

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS OCTOBER 5, 2007

Flag Salute

Meeting came to order: 4:00 p.m.

Clerk called the roll: Mayor DiAnne C. Gove PRESENT
 Commissioner Robert A. Palmer PRESENT
 Commissioner Ralph H. Bayard PRESENT

Also in attendance: Bonnie M. Leonetti, Municipal Clerk
 Richard J. Shackleton, Esq.
 Brian Logan, Audit Manager, Wm. Antonides & Co.

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES on December 6, 2006; the PRESS OF ATLANTIC CITY on December 8, 2006; the ASBURY PARK PRESS on January 4, 2007; and filed with the Municipal Clerk.

AGENDA

PROCLAIM: Pretty in Pink Day: October 17, 2007

Mayor Gove announced this was for increasing awareness of the importance of the early detection of breast cancer.

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 07-37: **BOND ORDINANCE AUTHORIZING THE PURCHASE OF FOUR NEW TRUCKS FOR THE LONG BEACH TOWNSHIP PUBLIC WORKS DEPARTMENT FOR \$75,000.00 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$71,200.00; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Passed as on first reading at a regular meeting held on September 21, 2007 advertised in the BEACH HAVEN TIMES, issue of September 26, 2007.

OPEN PUBLIC HEARING
 CLOSE PUBLIC HEARING

Richard J. Shackleton, Esq. stated an error had been made in the cost of the trucks. A new ordinance would be introduced at the next public meeting.

Motion to withdraw Ordinance 07-37:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

2. Second Reading Ordinance 07-38: **BOND ORDINANCE AUTHORIZING THE PURCHASE OF TWO NEW BEACH TRACTORS FOR THE LONG BEACH TOWNSHIP PUBLIC WORKS DEPARTMENT FOR \$150,000.00 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$142,500.00; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Passed as on first reading at a regular meeting held on September 21, 2007 advertised in the BEACH HAVEN TIMES, issue of September 26, 2007.

ORDINANCE 07-38

BOND ORDINANCE AUTHORIZING THE PURCHASE OF TWO NEW BEACH TRACTORS FOR THE LONG BEACH TOWNSHIP DEPARTMENT OF PUBLIC WORKS FOR \$150,000.00 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$142,500.00; 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, State of 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 law of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The equipment hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of such purpose; the amount of down payment for such purpose; the maximum amount of obligations to be issued for said purpose and the period of usefulness of said purpose within the limitation of the Local Bond Law are as follow:

Purpose of Improvement	Estimate of total cost	Down Payment	Amount of Obligations	Period of Usefulness
The purchase of 2 new Beach Tractors for the Long Beach Township Department of Public Works	\$150,000.00	\$7,500.00 from capital improvement fund	\$142,500.00	5 years

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 purpose stated in Section 1 above is \$150,000.00; and
- (b) The estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 1 above is \$142,500.00; and
- (c) A down payment in the amount of \$7,500.00 for the purpose stated in Section 1 above is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11; and

- (d) The sum of \$142,500.00, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$7,500.00, which represents the required down payment, is hereby appropriated for the purpose stated in this Bond Ordinance ("Bond Ordinance")

Section 3. The issuance of negotiable bonds of the Township in an amount not to exceed \$142,500.00 to finance the costs of the purpose described above in Section 1 hereof is hereby authorized. Said bond shall be sold in accordance with the requirements of the Local Bond Law.

Section 4. In order to temporarily finance the purposes described in Section 1 above hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$142,500.00 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 note sold, the price obtained and the name of the purchaser.

Section 5. 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 \$1,500.00.

Section 6. 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 the 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 44 of the Local Bond Law, N.J.S.A. 40A:2-43 is increased by this Bond Ordinance by \$142,500.00 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 7. 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 the 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 8. The Capital Budget is hereby amended to conform with the provision 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 Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 9. 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 10. The Township hereby covenants as follows:

- (a) It shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) It will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
- (c) It shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;
- (d) It shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and
- (e) It shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 11. 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 specifically assessed on any property specifically benefited thereby.

Section 12. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 13. 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: 9/21/07

Date of Final Adoption: 10/5/07

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 September 21, 2007 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 October 5, 2007 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

STATEMENT

The bond ordinance published herewith has been finally adopted on Friday, October 5, 2007 at 4:00 P.M. and the 20-day period 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.

OPEN PUBLIC HEARING
No Comment
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-38 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

- 3. Second Reading Ordinance 07-39: **BOND ORDINANCE AUTHORIZING THE PURCHASE OF A NEW SURF RAKE FOR THE LONG BEACH TOWNSHIP PUBLIC WORKS DEPARTMENT FOR \$51,000.00 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$48,400.00; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Passed as on first reading at a regular meeting held on September 21, 2007 advertised in the BEACH HAVEN TIMES, issue of September 26, 2007.

ORDINANCE 07-39

BOND ORDINANCE AUTHORIZING THE PURCHASE OF A NEW SURF RAKE FOR THE LONG BEACH TOWNSHIP DEPARTMENT OF PUBLIC WORKS FOR \$51,000.00 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$48,400.00; 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, State of 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 law of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The equipment hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of such purpose; the amount of down payment for such purpose; the maximum amount of obligations to be issued for said purpose and the period of usefulness of said purpose within the limitation of the Local Bond Law are as follow:

Purpose of Improvement	Estimate of total cost	Down Payment	Amount of Obligations	Period of Usefulness
The purchase of a new Surf Rake for the Long Beach Township Department of Public Works	\$51,000.00	\$2,600.00 from capital improvement fund	\$48,400.00	5 years

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

- (e) The estimated amount to be raised by the Township from all sources for the purpose stated in Section 1 above is \$51,000.00; and
- (f) The estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 1 above is \$48,400.00; and
- (g) A down payment in the amount of \$2,600.00 for the purpose stated in Section 1 above is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*; and
- (h) The sum of \$48,400.00, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$2,600.00, which represents the required down payment, is hereby appropriated for the purpose stated in this Bond Ordinance ("Bond Ordinance")

Section 3. The issuance of negotiable bonds of the Township in an amount not to exceed \$48,400.00 to finance the costs of the purpose described above in Section 1 hereof is hereby authorized. Said bond shall be sold in accordance with the requirements of the Local Bond Law.

Section 4. In order to temporarily finance the purposes described in Section 1 above hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$48,400.00 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 included the amount, the description, the interest rate and the maturity schedule of the bond anticipation note sold, the price obtained and the name of the purchaser.

Section 5. 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 \$1,000.00.

Section 6. The supplement 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 the 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 44 of the Local Bond Law, N.J.S.A. 40A:2-43 is increased by this Bond Ordinance by \$48,400.00 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 7. 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 the 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 8. The Capital Budget is hereby amended to conform with the provision 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 Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 9. 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 10. The Township hereby covenants as follows:

- (f) It shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (g) 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;
- (h) 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;
- (i) 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
- (j) 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 11. 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 specifically assessed on any property specifically benefited thereby.

Section 12. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 13. 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: 9/21/07

Date of Final Adoption: 10/5/07

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 September 21, 2007 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 October 5, 2007 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

STATEMENT

The bond ordinance published herewith has been finally adopted on Friday, October 5, 2007 at 4:00 P.M. and the 20-day period 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.

OPEN PUBLIC HEARING
No Comment
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-39 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

4. Second Reading Ordinance 07-40: **A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$8,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AND APPROPRIATING THE SAME TO PROVIDE FOR THE PURCHASE OF A BOX SPREADER.**

Passed as on first reading at a regular meeting held on September 21, 2007 advertised in the BEACH HAVEN TIMES, issue of September 26, 2007.

ORDINANCE 07-40

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$8,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AND APPROPRIATING THE SAME TO PROVIDE FOR THE PURCHASE OF A BOX SPREADER.

BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey:

Section 1. The Board of Commissioners having determined that is necessary to purchase a box spreader for Long Beach Township therefore, hereby appropriate the sum of \$8,000.00 to be paid from the Capital Improvement Fund of the Township to provide for such box spreader.

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. In accordance with the Local Bond Law, this Capital Ordinance shall take effect ten (10) days after the first publication thereof after final passage.

Date of Introduction: 9/21/07

Date of Final Adoption: 10/5/07

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 September 21, 2007 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 October 5, 2007 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 07-40 was duly adopted by the Board of Commissioners at their meeting held on Friday, October 5, 2007 at 4:00 p.m.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 07-40 on Second Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

5. First Reading Ordinance 07-41C: **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 197-10 PERTAINS TO WATER METERS.**

Mayor Gove stated this was clarifying language required by Federal Emergency Management Authority Regulations to meet flood elevation for new construction or renovations which equal or exceed 50% of the assessed value of the construction, whereby the installation of water meters would be required.

Motion to approve Ordinance 07-41C on First Reading:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

ADOPTIONS, APPROVALS, SUPPORT

6. Resolution 07-1005.01: Adopt the 2007 Emergency Management Plan for the Township of Long Beach

RESOLUTION 07-1005.01

WHEREAS, the State of New Jersey requires that each municipality have in place an Emergency Operating Plan; and

WHEREAS, the Municipal Emergency Management Coordinator for the Township of Long Beach has reviewed, updated, and revised, in accordance with the State of New Jersey Office of Emergency Management plan review schedule, said plan; and

WHEREAS, it is the desire of the Board of Commissioners to adopt said revised plan for the Township of Long Beach.

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

1. The Mayor and Municipal Clerk are authorized to execute all documents for adoption of the revised plan.

2. Certified copies of this resolution shall be distributed to the Municipal Emergency Management Coordinator, County of Ocean Office of Emergency Management, State of New Jersey Office of Emergency Management, and any other authorized parties.

Mayor Gove advised the Long Beach Township plan was reviewed, updated, and revised, in accordance with the State of New Jersey Office of Emergency Management plan review schedule.

7. Resolution 07-1005.02: Approve a change to a Sewer account

RESOLUTION 07-1005.02

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

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

Blk:	Lot:	Acct:	Year:	Cancel/change:	Amount:
14.07	3	4654-0 Sewer	2007	To Standby	\$409.00

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

8. Resolution 07-1005.03: Approve the condemnation of property for the purpose of use by Long Beach Township as a drainage easement

RESOLUTION 07-1005.03

RESOLUTION AUTHORIZING ACQUISITION OF A SUBSURFACE DRAINAGE EASEMENT RUNNING ALONG THE SOUTHERLY SIDELINE OF LANDS AND PREMISES KNOWN AS 99 NORTH OHIO AVENUE, LONG BEACH TOWNSHIP ALSO KNOWN AS BLOCK 8.02 LOT 5 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF LONG BEACH.

WHEREAS, the Public Works Department of the Township of Long Beach has determined that it is necessary to secure a drainage easement to drain storm and surface water from the surface of North

Ohio Avenue in the Township of Long, County of Ocean, State of New Jersey, in the vicinity of Block 8.02 Lot 5 as shown on the tax assessment map of said Township; and

WHEREAS, the Township has tried without success to acquire a 10 foot wide subsurface drainage easement along the southerly 10 feet of said lot and block; and

WHEREAS, the efforts of Long Beach Township to acquire such subsurface drainage easement have been without success; and

WHEREAS, the Board of Commissioners of the Township of Long Beach have consulted with the Township's Engineer Frank J. Little, Jr., P.E., concerning the location of said drainage easement; and

WHEREAS, the said Township Engineer has recommended that an appropriate site for the said drainage easement would be the southerly 10 feet of Block 8.02 Lot 5; and

WHEREAS, the Township has determined to acquire, pursuant to law a 10 foot wide subsurface drainage easement across the southerly 10 feet of Block 8.02 Lot 5; and

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 October 5, 2007 that Richard J. Shackleton, Esquire, Township Solicitor, be and is hereby instructed to pursue acquisition of the said 10 foot wide easement by ordering a contemporary appraisal thereof and offer in writing the said John O'Meara and his wife the appraised value as of this date to acquire a subsurface drainage easement and further comply in all respects with N.J.S.A. 20:3-6 et seq. including institution of an action of the Superior Court of New Jersey, Law Division pursuant to the New Jersey Eminent Domain Act.

Mayor Gove noted this pertained to a 10 foot wide subsurface drainage easement along the southerly 10 feet of #99 N. Ohio Avenue.

9. Resolution 07-1005.04: Approve personnel actions

RESOLUTION 07-1005.04

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

MUNICIPAL CLERK

Hire Barbara Bielawne as a permanent part-time Clerk for two days/week in addition to her current three days/week in the Land Use Board effective 10-5-07 making her a thirty-five hour/week employee eligible for health benefits. As a full-time employee, she will now be salaried at \$28,000 per year with 3/5 of the total to be paid by LUB's Salary & Wage account and 2/5 of the total to be paid by the Municipal Clerk's Salary & Wage.

PUBLIC WORKS

Due to a combination of vacation, medical leave of absence, etc; Suzette Meoni has inadvertently exhausted and overused 2007 annual leave. To rectify this situation an agreement with the employee has been reached and authorization is given to deduct 4 personal days and 5 vacation days from her 2008 annual leave. Any days absent from work retro-active from September 20, 2007 thru December 31, 2007 will be without pay.

WATER/SEWER

Change Joan Kearney's title to Provisional Senior Clerk effective October 5, 2007.

Mayor Gove listed the various actions taken.

10. Resolution 07-1005.05: Authorize Municipal Clerk to advertise for bids

RESOLUTION 07-1005.05

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:

- (3) F350 trucks for Public Works
- (1) F150 truck for Public Works
- (2) Beach Tractors for Public Works
- (1) Surf Rake for Public Works
- (1) Box Spreader for Public Works

Mayor Gove stated the items that were to be bid upon.

11. Resolution 07-1005.06: Support the downsizing of the Executive Branch of the State Government

RESOLUTION 07-1005.06

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, EXPRESSING SUPPORT FOR A REDUCTION IN THE SIZE OF THE STATE BUREAUCRACY BY DOWNSIZING THE STATE WORKFORCE IN THE EXECUTIVE BRANCH OF GOVERNMENT

WHEREAS, the Board of Commissioners of the Township of Long Beach finds and declares that New Jersey's financial condition is critical and is facing a projected budget shortfall for the next fiscal year estimated to be in the billions of dollars; and

WHEREAS, the Board of Commissioners of the Township of Long Beach further finds and declares that tax and fee increases placed upon state residents needed to fund the operation of state government has significantly contributed to the affordability crisis within New Jersey which has caused many residents to move out of state; and

WHEREAS, the Executive Branch of state government expanded its workforce by nearly 14,000.00 employees from the years 2000 through 2006 at a rate far greater than the other two branches of state government; and

WHEREAS, it is the collective opinion of the Board of Commissioners of the Township of Long Beach that it would be far more beneficial to the taxpayers for the state to begin utilizing private sector practices to begin downsizing the state bureaucracy to a more manageable, affordable size and cut government spending as to help alleviate the significant tax burden placed on residents as a more viable and lasting alternative to selling, leasing or the monetization of state assets, including state toll roads; and

WHEREAS, according to the Office of Legislative Services (OLS). The average state employee costs taxpayers \$68,427 per year, including salary and fringe benefits, and that, over the past several years, an average of 5,000 employees per year separate from their employment with the state, meaning

that a bureaucratic scale back would produce significant cost savings to the taxpayers and not require mass layoffs; and

WHEREAS, the Board of Commissioners of the Township of Long Beach wishes to express its support for legislation currently pending before the State Legislature (S-2160/A3482) which proposes a plan to reduce the number of state employees within the Executive Branch back to year 2000 levels, through means of attrition, to be instituted over a four-year period.

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

1. That the Board of Commissioners of the Township of Long Beach does hereby express its support for the enactment of legislation currently pending before the State Legislature (S-2160/A3482) which proposes a plan to reduce the number of state employees within the Executive Branch back to year 2000 levels, through means of attrition, to be instituted over a four-year period.
2. That a certified copy of this Resolution shall be forwarded to:
 - Governor Jon Corzine
 - State Senate Representative
 - State Assembly Representative
 - NJ State League of Municipalities

Mayor Gove stated a scale back would produce significant cost savings to taxpayers.

Motion to approve Items 6 - 11:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

CONTRACTS AND AWARDS

12. Resolution 07-1005.07(a&b): Award various contracts, per quote:
 - a. Purchase of a broom attachment for the P/W
Front End Loader: Saba Holding Company \$20,925.00
 - b. Financial planning services:
Acacia Financial Group, Inc. not to exceed \$17,500.00

RESOLUTION 07-1005.07(a)

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF ONE (1) HOLMES SWEEPER MODEL #SH30 FOR THE PUBLIC WORKS DEPARTMENT OF THE TOWNSHIP OF LONG BEACH, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotes for the purchase one (1) Holmes Sweeper Model #SH30 for the Public Works Department; and

WHEREAS, in response to the invitation for solicitation two (2) quotations were received; and

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

WHEREAS, SABA Holding Company, dba Penn Jersey Machinery, gave the lowest qualified quote in an amount not to exceed Twenty Thousand Nine Hundred Twenty Five Dollars (\$20,925.00).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 5th day of October 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

SABA Holding Company, dba Penn Jersey Machinery
1330 Hurfville Road
Deptford, NJ 08096

for the purchase of one (1) Holmes Sweeper Model #SH30 for the Public Works Department in an amount not to exceed Twenty Thousand Nine Hundred Twenty Five Dollars (\$20,925.00) as per quote received September 4, 2007.

RESOLUTION 07-1005.07(b)

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR FINANCIAL AND INVESTMENT ADVISORY SERVICES FOR THE TOWNSHIP OF LONG BEACH, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotes for financial and investment advisory services; and

WHEREAS, in response to the invitation for solicitation two (2) quotations were received; and

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

WHEREAS, Acacia Financial Group, Inc., Four Grentree Centre, Suite 206, 13000 Lincoln Drive West, Marlton, NJ 08053, gave the lowest qualified quote in an amount not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 5th day of October 2007, for the reasons aforesaid, that a contract be and is hereby awarded to:

Acacia Financial Group, Inc.
Four Grentree Centre, Suite 206
13000 Lincoln Drive West
Marlton, NJ 08053

to provide financial and investment advisory services in an amount not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00) as per quote received August 15, 2007.

13. Resolution 07-1005.08: Award a contract for the 2007 D.O.T. paving project,
per bid: Haskell Site Work \$146,424.50 for New Jersey Ave.

RESOLUTION 07-1005.08

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AWARDED A CONTRACT TO HASKELL SITE WORK, LLC FOR THE 2007 ROAD RECONSTRUCTION / IMPROVEMENT PROJECT

WHEREAS, the Township of Long Beach duly advertised for the receipt of bids in regard to the Fiscal Year Municipal Aid (FYMA) 2007 Road Reconstruction/Improvement Project; and

WHEREAS, in response to the invitation to bidders, six (6) bids were received; and

WHEREAS, the bids have been reviewed by the Township Engineer and the Township Attorney and it has been determined that Haskell Site Work, LLC submitted the lowest responsible bid in accordance with the bid specifications, said bid being \$146,424.50; and

WHEREAS, it is the desire of the governing body to award a contract for the 2007 Road Reconstruction / Improvement to Haskell Site Work, LLC, 123 Bartlett Avenue, West Creek, NJ 08092, the lowest responsible bidder.

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

1. A contract for the 2007 Road Reconstruction/Improvement Project is hereby awarded to Haskell Site Work, LLC in an amount not to exceed One Hundred Forty Six Thousand Four Hundred Twenty Four Dollars and Fifty Cents (\$146,424.50).
2. That the Mayor and Municipal Clerk are hereby authorized to execute a contract with Haskell Site Work, LLC in accordance with their submitted bid, and the bid specifications.
3. That the governing body specifically approves the bid specifications, designs and plans prepared in connection with the 2007 Road Reconstruction / Improvement Project.
4. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The funds for this project are made available by a 2007 NJDOT Grant.
5. This contract is awarded subject to approval by the New Jersey Department of Transportation.

Motion to approve Items 12 & 13:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

FINANCIAL APPROVALS

14. Resolution 07-1005.09:	Approve Bills & Payroll	
	Bills in the amount of:	\$2,707,089.23
	Payrolls in the amount of:	\$ 357,940.04

RESOLUTION 07-0921.10

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 \$357,940.04.

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 \$2,707,089.23 be and the same are hereby authorized to be paid on October 5, 2007.

2. The said approved payroll amounting to the sum of \$357,940.04 be and the same are hereby authorized to be paid on October 5, 2007.

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 Item 14:

Motion: Palmer Ayes: Bayard, Palmer, Gove

Second: Bayard Nays:

Mayor Gove & Commissioner Palmer invoked the Doctrine of Necessity regarding the LBI Rotary voucher.

Mayor Gove abstained from Ocean County Utilities Authority, and So. Ocean Co. Hospital vouchers.

Mayor Gove stated the Tax Collector's Report for the months of August & September 2007 were on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Mayor Gove asked the advice of solicitor **Richard J. Shackleton** regarding a request by a non-resident to publicly read his personal opinion statement.

Richard J. Shackleton, Esq. advised the Mayor that the public reading of the correspondence, as requested by Mr. Kalainikas of Manalapan, NJ was not legally required and would be at her discretion.

Mayor Gove did not read the correspondence from Mr. Kalainikas aloud.

Commissioner Bayard stated Long Beach Township received a check in the amount of approximately \$8,000.00 from Ocean County Recycling for reimbursement for the first half of 2007. Public Works was still working to increase proceeds from the program. Public showers were installed and operational in Holgate. Dune grass was available to the public starting October 6th. He updated the public on the progress of dune fencing. He stated the Used Flag Drop Box has been used frequently and thanked the Brant Beach Homeowners Association for donating the box to the Township.

Commissioner Palmer had no comments.

Mayor Gove announced the next meeting of the Board of Commissioners and the Land Use Board. She advised the public on the status of executed Deeds of Easement regarding the Beach Storm Protection Program, and that there could be some changes to D.E.P. requirements in the future. She announced the 18 Mile Run, as well as local Rabies Clinics and Influenza Clinics.

OPEN PUBLIC SESSION

Robert Irvine / Beach Haven Crest updated the public regarding membership in the LBT10 Taxpayers Association and its upcoming meeting. Mr. Irvine was concerned that he had not been aware of a Special Meeting of the Board of Commissioners concerning Beach Patrol funding that had been held on October 3rd. He asked the Commissioners to post all communication and notices on the municipal website to enhance public access to information.

Mayor Gove agreed to post information and notices on the website when it is fully operational.

Bill Hutson / Holgate asked if Long Beach Township beaches were safe.

Commissioner Palmer stated the beaches were safe, but there was always room for improvement. **Bill Hutson / Holgate, Bill Kunz / Brant Beach, and Robert Irvine / Beach Haven Crest** voiced their strong concerns that, as regular attendees of public meetings, they had not been made aware of the Special Meeting of the Board of Commissioners concerning Beach Patrol funding that had been held on October 3rd. They concurred that municipal government should be more open and informative.

Commissioner Palmer advised the Special Meeting had been properly advertised in the Asbury Park Press and the Press of Atlantic City on September 28th and was open for public attendance during its proceedings.

Commissioner Bayard stated it was an open meeting and all were welcome to attend. He further commented on a recent newspaper article that quoted Commissioner Palmer as saying funds were missing from the Beach Patrol budget.

Commissioner Palmer asserted that \$85,000.00 had been spent on something beyond anticipated salaries in the Beach Patrol Department.

Commissioner Bayard noted the shortfall could have been handled in November when appropriation transfers could statutorily be made. He read aloud a memo composed by Commissioner Palmer in August 2007 stating sufficient funds were available to pay Beach Patrol personnel.

Commissioner Palmer explained in order to address various rumors that Beach Patrol cutbacks were imminent due to budget shortfalls, he checked with CFO Elizabeth Jones on the status of the Beach Patrol Salary & Wage appropriation. Mrs. Jones advised the Commissioner that at that time, sufficient funds were still available to cover the projected costs. He stated he relied upon his department heads to keep track of their budgetary obligations.

Commissioner Bayard felt Commissioner Palmer should have discussed the matter with Beach Supervisor, Donald Myers.

Bill Kunz / Brant Beach spoke regarding the 3rd quarter water bill paid by Long Beach Township to Harvey Cedars. He asked if recent water conservation regulations were reflected in the amount of water used, and if any violations / summonses had been issued. He requested a public report on 2007 Long Beach Township recycling measures be printed as a news release in the local newspaper. He asked if holiday lights had been purchased.

Robert Irvine / Beach Haven Crest spoke regarding the importance of recycling environmentally and economically to Long Beach Township.

Commissioner Palmer advised that water consumption would have to be compared to 2008 totals, and that no summonses had been issued to violators of the local ordinance.

Commissioner Bayard stated a recycling report would be made when totals had been obtained from Ocean County. He advised that electrical wiring to the poles needed to be completed before holiday lights could be placed and operational. He was not sure that the poles would be outfitted for the 2007 holiday season.

Bill Knarre / Brant Beach announced Senator Connors has requested a temporary solution to the Causeway / Long Beach Blvd. traffic pattern as it is a problem area. He advised residents to keep an eye on vacant homes in their neighborhood and report any suspicious person / activity to the Police Department.

Mayor Gove reminded the public to complete Vacant Home forms available from the Police Department in order to help keep their residences safe.

Robert Irvine / Beach Haven Crest asked when CFO Jones became aware of the budgetary shortfall in the Beach Patrol Department. He commented that Brian Logan of Wm. Antonides & Co. attended caucus on October 3rd and the public was not informed of his capacity at that time.

Elizabeth Jones, CFO advised she became aware of the shortage at the end of August, but refused further comment until she had specific facts and figures to provide to the public.

Brian Logan Wm. Antonides & Co. stated he was investigating the shortfall and was conducting interviews and researching the situation. He added that the Beach Patrol Department was staffed by seasonal employees that worked for intermittent periods of time and it was very difficult to project payroll needs.

John Connolly / Beach Haven Crest asked for the status of employee background checks and suggested the policy / procedure be expanded.

Mayor Gove assured Mr. Connolly the Commissioners would discuss the matter in the near future.

Bill Hutson / Holgate noted he felt that Mayor Gove, Commissioner Bayard, and Brian Logan were open and honest.

Peter Nolan / Beach Haven Gardens asked that landscaping in the railroad cut-out areas be trimmed and that trash receptacles be placed in various locations in the Township.

CLOSE PUBLIC SESSION

Motion for adjournment at: 5:08 p.m.

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

Bonnie M. Leonetti, RMC, CMC
Municipal Clerk

DiAnne C. Gove, Mayor

Robert A. Palmer, Comm.

Ralph H. Bayard, Comm.