

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS FEBRUARY 1, 2013
Flag Salute

Meeting came to order: 4:05 p.m.

Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi PRESENT

Also in attendance: Lynda J. Wells, Municipal Clerk
Teresa S. Sgro, Deputy Municipal Clerk

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES and the ASBURY PARK PRESS on December 12th 2012; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the January 18, 2013 and to approve the same as recorded in the minute book:

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

AGENDA

DECLARATION: Appointments to LBT Land Use Board

The following shall be appointed as per N.J.S.A. 55D to the LBT Land Use Board as of January 2013 for the following term:

Robert Andreotta, Alternate #3, Class IV Member: 2 year term
ORDINANCES & PUBLIC HEARINGS

Second Reading Ordinance 13-01C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 1 PERTAINS TO NON-TRAFFIC FINES, CHAPTER 5 PERTAINS TO ADMINISTRATION, CHAPTER 51 PERTAINS TO BEACH FIRES, CHAPTER 152 PERTAINS TO PRIVATE SALES, AND CHAPTER 195 PERTAINS TO VENDOR LICENSING

Lynda Wells, Municipal Clerk explained this Ordinance set the fine for Beach Fires, set the maximum number of Police Sergeants at six (6), amended Ice Cream Vendor application photographic identification requirements, amended the annual Town-wide Private Sale dates, and prohibited Seasonal Employees from holding Supervisory positions in the Township.

Passed on first reading at a regular meeting held on January 18, 2013 and advertised in the BEACH HAVEN TIMES issue of January 24, 2013.

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DO ORDAIN:
STATEMENT OF PURPOSE

This Ordinance sets the fine for Beach Fires, sets the maximum number of Police Sergeants at six (6), amends Ice Cream Vendor application photographic identification requirements, amends the annual Town-wide Private Sale dates, and prohibits Seasonal Employees from holding Supervisory positions in the Township.

SECTION I

§1-19.A.(2). Penalties. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the deletion of the phrase "Beach fires prohibited \$50" noted in Code Section §51-18K.

§51-18. Prohibited acts. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the addition of a new sub-section, Sub-section S., as follows:

S. There shall be no beach fires of any type.

SECTION II

§5-8. Department of Public Affairs and Public Safety. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended as follows:

§5-8.A(4) as the same refers to Rank, is hereby amended by the repeal of "8 Sergeants" and the substitution therefore of "6 Sergeants" in lieu thereof.

SECTION III

§5-12.B(1)(d). Anti-nepotism policy of the Township of Long Beach. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the deletion of the (.) after the word employment; and the addition of the following:

, however, any part-time seasonal employee, who is a relative of a Township employee and working within the same department, shall be prohibited from holding a supervisory position.

SECTION IV

§152-3.C. Sales, Private. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the repeal of the first two (2) sentences of the paragraph, and by adopting in lieu and instead thereof the following:

"The Township of Long Beach shall permit two (2) town-wide private sales per year as may be fixed by annual resolution of the Governing Body."

§152-3.D. Sales, Private. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the repeal of the words "application of any such" in the introductory line immediately following D.

SECTION V

§195-3.B.(7) Application for license. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed, and the subsections following shall be renumbered beginning with (7) and continuing sequentially through (9).

SECTION VI

§195-3.C.(2) Application for license. of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and the subsections following shall be renumbered beginning with (2) and continuing sequentially through (13).

SECTION VII

§195-3. Is hereby amended by the addition of a new Section, Section H., as follows:
H. Upon acceptance of a valid and approved Vendor Licensing Application, a photo identification card shall be prepared and issued by the Long Beach Township Police Department for each licensed driver.

SECTION VIII

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

SECTION IX

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 X

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

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 13-01C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Second Reading Ordinance 13-02C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 139 AS IT DEALS WITH SOLICITING AND CANVASSING**

Lynda Wells, Municipal Clerk explained this Ordinance prohibited soliciting and canvassing in the Township of Long Beach other than for charitable purposes or census taking poles. The Ordinance also prohibited any application for a charitable solicitor's license and any charitable solicitation during times of emergency.

Mayor Mancini explained that during Superstorm Sandy aftermath soliciting practices interfered with the process of recovery and rehabilitation in our neighborhoods.

Passed on first reading at a regular meeting held on January 18, 2013 and advertised in the BEACH HAVEN TIMES issue of January 24, 2013.

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

STATEMENT OF PURPOSE

This Ordinance prohibits soliciting and canvassing in the Township of Long Beach other than for charitable purposes or census taking poles and surveys taken pursuant to Federal, State or Local Laws for official public purposes. The Ordinance also prohibits any application for a charitable solicitor's license during times of emergency and further prohibits any charitable solicitation during times of emergency as may be declared by Resolution of the Board of Commissioners of the Township of Long Beach.

SECTION I

Article II consisting of §139-13 through §139-24 of an Ordinance entitled, "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed and in lieu and instead thereof the following is adopted:

§139-13 Any canvassing, peddling, door-to-door selling or other solicitation by any individual whether a resident of the Township or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street shall be and is hereby prohibited except by charitable solicitors as herein below in Chapter 139 is provided.

§139-14 Definition of Charitable Solicitor - - Any individual, whether resident of the Township or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street soliciting or seeking contributions for any charitable purpose.

§139-15

It shall be unlawful for any person to solicit contributions for charitable purposes unless and until such person has obtained a license pursuant to this Chapter.

§139-16

Federal Census takers and canvassers or solicitors canvassing or soliciting or taking surveys pursuant to any Federal census or any Federal, State or local law for official public purposes shall be exempt from the licensure requirements of this chapter; **PROVIDED, HOWEVER**, Federal Census takers, canvassers and solicitors who are exempt from the licensure requirements of this Ordinance must, nonetheless, have proper identification cards while going door to door and advise the Long Beach Township Police Department on a daily basis of where and when they will be canvassing, soliciting or surveying, stating the name of the organization for which they are working. Such individuals must also have proper identification cards issued by the organization for whom they are soliciting, canvassing or surveying.

§139-17 Badges and License

Any person seeking a license to solicit or seek contributions for any charitable purpose shall first fill out an application and present the same to the Clerk of the Township of Long Beach on a form provided by the Clerk for such purpose. The applicant shall be fingerprinted by the Police Department of Long Beach Township which Police Department shall, after background check as the Department may deem appropriate, issue a license which shall contain the following: (a) the words LICENSED SOLICITOR, (b) the date upon which license shall expire, (c) the number of the license in letters and figures easily discernable from a distance of 10 feet. The badge shall be considered the charitable solicitors license and shall be displayed consistently and conspicuously on the front of the outer garment of any such licensed solicitor while canvassing or soliciting.

§139-18 Time Restrictions

No soliciting or canvassing activity shall be conducted before 9:00 a.m. nor later than 7:00 p.m. local time prevailing. The time limitation herein imposed shall be imposed seven (7) days per week.

§139-19 Term of License

All licenses shall expire on the 31st day of December of the calendar year in which such license is issued.

§139-20 Organizational literature and receipt requirements.

A. Solicitors shall supply to the Clerk along with the application a copy of all printed matter which shall describe the operation of the organization for which solicitation is being made and which will be supplied or displayed to any member of the public inquiring about the organization. During all periods of solicitation solicitor shall have copies of that printed matter available for distribution to any member of the public who may request the same.

B. Solicitors shall supply to every person from whom funds are received a written receipt for such funds which receipt shall clearly state the name of the organization to whom the funds are being paid or given together with that organizations address and such receipt shall be signed by the solicitor setting forth the solicitors license number.

§139-21. License revocation.

A violation of any ordinance of the Township of Long Beach or any statute of the State of New Jersey shall be cause for the revocation of any license issued pursuant hereto. Upon conviction of the violation of any Ordinance of the Township of Long Beach, including Chapter 139, or any Statute of the State of New Jersey, such conviction occurring in the Long Beach Township Municipal Court or in any other Court of competent jurisdiction the license of any licensee shall automatically be revoked.

Upon receipt of written complaint alleging three violations of Chapter 139 of the Code of the Township of Long Beach the Chief of Police of the Township of Long Beach shall give the licensee against whom complaints were made an opportunity to be heard as to the violations. If the Chief of Police determines that the violations are substantially truthful he may cause license of any licensee to be revoked.

§139-22. Violations and penalties

Any violation of this article shall be punishable as provided in Chapter 1, General Provisions of Article III, General Penalty as contained in the Code of the Township of Long Beach.

SECTION II

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

SECTION III

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

SECTION IV

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

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 13-02C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

First Reading **Ordinance 13-03: REFUNDING BOND ORDINANCE PROVIDING FUNDS TO PAY A SPECIAL EMERGENCY APPROPRIATION (HURRICANE SANDY); AUTHORIZING THE ISSUANCE OF UP TO \$5,000,000 OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 13-03 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS & APPROVALS

Resolution 13-0201.01: Authorize two town-wide private yard sales for 2013: Sat 5/25 (raindate 5/26) and Sat 7/6 (raindate 7/7)

WHEREAS, pursuant to Chapter 152 of the Code of the Township of Long Beach, Private Sales may be conducted a maximum of two times per year, per property, within the municipal town limits; and

WHEREAS, the Board of Commissioners of the Township of Long Beach wishes to waive this regulation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, February 1, 2013, that town-wide Private Sales (yard sales) shall be authorized for Saturday, May 25, 2013 (rain date: Sunday, May 26th) and Saturday, July 6, 2013 (rain date: Sunday July 7th); said Private Sales shall not be counted in the total permissible Private Sales per year, per property. Participants shall comply with all provisions of Chapter 152 of the Code of the Township of Long Beach.

Resolution 13-0201.02: Approve the 2013 Ice Cream Vendor License fee: \$5,000.00

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, pursuant to §195-3 F(1) and §82.25(A) of the Code of the Township of Long Beach does hereby set the annual Motor Vehicle Operator Investigation and Review fee for non-veteran Ice Cream Vendors license fee for 2013 at Five Thousand Dollars (\$5,000.00).

Resolution 13-0201.03: Authorize Municipal Clerk to advertise for bids:

Paving of Lagoon Drive South
Beach Patrol Uniforms
Lifeguard Uniforms
Generator for the Police Dept.

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 bids for the following:

Paving of Lagoon Drive South
Beach Patrol Uniforms
Lifeguard Uniforms
Generator for the Police Department

Resolution 13-0201.04: Approve personnel actions

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

BEACH PATROL

Hire the following as Seasonal Beach Badge Program Senior Supervisor at the rate of \$14.75 per hour to be paid from Beach Badge Salary & Wage effective February 2, 2013.

Marianne Murphy

Hire the following as Seasonal Beach Badge Program Assistant Supervisor at the rate of \$11.45 per hour to be paid from Beach Badge Salary & Wage effective February 2, 2013.

Marie Cooper

Hire the following as Seasonal Beach Badge Program Assistant Supervisor at the rate of \$15.00 per hour to be paid from Beach Badge Salary & Wage effective February 2, 2013.

Joni Bakum

Hire the following employees as Seasonal Part-Time Laborer at the rate of \$10.25 per hour to be paid from Lifeguard Salary & Wage effective February 2, 2013.

Fran Campana Jonathan Harrison

CONSTRUCTION

Accept and approve a PERS Service Retirement for Carol Beideman effective retro-active January 1, 2013.

Hire the following employee as a Temporary Full-Time Clerk at the rate of pay of \$15.10 per hour to be paid from construction Salary & Wage effective February 4, 2013.

Lauren Marchese

HEALTH

Accept and approve a PERS Service Retirement for Patricia Grant effective retro-active January 1, 2013.

POLICE

Hire the following as a permanent fulltime, Police Lieutenant effective retro-active January 25, 2013 as per Dept. Personnel Certified List No. PL130074, with a base salary of \$126,732.89 to be paid from Police Salary & Wage.

Steve Melega

Accept and approve a PFRS Special Retirement for Steven Melega effective February 1, 2013.

PUBLIC WORKS

Hire the following employee as Temporary Full-time Laborer at a rate of pay of \$10.00 per hour to be paid from Public Works Salary & Wage effective February 4, 2013.

Ryan Keller

Resolution 13-0201.05: Approve various changes to a sewer account

WHEREAS, the following Sewer account requires a change in the billing and/or classification due to various reasons, and

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

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
15.67	11	5623-0	Sewer 2013	Rem Garbage Disposal	\$225.00

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 this change.

Resolution 13-0201.06: Authorize participation in Americares program to redistribute pharmaceuticals to victims of

Superstorm Sandy: Tetanus vaccine supply for the

LBI Board of Health

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby authorizes the participation of the Long Beach Island

Board of Health in the AmeriCares program to redistribute pharmaceuticals to victims of Superstorm Sandy

Motion to approve Items 4 thru 9:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

CONTRACTS & AWARDS

Resolution 13-0201.07(a-c): Approve the following shared service agreements:

Ocean County Board of Health – Stafford Animal Facility

Ocean County Office of the Prosecutor: Prosecutors Program FY 2013

Ocean County Office of the Prosecutor: Driving While Intoxicated Enforcement Program

RESOLUTION 12-0201.07(a)

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

WHEREAS, the Shared Services Act, N.J.S.A. 40:65A 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 2013.

RESOLUTION 13-0201.07(b)

A RESOLUTION AUTHORIZING THE RENEWAL OF A SHARED SERVICES AGREEMENT WITH OCEAN COUNTY FOR THE PROSECUTOR'S PROGRAM

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Long Beach desires to continue to participate in the County of Ocean Police Services Prosecutor's Program formerly known as the Fatal Accident Support Team (F.A.S.T.); and

WHEREAS, there is a need for Traffic Safety Officers to attend accidents when a fatality has occurred; and

WHEREAS, the Traffic Safety Officers are available through the municipalities within the County of Ocean; and

WHEREAS, funds for the Prosecutor's Program are available in the Ocean County 2013 Budget.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach does hereby authorize the execution of the renewal of the Prosecutor's Program Shared Services Agreement effective retroactive to January 1, 2013 through December 31, 2013 with compensation to the Township set at the rate of sixty (\$60.00) per hour per officer.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the Ocean County Office of the Prosecutor and Department of Finance.

RESOLUTION 13-0201.07(c)

A RESOLUTION AUTHORIZING THE RENEWAL OF A SHARED SERVICES AGREEMENT WITH OCEAN COUNTY FOR THE DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Long Beach desires to continue to participate in the Ocean County Driving While Intoxicated Enforcement Program; and

WHEREAS, there is a continued need for Police Officers to be assigned to various DWI checkpoints; and

WHEREAS, funds for these services are received from the State of New Jersey and County of Ocean.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach does hereby authorize the execution of the renewal of the Ocean County Driving While Intoxicated Enforcement Program Shared Services Agreement effective retroactive October 1, 2012 through September 30, 2013 with compensation to the Township set at the rate of fifty (\$55.00) per hour per officer.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the Ocean County Office of the Prosecutor and Department of Finance.

Resolution 13-0201.08: Authorize a contract for the purchase of Police Uniforms from Red the Uniform Tailor, per bid:
2-years with a 1-year option for renewal

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF UNIFORMS FOR THE TOWNSHIP OF LONG BEACH POLICE DEPARTMENT, PER BID

WHEREAS, the Township of Long Beach has solicited bids for the purchase of uniforms for the Police Department; and

WHEREAS, it is in the opinion of the Board of Commissioners of the Township of Long Beach that the lowest qualified bid be accepted for same; and

WHEREAS, one (1) bid was received and Red The Uniform Tailor, Inc. submitted a responsive, qualified bid as per the Township's Qualified Purchasing Agent's review and approval; and

WHEREAS, both parties have agreed to the following substitutions:

511 (48057) Patrol Rain Pant Black (019).
511 (48098) Tac Dry Rain Shell Black (019).
Blauer style 221 in lieu of Blauer style 201.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 1st day of February 2013, for the reasons aforesaid, that one (1) two-year contract with one (1) 1-year option to extend be and is hereby awarded to:
Red The Uniform Tailor, Inc.

475 Oberlin Avenue South
Lakewood, NJ 08701

in amounts submitted pursuant to their bid received by Long Beach Township on January 29, 2013.

Resolution 13-0201.09: Amend Resolution 12-1207.08:

Correction to the final cost of radios purchased from Motorola: \$14,049.60

WHEREAS, pursuant to Resolution 12-1207.08 passed on December 7th 2012, the Board of Commissioners of the Township of Long Beach approved the purchase of three (3) portable radios for the Police Department from Motorola c/o Quality Communications in the amount of Twelve Thousand Six Hundred Sixteen Dollars and Eighty Cents (\$12,616.80); and

WHEREAS, the portable radios required by the Police Department included speaker microphones, large color displays and keypads which were not noted in Resolution 12-1207.08; and

WHEREAS, the additional cost for the speaker microphones, large color displays and keypads is Four Hundred Seventy Seven Dollars and Sixty Cents (\$477.60) per portable radio; resulting in an increase of One Thousand Four Hundred Thirty Two Dollars and Eighty Cents (\$1,432.80) to the original cost of Twelve Thousand Six Hundred Six Dollars and Eighty Cents (\$12,616.80).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners that the Township of Long Beach do hereby approve an amendment to Resolution 12-1207.08 in the additional amount of One Thousand Four Hundred Thirty Two Dollars and Eighty Cents (\$1,432.80) for the aforesaid reasons, payable to Motorola c/o Quality Communications, 1985 Swarthmore Avenue, Lakewood, NJ 08701.

Resolution 13-0201.10(a&b): Approve the following Police Off-Duty Contracts for 2013: (for traffic control)

Atlantic City Electric
Gray Supply

RESOLUTION 13-0201.10(a)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Mayor and the Municipal Clerk be and they hereby are authorized and directed to execute an annual contract with Atlantic City Electric for various Police Off-Duty Services during the 2013 calendar year.

RESOLUTION 13-0201.10(b)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Mayor and the Municipal Clerk be and they hereby are authorized and directed to execute an annual contract with Gray Supply for various Police Off-Duty Services during the 2013 calendar year.

Resolution 13-0201.11(a&b): Approve the following purchases, per quote:

J & F Mechanical: Supply & install air conditioning at the Public Works Building:
\$8,594.00

Alan's Electric: electrical repairs to the Public Works Garage: \$7,865.73

RESOLUTION 13-0201.11(a)

RESOLUTION AUTHORIZING ELECTRICAL REPAIRS TO THE PUBLIC WORKS GARAGE DUE TO SUPERSTORM SANDY DEPARTMENT, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotations for electrical repair services for the Long Beach Township Public Works Garage; and

WHEREAS, in response to the solicitation of quotations, the following three (3) businesses were contacted and the following quotations were received as noted:

Alan's Electric \$75/hr Mechanic & \$40/hr Apprentice 01/09/13

Lou's Electric \$75/hr Mechanic & \$55/hr Helper 01/23/13

Manahawkin Electric \$85/hr Owner 01/23/13

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

WHEREAS, Alan's Electric gave the lowest qualified quotation pursuant to the specifications; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Deferred Charge – Hurricane Sandy: Account # 2-01-46-870-002 in the amount of \$7,865.73.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 1st day of February 2013, for the reasons aforesaid, that a purchase order be and is hereby authorized for issuance to:

Alan's Electric
66 Parker Street

Manahawkin, NJ 08050

for electrical repairs to the Public Works Garage due to Hurricane Sandy for the Long Beach Township Public Works Department in an the amount of Seven Thousand Eight Hundred Sixty Five Dollars and Seventy Three Cents (\$7,865.73) as per their quote dated January 9, 2013.

RESOLUTION 13-0201.11(b)

RESOLUTION AUTHORIZING THE SUPPLY AND INSTALLATION OF AIR CONDITIONING EQUIPMENT TO THE EXISTING FORCED AIR HEATING SYSTEM IN THE GARAGE, BATHROOMS AND OFFICES AT THE DEPARTMENT OF PUBLIC WORKS BUILDING IN LONG BEACH TOWNSHIP, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotations to supply and install air conditioning equipment to the existing forced air heating system in the garage, bathrooms and offices at the Public Works Building for the Long Beach Township Public Works Department; and

WHEREAS, in response to the solicitation of quotations, the following three (3) businesses were contacted and the following quotations were received as noted:

J & F Mechanical, Inc. \$8,594.00 01/15/13

West Jersey \$29,000 12/18/12

J & H Roberts no quote 01/17/13

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

WHEREAS, J & F Mechanical gave the lowest qualified quotation pursuant to the specifications; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Building and Grounds Contractual Account # 3-01-26-310-029 in the amount of Four Thousand Two Hundred Ninety Seven Dollars (\$4,297.00) and Public Works Contractual Account # 3-01-26-302-029 in the amount of Four Thousand Two Hundred Ninety Seven Dollars (\$4,297.00).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 1st day of February 2103, for the reasons aforesaid, that a purchase order be and is hereby authorized for issuance to:

J & F Mechanical
704-2 Old Shore Road
Forked River, NJ 08731

To supply and install air conditioning equipment to the existing forced air heating system in the garage, bathrooms and offices for the Public Works Building in the amount of Eight Thousand Five Hundred Ninety Four Dollars (\$8,594.00) as per their quote dated January 15, 2013.

Resolution 13-0201.12: Approve a proprietary purchase for the Police Department: mobile radio programming for compliance with FCC radio infrastructure requirements: Quality Communications \$5,580.00

A RESOLUTION AUTHORIZING THE PROPRIETARY PURCHASE OF PROGRAMMING SERVICES FOR FCC COMPLIANCE WITH MOBILE RADIO NARROW BANDING AND INFRASTRUCTURE TECHNOLOGY REQUIREMENTS FOR THE POLICE DEPARTMENT IN THE TOWNSHIP OF LONG BEACH

WHEREAS, effective January 1st 2013 the Federal Communications Commission required compliance with narrow banding and infrastructure technology of mobile radios; such services are specifically exempted from bidding requirements under the Local Public Contracts Law pursuant to N.J.S.A. 40A: 11 -5(1)(dd); and

WHEREAS, Quality Communications, 1985 Swarthmore Avenue, Suite 4, Lakewood, NJ 08701, is able to provide the required programming services for Long Beach Township mobile radios; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Police-Police Radio Account 2-01-25-240-048 in the amount of \$5,580.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby authorize the proprietary purchase of programming services to meet FCC compliance requirements for mobile radio narrow banding and infrastructure technology in the amount of Five Thousand Five Hundred Eighty Dollars (\$5,580.00).

Motion to approve Items 10 thru 15:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

Resolution 13-0201.13: Authorize the issuance and sale of Special Emergency Notes: \$2,000,000 for extraordinary expenses associated with, and resulting from, Superstorm Sandy

RESOLUTION NO. 13-0201.13

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF LONG BEACH IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,000,000; MAKING CERTAIN COVENANTS TO EFFECT AND MAINTAIN THE EXEMPTION OF INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES

BACKGROUND

WHEREAS, the Local Budget Law, constituting Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law"), authorizes, inter alia, municipalities to adopt resolutions authorizing special emergency appropriations to cover the cost of extraordinary expenses associated with the repair and reconstruction of streets, roads or bridges or other public property damaged by flood or hurricane where such expense was not foreseen at the time of the adoption of the municipality's budget; and

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey ("Township"), has previously authorized a special emergency appropriation in the amount of up to \$7,000,000 ("Appropriation") to cover the cost of extraordinary expenses associated with the repair, rehabilitation, reconstruction and/or replacement of, among other things, streets, roads, bridges, or other public property located in the Township damaged by Hurricane Sandy ("Project") in accordance with Section 54 of the Local Budget Law (N.J.S.A. 40A:4-54), and;

WHEREAS, Section 55 of the Local Budget Law (N.J.S.A. 40A:4-55) authorizes the Township to borrow money and issue special emergency notes to finance all or a part of the costs of the Project, which Notes may be renewed from time to time; provided, however, at least 1/5 of all such special emergency notes, and the renewals thereof, shall mature and be paid in each year, so that all special emergency notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of the special emergency resolution; and

WHEREAS, pursuant to the Local Budget Law, it is the intent of the Board of Commissioners to hereby authorize, approve and direct the issuance and sale of such

special emergency notes, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, NEW JERSEY, (NOT LESS THAN TWO-THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) PURSUANT TO THE LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. Pursuant to the Local Budget Law and the Appropriation, the issuance of special emergency notes of the Township, to be designated, substantially, "Township of Long Beach, County of Ocean, New Jersey, Special Emergency Notes of 2013, Series A" ("Notes"), in an aggregate principal amount of up to \$2,000,000 is hereby authorized and approved.

Section 2. Payment of the Notes shall be provided for by the inclusion of an annual appropriation of at least 1/5 of the total amount originally appropriated by resolution. Said appropriation shall be paid annually from the Township's budget.

Section 3. The Chief Financial Officer, with the assistance of Parker McCay, P.A. ("Bond Counsel"), is hereby authorized and directed to award and sell the Notes, at public or private sale, in such amount as may be determined, at a price not less than par, plus accrued interest, and to deliver the same to the purchaser thereof, upon receipt of the purchase price for the Notes.

Section 4. The Notes shall be executed in the name of the Township by the manual signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the Township affixed, imprinted, or reproduced thereon, and attested by the manual signatures of the Municipal Clerk or Deputy Municipal Clerk.

Section 5. The Notes shall be dated their date of delivery, may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law (N.J.S.A. 40A:4-55(b)).

Section 6. The Notes shall not be subject to redemption prior to maturity, shall be issued in registered or bearer form, shall be in the denomination of \$100,000 or greater, and shall be in the form permitted by the Local Budget Law and as Bond Counsel shall approve.

Section 7. At the next meeting of the Board of Commissioners after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the Board of Commissioners, the principal amount, rate of interest and the name of the purchaser of the Notes.

Section 8. The Notes are ultimately payable from ad valorem taxes that shall be levied upon all taxable real property in the Township without limitation as to rate or amount.

Section 9. The Township hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 10. The Township hereby covenants as follows: (i) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 11. The Township hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 12. The Township hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby represents that: (i) during the period from January 1, 2013 through and including the date hereof, the Township has not issued or designated tax-exempt obligations in an amount which, when added to the aggregate principal amount of the Notes, exceeds \$10,000,000; and (ii) the Township reasonably anticipates that the amount of tax-exempt obligations to be issued by it

during the period from January 1, 2013 to December 31, 2013, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

Section 13. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Municipal Clerk, Deputy Municipal Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 14. The Mayor, Chief Financial Officer, Municipal Clerk and Deputy Municipal Clerk are each hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer, Municipal Clerk or Deputy Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 15. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 16. This Resolution shall take effect immediately upon adoption this 1st day of February, 2013.

Resolution 13-0201.14 Authorizing the submission of an application to the New Jersey Local Finance Board of a refunding bond ordinance

**TOWNSHIP OF LONG BEACH, NEW JERSEY
RESOLUTION NO. 13-0201.14**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY
AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE
NEW JERSEY LOCAL FINANCE BOARD PURSUANT TO N.J.S.A.
40A:2-51**

BACKGROUND

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey ("Township"), desires to make application to the New Jersey Local Finance Board for its approval of the adoption by the Township of a refunding bond ordinance in an amount not to exceed \$5,000,000 pursuant to N.J.S.A. 40A:2-51 et seq.

WHEREAS, the Township believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, AS FOLLOWS:

Section 1. The application to the New Jersey Local Finance Board is hereby approved, and the Township's Bond Counsel, Solicitor and Auditor along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Municipal Clerk is hereby directed to prepare and file a copy of this resolution with the New Jersey Local Finance Board as part of such application.

Section 3. The New Jersey Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey law.

Recorded Vote

<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
LATTANZI			
BAYARD			
MANCINI			

Resolution 13-.0201.15:	Approve Bills & Payroll	
	Bills in the amount of:	\$9,833,593.59
	Payroll in the amount of:	\$ 404,459.94

**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 \$404,459.94.

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 \$9,833,593.59 be and the same are hereby authorized to be paid on Friday, February 1 2013.

2. The said approved payroll amounting to the sum of \$404,459.94 be and the same are hereby authorized to be paid on Friday, February 1, 2013.

The Municipal Clerk be and she is hereby directed to list on the page in the Minute Book following the Minutes of this meeting all of the said vouchers hereby authorized to be paid.

19. Resolution 13-0201.16 Authorize various actions by Long Beach Township to abate public health & safety hazards pertaining to mitigation.

Motion to approve Items 16 thru 19:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**COMMUNITY DEVELOPMENT BLOCK GRANT HEARING
REGARDING APPLICATIONS FOR THE TOWNSHIP OF LONG BEACH**

PRESENTATION

Commissioner Bayard stated Long Beach Township Application was \$50,000.00 for the removal of the existing narrow and deteriorated beach access ramp at 68th Street, and the construction of a new Handicapped Access Beach Ramp.

Public Session:

No comments

Close Public Session

COMMISSIONERS' REPORTS

Commissioner Lattanzi stated the Long Term Recovery Committee authorized \$1000 for additional signs.

Commissioner Lattanzi also reported there were no final plans for the Board of Health offices. He also stated he would be going to Washington DC in February with the Mayor to lobby for our beach replenishment project.

Commissioner Bayard stated the 2013 recycling calendars would be mailed in mid February. He also stated the deadline for taking sand to Holgate was February 20th.

Mayor Mancini stated the next meeting of the Board of Commissioners would take place on Friday, February 15, 2013 at 4:00 p.m., at which time the public hearing for Ordinance 13-03 would be held.

Mayor Mancini also stated the next regular meeting of the Land Use Board would be held on Wednesday, February 13, 2013 at 7:00 p.m. in the Municipal Court Room.

Mayor Mancini announced, regarding the easements, that only three holdouts were left in Holgate. He had spoken to two of them and they were signing and mailing the documents in and he felt confident that we would get all of the easements in Holgate.

Mayor Mancini also announced there would be a March 1st deadline for all condemned property, demolition and removal. The Township would consider other options should properties remain public health or safety issues.

Mayor Mancini also spoke on storm debris removal. He noted many violations were occurring and the Township was sending notices to property owners. The Commissioners were considering additional options if needed.

OPEN PUBLIC SESSION

Caleb Nicks, Holgate stated there were many people looting in Holgate and police were not responding to the calls. He also reported people dumping trash on other's property.

Mayor Mancini replied he would look into his allegations.

Maria DePasquale, Brant Beach reported that Selective Insurance would not be increasing primary homeowner insurance rates.

Bill Hutson, Holgate thanked the Mayor and Teri Sgro for working hard to secure the easements.

Mary DeRegotis, North Beach thanked the Commissioners for the help the Township had given through Superstorm Sandy events. She asked what section of the Twp. would receive storm protection next.

Mayor Mancini replied Holgate would be next to be replenished. He explained it was critical to have all the easements signed and filed. North Beach currently had 40% still outstanding.

Mary DeRegotis also asked about the public trust doctrine, being concerned with the private easement her property was on.

Mayor Mancini explained and advised her to phone the Twp. solicitor.

Joseph Perari, Holgate asked what was being done with the sand at the end of Holgate.

Mayor Mancini replied it was being placed back on the beaches where needed in Holgate.

Mayor Mancini also announced there were eight holdouts in North Beach Haven and asked residents to speak with their neighbors.

Bill Hutson, Holgate directed a comment to Mary DeRegotis of North Beach, suggesting she become the point person for North Beach to help secure the needed easements for beach replenishment.

Bill Kunz, Brant Beach offered explanations of beach related issues noting he was the president of Brant Beach Homeowners Association. He noted North Beach does not attend any Joint Taxpayers meetings.

Bill Kunz also stated people were now responsible for their own trash/debris removal.

CLOSE PUBLIC SESSION

Motion for adjournment at 4:40 p.m.

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner