

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS NOVEMBER 7, 2014

Flag Salute

Meeting came to order: 4:00 p.m.
Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi PRESENT
Also in attendance: Lynda J. Wells, Municipal Clerk
Kyle Ominski, Administrator

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES and the ASBURY PARK PRESS on January 9th, 2014; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting held on October 24, 2014 and to approve the same as recorded in the minute book:

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

AGENDA

Presentation by Bill Hudson and Kevin Thomas: A plaque was presented to Dr. Joseph Lattanzi and Lt. Paul Vereb in grateful appreciation for their successful efforts to create an island-wide Municipal Transportation System.

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 14-42: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$650,000 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 \$617,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

ORDINANCE 14-42

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$650,000 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 \$617,500; 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 \$650,000;

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$617,500; and

(c) a down payment in the amount of \$32,500 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 \$617,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$32,500, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$617,500 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

\$617,500 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 \$125,000.

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 of 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 Real Property in the Township, namely Block 20.12, Lot 1; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$650,000	\$32,500	\$617,500	40 years

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$617,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
- (c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;
- (d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

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

Section 14. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: October 24, 2014

Date of Final Adoption: December 3, 2014

Notice of Pending Bond Ordinance 14-42 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 October 24, 2014. 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 November 7, 2014, at 4:00 P.M. 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 Municipal 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 REAL PROPERTY IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$650,000 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 \$617,500; 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 Real Property in the Township, namely Block 20.12, Lot 1; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$650,000	\$32,500	\$617,500	40 years

Appropriation: \$650,000
 Bonds/Notes Authorized: \$617,500
 Grants (if any) Appropriated: None
 Section 20 Costs: \$125,000
 Useful Life: 40.00 years

Bond Ordinance 14-42 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 November 7, 2014 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 Municipal 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 REAL PROPERTY IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$650,000 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 \$617,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

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A.	Acquisition of Real Property in the Township, namely Block 20.12, Lot 1; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$650,000	\$32,500	\$617,500	40 years

Appropriation: \$650,000
 Bonds/Notes Authorized: \$617,500
 Grants (if any) Appropriated: None
 Section 20 Costs: \$125,000
 Useful Life: 40.00 years

Passed on first reading at a regular meeting held on October 24, 2014 and advertised in the BEACH HAVEN TIMES issue of October 30, 2014.

OPEN PUBLIC HEARING

No comments

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 14-42 on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

ADOPTIONS & APPROVALS

2. Resolution 14-1107.01: Approve various changes to a water/ sewer account

RESOLUTION 14-1107.01

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

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

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
11.14	13	3540-0/Water	2014	Standby Credit	\$120.00
11.14	13	3540-0/Sewer	2014	Standby Credit	\$265.50

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

3. Resolution 14-1107.02: Approve various personnel actions

RESOLUTION 14-1107.02

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

Approve a paid intermittent Family Medical Leave (FMLA) for RG retro-active October 28, 2014.

Beach Patrol

Accept and Approve the Service Retirement of Donald Myers from Department of Beach Patrol retro-active to September 1, 2014.

Change the following Seasonal Beach Badge Program Seller/ Checker's rate of pay to be \$9.70 per hour to be paid from the Beach Badge Salary & Wage effective November 7, 2014.

Melissa Vurlicer

Motion to approve Items 2 & 3:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

LICENSES & PERMITS

4. Resolution 14-1107.03: Approve an Application for a Social Affair Permit

David's Dream and Believe Cancer Foundation:

LBI Foundation of Arts & Sciences: Dinner and Wine Pairing

November 16, 2014; 6 pm to 10 pm

RESOLUTION 14-1107.03

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach grants a SOCIAL AFFAIR PERMIT to the David's Dream and Believe Cancer Foundation for their Dinner and Wine Tasting Fundraiser at the Long Beach Island Foundation of Arts & Sciences, 120 Long Beach Blvd., Loveladies, NJ on November 16th, 2014 from 6 pm to 10 pm.

Motion to approve Item 4:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

FINANCIAL APPROVALS

5. Resolution 14-1107.04: Approve various appropriation transfers
RESOLUTION 14-1107.04

WHEREAS, the New Jersey statutes provide for the making of reserve appropriation transfers between the period of November 1, 2014 and December 31, 2014; and

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, desires to make Appropriation Transfers.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following transfers of appropriations be and they hereby are made:

CURRENT FUND			
FROM:	DEPT	ACCOUNT #	AMOUNT
Fin Administration	S&W	4-01-20-130-011	\$20,200.00
Schedule "C"	O&E	4-01-26-300-100	\$50,000.00
Contribution to Vol Fire	O&E	4-01-25-255-100	\$50,000.00
TOTAL			\$ 120,200.00
TO:	DEPT:	ACCT#	AMOUNT
Election	O&E	4-01-20-121-000	\$ 300.00
Purchasing	S&W	4-01-20-120-011	\$ 200.00
Construction (I/C)	S&W	4-01-22-195-011	\$24,000.00
Public Affairs Director	S&W	4-01-25-200-011	\$ 300.00
Board of Health	S&W	4-01-27-330-011	\$25,000.00
Streets & Roads	O&E	4-01-26-290-100	\$20,000.00
Public Works	O&E	4-01-26-302-100	\$20,000.00
Buildings & Grounds	O&E	4-01-26-310-100	\$15,000.00
Shared Equip/Services	O&E	4-01-31-451-100	\$15,000.00
DCRP	O&E	4-01-36-471-001	\$ 400.00
TOTAL			\$120,200.00

6. Resolution 14-1107.05: Approve Bills & Payroll
 Bills in the amount of: \$ 10,639,022.79
 Payroll in the amount of: \$ 385,198.95

RESOLUTION 14-1107.05

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 \$ 385,198.95.

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

1. The said approved vouchers amounting to the sum of \$10,639,022.79 be and the same are hereby authorized to be paid on Friday, November 7, 2014.

2. The said approved payroll amounting to the sum of \$385,198.95 be and the same are hereby authorized to be paid on Friday, November 7, 2014.

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 5 & 6:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

COMMISSIONERS' REPORTS

Commissioner Lattanzi stated a review of the current budget surplus and budget projections for 2015 was underway. He was hopeful the municipal tax rate would remain unchanged; however, rises in health care and Obama-Care costs must be considered and factored into the 2015 municipal budget. The Board of Health was dealing with the Acme construction, but was open to the public.

Commissioner Bayard had no comments.

Mayor Mancini advised the Army Corp of Engineers had chosen the low-bidder, Great Lakes, as contractor for the Beach Storm Protection Project. Additional details had not been released, as yet. He thanked Commissioner Lattanzi and Lt. Vereb for a great job in bringing the new Transportation System to fruition. The Mayor provided information from the Police Department regarding International Fraud Awareness Week, Identity Theft, and keeping structures locked during the "off-season".

OPEN PUBLIC SESSION

Tom Beatty, Holgate asked when the Holgate tank would be painted.

Commissioner Bayard replied no start date had been determined as the project must be coordinated with Beach Haven who currently was involved in another project.

Bill Hudson commented on the many benefits of the new transportation system.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:15 p.m.

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner