

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS AUGUST 16, 2013
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 and the ASBURY PARK PRESS on December 13th 2012; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the August 2, 2013 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 13-29C - **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN CHAPTER 5 PERTAINS TO ADMINISTRATION**

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

STATEMENT OF PURPOSE

This Ordinance amends Chapter 5 of the Code of Long Beach Township in Section 5-8.A(4) which provides the various employee positions in the Police Department. In accordance with the New Jersey Civil Service regulations the total number of Police Patrolmen permissible shall be increased from twenty six (26) to a maximum of twenty seven (27) in order to adequately staff the Department at the current time.

SECTION I

§5-8.A(4) as the same refers to Rank, is hereby amended by the repeal of "26 Patrolmen" and the addition of "27 Patrolmen" in lieu thereof.

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All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.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 only after publication thereof after final passage according to law.

Lynda Wells explained this ordinance set the number of police officers at twenty seven(27) in order to adequately staff the Department at that time.

Passed on first reading at a regular meeting held on August 2, 2013 and advertised in the BEACH HAVEN TIMES issue of August 8, 2013.

OPEN PUBLIC HEARING

No comments.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 13-29C on Second Reading:

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

ADOPTIONS & APPROVALS

2. Resolution 13-0816.01: Approve various changes on water and sewer accounts

RESOLUTION 13-0816.01

WHEREAS, the following Water/Sewer accounts require changes in their billing and/or classification due to various reasons; and

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

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
1.69	1	534-0/Water	2013	Remove irrigation	\$304.00

6.11	5	1760-0/Water	2013	To Standby/per C&C	\$287.00
6.11	5	1760-0/Sewer	2013	To Standby/per C&C	\$265.50
7.24	21	2518-0/Water	2013	To Standby/per C&C	\$180.00
20.158	4	7590-0/Water	2013	Remove irrigation	\$304.00

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

3. Resolution 13-0816.02(a&b): Authorize the Municipal Clerk to advertise for bids:

- a) One Double Drum Vibratory Roller Machine
- b) Re-Bid Miscellaneous Plumbing Parts and Supplies

RESOLUTION 13-0816.02(a)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Municipal Clerk be and she is hereby authorized to advertise for bids for the following:

- One (1) Double Drum Vibratory Roller Machine

RESOLUTION 13-0816.02(b)

RESOLUTION AUTHORIZING RE-BID FOR MISCELLANEOUS PLUMBING SUPPLIES FOR THE LONG BEACH TOWNSHIP WATER AND SEWER DEPARTMENT

WHEREAS, pursuant to Resolution 13-0802.03, the Township of Long Beach advertised for the receipt of bids for the purchase miscellaneous plumbing supplies for the Water and Sewer Department on August 15, 2013; and

WHEREAS, no bids were received.

NOW THEREFORE BE IT RESOLVED, that 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, August 16, 2013, authorize the advertisement for the receipt of bids for the purchase miscellaneous plumbing supplies for the Water and Sewer Department.

4. Resolution 13-0816.03: Approve temporary traffic regulations:
West 63rd Street, Brant Beach, August 18th;
4:00 to 8:00 pm; Brant Beach

Lynda Wells explained this would waive alternate side parking regulations.

WHEREAS, Edward and Lisa Wilbraham have requested permission to waive alternate side parking regulations on West 63rd Street on Sunday, August 18, 2013, from 4:00 pm to 8:00 pm to accommodate parking for guests attending a celebration; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby grant permission to waive alternate side parking on West 63rd Street, Sunday, August 18, 2013 from 4:00 pm to 8:00 pm.

5. Resolution 13-0816.04: Approve personnel actions

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

Approve the end of a Family Medical Leave of Absence (FMLA) for EJ effective retro-active to July 22, 2013.

BEACH BADGE

Hire the following employee as a Seasonal Beach Badge Program Seller/Checker part time, per hour, at the rate of \$8.25 per hour to be paid from the Beach Badge Salary & Wage effective retro-active to July 29, 2013.

Jonathan George

POLICE

Change the following employee's rate of pay to \$10.00 per hour due to the completion of in-house training to be paid from Police Salary & Wage effective retro-active July 27, 2013.

Thomas Cannon

PUBLIC WORKS

Change the following employee's title to a Permanent Full-Time Laborer with an annual salary of \$30,000.00 to be paid from the Public Works Salary & Wage effective August 3, 2013.

Shane Fairhurst

6. Resolution 13-0816.05: Appoint Lynda Wells as a Sub Registrar of Vital Statistics

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby wishes to withdraw the title of Alternate Deputy Registrar for Lynda J. Wells and appoint her as Sub-Registrar of Vital Statistics for the Township of Long Beach, effective retro-active to August 1, 2013 for a term of 3 (three) years.

Motion to approve Items 2 thru 6:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

LICENSES & PERMITS

7. Resolution 13-0816.06: Approve a Social Affairs Permit:
Long Beach Island PTA Fall Auction Dinner
at the Brant Beach Yacht Club, October 24th 5 to
11 PM

RESOLUTION 13-0816.06

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 PTA, to be held at Brant Beach Yacht Club at 59th and Bay Avenue, Brant Beach. This permit will allow the Long Beach Island PTA to serve alcoholic beverages at the fundraiser on October 24, 2013 between the hours of 5:00 P.M. and 11:00 P.M.

8. Resolution 13-0816.07: Approve the following temporary traffic regulations:
- Triathlon / Duathlon– Bayview Park
9/15/13; 5 am to 11 am
 - Gathering Permit;
LBI Geotrail Opening; 68th St. beach
9/6/13; 7 to 9 pm

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

- DQ Events: USA Triathlon/Duathlon on Sunday, September 15, 2013 between the hours of 5:00 am and 11:00 am on Long Beach Blvd., from 68th St. , Brant Beach, to 106th Street in Beach Haven Gardens
- LBI Geotrail Opening: Bonfire on 68th Street Beach, Friday, September 6, 2013, 7:00 to 10:00 pm.

Motion to approve Items 7 & 8:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

9. Resolution 13-0816.08: Authorize the issuance of refunding Bond Anticipation Notes

Lynda Wells explained these were storm related costs.

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$5,000,000 OF REFUNDING BOND ANTICIPATION NOTES OF THE TOWNSHIP; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION FROM FEDERAL INCOME TAXATION OF INTEREST ON SAID NOTES; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECT THE ISSUANCE AND SALE OF SAID NOTES

BACKGROUND

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey ("Township"), adopted a resolution dated December 7, 2012 to fund an emergency appropriation ("Appropriation Resolution") for the purpose of paying the extraordinary expenses associated with the repair, rehabilitation, reconstruction and/or replacement of, among other things, streets, roads, bridges, or other public property located in the Township damaged by Hurricane Sandy ("Appropriation"), all as more particularly described in the Appropriation Resolution; and

WHEREAS, the Local Bond Law, constituting Chapter 169 of the Laws of the State of New Jersey ("State"), as amended and supplemented, N.J.S.A. 40A:2-51 et seq. ("Local

Bond Law"), authorizes municipalities to issue refunding bonds to fund temporary emergency appropriations; and

WHEREAS, on February 1, 2013, the Board of Commissioners introduced a refunding bond ordinance entitled "REFUNDING BOND ORDINANCE PROVIDING FUNDS TO PAY A SPECIAL EMERGENCY APPROPRIATION (HURRICANE SANDY); AUTHORIZING THE ISSUANCE OF UP TO \$5,000,000 OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" ("Refunding Bond Ordinance"); and

WHEREAS, pursuant to N.J.S.A. 40A:2-51 et. seq., the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs ("Local Finance Board"), at a meeting held on March 13, 2013, adopted a resolution authorizing the Township to finally adopt the Refunding Bond Ordinance; and

WHEREAS, on March 1, 2013, the Board of Commissioners, after a public hearing, finally adopted the Refunding Bond Ordinance; and

WHEREAS, pursuant to the Refunding Bond Ordinance, the Township is authorized to issue its refunding bond anticipation notes, in the aggregate principal amount of up to \$5,000,000 to fund the Appropriation; and

WHEREAS, it is the intent of the Board of Commissioners hereby to authorize and approve the issuance and sale of its refunding bond anticipation notes in the principal amount of up to \$5,000,000 to pay a portion of the costs of the Appropriation ("Notes"); and

WHEREAS, it is necessary for the Township to adopt this resolution to authorize and effectuate the issuance and sale of said Notes.

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

Section 1. Pursuant to the Local Bond Law, the issuance of refunding bond anticipation notes of the Township, to be designated, substantially, "Township of Long Beach, County of Ocean, New Jersey, Refunding Bond Anticipation Note of 2013, Series A" ("Notes"), in an aggregate principal amount of up to \$5,000,000, is hereby authorized and approved,

Section 2. The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity but may be renewed from time to time, subject to the terms of the Refunding Bond Ordinance. The Notes shall be issued in bearer or registered form in minimum denominations of \$100,000 or greater and shall be in the form permitted by the Local Bond Law and as Bond Counsel shall approve.

Section 3. The Notes shall be executed in the name of the Township by the manual or facsimile signature of the Mayor and Chief Financial Officer shall be under the corporate seal of the Township affixed, imprinted, or reproduced thereon, and attested by the manual signature of the Township Clerk or Deputy Township Clerk.

Section 4. The Chief Financial Officer, with the assistance of the law firm of Parker McCay P.A., Bond Counsel, are hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of payment of the purchase price plus accrued interest (if any) from the dated date of the Notes to the date of delivery thereof.

Section 5. At the next meeting after the sale of the Notes, the Chief Financial Officer is authorized and directed to report, in writing, to the Board of Commissioners, the principal amount, rate of interest and name of the purchaser of the Notes.

Section 6. The Notes shall be general obligations of the Township. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Notes 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 7. The Township hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an

item of tax preference under Section 57(a)(5) of the Code.

Section 8. The Township hereby covenants as follows: (i) 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 (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 9. The Township hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 10. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Township Clerk, Deputy Township Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 11. The Mayor, Chief Financial Officer, Township Clerk and Deputy Township Clerk are each hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Bond Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer, Township Clerk and Deputy Township Clerk, on such documents or instruments shall be conclusive as to such determinations.

Section 12. All resolutions or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 13. This resolution shall take effect immediately upon adoption this 16th day of August, 2013.

10. Resolution 13-0816.09(a&b): Authorize the following actions re:

Performance Bonds:

- a) Accept a Performance Bond: LUB 20-06;
Block 6.44 Lots 1 & 1.01; Minor Subdivision;
\$10,650.00
- b) Release a Performance Bond: LUB 12-11-PF;
Block 6.30, Lot4, Preliminary & Major Site Plan
\$8,409.50 plus interest accrued.

RESOLUTION 13-0816.09(a)

WHEREAS, the Township of Long Beach has received from George P. Cain, Jr., Cashier's Check #51794352-0 dated August 9, 2013 in the amount of Ten Thousand Six Hundred Fifty Dollars (\$10,650.00) drawn on TD Bank, representing the required Performance Bond for a Minor Subdivision, #LUB 20-06, Block 6.44, Lots 1 & 1.01 (148 West Delaware Avenue, Beach Haven Gardens, NJ).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach accepts this bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

RESOLUTION 13-0816.09(b)

WHEREAS, pursuant to Resolution 12-0601.16, the Township of Long Beach received from Paul R. Maina, dba Paul R, Maina Builders, PO Box 625, Manahawkin, NJ 08050, Cashier's Check #51374576-2 drawn on TD Bank, dated May 25, 2012 in the amount of Eight Thousand Four Hundred Nine Dollars and Fifty Cents (\$8,409.50), representing the required Performance Bond for a Preliminary and Final Major Site Plan #LUB-12-11-PF, Block 6.30, Lot 4 (7 W. South 32nd Street, Beach Haven Gardens); and

WHEREAS, upon inspection by the Municipal Engineer, it has been determined that all work has been satisfactorily completed and he recommends release of the Performance Bond and does not require a Maintenance bond.

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

11. Resolution 13-0816.10: Approve Bills & Payroll
Bills in the amount of: \$9,740,951.40
Payroll in the amount of: \$ 644,974.55

RESOLUTION 13-0816.10

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS

WHEREAS, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

WHEREAS, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$644,974.55.

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

1. The said approved vouchers amounting to the sum of \$9,740,951.40 be and the same are hereby authorized to be paid on Friday, August 16, 2013.

2. The said approved payroll amounting to the sum of \$644,974.55 be and the same are hereby authorized to be paid on Friday, August 16, 2013.

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

Motion to approve Items 9 thru 11:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini stated the Treasurer's Report for the month of July 2013 was on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Lattanzi announced the free shuttle bus pilot program would begin on Monday, August 19th from 10 AM to 10 PM. He explained it would run from 22nd Street in Ship Bottom to 12th Street in North Beach Haven allowing residents and visitors to visit local businesses. He noted stops would be published in the Sandpaper.

Commissioner Lattanzi also thanked Lt. Vereb for his help with this project, and noted the Township had a contract with Southern Regional High School for maintenance on the buses.

Commissioner Bayard commented on the many calls regarding flooding through the Twp. He explained all the Twp. storm drains have been cleaned and the County was still working on cleaning storm drains on Long Beach Blvd.

Commissioner Bayard also announced the contract with Pinto Brothers for trash and recycling collection would end in December 2013 and the Twp. would be advertising for bids for a new contract.

Mayor Mancini stated the next meeting of the Board of Commissioners would take place on Friday, September 6, 2013 at 4:00 p.m.

Mayor Mancini also stated the next regular meeting of the Land Use Board would be held on Wednesday, September 11, 2013 at 7:00 p.m. in the Municipal Court Room.

Mayor Mancini reported from the Police Department: Long Beach Township was investigating the 3rd serious accident involving a bicyclist. All 3 accidents were caused by the bicyclists. Long Beach Police reminded the public that bicycles were to follow the rules of the road and obey all applicable traffic regulations.

He emphasized that children under the age of 18 must wear helmets.

Mayor Mancini also reported the Long Beach Township Police Department in conjunction with PBA 373 was hosting the annual bike rodeo August 18th 2013 in Barnegat Light. The event would start at 10:00 am on 10th street; safety tips and information pertaining to bicyclists would be the emphasis.

Mayor Mancini stated the Police Department recently held two events at the municipal complex – National Night Out and a bicycle rodeo. Both events were successful due to the communities support and attendance.

Mayor Mancini also reported the Long Beach Township Police remind people that it was hurricane season once again. The public was urged to access lbtpd.org. This site would allow the user(s) to sign up for Nixel alerts as well as Global Connect in order that they receive emergent information from the Police Dept. The Mayor also stated during the storm people felt communication could have been better and he urged the residents to sign up for Nixel and Global Connect to receive emergency notifications.

Mayor Mancini reported that the Army Corps had placed a 300 ft. dredge in Little Egg Inlet to pump sand onto the sandbars at 84th Street in the Crest and 24th Street in Spray Beach.

OPEN PUBLIC SESSION

Sue Viser, Ship Bottom, asked if the Commissioners would consider putting temporary bathrooms, in Bayview park, similar to those placed in Holgate, as the existing bathrooms were very busy and crowded.

Commissioner Bayard replied he would consider it.

Robert Holfager, Holgate asked if the parking lot could be graded in Holgate to drain the water runoff and address the flooding issues there.

Commissioner Bayard noted there was a trough in place now to drain to McKinley Avenue.

Robert Holfage also noted the bike lanes on the Boulevard had bumps and asked if it could be fixed.

Commissioner Bayard replied the Boulevard had to be repaired by the County, as it was a County road.

Tom Beatty, Holgate reiterated Robert’s comments.

Cindy, New Jersey Hope & Healing introduced herself and her coworker, Nick, and stated they would be re-canvassing the area door to door, checking with residents to see how they were coping after the storm and offering them free resource information and counseling and emotional support, also information about the Robin Hood Foundation and Habit for Humanity.

Bill Hutson, Holgate thanked Commissioner Lattanzi and Lt. Vereb for the shuttle buses.

John Connolly, Beach Haven Crest, thanked Commissioner Lattanzi and Lt. Vereb for the shuttle buses also. He asked if there were specific placement requirements for port a johns on work sites as he noted some were near the edge of the properties and subject to vandalism.

Mayor Mancini replied they should be within the property lines and he would mention it to the building department. He also suggested the neighbor should talk to the builder and if no action was taken, to call the Township.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:30 PM

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner