

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS FEBRUARY 17, 2012**  
**Flag Salute**

Meeting came to order: 4:00 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; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on November 9<sup>th</sup>, 2011; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the February 3, 2012 meeting and to approve the same as recorded in the minute book:

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

**AGENDA**

**ORDINANCES/PUBLIC HEARINGS**

1. Second Reading Ordinance 12-02C: **AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997) AS IN SECTION 64-13 BULKHEADS PARAGRAPH B SUB-PARAGRAPH (1) SUB-SUB-PARAGRAPH (e) DETERMINES MINIMUM ELEVATION OF BULKHEADS**

Lynda Wells, Municipal Clerk explained this Ordinance provided that the minimum elevation of any bulkhead be no less than six (6) feet above the mean high water line of the body of water upon which the bulkhead was erected, as opposed to a minimum elevation of five (5) feet above mean sea level.

Passed on first reading at a regular meeting held on February 3, 2012 and advertised in the BEACH HAVEN TIMES issue of February 8, 2012.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 12-02C on Second Reading:

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

2. First Reading Ordinance 12-03C: **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 205-2 DEFINES THE TERM RECREATIONAL FIRES AND ADDS NEW SECTIONS, SECTION 205-64 AND 205-65, PERTAINS TO RECREATIONAL FIRES.**

Lynda Wells, Municipal Clerk explained the ordinance would add the term "RECREATIONAL FIRES" to Chapter 205. The term was defined as an outdoor fire where charcoal, dry clean untreated wood or other fuels were used in outdoor cooking devices, outdoor fireplaces, fire pits or chimineas. This Ordinance would also add Sections 64 and 65, which would pertain to the rules, regulations and exceptions to such fires.

Motion to approve Ordinance 12-03C on First Reading:

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

3. First Reading Ordinance 12-04C: **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**

Lynda Wells, Municipal Clerk explained this Ordinance, in accordance with New Jersey Civil Service regulations, sets the total maximum number of Police Sergeants at eight (8) in order to adequately staff the Department.

Motion to approve Ordinance 12-04C on First Reading:

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

4. First Reading Ordinance 12-05C: **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 28-5. PERTAINS TO THE RECREATION AND SPECIAL ACTIVITIES COMMITTEE**

Lynda Wells, Municipal Clerk explained this Ordinance designated a municipal employee be named annually by resolution of the Board of Commissioners as the Liaison Member of the Committee.

Motion to approve Ordinance 12-05C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**ADOPTIONS AND APPROVALS**

5. Resolution 12-0217.01: Approve various changes to sewer accounts

**RESOLUTION 12-0217.01**

**WHEREAS**, the following sewer accounts require a change 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:

<b>Block:</b>	<b>Lot:</b>	<b>Acct:</b>	<b>Year:</b>	<b>Cancel/Change</b>	<b>Amount:</b>
15.01	12	4966-0 Sewer	2012	To Standby-Per Demo	\$531.00
18.60	1	6488-0 Sewer	2012	change to single	
					\$531.00
25.12	4.28	8121-0 Sewer	2012	Remove g.d.	\$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 these changes.

6. Resolution 12-0217.02: Approve the donation of various used cell phone and chargers to "cell phones for soldiers"

**WHEREAS**, the Township of Long Beach possesses 58 cell phones and 38 chargers that are no longer needed or in use; and

**WHEREAS**, Cell Phones for Soldiers and their mission to help the soldiers phone home, has a need and a use for said items; and

**WHEREAS**, N.J.S.A. 40A:11-5(2) permits a municipality to donate to a duly authorized agency of the state, county or municipality of the State of New Jersey such personal property as these items; and

**WHEREAS**, the Township of Long Beach wishes to donate 58 cell phones and 38 chargers to Cell Phones for Soldiers, drop off location 2900 Long Beach Boulevard, Beach Haven Terrace, NJ 08008.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby authorize the conveyance of the above-noted items to Cell Phones for Soldiers assisting in their mission to help soldiers phone home. Lynda Wells, Municipal Clerk explained this program would offer free calling cards for soldiers to call their families at home.

7. Resolution 12-0217.03: Approve free beach buggy passes and badges to active military and their families

**A RESOLUTION HONORING THE MEN AND WOMEN OF OUR ARMED FORCES RECOGNIZING THE SACRIFICES BEING MADE BY THEM AND ALSO BY THEIR FAMILIES, AND PROCLAIMING THE CONTINUED PARTICIPATION OF THE TOWNSHIP OF LONG BEACH IN "OPERATION: THANK YOU", AUTHORIZING FREE BEACH ACCESS DURING THE 2012 BEACH SEASON TO ALL ACTIVE MILITARY PERSONNEL AND THEIR IMMEDIATE FAMILIES**

**WHEREAS**, the Board of Commissioners, on behalf of all the families of Long Beach Township, wishes to honor and recognize our active military personnel and their families by continuing a special program for the summer of 2012.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach that in honor and recognition of our active military personnel and their families, and to demonstrate the gratitude of the residents of the Township of Long Beach for the daily sacrifices they are making, the Board of Commissioners hereby announce their continued participation in "OPERATION: THANK YOU"; and

**BE IT FURTHER RESOLVED** that this waiver of fees also be extended to include Beach Buggy Permit fees and any other beach access fees that Long Beach Township may require now or for the remainder of 2012; and

