

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS NOVEMBER 20, 2009
Flag Salute

Meeting came to order: 4:01 p.m.

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

Also in attendance: Bonnie M. Leonetti, Municipal Clerk, Administrator
Lynda J. Wells, Deputy Municipal Clerk
Richard J. Shackleton, Esq.

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES on January 7th 2009; the PRESS OF ATLANTIC CITY on January 3rd 2009; and the ASBURY PARK PRESS on December 23rd 2008; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the October 16th 2009 meeting and to approve the same as recorded in the minute book:

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

AGENDA

DECLARATION: Mayor Mancini announced his designee to the Land Use Board:
Robert Monaco

Mayor Mancini felt Mr. Monaco's knowledge and experience was a great asset. He was confident Mr. Monaco would be an excellent designee to fill in whenever he needed to be absent.

ORDINANCES/PUBLIC HEARINGS

1. Second Reading Ordinance 09-31C: **AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997) AS THE SAME IN SECTION 205-11A PERTAINS TO MINIMUM FRONT YARD SETBACK REQUIREMENTS**

Bonnie M. Leonetti, Municipal Clerk / Administrator stated this ordinance clarified the determination of setbacks for corner lots. The ordinance had been reviewed by the Land Use Board and the Board had no objection to the adoption of Ordinance 09-31C.

Passed on first reading at a regular meeting held on October 16th 2009 and advertised in the BEACH HAVEN TIMES issue of October 21st 2009.

ORDINANCE 09-31C

AN ORDINANCE AMENDING AN ORDINANCE entitled, "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" as the same in Section 205-11A pertains to minimum front yard setback requirements and in Section 205-2 to add a definition of the word "Structure".

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to provide that where a corner lot is to be developed the main building shall have the minimum front yard setback required by this Ordinance provided, however, where an adjoining lot on either street upon which corner lot fronts is developed with a main building the minimum front yard setback may be the same as either adjoining building but not less than 10 feet.

This Ordinance also provides a definition of the word Structure.

SECTION I

Section 205-11A of an Ordinance entitled "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" is hereby amended by the addition of the following language:

(1) On any corner lot the owner of such lot may determine upon which street he or she wishes the main building to front. The front yard shall have the minimum setback required by this Ordinance, provided however, that if the main building on the adjoining lot fronting on the street upon which street the owner wishes his or her main building to front provides for a front yard setback of less than that required by this Ordinance the corner lot being developed may maintain the same front yard setback as the adjacent building, provided, however, that such front yard distance shall not be less than 10 feet.

SECTION II

§205-2 of an Ordinance entitled "Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)" is hereby amended by inserting between the definition of street line and the definition of structural alteration:

STRUCTURE - - a combination of materials built, combined or assembled to form something built or constructed for occupancy, use or ornamentation whether installed on, above or below the surface of the lot upon which the construction is located.

SECTION III

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

SECTION IV

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

SECTION V

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

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday October 16, 2009 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 November 20, 2009 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-31C on Second Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 09-34: **AN ORDINANCE VACATING AN UNNAMED ALLEYWAY LYING BETWEEN 43RD STREET ON THE NORTH AND 44TH STREET ON THE SOUTH IN THE BRANT BEACH SECTION OF LONG BEACH TOWNSHIP**

Bonnie M. Leonetti, Municipal Clerk / Administrator advised the alleyway was of no use to the Township and ownership would revert equally to the adjacent property owners on either side.

Passed on first reading at a regular meeting held on November 6th 2009 and advertised in the BEACH HAVEN TIMES issue of November 11th 2009.

ORDINANCE NO. 09-34

AN ORDINANCE VACATING AN UNNAMED ALLEYWAY LYING BETWEEN 43RD STREET ON THE NORTH AND 44TH STREET ON THE SOUTH IN THE BRANT BEACH SECTION OF LONG BEACH TOWNSHIP.

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

STATEMENT OF PURPOSE

This Ordinance vacates an unnamed alleyway lying between 43rd Street on the North and 44th Street on the South in the Township of Long Beach.

SECTION I

The Board of Commissioners of the Township of Long Beach have determined that an unnamed alleyway lying in a Southeasterly direction from Long Beach Boulevard between 43rd Street on the North and 44th Street on the South and running parallel with Long Beach Boulevard is an unused and unnecessary street or alley in the Township and have determined that it is in the best interest of the Township of Long Beach to vacate all public rights in said alley.

The said unnamed alleyway is further described as being 75 feet Southeasterly of the southeasterly sideline of Long Beach Boulevard and running between Lot 1 and Lots 2 and 16 in Block 15.106 as shown on the official tax map of the Township of Long Beach latest revision December 22, 2006.

SECTION II

The unnamed alley as described in Section I above shall be and is hereby vacated and all rights of public user therein shall be vacated and the Township of Long Beach shall have no further interest in the said unnamed alley.

SECTION III

Upon final passage of this Ordinance the same shall be executed by the Mayor of Long Beach Township, attested by the Clerk and recorded in the office of the Ocean County Clerk in Toms River, New Jersey as required by law.

SECTION IV

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

SECTION V

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

SECTION VI

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

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Friday November 6, 2009 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 November 20, 2009 at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-34 on Second Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

ADOPTIONS AND APPROVALS

3. Resolution 09-1120.01: Declaration of an emergency in the Township of Long Beach due to the recent Nor'easter Storm

Bonnie M. Leonetti, Municipal Clerk / Administrator explained severe northeast winds from two coastal storms combined to devastate the beaches of Long Beach Township last week.

RESOLUTION 09-1120.01

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DECLARING A DISASTER AND EMERGENCY AS A RESULT OF A COASTAL STORM OCCURING ON THURSDAY, FRIDAY AND SATURDAY NOVEMBER 12, 13, AND 14, 2009.

WHEREAS, on Thursday, Friday and Saturday November 12th, 13th, and 14th, severe northeast winds from two coastal storms combined to devastate the beaches of Long Beach Township. For three days abnormally high tides and abnormally high and rough surf conditions prevailed causing extreme erosion on the beaches of Long Beach Island in general and Long Beach Township in particular; and

WHEREAS, as a result of the foregoing, the beach erosion on Long Beach Island in general and Long Beach Township in particular reached catastrophic proportions which had not been seen in Long Beach Township since the December storm of 1992; and

WHEREAS, as a result of the erosion the beaches of Long Beach Township were virtually destroyed and many of the protective sand dunes in Long Beach Township were destroyed as well; and

WHEREAS, in addition to the destruction of beach and dune areas, dune fencing and poles along the entire oceanfront of Long Beach Township, consisting of approximately 12 miles, were washed away and carried away by the high waves; and

WHEREAS, following the storm, debris was found on the roadways of Long Beach Township, as well as on the remnants of the oceanfront beaches all of which had to be removed and carried away; and

WHEREAS, in addition as a result of the wave action and the high water coming from the bays lying between Long Beach Township and the mainland the roadways were further covered with debris and many of the storm drains in the Township were clogged with sand and debris; and

WHEREAS, during and after storm emergency protective measures were required such as barricading street ends at the oceanfront due to erosion and sand loss and following the storm it will be necessary to deliver and place an estimated three million tons of sand to restore the protective dune structures along Long Beach Township; and

WHEREAS, on the oceanfront, Long Beach Township had over many years, developed a policy of constructing and placing handicap ramps to provide beach access for handicapped citizens of the Township as well as handicapped visitors coming to Long Beach Township from all over the world, many of these ramps were destroyed or badly damaged; and

WHEREAS, on the bay shore of the bays separating Long Beach Township from the mainland of Ocean County there was severe damage to bulkheaded street ends and to some approximately 200 storm sewer outfalls; and

WHEREAS, The best estimates to date to repair the damage caused by the storms is calculated as follows:

A.	Loss of dune fencing and dune protective devices	\$ 230,000.00
B.	Cleaning of drains to prevent further flooding	\$ 650,000.00
C.	Emergency protective measures such as barricading street ends at significantly eroded beaches and the importation of sand to restore protective dunes including placing the same, estimated at three million tons	\$ 30,150,000.00
D.	Restoration of handicap ramps to the beaches	\$ 60,000.00
E.	Protective restoration of bay side bulkheads and drains	\$ 500,000.00
	TOTAL ESTIMATED COST	\$ 31,590,000.00

; and

WHEREAS, much of the cost enumerated above has been and will further in the future be incurred as a result of additional work performed by the Long Beach Township Department of Public Works including, without limitation, overtime, machinery and equipment rental and the like; and

WHEREAS, in addition significant expense will be incurred as a result of the above for police services and police protection particularly incurred as a result of a steady flow of dump trucks bringing sand from off Long Beach Island to replenish the beaches; and

WHEREAS, since tourism is one of New Jersey's largest industries the disaster created by the storms of November 12th, 13th and 14th, 2009 has created a need for emergency funding beyond the financial capability of the Township of Long Beach.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Governing Body does hereby declare that as a result of the storm of November 12th, 13th and 14th, 2009, Long Beach Township has suffered a disaster, the magnitude of which exceeds the financial capability of Long Beach Township to repair; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Board of Commissioners do hereby declare a disaster and emergency as a result of the storm of November 12th, 13th and 14th, 2009, and does importune the County, State and Federal Agencies in charge of disaster relief to take immediate steps to help the Township of Long Beach recover from the disaster created by the Storm of November 12th, 13th and 14th, 2009.

4. Resolution 09-1120.02: Providing for the appropriation of emergency funding for the damage suffered as a result of the recent Nor'easter Storm

Bonnie M. Leonetti, Municipal Clerk / Administrator noted the appropriation was in the amount of \$750,000.00.

RESOLUTION 09-1120.02

RESOLUTION AUTHORIZING EMERGENCY FUNDING IN THE AMOUNT OF \$750,000.00 FOR EMERGENCY REPAIRS AS A RESULT OF STORM LOSS.

WHEREAS, the Board of Commissioners of the Township of Long Beach has this same day and prior to the adoption of this Resolution adopted Resolution 09-1120.01 finding and declaring a disaster and emergency as a result of a coastal storm occurring on Thursday, Friday and Saturday, November 12, 13, 14, 2009, which disaster and emergency will require the expenditure of funds which were not provided for in the 2009 Municipal Budget for such an emergency; and

WHEREAS, immediate funding in the amount of \$750,000.00 is required in order to take immediate steps to begin repair of the damage; and

WHEREAS, that sum will be funded by a future bond Ordinance to be adopted at a future date.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday November 20, 2009, that there is hereby appropriated the sum of \$750,000.00 to be used for immediate emergency repairs caused by the storm of November 12th, 13th, and 14th, 2009, as described in a Resolution also adopted this date by the Board of Commissioners of the Township of Long Beach declaring an emergency.

BE IT FURTHER RESOLVED, that the said sum of \$750,000.00 will not be a line item in the 2010 budget but will be funded by a bond ordinance to be adopted at a future date.

5. Resolution 09-1120.03: Approve an amendment to Resolution 09-1106.05:

Holiday gift beach badge and gift box shall also be available for purchase at a total cost of \$27.00.

RESOLUTION 09-1120.03

WHEREAS, the Board of Commissioners of the Township of Long Beach approved Resolution 09-1106.05 at the public meeting held November 6th 2009 authorizing the sale of holiday gift certificates for 2010 pre-season beach badges at a cost of \$25.00 per badge; and

WHEREAS, upon further consideration by the Board of Commissioners it was decided to also offer a holiday gift badge at a cost of \$25.00 per badge and a gift box at a cost of \$2.00 per box, for a total cost of \$27.00. The \$2.00 box fee shall be returned to the manufacturer, Jersey Cape Diagnostics.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that holiday gift badges at a cost of \$25.00 per badge and gift boxes at a cost of \$2.00 per box to be sold for a total cost of \$27.00, shall be available for purchase during the months of November and December 2009.

6. Resolution 09-1120.04: Approve personnel actions

Bonnie M. Leonetti, Municipal Clerk / Administrator listed the various proposed actions.

RESOLUTION 09-1120.04

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach: Approve an intermittent paid Family Medical Leave of Absence (FLA/FMLA) for DM effective November 9, 2009.

POLICE

Approve a \$1050.00 stipend for Michelle DeGeso as an Annex Coordinator for the Township of Long Beach for the year 2009 effective retro-active to January 1, 2009 to be paid from Emergency Management Salary & Wage.

Approve a \$1,070.00 stipend for Patrolman Andrew McClellan and Patrolman James Seidenfaden for becoming certified EMT's effective retro-active to November 5, 2009 for the year of 2009 in accordance with the holdover PBA contract.

Extend a previously approved Military Leave of Absence for Officer Michael Allen through December 31, 2009 as per a copy of Orders received by LBT. Salary compensation has been made according to law (full pay for 90 days with matching pay in conjunction with military payments after that). No more payments will be made by the Township to Officer Allen as full compliance with the statutory terms was completed as of November 13, 2009 for this 2009 Leave.

Extend the temporary, seasonal employment of William Lawlor and Anthony O'Cone through December 31, 2009 at the same rate of pay in part due to the extra police coverage necessary in the wake of storm damage to the town and due to a shortage of staff pending retirements.

7. Resolution 09-1120.05: Authorize application for the Barnegat Bay Estuary Program Mini Grant "Three R's Outreach Campaign" in the amount of \$7,500.00

Bonnie M. Leonetti, Municipal Clerk / Administrator explained the grant would provide funding for public participation and educational activities regarding environmental concerns about the Barnegat Bay / Little Egg Harbor estuary and watershed.

RESOLUTION 09-1120.05

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Angela Andersen of the Long Beach Township Public Works Department, be and she hereby is authorized and directed to submit an application for the Barnegat Bay Estuary Program Mini Grant "Three R's Outreach Campaign" for the maximum amount of \$7,500.00.

Mayor Mancini reiterated the emergency funding appropriation was in the amount of \$750,000.00.

Motion to approve Items 3 - 7:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

CONTRACTS AND AWARDS

8. Resolution 09-1120.06: Award a contract for fuel oil, per Cooperative Pricing

Agreement (with the Township of Stafford):

Pedroni Fuel Co.: Diesel (summer & winter) and Super Gasoline

RESOLUTION 09-1120.06

RESOLUTION AUTHORIZING A CONTRACT FOR SUPPLY AND DELIVERY OF SUPER GASOLINE AND DIESEL FUEL BASED ON THE BID PROCURED BY THE STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM

WHEREAS, Long Beach Township is a participating entity of the Stafford Township Cooperative Pricing System, Identifier #33-OCCPS; and

WHEREAS, the Township wishes to utilize the Stafford Township Cooperative Pricing System to contract for the supply and delivery of super gasoline and diesel fuel as may be required for various municipal vehicles; and

WHEREAS, the governing body deems this contract to be necessary for Township use, and is in the best interest of the Township; and

WHEREAS, Pedroni Fuel Company was the lowest qualified bidder for gasoline and diesel fuel by the Stafford Township Cooperative Pricing System.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, November 20, 2009 that the Mayor and Municipal Clerk shall be and are hereby authorized to execute contracts as follows:

1. Effective through October 19, 2010, for super gasoline and pursuant to the bid specifications at the bid price of \$.0324, subject to the Daily Journal of Commerce price, plus the fixed margin, commonly recognized and used by the industry.
2. Effective through October 19, 2010 and pursuant to Bid #2009-021 specifications for ultra low sulfur diesel fuel at the bid price of \$.0470 with an addition of \$.0050 for diesel winter blend, subject to the Daily Journal of Commerce price, plus the fixed margin, commonly recognized and used by the industry.
9. Resolution 09-1120.07: Award a contract for the printing and purchase of Long Beach Township Recycling and Trash Calendars for 2010, per quotation: Regal Lith Printers \$10,950.00

RESOLUTION 09-1120.07

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PRINTING AND PURCHASE OF FOURTEEN THOUSAND (14,000) 2010 TRASH AND RECYCLING CALENDARS FOR THE TOWNSHIP OF LONG BEACH, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotes for the printing and purchase of fourteen thousand (14,000) 2010 Long Beach Township Trash and Recycling calendars; 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, Regal Lith Printers, Inc. gave the lowest qualified quote in an amount not to exceed Ten Thousand Nine Hundred Fifty Dollars (\$10,950.00) for the printing and purchase of fourteen thousand (14,000) 2010 Long Beach Township Trash and Recycling calendars; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in the appropriation created by Recycle Revenue / Residue Disbursement Grant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 20th day of November 2009, for the reasons aforesaid, that a contract be and is hereby awarded to:

Regal Lith Printers, Inc.
707 Old Shore Road
Forked River, NJ 08731

to print and provide fourteen thousand (14,000) 2010 Long Beach Township Trash and Recycling calendars in an amount not to exceed Ten Thousand Nine Hundred Fifty Dollars (\$10,950.00) as per quote received February 10, 2009 and confirming quote received on November 19, 2009.

10. Resolution 09-1120.08: Award an emergency contract for the rental of bulldozers:
Jesco, Inc.: (4) dozers for (1) month at an estimated approximate cost of \$56,052.00

RESOLUTION 09-1120.08

RESOLUTION AUTHORIZING EMERGENCY CONTRACT FOR THE RENTAL OF BULLDOZERS

WHEREAS, pursuant to Local Public Contracts Law, N.J.S.A. 40A: 11-6 and Resolution 09-1120.01 an emergency in the Township of Long Beach was declared due to severe beach erosion and dune destruction from an intense and lengthy nor'easter storm that occurred November 12, 13, and 14, 2009, resulting in an emergent need to obtain equipment for beach bulldozing and dune repair; and

WHEREAS, as a result, it is necessary to enter into a contract, without the necessity of bids or quotations, with Jesco, Inc. for the rental of four (4) bulldozers without operators for a period of one (1) month, based on usage of 160 hours per month with a 14% fuel surcharge on round trip trucking rates, as follows:

- Two (2) John Deere 850C WXLT 158" 6-Way Dozers: \$13,000.00 per dozer per month plus a round trip trucking fee of \$450.00
- One (1) John Deere 850C LGP 168" 6-Way Dozer: \$14,000.00 per month plus a round trip trucking fee of \$450.00
- One (1) John Deere 850C LGP 152" Semi-U Dozer: \$14,000.00 per month plus a round trip trucking fee of \$450.00

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting on Friday, November 20, 2009 that the contract for the emergency rental of the abovementioned bulldozers without operators shall and is hereby authorized by the terms set forth above, awarded to Jesco, Inc., 118 St. Nicholas Ave., South Plainfield, NJ 07080.

Motion to approve Items 8 - 10:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

11. Resolution 09-1120.09: Confirm details of the sale of the Township's General Obligation Bonds, Series 2009a and General Obligation Bonds, Series 2009b to the New Jersey Environmental Infrastructure Trust

RESOLUTION NO. 09-1120.09

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY CONFIRMING THE DETAILS OF THE SALE OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2009A AND GENERAL OBLIGATION BONDS, SERIES 2009B TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM BACKGROUND

WHEREAS, the Township of Long Beach, County of Ocean, New Jersey ("Township") has determined there exists a need within the Township for the completion of a 2006 Project that replaced sanitary gravity sewer along Connecticut Avenue, Hobart Avenue and Long Beach Boulevard, between Lavenia Avenue and Connecticut Avenue ("2009 Project") as described in that certain Loan Agreement ("Trust Loan Agreement") to be entered into between the Township and the New Jersey Environmental Infrastructure Trust ("Trust") and that certain Loan Agreement ("Fund Loan Agreement"; together with the Trust Loan Agreement, the "Loan Agreements") to be entered into between the Township and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program; and

WHEREAS, the Township has determined to finance the acquisition, construction, renovation and installation of the 2009 Project with the proceeds of a loan to be made by each of the Trust ("Trust Loan") and the State ("Fund Loan"; together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively; and

WHEREAS, to evidence the Loans, each of the Trust and the State require the Township to authorize, execute and deliver its General Obligation Bonds, Series 2009A, ("2009A Bonds"), and its General Obligation Bonds, Series 2009B ("2009B Bonds", together with the 2009A Bonds, the "2009 Bonds"), pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements; and

WHEREAS, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of the State of New Jersey the Board of Commissioners of the Township has, pursuant to Bond Ordinance No. 09-08, duly and finally adopted and published in accordance with the requirements of the Local Bond Law ("Bond Ordinance"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of the 2009 Project; and

WHEREAS, pursuant to a resolution adopted by the Board of Commissioners on October 16, 2009 ("Authorizing Resolution"), the Township authorized and approved the issuance and sale of up to \$387,985 of the 2009 Bonds of the Township, consisting of the Township's 2009A Bonds and 2009B Bonds, to finance the costs of the 2009 Project; and

WHEREAS, *N.J.S.A. 40A:2-27(a)(2)*, allows for the sale of the 2009A Bonds and the 2009B Bonds to the Trust and the State, respectively, without any public offering, and *N.J.S.A. 58:11B-9(a)* allows for the sale of the 2009B Bonds to the Trust, without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, the Trust has sold its bonds to fund the Trust Loan, thereby enabling the Township to confirm the exact aggregate principal amount of and debt service schedule for each series of the 2009 Bonds.

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

SECTION 1

The sale of the 2009A Bonds to the Trust and the 2009B Bonds to the State is hereby authorized, approved, ratified and confirmed. The 2009A Bonds shall be released from escrow in accordance with the terms of the escrow agreement between the Trust, the State, the escrow agent and the Township ("Escrow Agreement") and thereby issued in accordance with the principal amount, interest rates and maturity schedule set forth on Schedule "A" attached hereto and made a part hereof. The 2009B Bonds shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal amount and maturity schedule set forth on Schedule "B" attached hereto and made a part hereof.

SECTION 2

All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Municipal Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the 2009 Bonds or the 2009 Project are hereby ratified, confirmed, approved and adopted.

SECTION 3

The Mayor, Chief Financial Officer or Municipal Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2009 Bonds or the 2009 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinance, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

SECTION 4

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

SECTION 5

This resolution shall take effect immediately upon adoption this 20th day of November, 2009.

Resolution 09-1120.10: Approve various appropriation transfers

Bonnie M. Leonetti, Municipal Clerk / Administrator advised these transfers were statutorily allowed in November and December of each year.

RESOLUTION 09-1120.10

WHEREAS, the New Jersey statutes provide for the making of appropriation transfers between the period of November 1, 2009 and December 31, 2009; 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
Engineering	O/E	9-01-20-165-028	\$10,000.00
Group Insurance	O/E	9-01-23-220-000	\$22,000.00
Construction Code	S/W	9-01-22-195-011	\$ 1,000.00
TOTAL			\$33,000.00
TO:	DEPT:	ACCT#	AMOUNT
Social Security	O/E	9-01-36-472-000	\$22,000.00
Construction	O/E	9-01-22-195-100	\$ 1,000.00
Telephone	O/E	9-01-31-440-000	\$10,000.00
TOTAL			\$33,000.00

12. Resolution 09-1120.11: Approve a Chapter 159:

New Jersey Health Association Grant \$2,460.00
Computer upgrades for the LBI Board of Health

RESOLUTION 09-1120.11

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2009 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) NEW JERSEY HEALTH ASSOCIATION GRANT

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

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

WHEREAS, the New Jersey State Health Officers' Association has approved a grant in the amount of \$2,460.00; and

WHEREAS, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2009 Municipal Budget to provide for the insertion of this donation as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2009 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenues offset with appropriations:

New Jersey Health Officers' Association Grant **\$2,460.00**

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

GENERAL APPROPRIATION:

OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

New Jersey Health Officers' Association Grant **\$2,460.00**

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

13. Resolution 09-1120.12: Authorize the acceptance of a Maintenance Bond and the

Release of a Performance Bond:

LUB -26-08 Block 6.39, Lot 1

RESOLUTION 09-1120.12

WHEREAS, pursuant to Resolution 09-0306.12 passed on March 6th 2009, the Township of Long Beach received from MKG Associates, LLC Cashier's Check #805-07048 dated February 19, 2009 in the amount of Five Thousand Forty One Dollars and Fifty Cents (\$5,041.50) drawn on TD Bank, and an Irrevocable Standby Letter of Credit #800000355 in the amount of Thirteen Thousand Four Hundred Forty Four Dollars (\$13,444.00) as the required Performance Bond for Minor Site Plan #LUB-26-08, Block 6.39, Lot 1 (13410 Long Beach Blvd., Beach Haven Gardens, NJ).; and

WHEREAS, the municipal engineer has inspected Minor Site Plan #LUB-26-08 and certified the Performance Bond be released and that a Maintenance Bond in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) be retained.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby approve the release of Irrevocable Standby Letter of Credit #800000355 in the amount of Thirteen Thousand Four Hundred Forty Four Dollars (\$13,444.00), the release of Two Thousand Five Hundred Forty One Dollars and Fifty Cents (\$2,541.50), and the retention of Two Thousand Five Hundred Dollars (\$2,500.00) representing the required Maintenance Bond for the above mentioned property, as per the certification and recommendation of the Township Engineer.

14. Resolution 09-1120.13: Approve Bills & Payroll
Bills in the amount of: \$7,593,918.23
Payrolls in the amount of: \$ 358,929.53

RESOLUTION 09-1120.13

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

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

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

WHEREAS, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$358,929.53.

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 \$7,593,918.23 be and the same are hereby authorized to be paid on November 20, 2009.

2. The said approved payroll amounting to the sum of \$358,929.53 be and the same are hereby authorized to be paid on November 20, 2009.

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 11 - 15:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

Mayor Mancini stated the Tax Collector's and Treasurer's Report for the month of October 2009 were on file in the Municipal Clerk's Office.

COMMISSIONERS' REPORTS

Commissioner Knarre announced the Long Beach Island Board of Health would hold an H1N1 vaccination clinic on Tuesday, November 24, 2009 in the Municipal Court Room and asked members of the public to check the website for all details.

Commissioner Bayard assured the public that Township beaches were diligently being worked on after the damaging storms of November 12th, 13th, and 14th.

Mayor Mancini announced the next meetings of the Board of Commissioners and the Land Use Board. He detailed the Township's efforts to physically and financially provide for the restoration of beaches that had been severely compromised as a result of the nor'easter storms. He advised the Long Beach Township Office of Emergency Management was accepting reports of structural damage to buildings harmed by the storms. He also advised many storm drains were clogged with silt and debris from flooding and needed to be cleared.

OPEN PUBLIC SESSION

Charlie Farrell / Loveladies thanked the Board of Commissioners for their efforts to resolve power outages in Loveladies. He noted power delivery was greatly improved with no recent outages in the area. He asked that pavement striping be applied on Panorama Drive in Loveladies to control excessive speed.

Commissioner Bayard advised Mr. Farrell that he was waiting to receive price quotations for striping work.

Don Boone / Brant Beach noticed the beaches in Surf City that had received the Army Corps of Engineers Beach Replenishment Project fared well in the recent storms. He asked if Long Beach Township could "piggyback" on the Harvey Cedars Project.

Mayor Mancini advised replenishment efforts in Long Beach Township would not be underway until the fall of 2010. He asked members of the public to urge their neighbors to execute their deeds of easement in order for the project to move ahead.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:27 p.m.

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

Bonnie M. Leonetti, RMC, CMC
Municipal Clerk, Administrator

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

William P. Knarre, Commissioner