

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS MAY 4, 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 April 20, 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 12-10: **BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR 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 \$120,000 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 \$120,000; 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 \$120,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$120,000.

**Section 3.** The sum of \$120,000, 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 \$120,000 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.

**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 \$120,000 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 \$25,000.

**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 Obligation</u>	<u>Period of Usefulness</u>
A Supplemental Funding for the 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, as originally financed by Bond Ordinance 09-07, finally adopted on April 17, 2009	\$120,000	\$0	\$120,000	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 \$120,000 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 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:** April 20, 2012

**Date of Final Adoption:** May 4, 2012

Lynda Wells, Municipal Clerk explained this funding satisfied unforeseen change orders that occurred during the 2009 Sanitary Sewer Environmental Infrastructure Project.

Passed on first reading at a regular meeting held on April 20, 2012 and advertised in the BEACH HAVEN TIMES issue of April 26, 2012.

OPEN PUBLIC HEARING

No comments

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 12-10 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 12-11: **BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE REMOVAL AND REPLACEMENT OF SANITARY SEWER PIPES BENEATH VARIOUS STREETS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$300,000 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 \$300,000; 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 \$300,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$300,000.

**Section 3.** The sum of \$300,000, 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 \$300,000 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.

**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 \$300,000 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 \$60,000.

**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 Obligation</u>	<u>Period of Usefulness</u>
A Supplemental Funding for the Removal and Replacement of Existing Sanitary Sewer Pipes including, but not limited to, Laterals, Manholes and Pavement Restoration; located East and West of Long Beach Boulevard, from the Ship Bottom Border to the Beach Haven Border, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as originally financed by Bond Ordinance 10-15, finally adopted on April 9, 2010	\$300,000	\$0	\$300,000	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 \$300,000 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 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:** April 20, 2012

**Date of Final Adoption:** May 4, 2012

Lynda Wells, Municipal Clerk explained this funding satisfied unforeseen change orders that occurred during the 2010 Sanitary Sewer Environmental Infrastructure Project. Passed on first reading at a regular meeting held on April 20, 2012 and advertised in the BEACH HAVEN TIMES issue of April 26, 2012.

OPEN PUBLIC HEARING

No comments

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 12-11 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. Second Reading Ordinance 12-12: **BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR RESURFACING OF VARIOUS ROADWAYS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$300,000 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 \$285,000; 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 \$300,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$285,000; and

(c) a down payment in the amount of \$15,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

**Section 3.** The sum of \$285,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$15,000, which amount represents the required down payment, are 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 \$285,000 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.

**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 \$285,000 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 \$60,000.

**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. Reconstruction and/or Resurfacing of Various Roadways in the Township including, but not limited to, West Grosser Street, West 90 <sup>th</sup> Street and Oceanview Drive, West 63 <sup>rd</sup> Street and Goldsborough Avenue, West 40 <sup>th</sup> Street, West 41 <sup>st</sup> Street and Hodgson Lane, West Sherwood Way, portions of West Starboard and Cranberry, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$300,000	\$15,000	\$285,000	10 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 \$285,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 9.** Grants or other monies received from any governmental entity, if any, will be applied to the payment of or repayment of obligations issued to finance the costs of the improvements described in Section 7 above.

**Section 10.** 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 11.** 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 12.** 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 13.** 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 this 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 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 14.** 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 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 16.** 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: April 20, 2012**

**Date of Final Adoption: May 4, 2012**

Lynda Wells, Municipal Clerk explained this ordinance authorizes funding for Schedule 'C' projects in 2012.

Passed on first reading at a regular meeting held on April 20, 2012 and advertised in the BEACH HAVEN TIMES issue of April 26, 2012.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 12-12 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**ADOPTIONS AND APPROVALS**

4. Resolution 12-0504.01: Support the "string of pearls" lighting on the new and rehabilitated Manahawkin Bay Bridges

**RESOLUTION 12-0504.01**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY SUPPORTING THE ROUTE 72 MANAHAWKIN BAY BRIDGES PROJECT**

**WHEREAS**, the New Jersey Department of Transportation will be constructing a new bridge carrying Route 72 over the Manahawkin Bay and replacing the superstructure on the existing bridge; and

**WHEREAS**, modern design codes and safety requirements will not allow the lighting elements to be incorporated within the railings on the bridges as in the existing bridge construction; and

**WHEREAS**, the NJDOT has recognized the aesthetic impact of the unique "string of pearls" lighting used on the existing bridge and the local desire to incorporate a similar lighting effect on the new Bay Bridge and rehabilitated existing bridge; and

**WHEREAS**, the NJDOT proposes to mount new state-of-the-art "string of pearls" aesthetic lighting on the outside of the bridge parapets so that they are clearly visible from the shoreline, while the roadway will be illuminated by overhead lighting.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that we support the New Jersey Department of Transportation's proposed lighting configuration for the Manahawkin Bay Bridges as follows:

1. "String of pearls" aesthetic lights will be mounted on the outside concrete parapets for the twin Bay Bridges so that they are visible from the bay and the shorelines but will not be visible by the drivers.
2. Traditional highway lighting poles will be used to light the roadway on the bridges.

5. Resolution 12-0504.02: Oppose legislative bills A-1452 and A-2425 Reforming the Open Public Records Act

### **Opposing Senate Bills 1451 and 1452**

**WHEREAS**, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

**WHEREAS**, Board of Commissioners of the Township of Long Beach agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

**WHEREAS**, the changes, however, proposed in S-1451 will not only be a cost driver for local and state government but make government less effective; and

**WHEREAS**, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

**WHEREAS**, the governing body of the Township of Long Beach agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens’ reasonable expectation of privacy; and

**WHEREAS**, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

**WHEREAS**, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, while the governing body of the Township of Long Beach strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Township of Long Beach, County of Ocean, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 9<sup>th</sup> State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks’ Association of New Jersey

6. Resolution 12-0504.03: Approve waiver of traffic regulations for 2012 events for the Brant Beach Yacht Club as follows:
- April 20-29 US Team Trials
  - June 9 – Annual Regatta
  - June 23 & 24 – Lightning District Championships
  - Aug 2 & 3 – LBI Optimist Championships
  - Aug 14 – NJ State Optimist Championships
  - Aug 15 – LBI Youth Sailing Championships
  - October 6 & 7 – Club 420 & Laser Radial Mid-Atlantic Championship

**RESOLUTION 12-0504.03**

**WHEREAS**, the Brant Beach Yacht Club has requested the suspension of alternate side parking regulations from 59th Street to 65th Street west of Long Beach Blvd. and that trailer parking be permitted in the plaza areas on the east side of Long Beach Boulevard between 60<sup>th</sup> and 64<sup>th</sup> Streets for the following events:

- April 20<sup>th</sup> – 29<sup>th</sup> – US Team Trials
- June 9<sup>th</sup> – Annual Regatta
- June 23<sup>rd</sup> & 24<sup>th</sup> – Lightning District Championships
- August 2<sup>nd</sup> & 3<sup>rd</sup> – LBI Optimist Championships
- August 14<sup>th</sup> – New Jersey State Optimist Championships
- August 15<sup>th</sup> – Lazer Masters National Championships
- Sept. 14<sup>th</sup> & 15<sup>th</sup> – Lazer Masters National Championships
- Oct. 6<sup>th</sup> & 7<sup>th</sup> – Club 420 Laser Radial Mid-Atlantic Championship

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited temporary parking allowances as requested

7. Resolution 12-0504.04: Approve personnel actions

**RESOLUTION 12-0504.04**

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

As per resolution 12-0203.04 DV was designated paid FMLA due to his own serious health condition. Pursuant to resolution 12-0316.04 DV returned to work and was restricted to light duty. Due to additional days needed to treat the prior condition DV has been approved for a paid intermittent leave effective retro-active to April 19, 2012.

**Health**

Hire the following as part-time seasonal environmental health staff at rate of pay of \$29.00 per hour to be paid from the Health Salary & Wage effective May 7, 2012 thru November 1, 2012.

Eugene Mulgrew

Hire the following as part-time seasonal environmental health staff at rate of pay of \$24.23 per hour to be paid from the Health Salary & Wage effective May 7, 2012 thru November 1, 2012.

Edward McNicholas

Hire the following as part-time seasonal environmental health staff at rate of pay of \$21.50 per hour to be paid from the Health Salary & Wage effective May 7, 2012 thru November 1, 2012.

Josh Bligh

**Internship**

Approve a paid intermittent internship for Michelle Marks at a rate of pay of \$8.00 per hour to be paid from Health Salary & Wage effective May 14, 2012 thru September 4, 2012. The Student Internship Program is an Affiliation Agreement between Richard Stockton College and the Long Beach Island Health Department.