**BE IT FURTHER RESOLVED**, that free daily beach admission, free beach buggy access, etc. be provided during the 2012 season to each member of the active military and their dependents upon the presentation of a valid military identification card to any badge-checker, lifeguard, or appropriate Beach Patrol personnel or Long Beach Township police officer; and

**BE IT FURTHER RESOLVED**, that Long Beach Township's business community be invited and encouraged to participate in "OPERATION: THANK YOU" by providing discounts to our active military and their dependents, and by otherwise recognizing

their sacrifices and service and joining the residents of Long Beach Township in welcoming them to our community; and

**BE IT FURTHER RESOLVED**, that New Jersey's other coastal communities be and hereby are invited to join with the Township of Long Beach in providing free daily beach admission to members of our active military and their immediate families and/or in otherwise demonstrating their support for our troops and their families, and the Township Clerk is hereby directed to forward copies of this Resolution to the governing bodies of New Jersey's other Coastal communities, and to forward a copy of the Resolution to the New Jersey League of Municipalities; and

**BE IT FINALLY RESOLVED** that this Resolution shall take effect immediately and shall remain in effect throughout the year 2012.

8. Resolution 12-0217.04: Approve personnel actions

**BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach: Acknowledge the end of a paid intermittent Family Medical Leave of Absence (FMLA) for PG effective retro-active to January 28, 2012.

**INTERSHIP**

Approve an unpaid intermittent internship for Kerry Mahon in the Police Department effective February 17, 2012. The internship will commence on or about February 17<sup>th</sup> 2012 and have a duration of approximated 8 weeks with completion upon approximately twenty (20) hours of service.

9. Resolution 12-0217.05: Oppose Senate Bill S1250 and Assembly Bill A407 asking municipalities to fund environmental cleaning of Barnegat Bay through a portion of beach badge sales

**WHEREAS**, the Barnegat Bay - Little Egg Harbor Estuary is located along the central New Jersey coastline within the Atlantic Coastal Plain physiographic province. Its watershed encompasses most of the 33 municipalities in Ocean County, as well as four municipalities in Monmouth County and;

**WHEREAS**, the Township of Long Beach located on Long Beach Island, in the County of Ocean, in the State of New Jersey, is on the eastern border of the Barnegat Bay- Little Egg Harbor Estuary watershed and;

**WHEREAS**, Barnegat Bay- Little Egg Harbor Estuary, long recognized for its great aesthetic, economic, and recreational value, this back bay system is now affected by an array of human impacts that potentially threaten its ecological integrity and;

**WHEREAS**, during 2010 both the Administrative and Legislative branches of the government of the State of New Jersey have advanced a package of environmental plans and legislation aimed at mitigating further environmental degradation of Barnegat Bay and to begin the process of restoring the ecological integrity of Barnegat Bay and;

**WHEREAS**, as the 2012-2013 session of the New Jersey State Legislature commences the members of the 10<sup>th</sup> Legislative District, Senator James Holzapfel, Assemblymen Gregory McGuckin and David Rible have introduced legislation entitled "Barnegat Bay Protection Act" (S1250/A407) and said legislation has been forwarded to the appropriate committee of each house of the New Jersey State Legislature and;

**WHEREAS**, S1250/A407 proposes to establish "a Barnegat Bay Protection Fund," which "dedicates (a) portion of sales tax on lawn fertilizer, authorizes special license plates, and provides for donations" and;

**WHEREAS**, this act proposes that "any municipality charging and collecting reasonable fees for the purposes set forth in subsection b. of this section (section 1 of P.L. 1955, c.49 (C.40:61-22.20) may provide for a person to donate to the Barnegat Bay Protection Fund at the time the fee is collected. Upon request a receipt shall be provided to the person donating to the fund pursuant to this paragraph on a form prescribed and distributed to the municipality by the Commissioner of Environmental Protection" and;

**WHEREAS**, under this act, "no municipality charging and collecting reasonable fees pursuant to subsection b of this shall section shall increase such fees solely for the purposes of implementing paragraph 1 of this subsection" and;

**WHEREAS**, S1250/A407 recognizes the necessity of addressing the issues endangering the vitality of Barnegat Bay, this bill, by creating a "voluntary" donation mechanism at the point of sale on all beach tag fees fails to recognize the real life logistics of beach fee collection and thereby creates an unfunded managerial burden upon said municipalities in charged with fulfilling the intent of this act, and;

**WHEREAS**, while targeted directly at the municipalities of this state which, as permitted by law, collect a beach tag fee S1250/A407 remains silent on providing a mechanism for the collection of said voluntary donations from municipalities which do not collect a beach fee but have and benefit from the beaches located within their municipal boundaries nor does the introduced legislation include any mechanism by which voluntary donations shall be collected at beach facilities owned and operated by the State of New Jersey which collect fees for beach use such as Island Beach State Park and;

**WHEREAS**, by the creation of a donation scheme based on beach tag/badge sales S1250/A407 thereby creates a dichotomy between those citizens of the State of New Jersey who reside in municipalities which do not directly collect fees for beach operations and therefore are not required to assume the financial and managerial burden of a the proposed "voluntary" donation plan and those citizens of the State of New Jersey who are reside in municipalities, which "in order to provide funds for to improve, maintain and police" the beaches located within their municipal boundaries are burdened with the unfunded mandate of operating a "voluntary" donation system at the point of sale of a beach tag or beach badge for the Barnegat Bay Protection Fund and;

**WHEREAS**, said dichotomy creates two unequal classes of citizens and as such violates the spirit if not the letter of the equal protection clause of the 14<sup>th</sup> Amendment of the Constitution of the United States of America and Article 1 Chapter 1 of the Constitution of the State of New Jersey as has been traditionally interpreted by the Judicial Branch of the State of New Jersey and;

**WHEREAS**, P.L. 1955, c.49 (C.40:61-22.20) provides that "the governing body of any municipality bordering on the Atlantic Ocean...may in order to provide funds to improve, maintain, and police the same and to protect the same from erosion, encroachment and damage by the sea or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, by ordinance...provide for the charging and collecting of reasonable fees for the registration of persons using said lands and bathing facilities" S1250/A407 is incompatible with the intent and purpose of the establishment of beach tag fees under existing law and;

**WHEREAS**, the revenue generate by beach tag fees, at best, covers the cost seasonal beach operations the establishment of a beach tag tax will place an undue and punitive burden upon municipalities which will need to cover the cost of lost revenue and place a burden upon the municipal budget which is already restrained by the 2% tax cap and;

**WHEREAS**, S1250/A407 seek to provide a source of funding for the Barnegat Bay Protection Fund this bill fails to recognize that funding for Barnegat Bay Protection is already being addressed through existing fund structure such as the New Jersey Environmental Infrastructure Trust fund from which, along with other grant sources the County of Ocean expects to receive \$9.1 million from the state. Of that \$4.9 million will be grant money and the remainder will be in deferred low interest loans which also provide \$1.6 million for the acquisition of a vacuum cleaner/sewer jet truck and three new street sweepers. The introduced legislation also fails to recognize the responsibility for and major source of the non-point source pollution and the subsequent degradation of Barnegat Bay lies with the development practices of the area located in the western portion of the Barnegat Bay watershed and with the development practices and policies established by the State of New Jersey Department of Community Affairs, Office of Smart Growth.

**THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Long Beach Township who remain strong proponents for the protection and restoration of Barnegat Bay stand in opposition to S1250/A407 and respectfully request that said legislation be removed from consideration on the grounds of the inherent inequities, incumbent unfunded mandates and duplication of existing funds and;

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted forthwith to the Honorable Christopher Christie, Governor of the State of New Jersey, the 9<sup>th</sup> and 10<sup>th</sup> Legislative Districts of the State of New Jersey, the County of Ocean Board of Chosen Freeholders, the municipalities of Long Beach Island and the municipalities of the State of New Jersey which, as provided by law, collected fees for beach tags/badges.

Lynda Wells, Municipal Clerk explained this was an unfunded mandate.

10. Resolution 12-0217.06: Support the Employer Support Guard and Reserve (ESGR) Employment Initiative Program (EIP)

**WHEREAS**, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans, that "Above all, our freedom endures because of the men and women in uniform who defend it," and that "...this generation of heroes has made the United States safer and more respected around the world."; and

**WHEREAS**, the President, further promised, "As they come home, we must serve them as well as they've served us. That includes giving them the care and the benefits they have earned...and it means enlisting our veterans in the work of rebuilding our nation."; and

**WHEREAS**, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

**WHEREAS**, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

**WHEREAS**, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

**WHEREAS**. To further this goal, the New Jersey ESGR has launched and Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

**WHEREAS**, the goal is to enhance the employment process and serve as an effective resource for service members and employers, ESGR is also partnering with Employer Partnership of the Armed Forces(EPAF) through EIP with a high-tech and high-touch approach; and

**WHEREAS**, for almost a year now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

**WHEREAS**, the Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Services (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

**WHEREAS**, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

**WHEREAS**, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR had enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

**WHEREAS**, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

**WHEREAS**, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

**WHEREAS**, local officials, throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over on million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up.

**NOW, THEREFORE, BE IT RESOLVED**, on this seventeenth day of February, 2012, that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of

New Jersey recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

**BE IT FURTHER RESOLVED**, that in gratitude, the Board of Commissioners of Long Beach Township pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

**BE IT FINALLY RESOLVED**, that certified copies of this Resolution be forwarded to the New Jersey League of Municipalities and to our neighboring municipalities.

Lynda Wells, Municipal Clerk explained this program would urge businesses to hire veterans and their families.

11. Resolution 12-0217.07: Support Senate Bill S243 and Assembly Bill A327,  
to remove insurance obstacles for volunteer  
drivers

**WHEREAS**, Volunteer networks in Ocean County are spread far and wide, and play an extremely integral role in assisting the elderly and the disabled in our communities; and

**WHEREAS**, many of our selfless volunteers serve as drivers for the frail, elderly and disabled and are truly a lifeline for these individuals who need to get to necessary medical appointments and cannot drive themselves.; and

**WHEREAS**, in January 2012 Senate Bill S243 and Assembly Bill A327 were introduced in these respective bodies with the intent to remove insurance obstacles for those who would serve as volunteer drivers for non-profit organizations in New Jersey and would prohibit the use of volunteer driving activities as an underwriting or rating factor to determine eligibility for private passenger automobile insurance or any premium or other charge paid; and

**WHEREAS**, these bills are intended to protect the volunteer driver with respect to private passenger automobile rate increases and surcharges, non-renewal or refusal to write coverage, or pay claims based on their driving experience while performing volunteer driving activities as described in these bills.

**BE IT RESOLVED**, that this important Volunteer Protection Legislation, although proposed in previous legislative sessions, with failure to advance, is critical legislation and that the Mayor and Council of the Borough of Beachwood believe that volunteer drivers should not be penalized for doing a good deed in helping some of our most vulnerable residents. That potential volunteer drivers are reluctant to take on the task because of the negative impact on their insurance; and

**NOW THEREFORE BE IT RESOLVED** that the Board of Commissioners of Long Beach Township, County of Ocean strongly support the Ocean County Board of Chosen Freeholders and join in their efforts in urging the passage of this legislation, which will confirm our belief that volunteers are the backbone of the community - where would we be without them!

12. Resolution 12-0217.08: Approve the Recreation and Special Activity  
Committee 2012 Membership

**WHEREAS**, pursuant to Ordinance 08-05C, adopted February 22<sup>nd</sup> 2008, creating a new chapter of the Code of the Township of Long Beach, Chapter 28, the Board of Commissioners of the Township of Long Beach Office authorized the establishment of a Recreation and Special Activities Committee for the purpose of organizing activities to be held within Long Beach Township; 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 Recreation and Special Activities Committee:

Patricia Monaco	Loveladies
Pat Kaletkowski	Brant Beach
Lt. Paul Vereb	LBTPD
Lynda Wells	LBT Municipal Clerk
Lisa Jones	LBT Finance Officer
Joni Bakum	LBT employee
Andy Baran	LBT Asst. Director DPW
Don Myers	LBT Beach Patrol Supervisor
Kyle Ominski	LBT Asst. Clerk
Tom Beatty	Beach Haven

**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 Recreation and Special Activities Committee effective through December 31, 2012.

Lynda Wells, Municipal Clerk announced there were 10 members.

Motion to approve Items 5 thru 12:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**LICENSES AND PERMITS**

13. Resolution 12-0217.09: Approve a social affairs permit for the Long Beach Island PTA; 5/17/12

**BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach grants a SPECIAL PERMIT FOR SOCIAL AFFAIR to Long Beach Island PTA, to be held at Brant Beach Yacht Club at 59<sup>th</sup> and Bay Avenue, Brant Beach. This permit will allow Long Beach Island PTA to serve alcoholic beverages at the fundraiser on May 17, 2012 between the hours of 5:00 P.M. and 11:00 P.M.

Motion to approve Item 13:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**CONTRACTS AND AWARDS**

14. Resolution 12-0217.10: Approve the purchase of various miscellaneous incidental building supplies, per quote.

**RESOLUTION REGARDING LOCAL PUBLIC CONTRACTS LAW**

**FIRST WHEREAS**, the various departments in the Township of Long Beach have upon occasion the need to acquire, on short notice, certain goods and materials which have not been advertised for bidding; and

**SECOND WHEREAS**, these items are commonly stocked items by such vendors as Lowes Stores, Home Depot, 84 Lumber, Tuckerton Lumber, Woodhaven Lumber, Conway Auto, Quality Tire, Causeway Ford, Downs Ford, Bob's Locksmith, Copy Rite, Allen's Electric, providing various supplies and services and other materials to be purchased by various departments of the Township of Long Beach; and

**THIRD WHEREAS**, the provisions of the New Jersey Local Public Contracts Law provide for specifics on bidding and bid thresholds but further provides that where the bid threshold is not met purchases may be made without public bidding provided quote solicitations are secured prior to making a purchase.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday February 17, 2012 that Municipal Departments Heads shall be and are hereby advised that where they need to purchase materials, goods, supplies and equipment which does not meet the bid threshold, and is of an urgent nature, they nonetheless must receive and record quotations from at least three (3) vendors and acquire the product from the lowest quote; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Clerk of the Township of Long Beach as a true copy shall be forwarded to each Long Beach Township Department Head and all employees in that department who may be required to make purchases.

15. Resolution 12-0217.11: Approve a revision to Resolution 12-0123.08(a) Schedule 'C'

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE COUNTY OF OCEAN FOR VARIOUS SERVICES UNDER "SCHEDULE C"**

**WHEREAS**, the Shared Services Act, N.J.S.A. 40A:65-1 et seq. authorizes the Township of Long Beach to enter into a contract for the provision of certain governmental services with the County of Ocean; and

**WHEREAS**, the Shared Services Act, N.J.S.A. 40A:65-1 et seq. requires such contracts be authorized by resolution of the Governing Body; and

**WHEREAS**, the County of Ocean has created and established a program to assist municipalities and governmental agencies in the repair and maintenance of municipal streets and property in addition to providing certain materials and supplies in connection therewith; and

**WHEREAS**, the Governing Body of the Township of Long Beach has requested the County to provide certain various services on certain municipal streets and property within the municipality at a cost not to exceed \$100,000.00; and

**WHEREAS**, the Township of Long Beach wishes to enter into an agreement with the County of Ocean for the provision of services, materials, and equipment as set forth in Schedule "C" attached hereto.

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

1. The Mayor, Commissioner of Public Works, and Clerk of the Township of Long Beach are hereby authorized and directed to enter into and execute a "Schedule C" Agreement with the County of Ocean in accordance with the provisions of the law to include \$75,000.00 for the Road Department and \$25,000.00 for the Engineering Department for various engineering services for traffic signals and sign installations.
2. A copy of this Agreement shall be kept on file and be available for public inspection at the Office of the Township Clerk.
3. This Agreement shall take effect upon full execution by the parties and shall remain in full force and effect through December 31, 2012. Sufficient funds have been appropriated in the 2012 Temporary Municipal Budget and are subject to amendment at such time the 2012 Municipal Budget is adopted. Appropriated funds will be available for this purpose in the municipal budget under Schedule "C" Other Expenses.
4. A certified copy of this resolution shall be forwarded to:
  - A. Clerk of the Ocean County Board of Chosen Freeholders
  - B. Ocean County Engineering Department
  - C. Ocean County Department of Finance

Lynda Wells, Municipal Clerk noted an additional signature line was necessary.

16. Resolution 12-0217.12: Approve a purchase of office furniture from Global Industries, Inc. for the Construction office, per state contract \$5,450.94

**RESOLUTION AUTHORIZING THE PURCHASE OF FURNITURE COMPONENTS AND SUPPLIES  
FOR THE TOWNSHIP OF LONG BEACH CONSTRUCTION OFFICE,  
PER STATE CONTRACT**

**WHEREAS**, the Township of Long Beach wishes to purchase from an authorized vendor under the State of New Jersey Cooperative Purchasing Services Program, INJCP; and

**WHEREAS**, the purchase of goods and services by local contracting unit is authorized by the Local Public Contracts Law, N.J.S.A. 40A: 11-12; and

**WHEREAS**, Global Industries, c/o W.B. Mason Company, Inc., Egg Harbor, 17 West Stow Road, Marlton, NJ 08053, has been awarded New Jersey State Contract No. 69980, Index # T-0408 for Furniture, Office & Lounge Non-Modular & Files effective October 1, 2007 to March 31, 2012, and is able to provide the necessary furniture components and supplies in the amount not to exceed Five Thousand Four Hundred Fifty Dollars Ninety Four Cents (\$5,450.94); and

**WHEREAS**, the Commissioner of Public Affairs and Safety recommends the utilization of this contract on the grounds that it represents the most cost effective method for the needs of the Township; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation Construction-Furniture/Furnishing O/C #2-01-22-195-257 in the amount of \$5,450.94.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Township of Long Beach approves the purchase of furniture from Global Industries, c/o W.B. Mason Company, Inc., Egg Harbor, 17 West Stow Road, Marlton, NJ 08053 for the Long Beach Township Construction Office in the amount not to exceed Five Thousand Four Hundred Fifty Dollars Ninety Four Cents (\$5,450.94).

17. Resolution 12-0217.13: Approve the 2012 Police Off-Duty Traffic Control Service Agreement with New Jersey Natural Gas

**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 New Jersey Natural Gas Co. for various Police Off-Duty Services during the 2012 calendar year.

Motion to approve Items 14 thru 17:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**FINANCIAL APPROVALS**

18. Resolution 12-0217.14(a-c): Authorizing the issuance of bonds for the 2012 Environmental Infrastructure Trust
  - a. Water Utility
  - b. Sewer Utility
  - c. Barnegat Bay Estuary

**RESOLUTION NO 12-0217.14(a)**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO \$3,100,000 OF BONDS OF THE TOWNSHIP OF LONG BEACH CONSISTING OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2012A; THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2012B; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

**BACKGROUND**

**WHEREAS**, the Township of Long Beach, County of Ocean, New Jersey ("Township") has determined there exists a need for the removal and replacement of existing water mains including, but not limited to, the installation of water valves and services, fire hydrants and road pavement restoration ("2012 Project") as described in that certain Loan Agreement ("Trust Loan Agreement") to be entered into between the Township and the New Jersey Environmental Infrastructure Trust ("Trust") and that certain Loan Agreement ("Fund Loan Agreement"; together with the Trust Loan Agreement, the "Loan Agreements") to be entered into between the Township and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program ("Program"); and

**WHEREAS**, the Township has determined to use the proceeds of a loan to be made by each of the Trust ("Trust Loan") and the State ("Fund Loan"; together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively, to permanently finance the 2012 Project; and

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Township to authorize, execute and deliver its General Obligation Bonds, Series 2012A ("2012A Bonds") to the Trust, and its General Obligation Bonds, Series 2012B ("2012B Bonds") to the State, pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements, all as more particularly described in Exhibit "A" attached hereto; and

**WHEREAS**, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Board of Commissioners of the Township has, pursuant to Bond Ordinance No. 11-46, duly and finally adopted and published in accordance with the requirements of the Local Bond Law ("Bond Ordinance"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of the 2012 Project; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the 2012A Bonds and the 2012B Bonds (collectively, the "2012 Bonds") and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement ("Escrow Agreement") to be entered into between the Trust, the State, the Escrow Agent and the Township; and

**WHEREAS**, to effectuate the financing plan described in the above mentioned paragraphs, it is necessary for the Township to adopt this resolution and to authorize and approve the issuance and sale of the 2012 Bonds in a principal amount up to \$3,100,000; and

**WHEREAS**, *N.J.S.A. 40A:2-27(a)(2)* allows for the sale of the 2012A Bonds and the 2012B Bonds, to the Trust and the State, respectively, without any public offering, and *N.J.S.A. 58:11B-9(a)* allows for the sale of the 2012 Bonds to the Trust, without any public offering, all under the terms and conditions set forth herein.

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

**Section 1.** The Township authorizes and approves the issuance of the 2012 Bonds in two (2) series in a total principal amount of up to \$3,100,000 to be designated, "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2012A" and "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2012B", respectively. The 2012 Bonds will be used to pay the costs of the 2012 Project. In accordance with *N.J.S.A. 40A:2-27(a)(2)* and *N.J.S.A. 58:11B-9(a)*, the Township hereby sells and awards the 2012A Bonds and the 2012B Bonds to the Trust and to the State in accordance with the provisions hereof.

**Section 2.** The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the 2012A Bonds and the 2012B Bonds:

- (a) The aggregate principal amount of the 2012A Bonds and the 2012B Bonds to be issued;
- (b) The maturity and annual principal installments of the 2012A Bonds and the 2012B Bonds, which maturity shall not exceed twenty (20) years;
- (c) The date of the 2012 Bonds;
- (d) The interest rates of the 2012 Bonds;
- (e) The purchase price for the 2012 Bonds; and
- (f) The terms and conditions under which the 2012 Bonds shall be subject to redemption prior to their stated maturities.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the 2012 Bonds by the parties authorized under Section 3 hereof.

**Section 3.** The 2012 Bonds shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Township, the Trust and the State shall approve. The 2012 Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to principal and interest in lawful money of the United States of America. The 2012 Bonds will be executed on behalf of the Township by the manual signatures or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Municipal Clerk (such execution shall constitute conclusive approval by the Township of the form of the 2012 Bonds), and shall bear the affixed, imprinted or reproduced seal of the Township thereon. The 2012A Bonds and the 2012B Bonds shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 4.** The terms of the 2012 Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full members of the Board of Commissioners.

**Section 5.** The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the 2012 Bonds and, to the extent payment is not otherwise provided, the Township shall be obligated to levy *ad valorem* taxes upon all taxable real property within the Township without limitation as to rate or amount for the payment thereof.

**Section 6.** Each of the Trust Loan Agreement, Fund Loan Agreement and the Escrow Agreement are hereby authorized to be executed and delivered on behalf of the Township by the Mayor or Chief Financial Officer in substantially the forms on file in the offices of the Township, with such changes as the Mayor or Chief Financial Officer in their respective sole discretion, after consultation with counsel and any advisors to the Township and after further consultation with the Trust and the State and their representatives, agents, counsel and advisors, shall determine, such determination to be conclusively evidenced by the execution of each of such Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer as determined hereunder. The Municipal Clerk and Deputy Municipal Clerk are each hereby severally authorized to attest to the execution of the Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer of the Township as determined hereunder and to affix the corporate seal of the Township to such documents.

**Section 7.** All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Municipal Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the 2012 Bonds or the 2012 Project are hereby ratified, confirmed, approved and adopted.

**Section 8.** The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2012 Bonds or the 2012 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 9.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 10.** This resolution shall take effect immediately upon adoption this 17th day of February, 2012.

**RESOLUTION NO. 12-0217.14(b)**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO \$2,900,000 OF BONDS OF THE TOWNSHIP OF LONG BEACH CONSISTING OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2012C; THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2012D; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

**BACKGROUND**

**WHEREAS**, the Township of Long Beach, County of Ocean, New Jersey ("Township") has determined there exists a need for the removal and replacement of sanitary sewer mains beneath various streets in the Township including, but not limited to, laterals, manholes and pavement restoration ("2012 Project") as described in that certain Loan Agreement ("Trust Loan Agreement") to be entered into between the Township and the New Jersey Environmental Infrastructure Trust ("Trust") and that certain Loan Agreement ("Fund Loan Agreement"); together with the Trust Loan Agreement, the "Loan Agreements") to be entered into between the Township and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program ("Program"); and

**WHEREAS**, the Township has determined to use the proceeds of a loan to be made by each of the Trust ("Trust Loan") and the State ("Fund Loan"; together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively, to permanently finance the 2012 Project; and

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Township to authorize, execute and deliver its General Obligation Bonds, Series 2012C ("2012C Bonds") to the Trust, and its General Obligation Bonds, Series 2012D ("2012D Bonds") to the State, pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements, all as more particularly described in Exhibit "A" attached hereto; and

**WHEREAS**, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Board of Commissioners of the Township has, pursuant to Bond Ordinance No. 11-45, duly and finally adopted and published in accordance with the requirements of the Local Bond Law ("Bond Ordinance"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of the 2012 Project; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the 2012C Bonds and the 2012D Bonds (collectively, the "2012 Bonds") and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement ("Escrow Agreement") to be entered into between the Trust, the State, the Escrow Agent and the Township; and

**WHEREAS**, to effectuate the financing plan described in the above mentioned paragraphs, it is necessary for the Township to adopt this resolution and to authorize and approve the issuance and sale of the 2012 Bonds in a principal amount up to \$2,900,000; and

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) allows for the sale of the 2012C Bonds and the 2012D Bonds, to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the 2012 Bonds to the Trust, without any public offering, all under the terms and conditions set forth herein.

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

**Section 1.** The Township authorizes and approves the issuance of the 2012 Bonds in two (2) series in a total principal amount of up to \$2,900,000 to be designated, "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2012C" and "Township of Long Beach, County of Ocean, New Jersey, General

Obligation Bonds, Series 2012D", respectively. The 2012 Bonds will be used to pay the costs of the 2012 Project. In accordance with N.J.S.A. 40A:2-27(a)(2) and N.J.S.A. 58:11B-9(a), the Township hereby sells and awards the 2012C Bonds and the 2012D Bonds to the Trust and to the State in accordance with the provisions hereof.

Section 2. The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the 2012C Bonds and the 2012D Bonds:

- (a) The aggregate principal amount of the 2012C Bonds and the 2012D Bonds to be issued;
- (b) The maturity and annual principal installments of the 2012C Bonds and the 2012D Bonds, which maturity shall not exceed twenty (20) years;
- (c) The date of the 2012 Bonds;
- (d) The interest rates of the 2012 Bonds;
- (e) The purchase price for the 2012 Bonds; and
- (f) The terms and conditions under which the 2012 Bonds shall be subject to redemption prior to their stated maturities.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the 2012 Bonds by the parties authorized under Section 3 hereof.

Section 3. The 2012 Bonds shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Township, the Trust and the State shall approve. The 2012 Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to principal and interest in lawful money of the United States of America. The 2012 Bonds will be executed on behalf of the Township by the manual signatures or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Municipal Clerk (such execution shall constitute conclusive approval by the Township of the form of the 2012 Bonds), and shall bear the affixed, imprinted or reproduced seal of the Township thereon. The 2012C Bonds and the 2012D Bonds shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 4. The terms of the 2012 Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full members of the Board of Commissioners.

Section 5. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the 2012 Bonds and, to the extent payment is not otherwise provided, the Township shall be obligated to levy *ad valorem* taxes upon all taxable real property within the Township without limitation as to rate or amount for the payment thereof.

Section 6. Each of the Trust Loan Agreement, Fund Loan Agreement and the Escrow Agreement are hereby authorized to be executed and delivered on behalf of the Township by the Mayor or Chief Financial Officer in substantially the forms on file in the offices of the Township, with such changes as the Mayor or Chief Financial Officer in their respective sole discretion, after consultation with counsel and any advisors to the Township and after further consultation with the Trust and the State and their representatives, agents, counsel and advisors, shall determine, such determination to be conclusively evidenced by the execution of each of such Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer as determined hereunder. The Municipal Clerk and Deputy Municipal Clerk are each hereby severally authorized to attest to the execution of the Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer of the Township as determined hereunder and to affix the corporate seal of the Township to such documents.

Section 7. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Municipal Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the 2012 Bonds or the 2012 Project are hereby ratified, confirmed, approved and adopted.

Section 8. The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2012 Bonds or the 2012 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any

subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 9. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 10. This resolution shall take effect immediately upon adoption this 17th day of February, 2012.

**RESOLUTION NO. 12-0217.14(c)**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO \$250,000 OF BONDS OF THE TOWNSHIP OF LONG BEACH CONSISTING OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2012E; THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2012F; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

**BACKGROUND**

**WHEREAS**, the Township of Long Beach, County of Ocean, New Jersey ("Township") has determined there exists a need for the acquisition of two (2) diesel powered regenerative air sweepers mounted on a diesel powered truck chassis ("2012 Project") as described in that certain Loan Agreement ("Trust Loan Agreement") to be entered into between the Township and the New Jersey Environmental Infrastructure Trust ("Trust") and that certain Loan Agreement ("Fund Loan Agreement"; together with the Trust Loan Agreement, the "Loan Agreements") to be entered into between the Township and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program ("Program"); and

**WHEREAS**, the Township has determined to use the proceeds of a loan to be made by each of the Trust ("Trust Loan") and the State ("Fund Loan"; together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively, to permanently finance the 2012 Project; and

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Township to authorize, execute and deliver its General Obligation Bonds, Series 2012E ("2012E Bonds") to the Trust, and its General Obligation Bonds, Series 2012F ("2012F Bonds") to the State, pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements, all as more particularly described in Exhibit "A" attached hereto; and

**WHEREAS**, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Board of Commissioners of the Township has, pursuant to Bond Ordinance No. 11-44, duly and finally adopted and published in accordance with the requirements of the Local Bond Law ("Bond Ordinance"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of the 2012 Project; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the 2012E Bonds and the 2012F Bonds (collectively, the "2012 Bonds") and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement ("Escrow Agreement") to be entered into between the Trust, the State, the Escrow Agent and the Township; and

**WHEREAS**, to effectuate the financing plan described in the above mentioned paragraphs, it is necessary for the Township to adopt this resolution and to authorize and approve the issuance and sale of the 2012 Bonds in a principal amount up to \$250,000; and

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) allows for the sale of the 2012E Bonds and the 2012F Bonds, to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the 2012 Bonds to the Trust, without any public offering, all under the terms and conditions set forth herein.

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

Section 1. The Township authorizes and approves the issuance of the 2012 Bonds in two (2) series in a total principal amount of up to \$250,000 to be designated, "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2012E" and "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2012F", respectively. The 2012 Bonds will be used to pay the costs of the 2012 Project. In accordance with N.J.S.A. 40A:2-27(a)(2) and N.J.S.A. 58:11B-9(a), the Township hereby sells and awards the 2012E Bonds and the 2012F Bonds to the Trust and to the State in accordance with the provisions hereof.

Section 2. The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the 2012E Bonds and the 2012F Bonds:

- (a) The aggregate principal amount of the 2012E Bonds and the 2012F Bonds to be issued;
- (b) The maturity and annual principal installments of the 2012E Bonds and the 2012F Bonds, which maturity shall not exceed twenty (20) years;
- (c) The date of the 2012 Bonds;
- (d) The interest rates of the 2012 Bonds;
- (e) The purchase price for the 2012 Bonds; and
- (f) The terms and conditions under which the 2012 Bonds shall be subject to redemption prior to their stated maturities.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the 2012 Bonds by the parties authorized under Section 3 hereof.

Section 3. The 2012 Bonds shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Township, the Trust and the State shall approve. The 2012 Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to principal and interest in lawful money of the United States of America. The 2012 Bonds will be executed on behalf of the Township by the manual signatures or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Municipal Clerk (such execution shall constitute conclusive approval by the Township of the form of the 2012 Bonds), and shall bear the affixed, imprinted or reproduced seal of the Township thereon. The 2012E Bonds and the 2012F Bonds shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 4. The terms of the 2012 Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full members of the Board of Commissioners.

Section 5. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the 2012 Bonds and, to the extent payment is not otherwise provided, the Township shall be obligated to levy *ad valorem* taxes upon all taxable real property within the Township without limitation as to rate or amount for the payment thereof.

Section 6. Each of the Trust Loan Agreement, Fund Loan Agreement and the Escrow Agreement are hereby authorized to be executed and delivered on behalf of the Township by the Mayor or Chief Financial Officer in substantially the forms on file in the offices of the Township, with such changes as the Mayor or Chief Financial Officer in their respective sole discretion, after consultation with counsel and any advisors to the Township and after further consultation with the Trust and the State and their representatives, agents, counsel and advisors, shall determine, such determination to be conclusively evidenced by the execution of each of such Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer as determined hereunder. The Municipal Clerk and Deputy Municipal Clerk are each hereby severally authorized to attest to the execution of the Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer of the Township as determined hereunder and to affix the corporate seal of the Township to such documents.

Section 7. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Municipal Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the 2012 Bonds or the 2012 Project are hereby ratified, confirmed, approved and adopted.

Section 8. The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2012 Bonds or the 2012 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 9. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 10. This resolution shall take effect immediately upon adoption this 17th day of February, 2012.

19. Resolution 12-0217.15: Approve the release of a Performance Bond;  
LUB 30-06 in the amount of \$8,338.00

**WHEREAS**, pursuant to Resolution 11-0201.08 dated February 1<sup>st</sup> 2011, the Township of Long Beach accepted from Loveladies Marina, LLC, Cashier's Check #1403780475 dated January 18, 2011 in the amount of Eight Thousand Three Hundred Thirty Eight Dollars (\$8,338.00) drawn on Wachovia Bank, as the required Performance Bond for Major Site Plan #LUB-30-06, Block 20.150, Lot 2 (9 Lighthouse Way, Loveladies, NJ).

**WHEREAS**, the municipal engineer has inspected Block 20.150, Lot 2 (9 Lighthouse Way, Loveladies, NJ) and certified the release of the Performance Bond in the amount of Eight Thousand Three Hundred Thirty Eight Dollars (\$8,338.00) plus accrued interest, and does not require a maintenance bond.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approves the release of the Performance Bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

20. Resolution 12-0217.16: Approve Bills & Payroll  
Bills in the amount of: \$8,100,217.50  
Payroll in the amount of: \$ 402,096.80

**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 \$402,096.80.

**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 \$8,100,217.50 be and the same are hereby authorized to be paid on February 17, 2012.

2. The said approved payroll amounting to the sum of \$402,096.80 be and the same are hereby authorized to be paid on February 17, 2012.

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.

Lynda Wells, Municipal Clerk advised Ocean County taxes were being paid.

Motion to approve Items 18 thru 20:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi** had no comments.

**Commissioner Bayard** announced a Green Acres Grant Application Public Hearing would be held on Feb. 24, 2012 at 1 PM. He also noted the 2012 Trash & Recycling Calendars were mailed.

**Mayor Mancini** announced the next meeting of the Board of Commissioners would take place on Friday, March 2, 2012 at 4:00 p.m. at which time public hearing would be held for Ordinances 12-01C, 12-04C and 12-05C. Ordinance 12-03C would have public hearing on March 16<sup>th</sup>.

**Mayor Mancini** also announced the next regular meeting of the Land Use Board would be held on Wednesday March 14, 2012 at 7:00 p.m. in the 2<sup>nd</sup> floor multi-purpose room.

**Mayor Mancini** shared information from the Long Beach Township Police Department :

**Mayor Mancini** reported that Long Beach Township was reimbursed 62 thousand dollars from FEMA due to the combined preventative efforts of the Police Department, Public Works, Beach Patrol in relation to Hurricane IRENE. These combined efforts reflected the dedication of the men and women who served the community so proudly.

**Mayor Mancini** asked any groups or organizations that were interested in SAFETY PRESENTATIONS to contact Chief Michael Bradley at 609-361-2050. These presentations would include informational handouts pertaining to fraud identification, identity theft, criminal trends, fraud and prevalent scams. The presentations were staffed by the officers of the Long Beach Police Department.

**Mayor Mancini** concluded that the Police Department asked that all drivers use caution due to the ongoing improvements being done that impact traffic patterns throughout the Township. The Police asked motorists to be alert and to slow down when approaching or driving through construction sites.

**Mayor Mancini** reported that the Federal Beach Replenishment Program would be underway by the end of February and should be completed, weather permitting, between 60 and 90 days.

**OPEN PUBLIC SESSION**

No comments

**CLOSE PUBLIC SESSION**

Motion for adjournment at 4:15 pm:

Motion: Lattanzi                      Ayes: Lattanzi, Bayard, Mancini

Second: Bayard                      Nays:

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Lynda J. Wells, RMC  
Municipal Clerk

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Joseph H. Mancini, Mayor

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Ralph H. Bayard, Commissioner

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Joseph P. Lattanzi, Commissioner