

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS AUGUST 22, 2008**  
**Flag Salute**

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

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

Also in attendance: Bonnie M. Leonetti, Municipal Clerk  
Teresa S. Sgro, Assistant Municipal Clerk  
Tracy Hafner, CTA  
Ozzie Vituska, Ocean County Tax Administrator  
Richard J. Shackleton, Esq.

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on May 28, 2008; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the August 8, 2008 meeting and to approve the same as recorded in the minute book:

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

**AGENDA**

**RECOGNITION:** Ocean Rescue Commendation Awards for Kevin O'Such and Steve Burke: Mayor Mancini and Don Myers presented plaques to Lifeguards Kevin O'Such and Steve Burke for their heroic life saving efforts after work hours.

**ORDINANCES/PUBLIC HEARINGS**

Municipal Clerk read this statement: In a memo dated August 14, 2008, the Land Use Board for the Township of Long Beach reported it has reviewed and supports Ordinance 08-26C as written.

1. Second Reading Ordinance 08-26C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN SECTION 205 AS THE SAME PERTAINS TO ZONING.**

**ORDINANCE 08-26C**

**AN ORDINANCE AMENDING AN ORDINANCE entitled, aCode of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)@ as the same in Chapter 205 concerns Zoning.**

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

**STATEMENT OF PURPOSE**

This Ordinance is provided to clarify and make more specific permitted exceptions to the maximum height code limits provided for by the Zoning Ordinance of the Township of Long Beach.

**SECTION I**

Section 205-49 of an Ordinance entitled "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" is hereby repealed and in lieu and instead thereof the following is adopted:

§205-49 Exceptions to Height Limits.

The following structures may exceed the height limits prescribed by this Chapter as herein below set forth:

1. Chimneys provided for fireplaces, furnaces and the like not more than 8 feet;
2. Flagpoles on the roof of buildings not more than 8 feet;
3. Heating, ventilating and air conditioning units not more than 4 feet;
4. Hot tubs not more than 3 feet provided that such hot tubs must be located a minimum of 3 feet from any railings surrounding the deck on which they are located;
5. Water tanks not more than 8 feet;
6. Satellite dish antennas not exceeding 2 feet in diameter not more than 8 feet;
7. Open railing systems for safety around rooftop decks which do not exceed 42 inches in height and which are open and unobstructed to the maximum extent permitted by appropriate building codes;
8. T.V. antennas not to exceed 8 feet;
9. Elevator towers:
  - a. Commercial not more than 100 square feet may exceed the height limitation by not more than 8 feet.
  - b. Residential not more than 90 square feet may exceed the height limitation by not more than 8 feet.

**SECTION II**

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

**SECTION III**

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

**SECTION IV**

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

**NOTICE**

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday July 25, 2008 at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday August 22, 2008 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

**CERTIFICATION**

I, **BONNIE M. LEONETTI, RMC, CMC** Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 08-26C was duly adopted by the Board of Commissioners at their meeting held on Friday, August 22, 2008 at 4:00 p.m.

Passed as on first reading at a regular meeting held on July 25, 2008 advertised in the BEACH HAVEN TIMES, issue of August 6, 2008.

OPEN PUBLIC HEARING

No Comments

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 08-26C on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 08-29: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF TWO (2) FOUR WHEEL DRIVE VEHICLES & RELATED EQUIPMENT FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$80,000 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 \$76,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.**

**TOWNSHIP OF LONG BEACH, NEW JERSEY**

**ORDINANCE 08-29**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF FOUR WHEEL DRIVE VEHICLES AND RELATED EQUIPMENT FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$80,000 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 \$76,000; 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 \$80,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$76,000; and

(c) a down payment in the amount of \$4,000 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 \$76,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$4,000, 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 \$76,000 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 \$76,000 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 of 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 \$1,000.

**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. Acquisition of two (2) four wheel drive vehicles and related equipment for the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$80,000	\$4,000	\$76,000	5 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 \$76,000 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 Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

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

**Section 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:** August 8, 2008

**Date of Final Adoption:** August 22, 2008

**Notice of Pending Bond Ordinance and Summary.**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on August 8, 2008. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Commissioners to be held at the Public Safety Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on August 22, 2008, at 4:00 PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF FOUR WHEEL DRIVE VEHICLES AND RELATED EQUIPMENT FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$80,000 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 \$76,000; MAKING CERTAIN DETERMINATIONS  
AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS  
IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of two (2) four wheel drive vehicles and related equipment for the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$80,000	\$4,000	\$76,000	5 years
Appropriation:	\$80,000			
Bonds/Notes Authorized:	\$76,000			
Grants (if any) Appropriated:	None			
Section 20 Costs:	\$1,000			
Useful Life:	5 years			

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LYNDA J. WILKIE, R.M.C.  
Deputy Municipal Clerk

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

**Bond Ordinance Statements and Summary**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on August 22, 2008 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office at 6805 Brant Beach Boulevard, Brant Beach, New Jersey for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF FOUR WHEEL DRIVE VEHICLES AND RELATED EQUIPMENT FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$80,000 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 \$76,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of two (2) four wheel drive vehicles and related equipment for the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$80,000	\$4,000	\$76,000	5 years
Appropriation:	\$80,000			
Bonds/Notes Authorized:	\$76,000			
Grants (if any) Appropriated:	None			
Section 20 Costs:	\$1,000			
Useful Life:	5 years			

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BONNIE M. LEONETTI, R.M.C., C.M.C.,  
Municipal Clerk

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

Passed as on first reading at a regular meeting held on August 8, 2008 advertised in the BEACH HAVEN TIMES, issue of August 13, 2008.

OPEN PUBLIC HEARING  
No Comments  
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 08-29 on Second Reading:

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

3. Second Reading Ordinance 08-30: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF SEVEN (7) MOBILE DATA TERMINALS FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$42,000 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 \$39,900; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.**

**TOWNSHIP OF LONG BEACH, NEW JERSEY**

**ORDINANCE 08-30**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF MOBILE DATA TERMINALS FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$42,000 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 \$39,900; 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 \$42,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$39,900; and

(c) a down payment in the amount of \$2,100 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 \$39,900, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$2,100, 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 \$39,900 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 \$39,900 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 \$1,000.

**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. Acquisition of seven (7) mobile data terminals for the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$42,000	\$2,100	\$39,900	5 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 \$39,900 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 Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

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

**Section 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: August 8, 2008**

**Date of Final Adoption: August 22, 2008**

**Notice of Pending Bond Ordinance and Summary.**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on August 8, 2008. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Commissioners to be held at the Public Safety Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on August 22, 2008, at 4:00 PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF MOBILE DATA TERMINALS FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$42,000 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 \$39,900; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of seven (7) mobile data terminals for the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$42,000	\$2,100	\$39,900	5 years
Appropriation:	\$42,000			
Bonds/Notes Authorized:	\$39,900			
Grants (if any) Appropriated:	None			
Section 20 Costs:	\$1,000			
Useful Life:	5 years			

LYNDA J. WILKIE, R.M.C., C.M.C.,  
Deputy Municipal Clerk

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

**Bond Ordinance Statements and Summary**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on August 22, 2008 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office at 6805 Brant Beach Boulevard, Brant Beach, New Jersey for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF MOBILE DATA TERMINALS FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$42,000 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 \$39,900; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
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Appropriation:	\$42,000			
Bonds/Notes Authorized:	\$39,900			
Grants (if any) Appropriated:	None			
Section 20 Costs:	\$1,000			
Useful Life:	5 years			

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BONNIE M. LEONETTI, R.M.C., C.M.C.,  
Municipal Clerk

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

Passed as on first reading at a regular meeting held on August 8,, 2008 advertised in the BEACH HAVEN TIMES, issue of August 13, 2008.

OPEN PUBLIC HEARING  
No Comments  
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 08-30 on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

4. Second Reading Ordinance 08-31: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF A HECHT TRAILER FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$15,000 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 \$14,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.**

**TOWNSHIP OF LONG BEACH, NEW JERSEY**

**ORDINANCE 08-31**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF A HECHT TRAILER FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$15,000 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 \$14,000; 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 \$15,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$14,000; and

(c) a down payment in the amount of \$1,000 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 \$14,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$1,000, 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 \$14,000 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 \$14,000 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 \$500.

**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. Acquisition of a Hecht trailer for the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$15,000	\$1,000	\$14,000	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 \$14,000 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 Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

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

**Section 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: August 8, 2008**

**Date of Final Adoption: August 22, 2008**

**Notice of Pending Bond Ordinance and Summary.**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on August 8, 2008. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Commissioners to be held at the Public Safety Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on August 22, 2008, at 4:00 PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF A HECHT TRAILER FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$15,000 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 \$14,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of a Hecht trailer for the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$15,000	\$1,000	\$14,000	10 years

Appropriation: \$15,000  
 Bonds/Notes Authorized: \$14,000  
 Grants (if any) Appropriated: None  
 Section 20 Costs: \$500  
 Useful Life: 10 years

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

**Bond Ordinance Statements and Summary**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on August 22, 2008 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office at 6805 Brant Beach Boulevard, Brant Beach, New Jersey for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF A HECHT TRAILER FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$15,000 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 \$14,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of a Hecht trailer for the Township, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$15,000	\$1,000	\$14,000	10 years

Appropriation: \$15,000  
Bonds/Notes Authorized: \$14,000  
Grants (if any) Appropriated: None  
Section 20 Costs: \$500  
Useful Life: 10 years

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BONNIE M. LEONETTI, R.M.C., C.M.C.,  
Municipal Clerk

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

Passed as on first reading at a regular meeting held on August 8, 2008 advertised in the BEACH HAVEN TIMES, issue of August 13, 2008.

OPEN PUBLIC HEARING

No Comments

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 08-31 on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

5. Second Reading Ordinance 08-32: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY APPROPRIATING \$27,500 FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF COMMUNICATION EQUIPMENT TOWNSHIP OF LONG BEACH, NEW JERSEY**

**ORDINANCE 08-32**

**AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$27,500 FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF COMMUNICATION EQUIPMENT**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated from the Capital Improvement Fund the sum of \$27,500 for the acquisition of eight (8) XTL 5000 digital radios.

**Section 2.** It is hereby determined and stated that each of the improvements set forth in Section 1 is a general capital improvement and is not a current expense.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

**Date of Introduction: August 8, 2008**

**Date of Final Adoption: August 22, 2008**

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JOSEPH H. MANCINI, Mayor

Attest:

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BONNIE M. LEONETTI, Township Clerk

**NOTICE**

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday August 8, 2008 at 7:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Friday August 22, 2008 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

**CERTIFICATION**

I, **Bonnie M. Leonetti**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 08-32 was duly adopted by the Board of Commissioners at their meeting held on Friday, August 22, 2008 at 4:00 PM.

Passed as on first reading at a regular meeting held on August 8, 2008 advertised in the BEACH HAVEN TIMES, issue of August 13, 2008.

OPEN PUBLIC HEARING

No Comments

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 08-32 on Second Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

6. First Reading Ordinance 08-33C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN SECTION 205-43 PERTAINS TO ZONING IN THE SPECIAL COMMERCIAL ZONE.**

Motion to approve Ordinance 08-33C on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

7. First Reading Ordinance 08-34C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" AS THE SAME IN SECTION 64-11 PROVIDES FOR A CASH PERFORMANCE BOND FOR THE INSTALLATION OF PILINGS.**

Motion to approve Ordinance 08-34C on First Reading:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

**ADOPTIONS & APPROVALS**

8. Resolution 08-0822.01: Authorize Online Public Auction with Gov Deals

**RESOLUTION 08-0822.01**

**WHEREAS**, certain items of tangible personal property have come into the possession of the Police Department of the Township of Long Beach; and

**WHEREAS**, the owner and/or owners of such tangible personal property are unknown and cannot be ascertained; and

**WHEREAS**, the Police Department has held such items of tangible personal property in excess of six (6) months; and

**WHEREAS**, N.J.S.A. 40A:14-157 provides that such tangible personal and public property may be disposed of at public auction along with Township owned public property as per N.J.S.A. 40A:11-36.

**WHEREAS**, pursuant to N.J.S.A. 40A:11-36, Long Beach Township authorizes the online auction of property no longer needed for public use; and

**WHEREAS**, the sale is being conducted pursuant to Local Finance Notice 2008-9; and

**WHEREAS**, pursuant to Resolution 08-0502.06 the Township of Long Beach has entered an agreement with GovDeals, Inc., for online auctioneering services; and

**WHEREAS**, the sale will be online and the address of the auction site is [www.govdeals.com](http://www.govdeals.com) ; and

**WHEREAS**, for those items that are part of Long Beach Township's fixed asset inventory, the description of items are hereby attached as 'Schedule A'.

**NOW, THEREFORE, BE IT RESOLVED** by Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that the Township of Long Beach approves the online auctioneering for property no longer of use in September 2008.

9. Resolution 08-0822.02: Authorize changes to a water/sewer account

**RESOLUTION 08-0822.02**

**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:

<b>Blk:</b>	<b>Lot:</b>	<b>Acct:</b>	<b>Year:</b>	<b>Cancel/Change:</b>	<b>Amount:</b>
4.37	7.02	1266-0 Water	2008	Remove NSF Charges	\$25.00

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

10. Resolution 08-0822.03: Authorize extension of the 90 day outdoor dining experimental trial period to Nov 3rd.

**RESOLUTION 08-0822.03**

**RESOLUTION EXTENDING A 90 DAY EXPERIMENTAL TRIAL OF OUTDOOR SEATING FOR FOOD AND BEVERAGE SELLING ESTABLISHMENTS LOCATED IN THE TOWNSHIP OF LONG BEACH.**

**WHEREAS**, due to requests to the Board of Commissioners of the Township of Long Beach from a number of food and beverage selling establishments, the Township permitted by Resolution #08-0620.09 on June 20, 2008 a trail period of 90 days to provide outdoor seating for their customers and clientele; and

**WHEREAS**, the Board of Commissioners has determined that the trial so far has proved to be well received by the public and business owners and has not caused any undue problems for Township officials; and

**WHEREAS**, the Board of Commissioners agrees that it would be in the best interest of all to allow this practice to extend and continue into the busy and beautiful fall season until November 3, 2008.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, August 22, 2008 that the trial period designated for outdoor seating which must be permitted and in compliance with the regulations found in Resolution 08-0620.09 shall be allowed to continue until October 31, 2008 after which time a review shall be held, with public input, as to whether the practice shall be made permanent.

11. Resolution 08-0822.04: Approve personnel actions:

**RESOLUTION 08-0822.04**

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

**BEACH PATROL**

**Approval of the following hiring actions are subject to submission of all required paperwork.**

Hire the following as a Seasonal Lifeguard at a rate of \$75.00 per day to be paid from the Lifeguard Salary & Wage effective retro-active to August 20, 2008.

Colleen Dalrymple

Hire the following as a Seasonal Lifeguard at a rate of \$75.00 per day to be paid from the Lifeguard Salary & Wage effective August 28, 2008.

Nick DiMauro

**BUILDING**

Approve a paid Medical Leave of Absence using accumulated sick days for Carol Beideman effective retro-active to August 11, 2008.

**CLERK**

Approve a regular retirement for Marion Parker effective September 1, 2008.

**POLICE**

Approve attendance of the following to the Ocean County Police Academy to become Class II Special Law Enforcement Officers at the minimum wage rate of \$7.15 per hour to be paid from the Police Salary & Wage effective August 25, 2008.

Donald Haines Daniel Petrone

The Municipal Clerk noted various departments effected.

12. Resolution 08-0822.05: Approve cancellation of bid to repair, sandblast, cleaning, repainting and testing of the 300,000 gallon detention water tank.

**RESOLUTION 08-0822.05**

**RESOLUTION CANCELLING ADVERTISED BIDS FOR THE REPAIR, SANDBLASTING, CLEANING, REPAINTING & TESTING OF THE 300,000 GALLON DETENTION WATER TANK IN BEACH HAVEN TERRACE**

**WHEREAS**, due to inquiries made to the Township Engineer by interested parties who purchased specification packets for the above noted bid, it has been determined that the funds dedicated for this project will in fact be insufficient; and

**WHEREAS**, it has been determined that due to time and weather constraints the additional funding needed cannot be put in place in time for this project to be completed in the window of time available before the winter season.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, August 22, 2008 that the advertised bid shall be cancelled and any monies collected to purchase specifications be refunded with the request for the return of said specifications packets to the Township if at all possible.

The Municipal Clerk explained additional funds would need to be made available for the project.

13. Resolution 08-0822.06: Support enactment of legislation allowing municipalities to opt out of the Civil Service System

**RESOLUTION 08-0822.06**

**A RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO ENACT LEGISLATION ALLOWING MUNICIPALITIES TO OPT OUT OF THE CIVIL SERVICE SYSTEM**

**WHEREAS**, for many years, the New Jersey Civil Service System has determined how local government employees are hired and managed; and

**WHEREAS**, many municipalities find that the Civil Service System does not provide the ability to select the most qualified candidates or provide for accountability of employees who fail to perform adequately, which is needed to manage the municipal work force and deliver government services effectively; and

**WHEREAS**, numerous local governments that participate in New Jersey's Civil Service System have asked to opt out of such System; and

**WHEREAS**, a municipality may not opt out of such Civil Service System without special enabling legislation, as there is currently no statutory provision allowing municipalities to opt out of such Civil Service System; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach believes that it would be in the best interests of efficiency and employee management if municipalities were able to choose to remain in or opt out of the Civil Service System.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, County of Ocean and State of New Jersey, that the Board of Commissioners hereby urges the New Jersey State Legislature to enact legislation which would allow New Jersey's municipalities to opt out of the Civil Service System; and

**BE IT FURTHER RESOLVED**, that in the event the New Jersey State Legislature is unwilling to enact legislation to allow all municipalities to opt out of the Civil Service System, the Board of Commissioners of the Township of Long Beach urge the New Jersey Legislature to enact special legislations which will allow the Township of Long Beach, New Jersey to opt out of the Civil Service System; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be certified and forwarded to Senator Christopher Connors, Assemblymen Van Pelt & Rumpf and all municipalities who currently participate in the Civil Service System.

Motion to approve Items 8 thru 13:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

**LICENSES AND PERMITS**

14. Resolution 08-0822.07 Authorize permit for social event:  
Block Party – E Kansas, Beach Haven Park, 8-30-08

**RESOLUTION 08-0822.07**

**WHEREAS**, in response to homeowners' requests for the following:

Permission to close East Kansas Avenue in Beach Haven Park from 5:00 p.m. to 9:30 p.m. leaving a lane open for emergency vehicles on August 30, 2008 for a block party, with August 31, 2008 as a rain date.

**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 closure as requested with provisions for a lane for emergency vehicles and flashing lights on barriers from dusk to close of event.

15. Resolution 08-0822.08 Authorize waiving of alternate side of street parking –  
E. 42<sup>nd</sup> St., Brant Beach  
Authorize various traffic regulations for Triathlon being held 9-21-08



**WHEREAS**, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$150,000.00, and three per cent of the total operating appropriations in the budget for 2008 is \$895,935.00; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed three per cent of the total current appropriations (including utility operating appropriations) in the budget for 2008.

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S.A. 40A:4-48:1.

1. An emergency appropriation be and the same is hereby made for Resolution 08-0822.h which is the declaration of an emergency and provision for the appropriation of emergency funding in the Township of Long Beach in the amount of \$150,000.00.
2. That the Board of Commissioners and Chief Financial Officer seek insurance reimbursements to reduce the net expenditures under this appropriation.
3. That where and when appropriate governmental relief funding and all appropriate grants be sought and applied for to reduce the net expenditures under this appropriation.
4. That said emergency appropriation, to the extent it is not reimbursed through insurance proceeds, relief funding and grants, shall be provided for in full in the 2009 budget.
5. That two certified copies of this resolution be filed with the Director of Local Government Services.

ROLL CALL: Mayor Joseph H. Mancini  
Commissioner DiAnne C. Gove  
Commissioner Ralph H. Bayard

18. Resolution 08-0822.11(a&b): Approve two Chapter 159's –  
(a) Ocean County Cancer Coalition \$500.00  
(b) Over the Limit Under Arrest 2008 \$5000.00

**RESOLUTION 08-0822.11(a)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2008 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-87 (CHAPTER 159): OCEAN COUNTY CANCER COALITION**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, Ocean County has approved a grant to the Township of Long Beach in the amount of \$500.00; and

**WHEREAS**, it is the desire of the Township of Long Beach to amend the 2008 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

**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, as follows:

1. That the Board of Commissioners do hereby authorize an Amendment to the 2008 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior

Written Consent of the Director of Local Government Services –

Public and Private Revenues Offset with Appropriations:

OCEAN COUNTY CANCER COALITION \$500.00

2. That the Board of Commissioners do hereby further authorize an Appropriation of an equal sum under the caption of:

**GENERAL APPROPRIATION:**

OPERATIONS – Excluded from CAPS:

Public and Private Programs Offset by Revenues:

OCEAN COUNTY CANCER COALITION \$500.00

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

**RESOLUTION 08-0822.11(b)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2008 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-87 (CHAPTER 159): OVER THE LIMIT UNDER ARREST 2008**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, Ocean County has approved a grant to the Township of Long Beach in the amount of \$5,000.00; and

**WHEREAS**, it is the desire of the Township of Long Beach to amend the 2008 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

**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, as follows:

4. That the Board of Commissioners do hereby authorize an Amendment to the 2008 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior

Written Consent of the Director of Local Government Services –

Public and Private Revenues Offset with Appropriations:

OVER THE LIMIT UNDER ARREST 2008 \$5,000.00

5. That the Board of Commissioners do hereby further authorize an Appropriation of an equal sum under the caption of:

**GENERAL APPROPRIATION:**

OPERATIONS – Excluded from CAPS:

Public and Private Programs Offset by Revenues:

OVER THE LIMIT UNDER ARREST 2008 \$5,000.00

6. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

19. Resolution 08-0822.12: Approve amendment to Resolution 08-0118.11 regarding In Rem Tax Foreclosure.

**RESOLUTION 08-0822.12**

**RESOLUTION AMENDING NUNC-PRO-TUNC RESOLUTION NUMBER 08-0118.11 AUTHORIZING AN IN REM TAX FORECLOSURE**

**WHEREAS**, on January 18, 2008 the Board of Commissioners of the Township of Long Beach adopted a Resolution No. 08-0118.11, a Resolution authorizing an In Rem Tax Foreclosure; and

**WHEREAS**, in the Municipal Tax Foreclosure List Schedule 1 identified property as belonging to William H. James; and

**WHEREAS**, the property more properly should have been identified as belonging to William H. Jones.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey at a regular meeting held Friday August 22, 2008 that Resolution No. 08-0118.11 shall be and is hereby amended *Nun Pro Tunc* in Schedule 1 to correct the name from William H. James to William H. Jones in order that the appropriate In Rem Foreclosure Complaint may be immediately filed.

The Clerk noted this was only a correction to a name.

20. Resolution 08-0822.13: Approve Bills & Payroll  
Bills in the amount of: \$1,868,878.13  
Payrolls in the amount of: \$ 946,908.70

**RESOLUTION 08-0822.13**

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

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

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

**WHEREAS**, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$946,908.70.

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

1. The said approved vouchers amounting to the sum of \$1,868,878.13 be and the same are hereby authorized to be paid on August 22, 2008.

2. The said approved payroll amounting to the sum of \$946,908.70 be and the same are hereby authorized to be paid on August 22, 2008.

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 17 thru 20 :

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

**PRESENTATION:** Mayor Mancini introduced Ocean County Board of Taxation Administrator, Ozzie Vituska and Township Solicitor, who spoke regarding commercial property information solicited by the Township Assessor.

Richard J. Shackleton, Esq., Twp. Solicitor read a prepared statement explaining the mailing sent to commercial property owners by the tax assessor.

Mr. Ozzie Vituska, Ocean County Tax Administrator explained this is normal procedure, that all Ocean County municipalities are requested to mail annually. He noted that it is mandatory in the revaluation contract and explained it hadn't been done for a number of years.

Bob Muroff, Holgate stated he does not agree with the statute. Mr. Shackleton advised him to contact the Senator and Assemblyman regarding state statutes.

