

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS FEBRUARY 16, 2007
Flag Salute

Meeting came to order: 4:03 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:

Read Across America Day – NJ: March 2nd 2007

PROCLAMATION

WHEREAS, the citizens of Long Beach Township stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Long Beach Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, *NEA'S Read Across America*, a national celebration of reading will be conducted on March 2, 2007, which would have been the 103RD birthday of Theodore Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, *Read Across America-NJ* is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, Staples, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners calls on the citizens of the Township of Long Beach to assure that every child is in a safe place reading together with a caring adult on March 2, 2007; and

BE IT FURTHER RESOLVED that this governing body enthusiastically endorses *NEA'S Read Across America* and *Read Across America-NJ*, and recommitts our community to engage in programs and activities to make America's children the best readers in the world.

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 07-03: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF HANDICAPPED ACCESS DOORS AND OPERATORS IN THE MUNICIPAL COMPLEX OF THE TOWNSHIP OF LONG BEACH AND PROVIDING FOR THE APPROPRIATION OF FUNDS AND AUTHORIZING ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES TO FINANCE THE COSTS THEREOF.**

Mayor Gove stated this was for the 2006 CDBG Project in the amount of \$40,000.00.

Passed as on first reading at a regular meeting held on February 2, 2007 advertised in the BEACH HAVEN TIMES, issue of February 7, 2007.

ORDINANCE 07-03

AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF HANDICAPPED ACCESS DOORS AND OPERATORS IN THE MUNICIPAL COMPLEX OF THE TOWNSHIP OF LONG BEACH 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 installation of handicapped access doors and operators in the Municipal Building Complex of the Township of Long Beach 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.
- D. This Capital Project is partially reimbursed by a 2006 Community Development Block Grant in the amount of Thirty Thousand Dollars (\$30,000.00)

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 \$4,000.00.

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 \$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 2, 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 February 16, 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 February 16, 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 07-03 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

2. Second Reading Ordinance 07-04: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING RENOVATIONS AND IMPROVEMENTS TO THE MUNICIPAL BUILDING COMPLEX OF THE TOWNSHIP OF LONG BEACH AND PROVIDING FOR THE APPROPRIATION OF FUNDS AND AUTHORIZING ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES TO FINANCE THE COSTS THEREOF. \$300,000.00**

Mayor Gove noted this was in the amount of \$300,000.00 for various projects.

Passed as on first reading at a regular meeting held on February 2, 2007 advertised in the BEACH HAVEN TIMES, issue of February 7, 2007.

ORDINANCE 07-04

AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING RENOVATIONS AND IMPROVEMENTS TO THE MUNICIPAL BUILDING COMPLEX OF THE TOWNSHIP OF LONG BEACH 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:

STATEMENT OF PURPOSE

This ordinance provides funding for the purpose of renovations and improvements to the Municipal Complex of the Township of Long Beach.

SECTION I

An Ordinance of the Township of Long Beach, County of Ocean, State of New Jersey authorizing renovations and improvements to the Municipal Complex of the Township of Long Beach 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 \$300,000.00.
- B. That the estimated amount of bonds to be issued for the purposes stated in Section I hereof is \$285,000.00.
- 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 \$15,000.00.

SECTION III

That the sum of \$285,000.00 to be raised by the issuance of bonds or bond anticipation notes together with the sum of \$15,000.00 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 \$285,000.00 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 \$285,000.00. 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 \$20,000.00.

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 \$285,000.00 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 2, 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 February 16, 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, February 16, 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 07-04 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

3. Second Reading Ordinance 07-05C: **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 51 PERTAINS TO BEACH BADGE FEES.**

Mayor Gove advised there would be an increase to \$25.00 for the purchase of pre-season badges through June 15th 2007.

Passed as on first reading at a regular meeting held on February 2, 2007 advertised in the BEACH HAVEN TIMES, issue of February 7, 2007.

ORDINANCE 07-05C

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 51 PERTAINS TO BEACH BADGES FEES.

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

SECTION I

Article IV, SS51-25, c and d. of the Code of the Township of Long Beach, County of Ocean, State of New Jersey, 1997, is hereby amended to read as follows:

- C. \$25.00 per person, per season, provided that application is made to the proper authority on or before June 15 of the bathing season.

SECTION II

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

SECTION III

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

SECTION IV

This Ordinance shall take effect after the first publication thereof after final passage.

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 2, 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, February 16, 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 07-05C was duly adopted by the Board of Commissioners at their meeting held on Friday, February 2, 2007 at 4:00 p.m.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-05C on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

4. Second Reading Ordinance 07-06C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" AS THE SAME IN CHAPTER 5 PERTAINS TO ADMINISTRATION**

Mayor Gove explained this designated ranks within the Police Department.

Passed as on first reading at a regular meeting held on February 2, 2007 advertised in the BEACH HAVEN TIMES, issue of February 7, 2007.

ORDINANCE 07- 06C

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

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

STATEMENT OF PURPOSE

This Ordinance defines the Police Department Table of Organization, order of rank, designation of the appropriate authority for the promulgation of rules and regulations, appointment, powers and duties, classification, and benefits and pay. The purpose of the Ordinance is to specifically identify personnel and responsibilities within the Police Department.

SECTION I

§5-8.A(3) 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 line 4 and adopting in lieu and instead thereof of the following:

"as promulgated by the appropriate authority and approved by resolution of the governing body. Pursuant to the authority contained in N.J.S.A 40A:14-118, the Commissioner of Law and Public Safety is hereby designated as the appropriate authority for the promulgation of rules and regulations for the Police Department."

SECTION II

§5-8.A(4) 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 lines 2 and 3 adopting in lieu and instead thereof of the following:

"positions and rank in the order set forth in the below Table of Organization and as the Board of Commissioners by ordinance may designate. The senior ranking officer on duty on any shift shall be in charge of the Department during the shift unless relieved by an officer of higher rank.

- (1) Police Chief
- (1) Deputy Chief
- (2) Captains
- (4) Lieutenants
- (6) Sergeants
- (26) Patrolmen
- (2) Senior Telecommunications Operators
- (7) Telecommunications Operators
- (1) Principal Clerk Typist
- (1) Senior Clerk Typist

SECTION III

§5-8.A(4)(a) of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed in its entirety and adopting in lieu and instead thereof of the following:

"Police Chief. The Police Chief shall be the executive and supervisory officer of the Police Department. In the event that position of Chief of Police is vacated as a result of death, illness, incapacity, or any other reason, the Deputy Chief shall temporarily assume the position of Acting Chief of Police."

SECTION IV

§5-8.A(4)(b), (c), (d), (e), (f), (g) (h) 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 phrase "(as deemed necessary by the Board of Commissioners)." in each of the above sub-sections.

SECTION V

§5-8.A(4)(i) of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed in its entirety and adopting in lieu and instead thereof of the following:

"The Board of Commissioners may appoint, from time to time, Class I and Class II special law enforcement officers (currently defined by N.J.S.A. 40A:14-146.11) as authorized by and in accordance with New Jersey Statutes (currently N.J.S.A. 40A:14-118 and 146.10 et seq.), as same may be later amended, for terms not exceeding one year. The said Class I and Class II special law enforcement officers shall possess and exercise all the powers and duties provided by said statutes, to the extent authorized by the Chief of Police, during their term in office, but shall not be considered or continued as regular members of the Police Department. They shall not be entitled to tenure or to the benefits of a classified employee in the New Jersey Department of Personnel and shall enjoy only that hourly pay and / or benefits as the Board of Commissioners may grant."

SECTION VI

§5-8.A(4)(i)[1], [2] of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby repealed.

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 2, 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, February 16, 2007 at 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 07-06C was duly adopted by the Board of Commissioners at their meeting held on Friday, February 16, 2007 at 4:00 p.m.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-06C on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

5. First 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.**

Mayor Gove stated this was in the amount of \$150,000.00.

Motion to approve Ordinance 07-07 on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

6. First 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 noted this was for salary ranges for Deputy Municipal Department Head and Public Health Nurse titles.

Motion to approve Ordinance 07-08 on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

7. First 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**

Mayor Gove stated this ordinance would prohibit decorative devices on the dunes, and allow trash bins no further than 5' from the roadway.

Motion to approve Ordinance 07-09C on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

8. First 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.**

Mayor Gove advised this was in the amount of \$40,000.00.

Motion to approve Ordinance 07-10 on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

ADOPTIONS, APPROVALS

9. Resolution 07-0216.01: Approve changes to various Water/Sewer accounts

RESOLUTION 07-0216.01

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:
6.08	1	Sewer	2007	To Standby	\$409.00
6.08	1	Water	2007	To Standby	191.00
8.03	7	Sewer	2007	Remove Garbage Disp	174.00
13.09	5	Sewer	2006	Change 2 to 1 Family	193.00
13.09	5	Sewer	2007	Change 2 to 1 Family	409.00
15.123	9	Sewer	2007	To Standby	818.00
15.123	9	Water	2007	To Standby	364.00
20.27	1.01	Sewer	2007	To Standby	174.00
20.27	1.01	Water	2007	To Standby	178.00
20.78	14	Sewer	2007	Remove Garbage Disp.	174.00
20.172	5	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.

10. Resolution 07-0216.02: Designate Broker of Record for Long Beach Township Health Insurance

Mayor Gove explained this was Commerce Banc Insurance Services.

RESOLUTION 07-0216.02

RESOLUTION AUTHORIZING A BROKER/AGENT OF RECORD FOR HEALTH INSURANCE

WHEREAS, the Township of Long Beach wishes to name a "Broker/Agent of Record" to be responsible for Township employees' health insurance, including extended benefits plans and/or coverage.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby name Commerce Banc Insurance Services as of March 1, 2007 its Broker/Agent of Record for the above stated purpose.

11. Resolution 07-0216.03: Approve sale of sundries along with alcoholic beverages

Mayor Gove noted this pertained to the expansion of use for Fritzie's Wine & Liquors to include sundries, NJ Lottery tickets, and an ATM machine.

RESOLUTION 07-0216.03

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, does hereby endorse the Municipal Clerk's execution of approval for the expansion of use for Beach Haven Wine and Liquors, LLC, trading as Fritzie's Wine and Liquors, 13501 Long Beach Blvd., Long Beach Township, NJ 08008 pursuant to Plenary Retail Distribution License 1517-44-004-003 on file with the State of New Jersey to include the sale of various sundries and NJ Lottery tickets as well as the installation and operation of an automated teller machine (ATM).

12. Resolution 07-0216.04: Approve personnel actions

Mayor Gove stated this authorized a return from a medical leave of absence in the Health Department.

RESOLUTION 07-0216.04

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

HEALTH

Acknowledge the return from a paid medical leave of absence for Sue Fidler effective retro-active to February 13, 2007.

Motion to approve Items 9 - 12:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

CONTRACTS AND AWARDS

13. Resolution 07-0216.05: Authorize an Interlocal Agreement for the review of the Southern Regional High School Budget:
Raymond Ciccone, CPA for Long Beach Island Municipalities

RESOLUTION 07-0216.05

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF LONG BEACH AND LONG BEACH ISLAND MUNICIPALITIES FOR THE RETENTION OF A PROFESSIONAL TO REVIEW THE SOUTHERN REGIONAL SCHOOL DISTRICT BUDGET

WHEREAS, the Interlocal Services Act, NJSA 40:8A-1 et seq., authorizes local units as defined in that Act to enter into agreements for the provision of certain governmental services; and

WHEREAS, the Township of Long Beach desires to enter into an agreement with the Borough of Harvey Cedars, the Borough of Barnegat Light, the Borough of Surf City, the Borough of Ship Bottom, and the Borough of Beach Haven for the retention of Raymond Ciccone, a Certified Public Accountant, to perform a review of the Southern Regional School Budget; and

WHEREAS, said Interlocal Services Agreement provides the costs of the contract shall be borne equally amongst the six municipalities; and

WHEREAS, said Interlocal Services Agreement provides that the Borough of Surf City shall be the lead agency.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that:

1. The Mayor and Municipal Clerk of the Township of Long Beach are hereby authorized and directed to enter into and execute an Interlocal Services Agreement in the form herein attached as Exhibit A.
2. A copy of the Agreement shall further remain on file and be available for public inspection at the office of the Municipal Clerk located at 6805 Long Beach Blvd., Brant Beach, NJ 08008.
14. Resolution 07-0216.06: Award a contract for the purchase of 2007 Beach Badges from a Sheltered workshop:
Jersey Cape Diagnostic Training, Inc. \$16,433.88

RESOLUTION 07-0216.06

WHEREAS, the Board of Commissioners of the Township of Long Beach believe that it is prudent to award a contract to Jersey Cape Diagnostic Training, Inc., a sheltered work shop employing handicapped persons, to manufacture and supply daily, weekly, and seasonal beach badges for the 2007 summer season; and

WHEREAS, the Township Attorney of the Township of Long Beach has rendered an opinion that it is appropriate to enter into such a contract without competitive bidding pursuant to NJSA 40A:11-5(n) that exempts from bidding requirements "the doing of any work by handicap persons employed by a sheltered work shop".

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach this 16th day of February 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Jersey Cape Diagnostic Training, and Opportunity Center, Inc.
4 Moore Road, DN 606
Cape May Court House, NJ 08210

in the amount of Sixteen Thousand Four Hundred Thirty Three Dollars and Eighty Eight Cents (\$16,433.88) for the manufacture and supply of daily, weekly, and seasonal beach badges for the 2007 summer season.

15. Resolution 07-0216.07: Award a contract for a communications site lease at
at Block 1.19, Lots 3 & 4 Holgate, per bid:
Verizon Wireless

Motion to approve Items 13 - 15:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

FINANCIAL APPROVALS

16. Resolution 07-0216.08: Approve an increase to the Long Beach Twp 2007 temporary budget **Mayor Gove** advised this would reflect an increase of \$36,500.00 resulting in a total Temporary Budget of \$5,378,236.00 due to the State of New Jersey's postponement of local budget introductions to March 2007.

RESOLUTION 07-0216.08

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

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

• Public Works O/E	7-01-26-302-100	\$10,000.00
• Buildings & Grounds O/E	7-01-26-310-100	5,000.00
• Shared Equipment O/E	7-01-31-451-100	5,000.00
• I/L Dispatch O/E	7-01-42-100-100	16,500.00
		<hr/>
	Total Increase	\$36,500.00
	Total Temporary Budget	\$5,378,236.00

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.

17. Resolution 07-0216.09: Approve the transfer of reserve appropriations **Mayor Gove** explained this was statutorily allowed from January 1st through March 31st of each year.

RESOLUTION 07-0216.09

WHEREAS, the statutes provide for the making of Reserve Appropriation transfers between the period of January 01, 2007 and March 31, 2007; and

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

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

RESERVE APPROPRIATIONS

<u>FROM:</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Garbage & Trash O/E	6-01-26-305-100	\$11,225.00
<u>TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
Legal Miscellaneous O/E	6-01-20-155-100	\$8,725.00
Police Miscellaneous O/E	6-01-25-240-100	1,500.00
Emergency Management O/E	6-01-25-252-100	250.00
Telephone O/E	6-01-31-440-000	750.00
	Total	\$11,225.00

18. Resolution 07-0216.10:	Approve Bills & Payroll	
	Bills in the amount of:	\$603,479.09
	Payrolls in the amount of:	\$340,430.60

RESOLUTION 07-0216.10

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 \$340,430.60.

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 \$603,479.09 be and the same are hereby authorized to be paid on February 16, 2007.
2. The said approved payroll amounting to the sum of \$340,430.60 be and the same are hereby authorized to be paid on February 16, 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 16 - 18:

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

Mayor Gove abstained from St. Francis Community Center vouchers.

Mayor Gove stated the Tax Collector's Report for the month of January 2007 was on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Bayard had no comments.

Commissioner Palmer had no comments.

Mayor Gove announced the next meetings of the Board of Commissioners and the Land Use Board, as well as the date, place and time of the second readings and public hearings for Ordinances 06-41C, 07-07, 07-08, 07-09C, and 07-10. She announced Deputy Chief Houston had obtained a grant for bulletproof vests and spoke briefly of the inception and history of this important program. The Mayor read aloud from a letter she received from the Ocean County Board of Health regarding a telephone survey they would be conducting to assess the health habits of the public. She reminded property owners that sewer payments were currently due.

OPEN PUBLIC SESSION
No Comment
CLOSE PUBLIC SESSION

Motion for adjournment at: 4:24 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.