget be published in the Beach Haven Times, issue of March 14, 2007;

The Governing Body of the Township of Long Beach does hereby approve the following as the Budget for the year 2007:

VOTE: **AYES: BAYARD, PALMER, GOVE**
NAYS:
ABSTENTIONS:
ABSENCES:

NOTICE

NOTICE IS HEREBY GIVEN that the Budget and the Tax Resolution was approved by the Board of Commissioners of the Township of Long Beach, County of Ocean, on March 2, 2007;

A hearing on the Budget and Tax Resolution will be held at the Public Safety Building on April 5, 2007, at 4:00 P.M., at which time and place, objections to said budget and tax resolution for the year 2007 may be presented by taxpayers or other interested persons.

22. Resolution 07-0302.16:	Approve Bills & Payroll	
	Bills in the amount of:	\$2,163,934.35
	Payrolls in the amount of:	\$ 353,139.41

RESOLUTION 07-0302.16

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 \$353,139.41.

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 \$2,163,934.635 be and the same are hereby authorized to be paid on March 2, 2007.

2. The said approved payroll amounting to the sum of \$353,139.41 be and the same are hereby authorized to be paid on March 2, 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 17 - 22:

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

Mayor Gove abstained from the Ocean County Utilities Authority voucher.

COMMISSIONERS' REPORTS

Commissioner Bayard spoke on current beach conditions. He stated the Public Works Department would try to restore eroded areas, street ends, and beach entrances. He detailed plans to install additional dune fencing. He also thanked Lisa Jones, CFO and William Antonides, Auditor for their expertise and hard work in the preparation of the budget.

Commissioner Palmer reminded property owners that sewer bills were currently due.

Mayor Gove announced the next meetings of the Board of Commissioners and the Land Use Board. She noted the second reading and public hearing for amended Ordinance 07-09 would be held on March 16th at 2:00 p.m., and for Ordinance 07-11C on April 20th at 4:00 p.m.

OPEN PUBLIC SESSION

Bill Kunz / Brant Beach questioned a change in the title of Ordinance 07-07 from the Executive Session Agenda held on February 28, 2007.

Mayor Gove and **Bonnie Leonetti, Municipal Clerk/Administrator** explained the title on the Executive Session Agenda had been incorrect.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:34 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.