**Police**

Hire the following as a Seasonal Full-time Class II Special Law Enforcement Officer at a rate of pay of \$7.25 per hour to be paid from the Police Salary & Wage effective May 4, 2012.

John Moritz

Hire the following as a Seasonal Full-time Class II Special Law Enforcement Officer at a rate of pay of \$10.00 per hour to be paid from the Police Salary & Wage effective May 4, 2012.

Matthew Compitello

Hire the following as Seasonal Full-time Class II Special Law Enforcement Officers at a rate of pay of \$15.50 per hour to be paid from the Police Salary & Wage effective May 4, 2012.

Brian Woodruff                      Kyle Rickvalsky                      Sean Furgeson

Hire the following as Seasonal Full-time Class II Special Law Enforcement Officers at a rate of pay of \$16.00 per hour to be paid from the Police Salary & Wage effective May 4, 2012.

Donald Haines                      Todd Devito

Hire the following as a Seasonal Full-time Class I Special Law Enforcement Officer at a rate of pay of \$10.50 per hour to be paid from the Police Salary & Wage effective May 4, 2012.

Ursula Sharkey

Hire the following as a Seasonal Full-time Class I Special Law Enforcement Officer at a rate of pay of \$14.63 per hour to be paid from the Police Salary & Wage effective May 4, 2012.

Richard Reynolds

Hire the following as a Seasonal Part-time Class II Special Law Enforcement Officer at a rate of pay of \$16.00 per hour to be paid from the Police Salary & Wage effective May 4, 2012.

William Gee                      Rudy Minnes

Approve attendance of the following to the Beach Haven Satellite Police Academy to become a Class 1 Special Law Enforcement Officers at the minimum wage rate of \$7.25 per hour to be paid from the Police Salary & Wage effective retro-active to May 4, 2012.

Devin Menker                      Matthew Rurark                      Alyssa Weirch

**Public Works**

Hire the following as a seasonal laborer at the rate \$8.00 per hour to be paid from Public Works Salary & Wage effective May 4, 2012.

Jackman Bush

Hire the following as seasonal laborers at the rate \$8.25 per hour to be paid from Public Works Salary & Wage effective May 4, 2012.

Stephen Sheldon      Nicholas Altmeyer      Jeffrey Zalfa      Cody Tomczyk

Hire the following as seasonal laborers at the rate \$8.50 per hour to be paid from Public Works Salary & Wage effective May 4, 2012.

Tyler Weldon James O'Brien

Hire the following as a seasonal laborer at the rate \$8.75 per hour to be paid from Public Works Salary & Wage effective May 4, 2012.

Robert Parker, Jr.

Hire the following as a seasonal laborer at the rate \$10.00 per hour to be paid from Public Works Salary & Wage effective May 4, 2012.

Sean Farrell

8. Resolution 12-0504.05:      Appoint ADA Coordinator: Lynda Wells

**RESOLUTION 12-0504.05**

**BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that Lynda J. Wells is hereby appointed Americans with Disabilities Act (ADA) Coordinator for a term commencing May 16, 2012 to December 31, 2012.

9. Resolution 12-0504.06:      Approve changes to various water/sewer accounts

**WHEREAS**, the following sewer and water accounts require various changes in their billing and/or classification due to various reasons; and

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

<b>Block:</b>	<b>Lot:</b>	<b>Acct:</b>	<b>Year:</b>	<b>Cancel/Change</b>	<b>Amount:</b>
7.26	24	2547-0 Sewer	2012	Credit removed G.D.	\$159.50
20.40	3	6871-0 Water	2011	Credit for irrigation	\$292.00
				Billed for but did not have	

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

10. Resolution 12-0504.07:      Approve the following surf competitions for

Eastern Surfing Association 8am – 4 pm:

- Contest #1 – 67<sup>th</sup> Street : 5/12<sup>th</sup> or 5/13<sup>th</sup>

- (no wave dates 5/19<sup>th</sup>, 5/20<sup>th</sup>, 6/2<sup>nd</sup> or 6/3<sup>rd</sup>)
- Contest #2 – 122<sup>nd</sup> St.: 6/2<sup>nd</sup> or 6/3<sup>rd</sup>  
(no wave dates 6/13<sup>th</sup>, 6/14<sup>th</sup>)
- Contest #3 – 110<sup>th</sup> St. : 7/21<sup>st</sup> or 7/22<sup>nd</sup>  
(no wave dates 7/28<sup>th</sup>, 7/29<sup>th</sup>, 8/4<sup>th</sup>, 8/5<sup>th</sup>)
- Contest #4 – 110<sup>th</sup> St. 9/8<sup>th</sup>, 9/9<sup>th</sup>

**RESOLUTION 12-0504.07**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approves the below-listed annual events:

Eastern Surfing Association, Central New Jersey Chapter, Surfing Contests:

- 67<sup>th</sup> Street in Brant Beach on May 12<sup>th</sup> or 13<sup>th</sup> (weather permitting) from 8:00a.m to 4:00p.m. No wave date: May 19<sup>th</sup>, 20<sup>th</sup>, June 2<sup>nd</sup> or 3<sup>rd</sup>.
- 122<sup>nd</sup> Street in the Dunes on June 2<sup>nd</sup>, or 3<sup>rd</sup> (weather permitting) from 8:00 a.m. to 4:00p.m. No wave date: June 16<sup>th</sup> or 17<sup>th</sup>
- 110<sup>th</sup> Street in the Haven Beach Section of the Township on July 21<sup>st</sup> or 22<sup>nd</sup> (weather permitting) from 8:00a.m to 4:00p.m. No wave date: July 28<sup>th</sup>, 29<sup>th</sup>, August 4<sup>th</sup> or 5<sup>th</sup>
- 110<sup>th</sup> Street in the Haven Beach Section of the Township on September 8<sup>th</sup> or 9<sup>th</sup> (weather permitting) from 8:00 a.m. to 4:00 p.m.

11. Resolution 12-0504.08: Approve the traffic regulations for Southern Regional High School's Senior Service Day, June 6, 2012

**RESOLUTION 12-0504.08**

**WHEREAS**, the Southern Regional School District has requested the use of Bayview Park and municipal facilities for the following event:

- Southern Regional School District "Senior Service Day" on Thursday, June 6<sup>th</sup> commencing at 10:00 a.m.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby grant permission, contingent upon receipt of the required insurance documentation, for the above cited event

Motion to approve Items 4 thru 11:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**LICENSES AND PERMITS**

12. Resolution 12-0504.09(a&b) Approve various licenses for 2012:

- Mr. Tee's Arcade – North Beach Haven
- Island Tattoo Studio – North Beach Haven

**RESOLUTION 12-0504.09(a)**

**WHEREAS**, BTLT, LLC, t/a Mr. Tee's Arcade located at 18 W. 18<sup>th</sup> 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**, BTLT, LLC 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 12-01, be and hereby is granted for the year 2012 to expire December 31, 2012.

**RESOLUTION 12-0504.09(b)**

**WHEREAS**, Rebecca Giannone, t/a Island Tattoo Studio located at 1214 Long Beach Blvd., North Beach Haven, New Jersey in the Township of Long Beach, was approved a license to operate a tattoo studio as defined in the Revised General Code of the Township of Long Beach 1997 Chapter 58 of the Township of Long Beach pursuant to Resolution 06-0407.06; and

**WHEREAS**, Island Tattoo Studio has satisfied all provisions of Chapter 58 and has received the approval of the Long Beach Island Board of Health and the Long Beach Township Police Department to renew said license for the year 2012; 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, LBT 12-01, be and hereby is granted effective May 1, 2012 through April 30, 2013.

- 13. Resolution 12-0504.10: Approve a social affairs permit for Long Beach Island Business Alliance for LBI Fest on June 9, 2012 10:00 am to 6:00 pm at the Municipal Complex

**RESOLUTION 12-0504.10**

**BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach grants a SPECIAL PERMIT FOR SOCIAL AFFAIR to the Long Beach Island Business Alliance, Inc. to be held at the James J. Mancini Administration Building, 6805 Long Beach Blvd., Brant Beach. This permit will allow the Long Beach Island Business Alliance to serve alcoholic beverages at the LBI Fest fundraiser on June 9, 2012 between the hours of 10:00 A.M. and 6:00 P.M.

Motion to approve Items 12 thru 13:

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

**CONTRACTS AND AWARDS**

- 14. Resolution 12-0504.11: Amend Resolution 12-0405.13 Celebrity Ford, LLC dba Beyer Ford acquired Warnock Ford

**RESOLUTION 12-0504.11**

**WHEREAS**, pursuant Resolution 12-0405.13 the Board of Commissioners approved a purchase through Warnock Automotive Inc., dba Warnock Ford for Long Beach Township Public Works Departments; and

**WHEREAS**, due to the sale of Warnock Ford to a new owner, the name of the company has been changed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners on this 4<sup>th</sup> day of May, 2012, that the vendor's name is hereby amended to reflect the name of the new owner, Celebrity Ford, dba Beyer Ford

- 15. Resolution 12-0504.12: Approve the purchase of miscellaneous auto parts from Manahawkin Chrysler Dodge, for the Public Works Dept., NTE \$17,500 per quotation

**RESOLUTION NO. 12-0504.12**

**RESOLUTION REGARDING LOCAL PUBLIC CONTRACTS**

**LAW**

**FIRST WHEREAS**, the Public Works Department in the Township of Long Beach has 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 Manahawkin Chrysler Dodge, providing certain supplies and services and other materials to be purchased by the Public Works Department in 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 May 4, 2012 that Public Works Department 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 the Long Beach Township Public Works Department and all employees in that department who may be required to make purchases

16. Resolution 12-0504.13: Approve a contract for the 2011 Road Reconstruction/Improvement Project – Winifred Ave. to Earle Asphalt Company, per bid \$155,113.13

**RESOLUTION 12-0504.13**

**A RESOLUTION AWARDING A CONTRACT FOR THE 2011 D.O.T. ROAD RECONSTRUCTION / IMPROVEMENT PROJECT: RESURFACE WINIFRED AVENUE IN THE TOWNSHIP OF LONG BEACH, PER BID**

**WHEREAS**, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach has solicited bids for the 2011 D.O.T. Road Reconstruction / Improvement Project: Pave Winifred Avenue 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**, Earle Asphalt Company, PO Box 556, Farmingdale, NJ 07727 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification.

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract are available as an appropriation created by Ordinance 11-28 authorizing reconstruction of Winifred Avenue (DOT Project): Account #C-04-55-992-901 for \$155,113.13.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 4<sup>th</sup> day of May 2012, for the reasons aforesaid, that a contract be and is hereby awarded, subject to receipt of written authorization from the State of New Jersey Department of Transportation to:

Earle Asphalt Company  
PO Box 556  
Farmingdale, NJ 07727

for the 2011 D.O.T. Road Reconstruction / Improvement Project: Resurface Winifred Avenue in the Township of Long Beach in an amount not to exceed One Hundred Fifty Five Thousand One Hundred Thirteen Dollars and Thirteen Cents (\$155,113.13) as per the bid received April 26, 2012.

17. Resolution 12-0504.14(a&b): Approve the following purchases, per state contract:

a) one (1) 2013 Ford Explorer from Celebrity Ford, LLC dba Beyer Ford, for the Tax Assessor's Office, \$23,245.00, per state contract

b) one (1) yr. service/maintenance contract for a battery back up for various computer equipment in the Police Dept.; GTBM \$3,275.00

**RESOLUTION 12-0504.14(a)**

**A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 2013 FORD EXPLORER 4WD BASE FOR THE LONG BEACH TOWNSHIP TAX ASSESSOR'S 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 units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

**WHEREAS**, Celebrity Ford LLC, dba Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962 has been awarded New Jersey State Contract No. 78762 for Passenger Vehicles (Index #T-2753) effective March 23, 2011 through November 22, 2012; and

**WHEREAS**, the Commissioner of Revenue and Finance 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 actual cost for the 2013 Ford Explorer for the Tax Assessor's Office in the Township of Long Beach is Twenty Three Thousand Two Hundred Forty Five Dollars (\$23,245.00); and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this purchase are available as an appropriation created by: Tax Assessor Other Expense, Account # 2-01-20-150-051 in the amount of \$23,245.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach authorize the purchase of one (1) 2012 Ford Explorer for the Tax Assessor's Office in the Township of Long Beach in an amount not to exceed Twenty Three Thousand Two Hundred Forty Five Dollars (\$23,245.00) from Celebrity Ford LLC, dba Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962.

**RESOLUTION 12-0504.14(b)**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A SERVICE AND MAINTENANCE CONTRACT FOR BATTERY BACK-UP OF VARIOUS COMPUTER EQUIPMENT IN THE LONG BEACH TOWNSHIP POLICE DEPARTMENT, 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 units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

**WHEREAS**, Gold Type Business Machines, 351 Paterson Ave., East Rutherford, NJ 07073 has been awarded New Jersey State Contract No. 69834 for Emergency Radio/Telephone Systems (911 Dispatch, etc) Including Accessories (Index #T1044) effective February 1, 2012 through January 31, 2013; and

**WHEREAS**, the Commissioner of Public 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 actual cost for a one (1) year Advantage Ultra Service Plan for (1) Symmetra PX UPS 20kVA 40 and/or PDU effective June 19, 2012 thru June 18, 2013 for the Police Department in the Township of Long Beach is Three Thousand Two Hundred Seventy Five Dollars (\$3,725.00); and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach authorize the purchase of one (1) service and maintenance agreement for the back-up of various computer equipment for the Police Department in the Township of Long Beach effective June 19, 2012 thru June 18, 2013 in an amount not to exceed Three Thousand Two Hundred Seventy Five Dollars (\$3,275.00) from Gold Type Business Machines, 351 Paterson Ave., East Rutherford, NJ 07073.

18. Resolution 12-0504.15: Approve the proprietary purchase of miscellaneous parts for the Barber Surf Rakes, Davis Equipment Sales, Inc., \$8,150.12

**RESOLUTION 12-0504.15**

**A RESOLUTION AUTHORIZING THE PROPRIETARY PURCHASE OF PARTS TO REPAIR THE BARBER SURF RAKE FOR THE PUBLIC WORKS DEPARTMENT OF THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, the provision or performance of goods or services for the purchase of parts, materials, and shipping to repair the Barber Surf Rake for the Public Works Department in Long Beach Township is specifically exempted from bidding requirements under the Local Public Contracts Law pursuant to N.J.S.A. 40A: 11 - 5(1)(dd); and

**WHEREAS**, Davis Equipment Sales, Inc. is able to provide parts, materials, and shipping to repair the Barber Surf Rake for the Public Works Department in an amount not to exceed Eight Thousand One Hundred Fifty Dollars and Twelve Cents (\$8,150.12); and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriations created by: Public Works Other Expenses, account #2-01-26-302-026.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach hereby authorizes the proprietary purchase from:

Davis Equipment Sales, Inc.  
P.O. Box 607  
12 West Avenue  
Atlantic Highlands, New Jersey 07716

for parts, materials, and shipping fees required to repair the Barber Surf Rake maintained by the Public Works Department in an amount not to exceed Eight Thousand One Hundred Fifty Dollars and Twelve Cents (\$8,150.12).

19. Resolution 12-0504.16(a&b): Award the following contracts, per quote:
- a) Fairway Cycle, (1) 2012 Honda Foreman ATV for the Beach Patrol, \$6,277.00
  - b) Cleaning Services for the public bathrooms for the Dept. of Public Works in 2012 to Hollanders Clean Team, \$14,900.00

**RESOLUTION 12-0504.16(a)**

**RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 2012 HONDA FOREMAN TRX500FMC RED ALL TERRAIN VEHICLE FOR THE BEACH PATROL IN THE TOWNSHIP OF LONG BEACH, PER QUOTATION**

**WHEREAS**, the Township of Long Beach has solicited quotes for the purchase of one (1) 2012 TRX500FMB All Terrain Vehicle for the Beach Patrol; and

**WHEREAS**, in response to the invitation for solicitation three (3) quotations were received; and

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

**WHEREAS**, Fairway Cycle gave the lowest qualified quote in an amount not to exceed Six Thousand Two Hundred Seventy Seven Dollars (\$6,277.00); and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Various Equipment for the Beach Patrol account #C-04-55-300-031.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach this 4<sup>th</sup> day of May 2012, for the reasons aforesaid, hereby approved from:

Fairway Cycle  
625 New Road  
Somers Point, NJ 08244

the purchase of one (1) 2012 TRX500FMC All Terrain Vehicle for the Beach Patrol in an amount not to exceed Six Thousand Two Hundred Seventy Seven Dollars (\$6,277.00) as per quote received March 14, 2012.

**RESOLUTION 12-0504.16(b)**

**RESOLUTION AUTHORIZING THE PROCUREMENT OF CLEANING SERVICES FOR FOUR (4) PUBLIC RESTROOMS IN THE HOLGATE, BRANT BEACH, AND LOVELADIES SECTIONS OF THE TOWNSHIP OF LONG BEACH, PER QUOTATION**

**WHEREAS**, the Township of Long Beach has solicited quotes for daily cleaning services, from May 26<sup>th</sup> through October 9, 2012, for the four (4) public rest room facilities located in the Holgate, Brant Beach, and Loveladies sections of the Township; and from October 9, 2012 through November 26, 2012 for the public rest room facilities at the Holgate Park for the Public Works Department; and

**WHEREAS**, in response to the solicitation of quotations, three (3) quotes were sought, and one (1) quotation was received; and

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

**WHEREAS**, Kimberley Hollander, dba Hollander's Clean Team gave the qualified quote.

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Building and Grounds Other Expenses, Account #2-01-26-310-029.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach this 4<sup>th</sup> day of May 2012, for the reasons aforesaid, hereby approve to:

**Kimberly J. Hollander  
dba Hollander's Clean Team  
P.O. Box 461  
Barnegat Light, NJ 08006**

the daily cleaning services, from May 26<sup>th</sup> through October 9, 2012, for the four (4) public rest room facilities located in the Holgate, Brant Beach, and Loveladies sections of the Township; and from October 9, 2012 through November 26, 2012 for the public rest room facilities at the Holgate Park for the Public Works Department in an amount not to exceed Fourteen Thousand Nine Hundred Dollars (\$14,900.00) as per the quote received by the Township on March 26, 2012.

20. Resolution 12-0504.17: Approve the purchase of lumber for a repairs for ramp #161 in Loveladies , thru Ocean County

Co Op Purchasing for the Public Works  
Department, \$19,892.44

**RESOLUTION 12-0504.17**

**RESOLUTION AUTHORIZING A THE PURCHASE AND DELIVERY OF LUMBER FOR THE PUBLIC WORKS DEPARTMENT OF LONG BEACH TOWNSHIP BASED ON THE BID PROCURED BY THE STATE REGISTERED OCEAN COUNTY COOPERATIVE PURCHASING SYSTEM**

**WHEREAS**, Long Beach Township is a participating entity of the Ocean County Cooperative Purchasing System, County identifier #CK-02-OC; and

**WHEREAS**, the Township wishes to utilize the Ocean County Cooperative Purchasing System to contract for the purchase of lumber for the repair of an oceanfront handicapped ramp in the Loveladies section of Long Beach Township; and

**WHEREAS**, the governing body deems this contract to be necessary for Township use, and in the best interest of the Township; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by: Public Works Other Expenses; Account # 2-01-26-302-030; and

**WHEREAS**, Diamond M Lumber Co., 1883 Route 38, Southampton, NJ 08088 was awarded contract #B2010-69 by the Ocean County Cooperative Purchasing System.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, May 4, 2012 authorized the purchase, as described above and in accordance with the specifications, of lumber for the repair of an oceanfront handicapped ramp in the Loveladies section of Long Beach Township, in an amount not to exceed Nineteen Thousand Eight Hundred Ninety Two Dollars and Forty Four Cents (\$19,892.44).

21. Resolution 12-0504.18: Approve a contract with G.P. Jager & Assoc, for Constant Chlor Briquettes for the Water Department; \$111.38 per pail; per bid

**RESOLUTION 12-0504.18**

**A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF CONSTANT CHLOR PLUS BRIQUETTES OR EQUIVALENT FOR THE TOWNSHIP OF LONG BEACH WATER DEPARTMENT, PER BID**

**WHEREAS**, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach has solicited bids for the purchase Constant Chlor Plus Briquettes for the Township of Long Beach Water Department on April 9, 2012; and

**WHEREAS**, bids were publicly opened on April 26, 2012 at 11:00 a.m.; 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**, G.P. Jager & Associates, 10 Bradley Lane, Montvale, NJ 07645 gave the lowest qualified bid at the amount per pail of One Hundred Eleven Dollars and Thirty Eight Cents (\$111.38), according to the municipal attorney's review and certification.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 4<sup>th</sup> day of May 2012, for the reasons aforesaid, that a contract be and is hereby awarded to

G.P. Jager & Associates, Inc.  
10 Bradley Lane  
Montvale, NJ 07645

for the purchase Constant Chlor Plus Briquettes for the Township of Long Beach Water Department in an amount not to exceed One Hundred Eleven Dollars and Thirty Eight Cents (\$111.38) per pail pursuant to bid received April 26, 2012.

Motion to approve Items 14 thru 21:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**FINANCIAL APPROVALS**

22. Resolution 12-0504.19: Authorize a refund of an overpayment on a tax account

**RESOLUTION 12-0504.19**

**A RESOLUTION AUTHORIZING REIMBURSEMENT OF EXCESS REAL ESTATE TAXES PAID**

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

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

<u>Block / Lot</u>	<u>Reason</u>	<u>Name</u>	<u>Amount</u>
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**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach, County of Ocean and State of New Jersey that the overpayment, as set forth above, totaling **\$2,615.93** shall be reimbursed and the Tax Collector is directed to make the appropriate adjustments to the records.

23. Resolution 12-0504.20:      Approve amendment to Resolution 12-0405.10(a)  
to correct an account number and name

**RESOLUTION 12-0504.20**

**WHEREAS**, the Board of Commissioners for the Township of Long Beach approved Resolution 12-0405.10(a) for the purchase of two (2) street sweepers from Golden Equipment Co. Inc., for the Department of Public Works; and

**WHEREAS**, the Certificate of Availability reflects one error in the notation of the encumbrance account and account number; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach wish to correct the Certificate of Availability as follows:

Delete: Sufficient funds are available in the following appropriation:

<b>NAME</b>	<b>ACCOUNT #</b>	<b>AMOUNT</b>
Recycle Rev/Res 2011	G-02-40-776-101	\$4,773.00

Add: Sufficient funds are available in the following appropriation:

<b>NAME</b>	<b>ACCOUNT #</b>	<b>AMOUNT</b>
Recycling Tonnage Grant 2011	9-02-40-707-004	\$4,773.00

24. Resolution 12-0504:21      Approve Bills & Payroll  
Bills in the amount of:      \$3,668,075.19  
Payroll in the amount of:      \$ 391,585.30

**RESOLUTION 12-0504.21**

**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 \$391,585.30.

**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 \$3,668,075.19 be and the same are hereby authorized to be paid on May 4, 2012.

2. The said approved payroll amounting to the sum of \$391,585.30 be and the same are hereby authorized to be paid on May 4, 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.

Motion to approve Items 22 thru 24:

Motion:      Lattanzi      Ayes:      Lattanzi, Bayard, Mancini

Second:      Bayard      Nays:

**Mayor Mancini** stated the Tax Collectors Report for the month of April is on file in the Municipal Clerk's Office.

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi** had no comments

**Commissioner Bayard** had no comments

**Mayor Mancini**: the next meeting of the Board of Commissioners will take place on Friday, May 18, 2012 at 4:00 p.m.

**Mayor Mancini**: the next regular meeting of the Land Use Board will be held on Wednesday May 9, 2012 at 7:00 p.m. in the 2<sup>nd</sup> floor multi-purpose room.

**Mayor Mancini** reported on various updates from the Police Department.

**Mayor Mancini** also announced the Brant Beach replenishment project is at 50% completion, noting an addition of 600,000 yards of sand to date.

**Mayor Mancini** also reported the new beach access recently completed in Loveladies on Station Avenue.

**OPEN PUBLIC SESSION**

**Pat Rears**, Brant Beach stated she was concerned that the new beach entrances would be hard to navigate for the senior citizens and asked if there would be benches for them to rest.

**Mayor Mancini** responded the project was not complete but there will be benches. He also explained that the ADA handicap access would be on 47<sup>th</sup> Street.

**Joseph Blasewicz**, 2716 Beach Ave., was concerned with the placement of a corner marker from a survey he had done on his property.

**Mayor Mancini** responded that the Twp. engineer would be able to answer his question.

**Tom Craig**, 82<sup>nd</sup> St. asked Comm. Bayard the status of the fence to be installed at the public works yard

**Comm. Bayard** replied the funding is in place and plans to begin the project soon.

Mr. Craig addressed Mayor Mancini with his concern about crossing the boulevard while walking his dog because the traffic never yields to him as they should.

Mayor Mancini explained that the law imposed is dangerous on a roadway that has more than two lanes and the Twp. is hoping it is repealed soon.

**Charles Farrell**, Loveladies, asked if the Twp. would use the electronic signs to remind drivers of fire safety issues and not to throw cigarette butts out of the car windows.

Mayor Mancini asked Mr. Farrell to contact Lt. Vereb, traffic safety officer.

**CLOSE PUBLIC SESSION**

Motion for adjournment at 4:28 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