

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS APRIL 17, 2009

Flag Salute

Meeting came to order: 4:03 p.m.

Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner DiAnne C. Gove PRESENT
Commissioner Ralph H. Bayard PRESENT

Also in attendance: Bonnie M. Leonetti, Municipal Clerk
Lynda J. Wells, Deputy Municipal Clerk
Katharine M. Shackleton, Esq.

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES on January 7th 2009; the PRESS OF ATLANTIC CITY on January 3rd 2009; and the ASBURY PARK PRESS on December 23rd 2008; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meetings of March 20th and April 3rd and to approve the same as recorded in the minute book:

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

AGENDA

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 09-06: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF EXISTING WATER MAINS BENEATH VARIOUS STREETS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,040,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,040,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

TOWNSHIP OF LONG BEACH, NEW JERSEY

BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of 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"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$2,040,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$2,040,000.

Section 3. The sum of \$2,040,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$2,040,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. 151-7001-008-0-0) submitted by the Township to said entities ("Application").

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$2,040,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$400,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Removal and Replacement of existing Water Mains, including but not limited to the Installation of Water Services and Road Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$2,040,000	\$0	\$2,040,000	40 Years

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond 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 that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$2,040,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance and, to the extent payment is 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 10. The Capital Budget is hereby amended to conform with the provisions of this Bond 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 of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 11. The Township hereby declares its intent to reimburse itself from the proceed of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 12. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance 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 Section 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 Section 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 Section 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 Sections 148(f) and 149(e) of the Code; and

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

Section 13. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 14. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 15. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: March 20, 2009

Date of Final Adoption: April 17, 2009

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on March 20, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Board of Commissioners of the Township of Long Beach to be held at the Long Beach Township Public Safety Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey 08008, on April 17, 2009 at 4:00 PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF EXISTING WATER MAINS BENEATH VARIOUS STREETS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,040,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,040,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Removal and Replacement of existing Water Mains, including but not limited to the Installation of Water Services and Road Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$2,040,000 0	\$0	\$2,040,000	40 Years

Appropriation: \$2,040,000
 Bonds/Notes Authorized: \$2,040,000
 Grants (if any) Appropriated: None
 Section 20 Costs: \$400,000
 Useful Life: 40.00 years
 BONNIE M. LEONETTI, RMC, CMC
 Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on April 17, 2009 and the twenty (20) day period of 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. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office in the Long Beach Township Municipal Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey 08008, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF EXISTING WATER MAINS BENEATH VARIOUS STREETS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,040,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,040,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Removal and Replacement of existing Water Mains, including but not limited to the Installation of Water Services and Road Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$2,040,000	\$0	\$2,040,000	40 Years

Appropriation: \$2,040,000
 Bonds/Notes Authorized: \$2,040,000
 Grants (if any) Appropriated: None
 Section 20 Costs: \$400,000
 Useful Life: 40.00 years
 BONNIE M. LEONETTI, RMC, CMC
 Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bonnie M. Leonetti, Municipal Clerk/Administrator stated this Ordinance was part of the application for the EIT Program for Water Mains.

Passed as on first reading at a regular meeting held on March 20th 2009 advertised in the BEACH HAVEN TIMES, issue of April 8th 2009.

OPEN PUBLIC HEARING
 No Comment
 CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-06 on Second Reading:

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

Second Reading Ordinance 09-07: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF SANITARY SEWER PIPES BENEATH VARIOUS STREETS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,030,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,030,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of 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"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$2,030,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$2,030,000.

Section 3. The sum of \$2,030,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$2,030,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. S340023-02) submitted by the Township to said entities (collectively, the "Application").

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$2,030,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$400,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Removal and Replacement of Existing Sanitary Sewer Pipes, including but not limited to Laterals, Manholes and Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$2,030,000	\$0	\$2,030,000	40 years

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond 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 that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$2,030,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance and, to the extent payment is 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 10. The Capital Budget is hereby amended to conform with the provisions of this Bond 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 of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 11. The Township hereby declares its intent to reimburse itself from the proceed of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 12. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance 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 Section 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 Section 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 Section 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 Sections 148(f) and 149(e) of the Code; and

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

Section 13. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 14. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 15. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: March 20, 2009

Date of Final Adoption: April 17, 2009

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on March 20, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Board of Commissioners of the Township of Long Beach to be held at the Long Beach Township Public Safety Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey 08008, on April 17, 2009 at 4:00 PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF EXISTING SANITARY SEWER PIPES BENEATH VARIOUS STREETS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,030,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,030,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Removal and Replacement of Existing Sanitary Sewer Pipes, including but not limited to Laterals, Manholes and Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$2,030,000 0	\$0	\$2,030,000	40 years

Appropriation: \$2,030,000

Bonds/Notes Authorized: \$2,030,000

Grants (if any) Appropriated: None

Section 20 Costs: \$400,000

Useful Life: 40.00 years

BONNIE M. LEONETTI, RMC, CMC

Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on April 17, 2009 and the twenty (20) day period of 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. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office in the Long Beach Township Municipal Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey 08008, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF SANITARY SEWER PIPES BENEATH VARIOUS STREETS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$2,030,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,030,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Removal and Replacement of Existing Sanitary Sewer Pipes, including but not limited to Laterals, Manholes and Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$2,030,000	\$0	\$2,030,000	40 years

Appropriation: \$2,030,000
 Bonds/Notes Authorized: \$2,030,000
 Grants (if any) Appropriated: None
 Section 20 Costs: \$400,000
 Useful Life: 40.00 years

BONNIE M. LEONETTI, RMC, CMC
 Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bonnie M. Leonetti, Municipal Clerk/Administrator advised this Ordinance was part of the application for the EIT Program for Sewer Mains.

Passed as on first reading at a regular meeting held on March 20th 2009 advertised in the BEACH HAVEN TIMES, issue of April 8th 2009.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-07 on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 09-08: **BOND ORDINANCE PROVIDING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF IMPROVEMENTS TO THE EXISTING SANITARY GRAVITY SEWER SYSTEM BY AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$387,984 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$387,984; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of 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"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$387,984; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$387,984.

Section 3. The sum of \$387,984, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$387,984 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. S340023-01) submitted by the Township to said entities ("Application").

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$387,984 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$75,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Supplemental Funding for the Completion of Improvements to the Sanitary Gravity Sewer System along Long Beach Boulevard, between Lavenia Avenue and Connecticut Avenue, and along Connecticut and Hobart Avenues; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$387,984	\$0	\$387,984	40 Years

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond 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 that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$387,984 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance and, to the extent payment is 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 10. The Capital Budget is hereby amended to conform with the provisions of this Bond 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 of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 11. 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 Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 12. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance 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 Section 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 Section 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 Section 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 Sections 148(f) and 149(e) of the Code; and

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

Section 13. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 14. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 15. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: March 20, 2009

Date of Final Adoption: April 17, 2009

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on March 20, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Board of Commissioners of the Township of Long Beach to be held at the Long Beach Township Public Safety Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey 08008, on April 17, 2009 at 4:00 PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE PROVIDING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF IMPROVEMENTS TO THE EXISTING SANITARY GRAVITY SEWER SYSTEM BY AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$387,984 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$387,984; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Supplemental Funding for the Completion of Improvements to the Sanitary Gravity Sewer System along Long Beach Boulevard, between Lavenia Avenue and Connecticut Avenue, and along Connecticut and Hobart Avenues; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$387,984	\$0	\$387,984	40 Years

Appropriation: \$387,984
 Bonds/Notes Authorized: \$387,984
 Grants (if any) Appropriated: None
 Section 20 Costs: \$75,000
 Useful Life: 40.00 years
 BONNIE M. LEONETTI, RMC, CMC
 Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-3.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on April 17, 2009 and the twenty (20) day period of 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. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office in the Long Beach Township Municipal Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey 08008, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE PROVIDING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF IMPROVEMENTS TO THE EXISTING SANITARY GRAVITY SEWER SYSTEM BY AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$387,984 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$387,984; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Supplemental Funding for the Completion of Improvements to the Sanitary Gravity Sewer System along Long Beach Boulevard, between Lavenia Avenue and Connecticut Avenue, and along Connecticut and Hobart Avenues; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$387,984	\$0	\$387,984	40 Years

Appropriation: \$387,984
 Bonds/Notes Authorized: \$387,984
 Grants (if any) Appropriated: None
 Section 20 Costs: \$75,000
 Useful Life: 40.00 years
 BONNIE M. LEONETTI, RMC, CMC
 Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-3.

Bonnie M. Leonetti, Municipal Clerk/Administrator provided this Ordinance was originally the "2006 Sewer Project". Bids were received in excess of the engineers estimate on two occasions. Additional funding was required to complete the project, and this ordinance authorized the supplemental funding. Passed as on first reading at a regular meeting held on March 20th 2009 advertised in the BEACH HAVEN TIMES, issue of April 8th 2009.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-08 on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

3. Second Reading Ordinance 09-09C: **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 SECTION 176 PERTAINS TO SUBDIVISION OF LAND AND IN SECTION 205 PERTAINS TO ZONING.**

SUMMARY

This ordinance exempts from requirements of formal subdivision any conveyance by any oceanfront property owner to the Township of Long Beach land owned by the property owner between the bulkhead line as established by the Township of Long Beach and the mean high water line of the Atlantic Ocean and further provides that such conveyances may be made reserving for the property owner the area of the land conveyed to be used in calculating percentage of lot coverage when the oceanfront property owner constructs improvements on the retained lands.

SECTION I

A new Section, §176-34 is hereby added to an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" as follows:

§176-34 Exempt Subdivisions

Any oceanfront property owner wishing to convey land, owned by that property owner, lying between the oceanfront bulkhead line established by the Township of Long Beach and the mean high water line of the Atlantic Ocean to the Township of Long Beach, may do so without making any application, formal, informal or otherwise to the Land Use Board of the Township of Long Beach.

SECTION II

A new Section, §205-25.5 is hereby added to an Ordinance “Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)” as follows:

§205-25.5 Inclusion of oceanfront land conveyed to the Township in calculating percentage of lot coverage

Where the owner of oceanfront land has conveyed to the Township of Long Beach that portion of such owner’s land lying between the oceanfront bulkhead line established by the Township of Long Beach as delineated from time to time on the official Tax Assessment Map of said Township and the mean high water line of the Atlantic Ocean such conveyed lands may still be included in calculating lot coverage on the retained portion of the lands when calculating lot coverage restrictions pursuant to the Zoning Ordinance of the Township of Long Beach provided such reservation of rights is contained in the Deed of Conveyance.

SECTION III

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

SECTION IV

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 V

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 March 20, 2009 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 April 17, 2009 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 09-09C was duly adopted by the Board of Commissioners at their meeting held on Friday, April 17, 2009 at 4:00 p.m.

Bonnie M. Leonetti, Municipal Clerk/Administrator noted this ordinance exempted from requirements of formal subdivision any conveyance by any oceanfront property owner to the Township of Long Beach land owned by the property owner between the bulkhead line as established by the Township of Long Beach and the mean high water line of the Atlantic Ocean. It further provided that such conveyances may be made reserving for the property owner the area of the land conveyed to be used in calculating percentage of lot coverage when the oceanfront property owner constructed improvements on the retained lands.

Passed as on first reading at a regular meeting held on March 20th 2009 advertised in the BEACH HAVEN TIMES, issue of April 8th 2009.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-09C on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

- 4. Second Reading Ordinance 09-10C: **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 SECTION 189-23 SCHEDULE 1 PROHIBITS PARKING.**

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

STATEMENT OF PURPOSE

This ordinance prohibits parking on the Easterly side of Long Beach Boulevard between Maryland Avenue and Pennsylvania Avenue in the Beach Haven Terrace Section of Long Beach Township.

SECTION I

Schedule 1 No Parking in Article III, Section 189-23 of an Ordinance entitled “Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)” is hereby amended by adding in Schedule 1 immediately prior to the entry prohibiting parking on Long Beach Boulevard between the Borough of Harvey Cedars and the Borough of Barnegat Light the following:

Long Beach Boulevard East side between the Northerly sideline of Maryland Avenue and the Southerly sideline of Pennsylvania Avenue

SECTION II

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

SECTION III

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

SECTION IV

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

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 April 3, 2009 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 April 17, 2009 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 09-10C was duly adopted by the Board of Commissioners at their meeting held on Friday, April 17, 2009 at 4:00 p.m.

Bonnie M. Leonetti, Municipal Clerk/Administrator explained this prohibited parking on the east side of Long Beach Blvd. between Maryland and Pennsylvania Avenues in Beach Haven Terrace.

Passed as on first reading at a regular meeting held on April 3rd 2009 advertised in the BEACH HAVEN TIMES, issue of April 8th 2009.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-10C on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

5. First Reading Ordinance 09-11C: **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 SECTION 164-3 DEALS WITH THE NECESSITY FOR SITE PLAN REVIEW.**

Bonnie M. Leonetti, Municipal Clerk/Administrator stated this ordinance would make it unnecessary for food and beverage selling establishments to apply for revised site plans where there was an increase to interior and outdoor seating in compliance with the terms of §205-42 E (2) and §205-61. Second Reading and Public Hearing would take place on May 1, 2009.

Motion to approve Ordinance 09-11C on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

ADOPTIONS, APPROVALS AND OPPOSITIONS

6. Resolution 09-0417.01: Oppose the consolidation of the Office of Superintendent for the Southern Regional and Stafford School Districts

RESOLUTION 09-0417.01

WHEREAS, a meeting was held on April 8th 2009 at the Long Beach Township Municipal Building with Mayor Battista of Beach Haven, Mayor Huelsenbeck of Ship Bottom, Mayor Mancini of Long Beach Township, Mayor Connors of Surf City, and Mayor Larson of Barnegat Light and attended by Southern Regional School District Superintendent Craig Henry, School Administrator Lynn Shugars and Assistant Superintendent Dan MacPhee, representing the Southern Regional School District Board of Education so they could discuss the proposed Southern Regional High School budget; and

WHEREAS, said discussion took place with each Mayor receiving documents regarding the Southern Regional School District budget for 2009-2010 which showed that four of the towns might enjoy a decrease in the Southern Regional School District tax rate; and

WHEREAS, during the discussion, Mayor Huelsenbeck questioned the Southern Regional School District Superintendent about a rumor that there were efforts being made to consolidate the bus service with the Southern Regional School District, the Stafford School District and possibly the Long Beach Island Consolidated School District for maintenance of the operation of the buses; and

WHEREAS, the Southern Regional School District Superintendent advised that there was considerable discussion in that regard, and that they were moving ahead to bring about the change so that the Southern Regional School District would be the operations manager for the mechanics and delivery of the students for all three school districts; and

WHEREAS, another subject was revealed regarding the Southern Regional School District Superintendent of Schools in which case the Southern Regional School District Superintendent, Craig Henry, advised that there was considerable discussion with the Stafford School District who has requested that he become the Superintendent of both Stafford and Southern Regional School Districts; and

WHEREAS, this was shocking news to the Long Beach Island Mayors as none of the Island Mayors had been given the courtesy of being previously provided with this information; and

WHEREAS, the Southern Regional School District Superintendent Craig Henry stated that he had initially refused the job, but the Stafford School District repeatedly asked him to reconsider his refusal, in which case he did reconsider and has accepted the position. In fact, further discussions took place at a Stafford School District Board meeting for the purpose of having Craig Henry as a single School District Superintendent; and

WHEREAS, none of the Island Mayors were aware of either of these two proposals, although considerable discussion took place regarding these two issues which involved Long Beach Island interests. The Island Mayors have repeatedly reminded Southern Regional School District Superintendent Craig Henry of the fact that eighty (80) percent of all costs associated with the education of the children from Stafford and Long Beach Island who are attending the Southern Regional School District are paid by the Long Beach Island taxpayers; and

WHEREAS, according to the Press of Atlantic City and the Asbury Park Press, a meeting did, in fact, take place April 7th 2009 in furtherance of this move to consolidate the position of School District superintendent for both Stafford and Southern Regional School Districts without informing other members of the District; and

WHEREAS, there is no documentation as to the cost effectiveness of this move; no empirical or statistical data has been provided to further its resolve. The only reason given by Craig Henry for the move to consolidate the position was that it is being done in accordance with the recent Statute that mandated the Ocean County Superintendent of Schools to present a consolidation pattern for schools. Despite the fact that the Legislation signed into law requires every Municipality involved in the move present same to the voters of those municipalities, the Southern Regional School District Superintendent said the Southern Regional School District Board of Education thought consolidation would become mandatory and this would show that the District is moving in a direction to consolidate; and

WHEREAS, shortly after the Mayors' meeting, a member of the Southern Regional School District Board of Education called Mayor Connors stating that she had received a call from Craig Henry and wanted to know what his objections were. His reply was that there was no transparency with regard to the Island Municipalities and that the Board of Education Members that represent the six (6) Island Municipalities had never brought such an important issue to the Mayors or Elected Officials that represent the Island Municipalities. Mayor Connors also had stated that he felt very strongly that the lack of transparency of these important issues fall into the pattern that has been part of the history of the Southern Regional School District such as annuities, payments to people that live in another state long after retirement, and many other issues that were uncovered by the State Board of Investigations not long ago.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach take strong issue with these matters that could adversely affect the taxpayers in Long Beach Township, and that Long Beach Township wishes to go on record as being opposed to these two issues that surfaced only the day before an important meeting was to be held with the Stafford School District. And, in furtherance of this resolution, the Long Beach Township Board of Commissioners respectfully request that the Southern Regional School District Board of Education, Superintendent Craig Henry, and the Stafford School District Board of Education make known to all the taxpayers of all the communities involved in the Southern Regional School District how each and every taxpayer will benefit from the consolidation of the Superintendent's position. Until those benefits can be shown through statistical data that will bear out a benefit to the taxpayers, Long Beach Township will remain opposed to the proposal; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Joint Council of Taxpayers of Long Beach Island, Long Beach Island Municipalities, and the Southern Regional School District Board of Education.

Mayor Mancini related his recent meeting with Island Mayors and school officials where the proposed consolidation of offices was divulged. The Island Mayors concurred that important decisions regarding the school system must be discussed with LBI municipalities before any action was taken due to Long Beach Island's very large share to support the budget. The Mayors also felt that there should be no change to the Office of Superintendent as it was currently staffed.

7. Resolution 09-0417.02: Approve a change to a sewer account

RESOLUTION 09-0417.02

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

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

Blk:	Lot:	Acct:	Year:	Cancel/Change	Amount:
1.78	5595-0 Sewer		2009 To Stand-by		455.00

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, that the Municipal Clerk be and she is hereby authorized to make this change.

8. Resolution 09-0417.03: Designate dates requiring use of beach badges for the 2009 Beach Season

RESOLUTION 09-0417.03

WHEREAS, the Township of Long Beach wishes to designate the official 2009 summer season in reference to the required use of beach badges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby designate June 21st through September 7th as the 2009 summer season whereby beach badges will be required between the hours of 10:00 a.m. and 5:00 p.m.

Bonnie M. Leonetti, Municipal Clerk/Administrator advised the season would be effective June 21st through September 7th 2009.

9. Resolution 09-0417.04: Authorize free beach access during the 2009 Beach Season to all active military personnel and their immediate families

RESOLUTION 09-0417.04

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 2009 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 2009.

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 in the remainder of 2009; and

BE IT FURTHER RESOLVED, that free daily beach admission, free beach buggy access, etc. be provided during the 2009 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 2009.

Bonnie M. Leonetti, Municipal Clerk/Administrator noted this would allow free beach badges and buggy permits be issued to applicable parties.

10. Resolution 09-0417.05: Declare an emergency due to a water main break in the Beach Haven Crest section of Long Beach Twp.

RESOLUTION 09-0417.05

RESOLUTION DECLARING EMERGENCY AND AUTHORIZING REPAIRS TO COLLAPSING WATERLINE

WHEREAS, the Township of Long Beach, a Municipal Corporation of the State of New Jersey, had entered into a contract with Conti-Haskell (Joint Venture) to provide construction of Sewer line repairs between 83rd Street and 75th Street on Long Beach Boulevard; and

WHEREAS, Conti-Haskell (Joint Venture) has been excavating the old sewer line which requires replacement; and

WHEREAS, during the course of excavation Conti-Haskell (Joint Venture) has discovered that there is a water main installed so close to the old sewer line as to be virtually in the same trench; and

WHEREAS, as a result of there being no record of the condition of the waterline in relation to the sewer line it was impossible to anticipate, prior to excavation, problems which might arise; and

WHEREAS, the condition of the water main was in such bad condition due to age that mere vibrations caused by excavation and installation of the new sewer line caused leaks and fractures in the old waterline; and

WHEREAS, the waterline is one of the main trunk lines supplying potable water for the residents of Long Beach Township in the area; and

WHEREAS, it was impossible prior to the letting of the original contract to Conti-Haskell (Joint Venture) to be aware of the problems which might arise; and

WHEREAS, New Jersey law provides that where such emergency situations exist or such undiscoverable situations exist it is proper to modify the existing contract with the Contractor engaged to install the new line.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey, at a regular meeting held Friday April 17, 2009 that based upon advice from the Township Solicitor and the Township Engineer the damage to the existing water main was something which could not be planned for in advance of letting the original contract to Conti-Haskell (Joint Venture) and based upon the advice of the Township Engineer it is necessary to replace the water main under Long Beach Boulevard between 83rd Street and 75th Street. The Board of Commissioners of the Township of Long Beach do hereby declare that an emergency exists and award a change order to Conti-Haskell (Joint Venture) to install new waterlines in the area of the sewer excavation as may be directed by the Township Engineer.

Bonnie M. Leonetti, Municipal Clerk/Administrator explained the problem was discovered as sewer mains between 83rd and 75th Streets were unearthed for replacement. The adjacent water main was in poor condition due to age and the mere vibration caused by excavation and installation of the new sewer line caused leaks and fractures in the old waterline. A long section of the old water main would be replaced.

Motion to approve Items 7 - 11:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

LICENSES AND PERMITS

11. Resolution 09-0417.06: Approve place to place transfer of liquor license for Nardi's, LLC # 1517-33-002-005

RESOLUTION 09-0417.06

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AND APPROVING A PLACE-TO-PLACE TRANSFER OF LIQUOR LICENSE NO. 1517-33-002-005 NARDI'S, L.L.C.

WHEREAS, the New Jersey Alcoholic Beverage Law, N.J.S.A. 33:1-1, et seq., requires that a governing body must approve a transfer of a liquor license from one person to another or from one place to another; and

WHEREAS, Nardi's, L.L.C, has applied for a place-to-place transfer of License No. 1517-33-002-005 in regard to the transfer of said license premise 11801 Long Beach Blvd., for a increase of the licensed premises.

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

1. That a place-to-place transfer of the License No. 1517-33-002-005 for Nardi's, L.L.C, is hereby approved and authorized by the Board of Commissioners of the Township of Long Beach.

2. That the transferee shall comply with all requirements of the New Jersey Alcoholic Beverage Law, N.J.S.A. 33:1-1, et seq., as well as the regulations of the Division of Alcoholic Beverage Control.

3. That, in reference to outdoor seating, all outdoor liquor service must cease at 1:00 a.m.

4. That said approval is conditioned on the transferee providing proof of publication of its notice of application after second publication in accordance with N.J.A.C. 13:2-7.4.

5. That a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control and Nardi's, L.L.C.

Bonnie M. Leonetti, Municipal Clerk/Administrator stated this pertained to a small change in the footprint of the licensed premise that resulted from renovations.

12. Resolution 09-0417.07: Approve renewal application for an arcade license:

Mr. Tee's Arcade - License #AGL 09-01

RESOLUTION 09-0417.07

WHEREAS, Stephen Linzey, t/a Mr. Tee's Arcade located at 18 W. 18th Street, North Beach Haven, New Jersey in the Township of Long Beach, constitutes a part of the amusement area in a seashore resort as defined in the Revised General Code of the Township of Long Beach 1997 Chapter 43 of the Township of Long Beach; and

WHEREAS, Mr. Tee's Arcade has applied for an Amusement Games License to hold, operate and conduct various games; and

WHEREAS, the Board of Commissioners of the Township of Long Beach is not aware of any circumstances or provisions of law which prohibit the granting of said license.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the above detailed license, Certification AGL 09-01, be and hereby is granted for the year 2009 to expire December 31, 2009.

Bonnie M. Leonetti, Municipal Clerk/Administrator noted the arcade was located on 18th Street in North Beach Haven.

Motion to approve Items 12 & 13:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

13. Resolution 09-0417.08: Award a contract for upgrades to the North Beach Sanitary Sewer Pump Station, per bid: Mathis Construction \$92, 679.20

RESOLUTION 09-0417.08

A RESOLUTION AWARDING A CONTRACT FOR UPGRADES TO THE NORTH BEACH SANITARY SEWER PUMP STATION IN THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach has solicited bids for upgrades to the North Beach Sanitary Sewer Pump Station in the Township of Long Beach; and

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

WHEREAS, Mathis Construction Company, Inc., 1510 Route 539, Suite 1, Little Egg Harbor, NJ 08087 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification; and

WHEREAS, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the appropriation created by: Ordinance 08-21: Account #U-08-55-919-900.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 17th day of April 2009, for the reasons aforesaid, that a contract be and is hereby awarded to:

Mathis Construction Company, Inc.

1510 Route 539, Suite 1

Little Egg Harbor, NJ 08087

for upgrades to the North Beach Sanitary Sewer Pump Station in the Township of Long Beach in an amount not to exceed Ninety Two Thousand Six Hundred Seventy Nine Dollars and Twenty Cents (\$92,679.20) as per bid received April 14, 2009.

Bonnie M. Leonetti, Municipal Clerk/Administrator explained there were six bidders, and Mathis was the low bidder. This was the beginning of various pump station improvements.

14. Resolution 09-0417.09: Approve an amendment to a contract for beach sand:

Name correction from Sahara Sand, Inc. to

Eagles Lake Reserve, Inc. t/a Sahara Sand of Eagleswood, Inc.

RESOLUTION 09-0417.09

WHEREAS, Resolution 08-0208.10 awarded a contract, per bid, to Sahara Sand, Inc. 355 Newbold Road, Fairless Hills, PA 19030 to purchase, haul and unload beach sand in accordance with their bid submitted on January 15, 2008; and

WHEREAS, pursuant to Resolution 08-1219.08(d) the Board of Commissioners granted a one-year option to extend said contract as per the bid specifications; and

WHEREAS, it was determined by the Township Finance Department there existed a discrepancy between the company name to which the contract was awarded and the name of the company as it appears on the New Jersey Business Registration Certificate and the IRS Form W-9 submitted to the Township by the contractor.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Resolutions 08-0208.10 and 08-1219.08(d) be and are hereby amended to award a contract, per bid, to purchase, haul and unload beach sand in accordance with their bid submitted on January 15, 2008 to Eagles Lake Reserve, Inc. t/a Sahara Sand of Eagleswood, Inc.

Bonnie M. Leonetti, Municipal Clerk/Administrator advised the New Jersey Business Registration Certificate and IRS W-9 form submitted by the contractor reflected the above information.

Motion to approve Items 14 & 15:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

15. Resolution 09-0417.10(a-f): Approve various actions regarding Performance and Maintenance Bonds:

- a. Release Performance Bond:
Forrest Shackleton LUB-43-06
- b. Release Performance Bond: S-J Developers LUB-35-05
- c. Accept Maintenance Bond / Release Performance Bond:
Brennan LUB-8-06
- d. Release Maintenance Bond: Goldberger LUB-09-06
- e. Release Maintenance Bond: Spinelli LUB-32-05
- f. Extend Performance Bond:
Holgate Cove Enterprises LUB-17-03

RESOLUTION 09-0417.10(a)

WHEREAS, pursuant to Resolution 07-0202.14, the Township of Long Beach received from Forrest Shackleton Custom Builder, Inc., Certified Check No. 7908 dated January 24, 2007 in the amount of Three Thousand Three Hundred Dollars (\$3,300.00) drawn on Commerce Bank, as the required Performance Bond for Minor Subdivision Application #LUB-43-06, Block 13.13, Lot 4.01 (31 W. New York Ave., Brighton Beach, NJ); and

WHEREAS, upon final inspection by Municipal Engineer Frank J. Little, Jr., PE, PP, CME it was determined that a Maintenance Bond would not be required for this subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby releases the amount of \$3,300.00 representing the required Performance Bond for the above mentioned property, per the certification and recommendation of the Township Engineer.

RESOLUTION 09-0417.10(b)

WHEREAS, pursuant to Resolution 08-0502.14(a), the Township of Long Beach received from Ted Fluehr, S-J Developers, LLC, Cashier's Check No. 0249128 in the amount of Thirteen Thousand Seven Hundred Fifty Dollars (\$13,750.00) drawn on the Bank of America representing the required Performance Bond for Sub-division Application LUB-35-05, Block 11.30, Lot 4 (111 East Muriel Ave., Beach Haven Park); and

WHEREAS, upon final inspection by Municipal Engineer Frank J. Little, Jr., PE, PP, CME it was determined that a Maintenance Bond would not be required for this subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby releases the amount of Thirteen Thousand Seven Hundred Fifty Dollars (\$13,750.00) representing the required Performance Bond for the above mentioned property, per the certification and recommendation of the Township Engineer.

RESOLUTION 09-0417.10(c)

WHEREAS, pursuant to Resolution 08-0919.09 the Township of Long Beach received from John P. Brennan Cashier's Check No. 805-06024 dated September 18, 2008 in the amount of One Hundred One Thousand Eight Hundred Seventy Six Dollars (\$101,876.00) drawn on Commerce Bank, as the required Performance Bond for Major Site Plan #LUB-8-06-P-F, Block 10.10, Lots 1, 11 & 12 (11801 Long Beach Boulevard, Haven Beach, NJ); and

WHEREAS, the municipal engineer has inspected Major Site Plan #LUB-8-06-P-F and certified the Performance Bond plus accrued interest be released and that a Maintenance Bond in the amount of Thirteen Thousand Eight Hundred Ninety Two Dollars (\$13,892.00) be retained.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby accepts Check #1121 drawn on Sun National Bank in the amount of \$13,892.00 as the Maintenance Bond and releases the amount of \$101,876.00 plus accrued interest representing the required Performance Bond for the above mentioned property, as per the certification and recommendation of the Township Engineer.

RESOLUTION 09-0417.10(d)

WHEREAS, the Township of Long Beach, pursuant to Resolution 06-0804.18 had received from Arthur E. Goldberger, Check No. 0125589 in the amount of Thirteen Thousand Two Hundred Dollars (\$13,200.00) drawn on Bank of America as the required Performance Bond for Minor Sub-division #LUB-9-06, Block 10.38, Lot 9 (114 E. Virginia Ave., Haven Beach); and

WHEREAS, pursuant to Resolution 07-0518.13, the Municipal Engineer recommended and certified the release of the Performance Bond and the retention of a Maintenance Bond in the amount of Six Hundred Seventy Five Dollars (\$675.00); and

WHEREAS, upon final inspection of Minor Sub-division #LUB-9-06, Block 10.38, Lot 9, the Municipal Engineer recommended and certified the release of the Maintenance Bond in the amount of Six Hundred Seventy Five Dollars (\$675.00).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach authorizes release of this Maintenance Bond as per its Municipal Land Use Ordinance and as recommended and certified by the Municipal Engineer.

RESOLUTION 09-0417.10(e)

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

WHEREAS, pursuant to Resolution 07-0302.11, the Municipal Engineer recommended and certified the release of the Performance Bond and the retention of a Maintenance Bond in the amount of One Thousand One Hundred Thirty Five Dollars (\$1,135.00); and

WHEREAS, upon final inspection of Sub-division #LUB-32-05, Block 13.02, Lot 1, the Municipal Engineer recommended and certified the release of the Maintenance Bond in the amount of One Thousand One Hundred Thirty Five Dollars (\$1,135.00).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach authorizes release of this Maintenance Bond as per its Municipal Land Use Ordinance and as recommended and certified by the Municipal Engineer.

RESOLUTION 09-0417.10(f)

WHEREAS, the Township of Long Beach received, pursuant to Resolution 06-0120.15, Cashier's Check #0202036 drawn on Bank of America in the amount of Fifty Nine Thousand Six Hundred Three Dollars and Fifty Cents (\$59,603.50) as a Performance Bond for Sub-division Application #LUB-17-03, Block 1.09, Lots 2, 2.01, 3, 3.01, 5, & 5.01 (Northwest corner of West & McKinley Avenues, Holgate NJ); and

WHEREAS, upon inspection of the property by the Township Engineer, and pursuant to Resolution 08-0418.09, it was determined that certain work items had not been satisfactorily completed and the Performance Bond was extended for one year to December 17, 2008; and

WHEREAS, the property was again inspected by the Township Engineer who concluded the landscaping was not complete and recommended the Performance Bond be extended for one additional year to April 13, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the extension of this Performance Bond as recommended by the Township Engineer.

- 16. Resolution 09-0417.11: Approve an increase to the 2009 Temporary Current Fund and Water/Sewer Budgets

RESOLUTION 09-0417.11

WHEREAS, the Chief Financial Officer of the Township of Long Beach has determined that an increase to the 2009 Temporary Budget, approved pursuant to Resolution 08-1230.09 and amended pursuant to Resolutions 09-0109.12, 09-0220. 06, 09-0306.14, 09-0320.11, 09-0320.12 and 09-0403.12 is necessary due to various reasons; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following appropriations, attached as Schedule A, are hereby adopted as the 2009 Temporary Current Fund Budget; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Township of Long Beach that the following appropriations, attached as Schedule B, are hereby adopted as the 2009 Temporary Water/Sewer Budget; and

BE IT FINALLY 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 2009 Temporary Budgets as recorded above.

- 17. Resolution 09-0417.12: Approve introduction of the 2009 Municipal Budget

RESOLUTION 09-0417.12

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following statements of revenues and appropriations shall constitute the Local Municipal Budget for the year 2009; and

BE IT FURTHER RESOLVED that said Budget be published in the Beach Haven Times, issue of April 29, 2009;

The Governing Body of the Township of Long Beach does hereby approve the following as the Budget for the year 2009:

VOTE:

- AYES: Bayard, Gove, Mancini
- NAYS:
- ABSTENTIONS:
- ABSENCES:

NOTICE

NOTICE IS HEREBY GIVEN that the Budget was approved by the Board of Commissioners of the Township of Long Beach, County of Ocean, on April 17, 2009;

A hearing on the Budget will be held at the Public Safety Building on May 15, 2009, at 4:00 P.M., at which time and place, objections to said budget for the year 2009 may be presented by taxpayers or other interested persons.

- 18. Resolution 09-0417.13: Approve Bills & Payroll
Bills in the amount of: \$1,947,059.20
Payrolls in the amount of: \$ 397,742.95

RESOLUTION 09-0417.13

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 \$397,742.95.

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

1. The said approved vouchers amounting to the sum of \$1,947,059.20 be and the same are hereby authorized to be paid on April 17, 2009.

2. The said approved payroll amounting to the sum of \$397,742.95 be and the same are hereby authorized to be paid on April 17, 2009.

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

19. Resolution 09-0417.14: Oppose the Governor's budget proposal to reduce funding for shore protection and tourism promotion

RESOLUTION 09-0417.14

STATEMENT OF OPPOSITION TO THE GOVERNOR'S BUDGET PROPOSAL TO REDUCE FUNDING FOR SHORE PROTECTION AND TOURISM PROMOTION

WHEREAS, the tourism industry is an economic engine for New Jersey that delivers \$38 billion annually to New Jersey's economy. Tourism promotion attracts visitors and vacationers from throughout the region and Canada who bring revenue into New Jersey that supports the arts and history communities, state parks, entertainment centers, gaming industry, sports facilities and more; and

WHEREAS, the Shore Protection Fund has a 15-year successful track record in attracting federal matching funds of \$2 for every \$1 of state and municipal funding for beach replenishment. Beach replenishment has proven to be a sound engineering solution that is economically feasible, environmentally sensitive and vital to the stability of the state's tourism economy. Healthy beaches create thriving shore economies that help the building and marine trades, boardwalk concessions, restaurants, recreation destinations, in addition to the positive ripple affect on the outlying economies of the retail markets and banking industry; and

WHEREAS, Governor Corzine's proposed 2010 budget includes decreases of 25% in statutorily guaranteed funding for beach replenishment and tourism. The proposed cuts defy state law. The realty transfer tax law of 1992 states that the Legislature would eliminate the realty tax if the fund drops below \$25 million. The proposed cut would reduce the Shore Protection Fund to \$18.75 million. Last year, the state "borrowed" \$9 million from the fund that was amended to guarantee it as a "one time" legislative action; and

WHEREAS, the Mayors of New Jersey's shore communities reject the proposed budget cuts as fiscally irresponsible and shortsighted, we thereby present this united resolution requesting that the statutorily guaranteed Shore Protection Fund and Tourism Promotion Fund are protected from reductions as proposed in the Governor's 2010 budget.

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

1. The New Jersey Assembly Appropriations Committee and the Senate Budget and Appropriations Committee are urged to reject Governor Corzine's budget proposal to reduce the dedicated funding authorized by law for Shore Protection and Tourism Promotion.
2. The Clerk is hereby directed and authorized to send copies of this Resolution to the members of the Jersey Shore Partnership, the Senate Budget and Appropriations Committee, and the Assembly Appropriations Committee.
3. Be it further resolved that a copy of this Resolution shall be forward to Governor Corzine, all Ocean County Mayors, and to all members of the New Jersey 9th Legislative District.

Bonnie M. Leonetti, Municipal Clerk/Administrator explained Governor Corzine's proposed 2010 budget included decreases of 25% in statutorily guaranteed funding for beach replenishment and tourism.

Mayor Mancini added the Governor had invaded the trust fund that was designated for beach replenishment.

Motion to approve Items 16 - 20:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Commissioner Gove abstained from Ocean County Utilities Authority voucher(s).

Mayor Mancini announced the 2009 Municipal Budget would be posted on the Township website for public review as of Monday April 20th. He explained there was an overall reduction in the budget by 2.2%, however the tax levy would increase by .9%, equating to a \$0.01 increase on the local tax rate. The increase was due to a reduction in state funding and lower interest rates, as well as the increased use of surplus in 2008. This would be reflected as an annual increase of approximately \$80.00 per year, per household, for averaged value homes. The Mayor then stated the Tax Collector's Reports for the months of February and March 2009, and the Treasurer's Report for March 2009, were on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Bayard advised the Sewer Main Project would stop at the next manhole and then repairs to the water main, as noted in Resolution 09-0417.05, would ensue. Water service to affected residences and buildings would cease from 10:00 p.m. to 6:00 a.m. for the duration of the repair. The Township Emergency Notification System would be utilized to notify the property owners. When the repairs were completed, the road would be repaired and paved. The Sewer Main Project would then resume in the Fall of 2009.

Commissioner Gove thanked Lisa Jones, CFO, her department, and the Municipal Auditor for their work in preparation of the 2009 Municipal Budget. She announced free health screenings for Cancer in Women available through the Long Beach Island Health Department.

