

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS NOVEMBER 15, 2013**  
**Flag Salute**

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

Clerk called the roll: Mayor Joseph H. Mancini PRESENT  
Commissioner Ralph H. Bayard PRESENT  
Commissioner Joseph P. Lattanzi PRESENT

Also in attendance: Lynda J. Wells, Municipal Clerk  
Teresa S. Sgro, Deputy Municipal Clerk

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES and the ASBURY PARK PRESS on December 13<sup>th</sup> 2012; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the November 1, 2013 meeting and to approve the same as recorded in the minute book:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**AGENDA**

**ORDINANCES & PUBLIC HEARINGS**

1. Second Reading Ordinance 13-42: **ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, SAID PROPERTIES BEING IDENTIFIED ON THE ANNEXED SCHEDULE**

**WHEREAS**, Superstorm Sandy caused significant and widespread damages to public and private property along the oceanfront and has greatly diminished pre-existing flood hazard risk reduction measures, making the Township of Long Beach ("Municipality") extremely vulnerable to future storms; and

**WHEREAS**, on October 27, 2012 the Governor issued Executive Order No. 104, wherein he declared a state of emergency because of Superstorm Sandy; and

**WHEREAS**, on September 25, 2013 the Governor issued Executive Order No. 140, wherein he declared that the construction of flood hazard risk reduction measures along New Jersey's coastline, including in the Municipality, is necessary to protect the public health, safety, and welfare from future natural disasters, and that reliance on certain statutory authority for the acquisition of property, including but not limited to N.J.S.A. 20:3-1, et seq. and N.J.S.A. App. A: 9-51.5, is necessary for such efforts; and

**WHEREAS**, the State of New Jersey recognizes and supports public acquisition of certain interests in storm-damaged and storm-prone property as a priority hazard mitigation strategy to promote the public health, safety, and welfare; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach have concluded that it is necessary, desirable, and appropriate for the Municipality to undertake project for flood hazard risk reduction measures; and

**WHEREAS**, there is currently private ownership of certain portions of the lands where said flood hazard risk reduction measures shall be undertaken; and

**WHEREAS**, by adoption of this Ordinance the Township of Long Beach authorizes the taking of perpetual easements in a portion of each identified privately owned property by condemnation/ eminent domain so that the Municipality and other entities or agents acting on behalf of the Municipality shall have access onto, over, and through said privately owned real property for the purpose of taking any and all actions necessary for completing said flood hazard risk reduction measures; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach further find that a public use and purpose would be served for the benefit of Township and surrounding communities by acquiring certain property interests in the aforesaid property, including, but not limited to, the promotion, protection, and preservation of the public health, safety, and welfare of the Township of Long Beach and its inhabitants by the acquisition of certain interests in said real property for storm damage and flood area mitigation through conducting the said flood hazard risk reduction measures, to protect public infrastructure located with the Municipality, to mitigate future storm damage and associated public recovery expenditures, and for the protection, preservation, and conservation of precious natural resources; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach are authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1 et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/ eminent domain as long as just compensation is paid for the same;

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

1. **RECITALS INCORPORATED:** The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **SPECIFIC FINDINGS:** the Board of Commissioners of the Township of Long Beach find that the flood hazard risk reduction measures will promote and protect the health, safety, and welfare of residents of the Township, and will prevent property damage and loss due to flooding, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.
3. **AUTHORIZE CONDEMNATION:** the Board of Commissioners of the Township of Long Beach specially authorize any and all necessary and appropriate actions by Municipality officials including the Mayor, Municipal Clerk, Municipal Attorney, and/or Special Condemnation Attorney, in conjunction with the Office of Flood Hazard Risk Reduction Measures within the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property interests in the properties as set forth herein through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township of Long Beach seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.
4. **IDENTIFICATION OF PROPERTY:** The properties for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance are located in the Township of Long Beach and listed on the Township tax map, the property identifications of which are attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements in the properties identified herein.
5. **OFFICIALS AUTHORIZED:** All appropriate officials of the Township of Long Beach, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.
6. **PURCHASE OF PROPERTY:** If a determination is made by a majority vote of the Board of Commissioners of the Township of Long Beach that the purchase of an easement is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Municipality, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Municipality.
7. **REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
8. **SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

9. **EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

Passed on first reading at a regular meeting held on November 1, 2013 and advertised in the BEACH HAVEN TIMES issue of November 7, 2013.

Exhibit 'A'

BLOCK	LOT(s)	ADDRESS
1.17	7	W. Roosevelt Avenue
• 1.23	3	E. Pershing Avenue
1.75	2	W. Webster Avenue
1.75	3	W. Webster Avenue
4.09	7	214 E 14 <sup>th</sup> Street
• 4.15	5	215 E 14 <sup>th</sup> Street
4.26	6	218 E 17 <sup>th</sup> Street
• 4.32	5	213 E 17 <sup>th</sup> Street
4.32	6	
• 4.32	8	216 E 18 <sup>th</sup> Street
4.44	3	E 20 <sup>th</sup> Street
6.08	8	208 E 28 <sup>th</sup> Street
6.29	6,7,8	E South 31 <sup>st</sup> Street
7.26	14	
• 8.09	1	201 E Dune Lane
8.16	4	12401 Ocean Avenue
8.23	1	12213 Ocean Avenue
8.26	1	12103 Ocean Avenue
8.26	4	12011 Ocean Avenue
• 10.15	8	122 E Wyoming Avenue
11.06	7, 16	125 E Nebraska Avenue
11.09	6	125 W Louisiana Avenue
11.22	9,10	122 E California Avenue
11.25	14	122 E Alabama Avenue
11.32	8.01	115 E Jerome Avenue
12.15	8.03	124 E Ocean View Drive
15.24	1.01	6607 Ocean Boulevard
15.24	1.02	6605 Ocean Boulevard
15.27	2	6507 Ocean Boulevard
15.56	1	5713 Ocean Boulevard
18.03	4	1003D Long Beach Boulevard
18.05	1	1005 Long Beach Boulevard
18.15	1.03	1015C Long Beach Boulevard
18.07	3	1007C Long Beach Boulevard
18.27	3	1027C Long Beach Boulevard
18.61	1.03	1061C Long Beach Boulevard
18.67	3	1067C Long Beach Boulevard
18.105	1.02	1105B Long Beach Boulevard
18.105	1.03	1105C Long Beach Boulevard
18.125	1	1125 Long Beach Boulevard
18.129	1	1129C Long Beach Boulevard
20.03	4	7 E Seashell Lane
20.17	3	17C Long Beach Boulevard
20.19	1.02	19B Long Beach Boulevard
20.21	1	21 Long Beach Boulevard
20.25	1.01	25B Long Beach Boulevard
• 20.27	1.02	27B Long Beach Boulevard
20.35	1.04	35D Long Beach Boulevard
20.37	1.05	37E Long Beach Boulevard

20.45	4	45D Long Beach Boulevard
20.47	4	47D Long Beach Boulevard
20.67	4	61D Long Beach Boulevard
20.69	5	65E Long Beach Boulevard
20.68	1	63 Long Beach Boulevard
• 20.71	1.04	67D Long Beach Boulevard
20.82	1	73A Long Beach Boulevard
20.87	4	77D Long Beach Boulevard
20.89	5	79E Long Beach Boulevard
20.107	4	95D Long Beach Boulevard
20.109	1.04	97D Long Beach Boulevard
20.110	2	99D Long Beach Boulevard
20.113	1.04	103D Long Beach Boulevard
20.115	6	107F Long Beach Boulevard
20.117	7	7 Coast Avenue
20.119	9	123 Long Beach Boulevard
20.121	1.06	125F Long Beach Boulevard
20.127	1.03	131D Long Beach Boulevard
20.129	1.10	135E Long Beach Boulevard
20.133	6, pt 8	12 Sea View Drive South
20.133	1, pt 8	2 Sea View Drive South
20.133	2, pt 8	4 Sea View Drive South
20.133	3, pt 8	6 Sea View Drive South
20.133	4, pt 8	8 Sea View Drive South
20.133	5, pt 8	10 Sea View Drive South
20.133	7, pt 8	14 Sea View Drive South
20.135	1, pt 20.133/8	1 Sea View Drive South
20.135	2, pt 20.133/8	3 Sea View Drive South
20.135	3, pt 20.133/8	5 Sea View Drive South
20.135	4, pt 20.133/8	7 Sea View Drive South
20.135	5, pt 20.133/8	8 Sea View Drive South
20.135	6, pt 20.133/8	6 Sea View Drive South
20.135	7, pt 20.133/8	4 Sea View Drive South
20.135	8, pt 20.133/8	2 Sea View Drive South
20.137	1, pt 20.133/8	1 Sea View Drive North
20.137	2 pt 20.133/8	3 Sea View Drive North
20.137	3 pt 20.133/8	5 Sea View Drive North
20.137	4 pt 20.133/8	7 Sea View Drive North
20.137	5 pt 20.133/8	9 Sea View Drive North
20.137	6, pt 20.133/8	11 Sea View Drive North
20.137	7, pt 20.133/8	13 Sea View Drive North

- Pending

OPEN PUBLIC HEARING

**Chuck Perfator**, North Beach asked if there were plans for implementation of the ordinance.

**Mayor Mancini** responded that the Governors' Executive Order 140 began the process. Implementation is a joint effort of the Attorney General's office, appraisers and Township Engineer.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 13-42 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. First Reading Ordinance 13-43C: **AN ORDINANCE AMENDING AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AS THE SAME IN CHAPTER 180, PERTAINS TO SWIMMING POOLS AND HOT TUBS**

Motion to approve Ordinance 13-43C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**ADOPTIONS & APPROVALS**

3. Resolution 13-1115.01: Authorize the Municipal Clerk to advertise for bids:

- Salt Dome
- North Beach Pump Station
- 2014 Water Mains
- 2014 Sewer Main

**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:

- Salt Dome
- North Beach Pump Station
- 2014 Water Mains
- 2014 Sewer Mains

4. Resolution 13-1115.02: Approve ESA Surf Contest  
110<sup>th</sup> Street, Haven Beach  
Sat. Nov. 16<sup>th</sup> or 17<sup>th</sup>; 8 Am to 5 PM  
No wave dates Nov. 23<sup>rd</sup> or 24<sup>th</sup>

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

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

- 110<sup>th</sup> Street in the Haven Beach Section of the Township on November 16<sup>th</sup> or 17<sup>th</sup> (weather permitting) from 8:00a.m to 5:00p.m. No wave dates: November 23<sup>rd</sup> or 24<sup>th</sup>.
5. Resolution 13-1115.03: Approve the suspension of parking regulations for the following event:  
Garden Club House Tour  
December 11<sup>th</sup> & 12<sup>th</sup> in North Beach

**WHEREAS**, the Long Beach Township Board of Commissioners received a request from the Garden Club for permission to waive parking regulations on the west side Long Beach Boulevard in the area of Track 1046 in the North Beach section of the Township, for their House Tour on the following dates and times.

- December 11, 2013 from 12:00 pm to 6 PM
- December 12, 2013 from 9:00 AM to 5:00 PM

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby approve the waiver of parking regulations as described above.

6. Resolution 13-1115.04: Approve personnel actions

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

**BEACH BADGE**

Hire the following employee as a Seasonal Beach Badge Program Sellers/Checkers at the rate of \$9.70 per hour to be paid from Beach Badge Salary & Wage effective November 15, 2013.

Katie Mancini

Hire the following employee as a Seasonal Beach Badge Program Sellers/Checkers at the rate of \$9.80 per hour to be paid from Beach Badge Salary & Wage effective November 15, 2013.

David Jonas

**HEALTH**

Change the following employee's title to Provisional Assistant Health Officer pending Civil Service approval and change the employee's salary to \$75,000.00 to be paid from Health Salary & Wage effective November 23, 2013.

Daniel Krupinski

7. Resolution 13-1115.05 Authorize the Solicitor to execute a Common Interest and Confidentiality Agreement

**WHEREAS**, the New Jersey Department of Environmental Protection Office of Flood Hazard Risk Reduction Measures (the "Office of Flood Hazard Risk Reduction Measures"), in furtherance of the State of New Jersey's recovery efforts in the aftermath of Superstorm Sandy, has requested the Long Beach Township to execute a Common Interest and

Confidentiality Agreement between Long Beach Township and the Office of Flood Hazard Risk Reduction Measures (the "Parties"); and

**WHEREAS**, the Governor of the State of New Jersey issued Executive Order No. 140 on September 25, 2013 ("Executive Order No. 140"); and

**WHEREAS**, Executive Order No. 140 directs certain actions with respect to the acquisition of real property interests for construction of flood hazard risk reduction measures; and

**WHEREAS**, the Office of Flood Hazard Risk Reduction Measures and the Long Beach Township have concluded that they share common legal interest with respect to imminent litigation associated with obtaining property interests in the form of easements to implement flood hazard risk reduction measures pursuant to the Eminent Domain Act of 1971 N.J.S.A. 20:3-1; the Civilian Defense and Disaster Control Act N.J.S.A. A:9-30; and/or any applicable provision of law; and

**WHEREAS**, the parties anticipate that such cases will likely involve legal proceedings between the Office of Flood Hazard Risk Reduction Measures, the Long Beach Township, and private property owners in the Superior Court of New Jersey in the County of Ocean; and

**WHEREAS**, the Common Interest and Confidentiality Agreement will govern the respective rights and interests of the Parties; and

**WHEREAS**, the substance of the Common Interest and Confidentiality Agreement are confidential and shall remain confidential until determined otherwise by the Office of Flood Hazard Risk Reduction Measures; and

**WHEREAS**, said Common Interest and Confidentiality Agreement is required by the Office of Flood Hazard Risk Reduction Measures to be executed by the Solicitor.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that the Township Solicitor be and the same is hereby authorized to execute the Common Interest and Confidentiality Agreement between the Office of Flood Hazard Risk Reduction Measures and the Long Beach Township.

Motion to approve Items 3 through 5:

Motion: Lattanzi                      Ayes: Lattanzi, Bayard, Mancini

Second: Bayard                      Nays:

**CONTRACTS & AWARDS**

8. Resolution 13-1115.06:              Approve a 5-year contract for the Disposal of Solid Waste & Recyclable Materials, per bid: Pinto Brothers Disposal, LLC

**WHEREAS**, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach has solicited for, and accepted bids, on October 29<sup>th</sup> 2013 for the disposal of solid waste and recyclables in the Township of Long Beach; and

**WHEREAS**, one (1) bid was received and has been reviewed and approved by the Commissioner of Public Works, the Public Works Deputy Department Head, the Municipal Solicitor and the Qualified Purchasing Agent; and

**WHEREAS**, pursuant to the above approvals, it is the opinion of the Board of Commissioners of the Township that the qualified bid submitted by Pinto Brothers Disposal, LLC be accepted for same as follows:

•	2014 - Year One	\$1,098,665.00
•	2015 - Year Two	\$1,120,638.00
•	2016 - Year Three	\$1,143,051.00
•	2017 - Year Four	\$1,165,912.00
•	2018 - Year Five	\$1,189,230.00
•	Total Contract Amount	\$5,717,496.00

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract are available in the appropriation (s) Garbage & Trash Account #4-01-26-305-100 and Landfill Contractual Account #4-01-26-306-029 in the amount of \$1,098,665.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 15<sup>th</sup> day of November 2013, for the reasons aforesaid, that a contract be and is hereby awarded to:

Pinto Brothers Disposal, LLC  
1128 Birch Place  
South Plainfield, NJ 07080

for the disposal of solid waste and recyclables in the Township of Long Beach in amounts not to exceed the prices quoted and submitted in the bid received October 29, 2013, effective January 1, 2014 through December 31, 2018.

**BE IT FURTHER RESOLVED** that the Municipal Clerk shall send a notice of the award of this contract shall be published at least once in the official newspaper of the

Township of Long Beach and shall keep the resolution and contract amendment on file for public inspection.

**Lynda Wells**, Municipal Clerk explained the term of the contract is from Dec. 2014 through Dec. 2018.

**Commissioner Bayard** explained the first year of the contract would cost the same as 2013 and each year increase by 2%, noting it was a good price.

**Mayor Mancini** stated the amount of the contract for 2014 would be the same as the Township paid in 2008.

9. Resolution 13-1115.07: Amend a Professional Service Contract:  
Citta, Holzapfel and Zabasky for Prosecutor  
Services 2013

**WHEREAS**, pursuant to Resolution 12-1228.06(a), the Township of Long Beach approved a professional service agreement, effective January 1<sup>st</sup> 2013 through December 31<sup>st</sup> 2013 with Steven Zabarsky, Esq., 248 Washington Street, PO Box 4, Toms River, NJ 08754 to provide services as Municipal Prosecutor for the Township at the annual rate not to exceed Twenty Two Thousand Three Hundred Sixty Seven Dollars and Sixty Cents (\$22,367.60); and

**WHEREAS**, it was determined two (2) additional court sessions were required in July and October 2013 with a fee of Five Hundred Dollars (\$500.00) per session for the services of the Municipal Prosecutor; and

**WHEREAS**, this additional unanticipated cost requires an amendment to the original Professional Services Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Commissioners of the Township of Long Beach does hereby approve an amendment to the Professional Service Agreement awarded to Steven Zabarsky, Esq. for 2013 services as Municipal Prosecutor in the additional amount of One Thousand Dollars (\$1,000.00) for services rendered in July and October 2013 for Special Municipal Court Sessions; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk shall send a notice of the amended alternative method professional service appointment and have same published at least once in the official newspaper of the Township of Long Beach and shall keep the resolution and contract amendment on file for public inspection.

Motion to approve Items 6 and 7:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

#### **FINANCIAL APPROVALS**

10. Resolution 13-1115.08(a&b): Approve the following actions for LUB  
Performance and Maintenance Bonds:

- a) Release Performance Bond for LUB  
Application 11-09, \$3,740.00

**WHEREAS**, pursuant to Resolution 09-1218.15, the Township of Long Beach received from Sea Horse Motel, Inc. Cashier's Check #516287 dated November 23, 2009 in the amount of Three Thousand Seven Hundred Forty Dollars (\$3,740.00) drawn on Sun National Bank, representing the required Performance Bond for Major Site Plan #LUB-11-09-PF, Block 15.108, Lot 2 (4204 Long Beach Blvd., Brant Beach, NJ).

**WHEREAS**, the property was inspected on November 16, 2011 by the Municipal Engineer who concluded the work was not complete and recommended the Performance Bond be extended for one year to November 18, 2012, pursuant to Resolution 11-1118.07(c); and

**WHEREAS**, pursuant to Resolution 12-1221.14(b) property was inspected again on December 14, 2012 by the Municipal Engineer who concluded the work was still incomplete and recommended the Performance Bond be extended for one more year to December 21, 2013.

**WHEREAS**, the property was inspected on November 12, 2013 by the Municipal Engineer who deemed all work complete and requested the release of the Performance Bond in the amount of \$3,740.00, with no requirement of a Maintenance Bond.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approve the release of the Performance Bond in the amount of \$3,740.00, as recommended and certified by the Municipal Engineer.

- b) Accept Performance Bond for LUB  
Application -13-13-PF; \$10,389.00

**WHEREAS**, the Township of Long Beach received from Forrest Shackleton. Cashier's Check #51894295-7 dated November 13, 2013 in the amount of Ten

Thousand Three Hundred Eighty Nine Dollars (\$10,389.00) drawn on TD Bank, representing the required Performance Bond for Major Site Plan #LUB-13-13-PF, Block 4.42, Lot 21 (E. 20<sup>th</sup> Street, North Beach Haven, NJ).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach accept the Performance Bond in the amount of \$10,389.00, as recommended and certified by the Municipal Engineer.

11. Resolution 13-1115.09: Authorize the Issuance and Sale of Notes

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF LONG BEACH IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,225,000; MAKING CERTAIN COVENANTS TO EFFECT AND MAINTAIN THE EXEMPTION OF INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES**

**BACKGROUND**

**WHEREAS**, the Local Budget Law, constituting Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law"), authorizes, inter alia, municipalities to adopt resolutions authorizing special emergency appropriations to cover the cost of extraordinary expenses associated with the repair and reconstruction of streets, roads or bridges or other public property damaged by flood or hurricane where such expense was not foreseen at the time of the adoption of the municipality's budget; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey ("Township"), has previously authorized a special emergency appropriation in the amount of up to \$7,000,000 ("Appropriation") to cover the cost of extraordinary expenses associated with the repair, rehabilitation, reconstruction and/or replacement of, among other things, streets, roads, bridges, or other public property located in the Township damaged by Hurricane Sandy ("Project") in accordance with Section 54 of the Local Budget Law (N.J.S.A. 40A:4-54), and;

**WHEREAS**, Section 55 of the Local Budget Law (N.J.S.A. 40A:4-55) authorizes the Township to borrow money and issue special emergency notes to finance all or a part of the costs of the Project, which Notes may be renewed from time to time; provided, however, at least 1/5 of all such special emergency notes, and the renewals thereof, shall mature and be paid in each year, so that all special emergency notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of the special emergency resolution; and

**WHEREAS**, the Township has heretofore issued its Special Emergency Notes of 2013, Series A, in the principal amount of \$2,000,000 to finance the Project ("Prior Notes"); and

**WHEREAS**, the Prior Notes mature on December 20, 2013; and

**WHEREAS**, it is the desire of the Township to issue its special emergency notes in the principal amount of up to \$1,225,000, as further described in Exhibit "A", the proceeds of which, together with other available funds in the amount of \$775,000, will be used to repay the Prior Notes at maturity; and

**WHEREAS**, pursuant to the Local Budget Law, it is the intent of the Board of Commissioners to hereby authorize, approve and direct the issuance and sale of such special emergency notes, to ratify and confirm certain actions heretofore taken by or on behalf of the Township, and to make certain related determinations and authorizations in connection with such issuance and sale.

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

**Section 1.** Pursuant to the Local Budget Law and the Appropriation, the issuance of special emergency notes of the Township, to be designated, substantially, "Township of Long Beach, County of Ocean, New Jersey, Special Emergency Notes of 2013, Series B" ("Notes"), in an aggregate principal amount of up to \$1,225,000 is hereby authorized and approved.

**Section 2.** Payment of the Notes shall be provided for by the inclusion of an annual appropriation of at least 1/5 of the total amount originally appropriated by resolution. Said appropriation shall be paid annually from the Township's budget.

**Section 3.** The Chief Financial Officer, with the assistance of Parker McCay, P.A. ("Bond Counsel"), is hereby authorized and directed to award and sell the Notes, at public or private sale, in such amount as may be determined, at a price not less than par, plus accrued interest, and to deliver the same to the purchaser thereof, upon receipt of the purchase price for the Notes.

**Section 4.** The Notes shall be executed in the name of the Township by the manual signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the Township affixed, imprinted, or reproduced thereon, and attested by the manual signatures of the Municipal Clerk or Deputy Municipal Clerk.

**Section 5.** The Notes shall be dated their date of delivery, may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law (N.J.S.A. 40A:4-55(b)).

**Section 6.** The Notes shall not be subject to redemption prior to maturity, shall be issued in registered or bearer form, shall be in the denomination of \$100,000 or greater, and shall be in the form permitted by the Local Budget Law and as Bond Counsel shall approve.

**Section 7.** At the next meeting of the Board of Commissioners after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the Board of Commissioners, the principal amount, rate of interest and the name of the purchaser of the Notes.

**Section 8.** The Notes are ultimately payable from ad valorem taxes that shall be levied upon all taxable real property in the Township without limitation as to rate or amount.

**Section 9.** The Township hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated there under; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

**Section 10.** The Township hereby covenants as follows: (i) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

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

**Section 12.** The Township hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby represents that: (i) during the period from January 1, 2013 through and including the date hereof, the Township has not issued or designated tax-exempt obligations in an amount which, when added to the aggregate principal amount of the Notes, exceeds \$10,000,000; and (ii) the Township reasonably anticipates that the amount of tax-exempt obligations to be issued by it during the period from January 1, 2013 to December 31, 2013, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

**Section 13.** All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Municipal Clerk, Deputy Municipal Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

**Section 14.** The Mayor, Chief Financial Officer, Municipal Clerk and Deputy Municipal Clerk are each hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer,

Municipal Clerk or Deputy Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 15.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 16.** This Resolution shall take effect immediately upon adoption this 15th day of November, 2013.

12. Resolution 13-1115.10: Approve various appropriation transfers

**WHEREAS**, the New Jersey statutes provide for the making of reserve appropriation transfers between the period of November 1, 2013 and December 31, 2013; 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:

<b>CURRENT FUND</b>			
<b>FROM:</b>	<b>DEPT</b>	<b>ACCOUNT #</b>	<b>AMOUNT</b>
Publicity	OE	3-01-20-101-100	\$1,000.00
Advertising	OE	3-01-20-120-205	\$3,000.00
Tax Assessor	OE	3-01-20-150-100	\$20,000.00
Land Use	OE	3-01-21-180-100	\$5,000.00
Police	S&W	3-01-25-240-011	\$290,000.00
Celebration of PE	OE	3-01-30-420-100	\$4,000.00
Street Lighting	OE	3-01-31-435-000	\$10,000.00
<b>TOTAL</b>			<b>\$333,000.00</b>
<b>TO:</b>	<b>DEPT:</b>	<b>ACCT#</b>	<b>AMOUNT</b>
Legal	OE	3-01-20-155-029	\$10,000.00
Police	OE	3-01-25-240-100	\$290,000.00
Streets & Roads	OE	3-01-26-290-100	\$10,000.00
Buildings & Grounds	OE	3-01-26-310-100	\$5,000.00
Electricity	OE	3-01-31-430-000	\$15,000.00
Board of Health	SW	3-01-27-330-011	\$3,000.00
<b>TOTAL</b>			<b>\$333,000.00</b>

13. Resolution 13-1115.11: Approve Bills & Payroll  
 Bills in the amount of: \$8,958,059.22  
 Payroll in the amount of: \$ 372,353.02

**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 \$372,353.02.

**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 \$8,958,059.22 be and the same are hereby authorized to be paid on Friday, November 15, 2013.

2. The said approved payroll amounting to the sum of \$372,353.02 be and the same are hereby authorized to be paid on Friday, November 15, 2013.

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

Motion to approve Items 8 through 11:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi** announced flu vaccines were still available through the Health Department.

**Commissioner Bayard** reported receiving a letter from St. Francis complimenting the Township on the 18 mile run.

**Mayor Mancini** announced the next meeting of the Board of Commissioners would take place on Friday, December 6, 2013 at 4:00 p.m., at which time a public hearing would be held for Ordinance 13-43C.

**Mayor Mancini:** the next regular meeting of the Land Use Board would be held on Wednesday, December 11, 2013 at 7:00 p.m. in the Multi Purpose Room.

**Mayor Mancini read** the Police Report. The Police asked residents:

- to make sure they took advantage of the vacant home registry offered on the Police Departments homepage lbtpd.org
- to report suspicious people/vehicle(s) and or events to Long Beach Police Dispatch at 609 494-3322.
- homeowners were reminded to be cautious when hiring contractors, request a written contract with the company. Also the contract should indicate the business registration/ insurance #. In addition the timeline for payment and work schedule with start and complete date and the work to be done. Also ask for references and check with better business bureau.
- Be wary of internet scams: recent case involving notification to an unsuspecting user that requested sensitive information to claim prize. The victim was notified that they had won a prize. The victim was directed to another site on the internet to claim prize. The victim after entering information never won prize and was being billed for a phone – which was used to make overseas calls.

And finally:

- **DO NOT GIVE OUT SENSITIVE / PERSONAL INFORMATION TO UNKNOWN PARTIES, CORPORATIONS, SOLICITORS – EITHER ON PHONE OR ON YOUR COMPUTER.**

**Mayor Mancini** commented that the eminent domain proceedings were regulated by the Attorney General and the NJ DEP. He reiterated that the Township was not taking property but permission to add sand to the property in the project area. He announced that the funding was from the Federal Sandy recovery funding bill and would help the island maintain its' integrity.

**OPEN PUBLIC SESSION**

No comments.

**CLOSE PUBLIC SESSION**

Motion for adjournment at 4:15 pm:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Nays:

---

Lynda J. Wells, RMC  
Municipal Clerk

---

Joseph H. Mancini, Mayor

---

Ralph H. Bayard, Commissioner

---

Dr. Joseph P. Lattanzi, Commissioner