

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS DECEMBER 18, 2009**  
**Flag Salute**

Meeting came to order: 4:03 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 7<sup>th</sup> 2009; the PRESS OF ATLANTIC CITY on January 3<sup>rd</sup> 2009; and the ASBURY PARK PRESS on December 23<sup>rd</sup> 2008; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting and to approve the same as recorded in the minute book:

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

**AGENDA**

**ORDINANCES/PUBLIC HEARINGS**

1. Second Reading Ordinance 09-35: **BOND ORDINANCE AUTHORIZING THE EMERGENT REPAIR, RESTORATION AND/OR RECONSTRUCTION OF VARIOUS BEACHES, PUBLIC FACILITIES AND IMPROVEMENTS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$750,000 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 \$712,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Bonnie M. Leonetti, Municipal Clerk, Administrator explained the funds would be used to repair areas damaged as a result of the November nor'easter storm.

**TOWNSHIP OF LONG BEACH, NEW JERSEY**

**ORDINANCE 09-35**

**BOND ORDINANCE AUTHORIZING THE EMERGENT REPAIR, RESTORATION AND/OR RECONSTRUCTION OF VARIOUS BEACHES, PUBLIC FACILITIES AND IMPROVEMENTS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$750,000 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 \$712,500; 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 \$750,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$712,500; and

(c) a down payment in the amount of \$37,500 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 \$712,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$37,500, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$712,500 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 \$712,500 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 of delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and

other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$200,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Emergent Repair, Restoration and/or Reconstruction of Various Beaches, Public Facilities and Improvements Located on or Around Said Beaches, Damaged as a Result of the Disaster and Emergency Caused by the Coastal Storm Occurring on Thursday, Friday and Saturday, November 12, 13 and 14, 2009, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$750,000	\$37,500	\$712,500	15 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 \$712,500 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 Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

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

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

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

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

**Date of Introduction: December 4, 2009**

**Date of Final Adoption: December 18, 2009**

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

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on December 4, 2009. 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 December 18, 2009, 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 Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE EMERGENT REPAIR, RESTORATION AND/OR RECONSTRUCTION OF VARIOUS BEACHES, PUBLIC FACILITIES AND IMPROVEMENTS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$750,000 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 \$712,500; 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. Emergent Repair, Restoration and/or Reconstruction of Various Beaches, Public Facilities and Improvements Located on or Around Said Beaches, Damaged as a Result of the Disaster and Emergency Caused by the Coastal Storm Occurring on Thursday, Friday and Saturday, November 12, 13 and 14, 2009, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$750,000	\$37,500	\$712,500	15 years

Appropriation: \$750,000  
 Bonds/Notes Authorized: \$712,500  
 Grants (if any) Appropriated: None  
 Section 20 Costs: \$200,000  
 Useful Life: 15 years

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

**Bond Ordinance Statements and Summary**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on December 18, 2009 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office at 6805 Brant Beach Boulevard, Brant Beach, New Jersey for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE EMERGENT REPAIR, RESTORATION AND/OR RECONSTRUCTION OF VARIOUS BEACHES, PUBLIC FACILITIES AND IMPROVEMENTS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$750,000 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 \$712,500; 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>
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Appropriation: \$750,000  
 Bonds/Notes Authorized: \$712,500  
 Grants (if any) Appropriated: None  
 Section 20 Costs: \$200,000  
 Useful Life: 15 years

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

Passed on first reading at a regular meeting held on December 4, 2009 and advertised in the BEACH HAVEN TIMES issue of December 9, 2009.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 09-35 on Second Reading:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

**ADOPTIONS AND APPROVALS**

2. Resolution 09-1218.01 Approve the 2010 Board of Commissioners Meeting Schedule

**Bonnie M. Leonetti, Municipal Clerk, Administrator** announced meetings would be held the first and third Fridays of each month and caucus would take place the first and third Tuesdays of each month in 2010.

**RESOLUTION 09-1218.01**

**NOTICE**

Pursuant to Chapter 231, P.L. 1975, PUBLIC NOTICE IS HEREBY GIVEN that the Board of Commissioners of the Township of Long Beach may hold daily work sessions Monday, Tuesday, Wednesday, Thursday and Friday of each week. Executive Sessions in the Mayor's Office of the Long Beach Township Municipal Administrative Building, and Regular Meetings in the Public Safety Building, 6805 Long Beach Boulevard, Brant Beach NJ will be held on the following dates and times:

**Executive Sessions**

Jan. 5, 2010	10:00 AM		Jan. 19, 2010	10:00 AM
Feb. 2, 2010	10:00 AM		Feb. 16, 2010	10:00 AM
March 2, 2010	10:00 AM		March 16, 2010	10:00 AM
April 6, 2010	10:00 AM		April 20, 2010	10:00 AM
May 4, 2010	10:00 AM		May 18, 2010	10:00 AM
June 1, 2010	10:00 AM		June 15, 2010	10:00 AM
July 6, 2010	10:00 AM		July 20, 2010	10:00 AM
Aug. 3, 2010	10:00 AM		Aug. 17, 2010	10:00 AM
Sept. 7, 2010	10:00 AM		Sept. 21, 2010	10:00 AM
Oct. 5, 2010	10:00 AM		Oct. 19, 2010	10:00 AM
Nov. 1, 2010	10:00 AM		Nov. 15, 2010	10:00 AM
Nov. 30, 2010	10:00 AM		Dec. 14, 2010	10:00 AM

The agenda, to the extent known for the Executive Sessions shall be:

1. Call the meeting to order;
2. Discussion of new business;
3. Discussion of old business;
4. Adjournment.

No formal action will be taken at the Executive Sessions.

**Regular Public Meetings**

Jan. 8, 2010	4:00 PM		Jan. 22, 2010	4:00 PM
Feb. 5, 2010	4:00 PM		Feb. 19, 2010	4:00 PM
March 5, 2010	4:00 PM		March 19, 2010	4:00 PM
April 9, 2010	4:00 PM		April 23, 2010	4:00 PM
May 7, 2010	4:00 PM		May 21, 2010	4:00 PM
June 4, 2010	4:00 PM		June 18, 2010	4:00 PM
July 9, 2010	4:00 PM		July 23, 2010	4:00 PM
Aug. 6, 2010	4:00 PM		Aug. 20, 2010	4:00 PM
Sept. 10, 2010	4:00 PM		Sept. 24, 2010	4:00 PM
Oct 8, 2010	4:00 PM		Oct. 22, 2010	4:00 PM
Nov. 5, 2010	4:00 PM		Nov. 19, 2010	4:00 PM
Dec. 3, 2010	4:00 PM		Dec. 17, 2010	4:00 PM
Dec. 29, 2010	10:00 AM			

The agenda, to the extent known, for the Regular Meetings shall be:

1. Call the meeting to order;
2. Approval of the minutes;
3. Disposition of old business;
4. Disposition of new business;
5. Adjournment.

Formal action will be taken on matters placed before the Board of Commissioners at

Regular Meetings.

3. Resolution 09-1218.02 Authorize the Deputy Municipal Clerk to advertise for bids

**Bonnie M. Leonetti, Municipal Clerk, Administrator** noted bids would be received for a new beach tractor and a new dozer for the Public Works Department.

**RESOLUTION 09-1218.02**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that the Deputy Municipal Clerk be and she is hereby authorized to advertise for bids for the following:

**Vehicles**

- One (1) Beach Tractor with Loader or equivalent
- One (1) Wide Track Hydrostatic Bulldozer or equivalent

4. Resolution 09-1218.03 Approve various appropriation transfers

**Bonnie M. Leonetti, Municipal Clerk, Administrator** stated the transfer of line items was allowed in November and December of each year.

**RESOLUTION 09-1218.03**

**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:

<b>CURRENT FUND</b>			
<b>FROM:</b>	<b>DEPT</b>	<b>ACCOUNT #</b>	<b>AMOUNT</b>
Financial Admin	S/W	9-01-20-130-011	\$ 8,600.00
Tax Assessor	O/E	9-01-20-150-100	\$ 260.00
Group Insurance	O/E	9-01-23-220-000	\$60,000.00
Unemployment Ins	O/E	9-01-23-225-000	\$ 9,000.00
Police	S/W	9-01-25-240-011	\$35,000.00
Beach Badge	S/W	9-01-28-381-011	\$ 2,000.00
Beach Badge	O/E	9-01-28-381-100	\$ 4,000.00
<b>TOTAL</b>			<b>\$ 118,860.00</b>
<b>TO:</b>	<b>DEPT:</b>	<b>ACCT#</b>	<b>AMOUNT</b>
Municipal Clerk	S/W	9-01-20-120-011	\$ 8,300.00
Legal	O/E	9-01-20-155-100	\$30,000.00
Land Use Board	S/W	9-01-21-180-011	\$ 300.00
Police	O/E	9-01-25-240-100	\$35,000.00
Lifeguard	S/W	9-01-28-380-011	\$ 6,000.00
Community Rating	O/E	9-01-31-470-100	\$ 260.00
Social Security	O/E	9-01-36-472-000	\$35,000.00
Street Lighting	O/E	9-01-31-435-000	\$ 2,000.00
Matching Funds Grants	O/E	9-01-41-700-000	\$ 2,000.00
<b>TOTAL</b>			<b>\$118,860.00</b>

5. Resolution 09-1218.04: Approve personnel actions

**Bonnie M. Leonetti, Municipal Clerk, Administrator** noted the various proposed actions.

**RESOLUTION 09-1218.04**

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

**PUBLIC WORKS**

Correct Resolution 09-1204.04 to state that Angela Andersen is to be paid from Recycling Salary & Wage. Approve the transfer of accumulated sick time and seniority for Andrew Baran from Seaside Park to Long Beach Township as per the Intergovernmental Transfer approved March 6, 2009 by Civil Service Commission as follows:

Sick time: 845.5 hours which converts to 105.6875 days

Seniority: 25 years, 2 months

Accept and approve a PERS Early-55+ Retirement for John Jones effective January 1, 2010.

Accept and approve a PERS Early-55+ Retirement for Thomas Yurkevicz effective January 1, 2010.

**POLICE**

Approve the following, paid from the Police Salary & Wage, for a step increment (adjust base salary) in accordance with the current contract (Article XXI).

Patrick Mazzella Step 4 \$59,131.00 effect. 12/18/09

Paul Vereb Step 4 \$59,131.00 effect. 12/18/09

Acknowledge the Notice tendered by Officer Michael Allen and approve a military leave of absence with the New Jersey Air National Guard with pay effective January 2, 2010.

Motion to approve Items 2 – 5:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

**CONTRACTS AND AWARDS**

6. Resolution 09-1218.05 Approve an amendment to Resolution 09-1204.07:

Correction to the Certificate of Availability

**Bonnie M. Leonetti, Municipal Clerk, Administrator** advised this was for a professional services contract.

**RESOLUTION 09-1218.05**

**WHEREAS**, Resolution 09-1204.07 awarded a professional service contract to GeoTrans, Inc. in the amount of \$17,591.00 and was passed by the Board of Commissioners of the Township of Long Beach on December 4<sup>th</sup> 2009 in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et. seq.; and

**WHEREAS**, the Chief Financial Officer, in error, certified that all funds were available in the appropriation created by Ordinance 09-22: Closure of Underground Storage Tank, account #C-04-55-977-901; and

**WHEREAS**, sufficient funds for this professional service contract must be drawn from the following appropriations: Ordinance 09-22: Closure of Underground Storage Tank, account #C-04-55-977-901 in the amount of \$17,400.00, and Buildings and Grounds Other Expenses, account #9-01-26-310-029 in the amount of \$191.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, December 18, 2009 that an amended Certificate of Availability be

and hereby is filed for the Professional Service Contract with GeoTrans, Inc. for Phase III of the of the remedial investigation and ground water sampling required for the underground storage tank site case closure with funds available in the appropriations created by Ordinance 09-22: Closure of Underground Storage Tank, account #C-04-55-977-901 in the amount of \$17,400.00 and Buildings and Grounds Other Expenses, account #9-01-26-310-029 in the amount of \$191.00.

7. Resolution 09-1218.06: Approve a reverse Change Order:  
GeoTrans, Inc.: for Phase II of the Public Works Yard  
underground storage tank site remediation (-\$2,497.54)

**Bonnie M. Leonetti, Municipal Clerk, Administrator** stated the final cost of Phase II was lower than anticipated.

**RESOLUTION 09-1218.06**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A REVERSE CHANGE ORDER TO THE CONTRACT WITH GEOTRANS, INC. FOR PHASE II OF THE REMEDIAL INVESTIGATION REQUIRED FOR UNDERGROUND STORAGE TANK CLOSURE IN THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, a contract was awarded to GeoTrans, Inc., 295 Route 22 East, Suite 104E, Whitehouse Station, NJ 08889 pursuant to Resolution 08-0523.12 for Phase II of the remedial investigation and ground water sampling required for the underground storage tank site case closure; and

**WHEREAS**, based upon the recommendation and certification of the Deputy Municipal Department Head of the Public Works Department, it was determined that the original estimated cost of the project was greater than the actual final cost of Phase II; and

**WHEREAS**, the Board of Commissioners wishes to authorize a reverse change order in the amount of Two Thousand Four Hundred Ninety Seven Dollars and Fifty Four Cents (-\$2,497.54); and

**WHEREAS**, the reverse change order has been agreed to by the contractor.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that the reverse change order in the amount of Two Thousand Four Hundred Ninety Seven Dollars and Fifty Four Cents (-\$2,497.54) be and hereby is authorized.

8. Resolution 09-1218.07: Approve the renewal of Inter-Local Agreements with various Ocean County Police Departments for Mobile Data Terminal Services for 2010 with Long Beach Twp. Police Department as lead agency:

- Borough of Island Heights Police Department
- Borough of Lakehurst Police Department
- Township of Stafford Police Department
- Borough of Seaside Park
- Borough of Harvey Cedars
- Borough of Pine Beach
- Borough of Beach Haven
- Borough of Ship Bottom

**RESOLUTION 09-1218.07**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE LONG BEACH TOWNSHIP POLICE DEPARTMENT TO ACT AS LEAD AGENCY REGARDING INTERLOCAL SERVICES AGREEMENTS WITH VARIOUS LAW ENFORCEMENT AGENCIES FOR MOBIL DATA TERMINAL LOOK-UP SERVICES**

**WHEREAS**, the Interlocal Services Act., N.J.S.A. 40:8A-1 et seq. authorizes the Township of Long Beach to enter into contracts for the provision of certain governmental services with other municipalities; and

**WHEREAS**, N.J.S.A. 40:8A-4 requires such contracts to be authorized by resolution; and

**WHEREAS**, the Long Beach Township Police Department operates and maintains a server-based Mobile Data Terminal system to link mobile computers to agency systems in order to increase the sworn officers' ability to perform report and record checks in the field; and

**WHEREAS**, it is the desire of the governing body to authorize the Long Beach Township Police Department to execute an Interlocal Government Services Agreement for the aforesaid services with the following agencies, effective January 1, 2010 through December 31, 2010, at a rate of \$85.00 per Mobile Data Terminal or other device connected to the MDT system server:

- Borough of Island Heights Police Department
- Borough of Lakehurst Police Department
- Township of Stafford Police Department
- Borough of Seaside Park
- Borough of Harvey Cedars
- Borough of Pine Beach
- Borough of Beach Haven
- Borough of Ship Bottom

**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 Mayor and Municipal Clerk are hereby authorized to execute an Interlocal Government Service Agreement with the abovementioned agencies in accordance with the provisions of law. A copy of said agreement is attached hereto and made a part hereof as Schedule A.
  2. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.
9. Resolution 09-1218.08 Award a contract for the purchase of computer

hardware equipment for the transfer of information  
technology for the Police Dept., per State Contract:  
GTBM \$30,075.00

**Bonnie M. Leonetti, Municipal Clerk, Administrator** noted this was needed to enhance dispatch communications capability.

**RESOLUTION 09-1218.08**

**RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF COMPUTER HARDWARE AND SERVICES TO ENHANCE TELECOMMUNICATION SERVICES FOR THE POLICE DEPARTMENT IN THE TOWNSHIP OF LONG BEACH, PER STATE CONTRACT**

**WHEREAS**, the Township of Long Beach wishes to purchase from an authorized vendor under the State of New Jersey Cooperative Purchasing Services Program, INJCP; and

**WHEREAS**, the purchase of goods and services by local contracting unit is authorized by the Local Public Contracts Law, N.J.S.A. 40A: 11-12; and

**WHEREAS**, Gold Type Business Machines, P.O. Box 305, 351 Paterson Avenue, East Rutherford, NJ 07073 has been awarded New Jersey State Contract No. 69834, Index #T-1044 for Emergency Radio/Telephone Systems (911 Dispatch, etc.) Including Accessories effective October 1, 2007 through October 31, 2010 for the purchase and delivery of one (1) WARP 50Mb-4U, High Availability, and Gold Service 50-200Mb to enhance telecommunication services for the Police Department in the amount not to exceed Thirty Thousand Seventy Five Dollars (\$30,075.00); and

**WHEREAS**, the Commissioner of Public Affairs and Safety recommends the utilization of this contract on the grounds that it represents the most cost effective method for the needs of the Township; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in Police Other Expenses, account #9-01-25-240-100.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Township of Long Beach that Gold Type Business Machines, P.O. Box 305, 351 Paterson Avenue, East Rutherford, NJ 07073 be awarded a contract for the purchase and delivery of one (1) WARP 50Mb-4U, High Availability, and Gold Service 50-200Mb in the amount not to exceed Thirty Thousand Seventy Five Dollars (\$30,075.00).

10. Resolution 09-1218.09: Award a proprietary contract for computer software maintenance: Edmunds & Associates, Inc. \$12,350.00

**RESOLUTION 09-1218.09**

**A RESOLUTION AWARDING A PROPRIETARY CONTRACT FOR COMPUTER SOFTWARE MAINTENANCE SERVICES FOR THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, the provision or performance of goods or services for the maintenance of computer software in Long Beach Township is specifically exempted from bidding requirements under the Local Public Contracts Law pursuant to N.J.S.A. 40A: 11 -5(1)(d); and

**WHEREAS**, Edmunds & Associates, Inc., 301-A Tilton Road, Northfield, NJ 08225 is able to provide services for the maintenance of computer software for SS Financial Accounting, SS Tax Collection, SS Payroll I, SS Human Resources and SS Utility Billing in an amount not to exceed Twelve Thousand Three Hundred Fifty Dollars (\$12,350.00); and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriations created by: Shared Equipment and Services: Other Expenses in the amount of \$10,034.00, and Water/Sewer: Other Expenses in the amount of \$2,316.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that Edmunds & Associates, Inc. be awarded a proprietary contract for the maintenance of computer software in the Township of Long Beach in an amount not to exceed Twelve Thousand Three Hundred Fifty Dollars (\$12,350.00).

11. Resolution 09-1218.10(a&b) Award various contracts, per quote:
- a. Hognenny Studios: Videotaping of 2010 regular Township meetings and associated materials for broadcast to the public: as per fee schedule dated 12/04/09
  - b. Ledgewood Power Sports: 2010 Ranger 500 EFI Utility Vehicle for the Police Department \$9,910.00

**RESOLUTION 09-1218.10(a)**

**WHEREAS**, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Municipal Clerk's Office solicited quotations for the videotaping of regular public meetings in the Township of Long Beach; and

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

**WHEREAS**, the quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that Hognenny Studios of 123 East 14<sup>th</sup> Street, Ship Bottom, New Jersey provided the lowest qualified quotation in accordance with the specifications, said quotation in the amount of One Hundred Ninety Dollars (\$190.00) for attendance at each meeting, One Hundred Thirty Dollars (\$130.00) for two (2) reusable control tracked master tapes, Sixty Five Dollars (\$65.00) for two (2) reusable release tapes, and Eight Dollars (\$8.00) for each DVD copy of public meetings; and

**WHEREAS**, it is in the public interest of the Township of Long Beach to award a contract to Hognenny Studios for the videotaping of regular public meetings in the Township of Long Beach; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Shared Equipment and Services Other Expense Line Item which will be provided for in the 2010 Temporary and full Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long, County of Ocean, State of New Jersey, at a regular meeting held this 18<sup>th</sup> day of December 2009 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with Hognenny

Studios of 123 East 14<sup>th</sup> Street, Ship Bottom, New Jersey in an amount not to exceed One Hundred Ninety Dollars (\$190.00) for attendance at each meeting, One Hundred Thirty Dollars (\$130.00) for two (2) reusable control tracked master tapes, Sixty Five Dollars (\$65.00) for two (2) reusable release tapes, and Eight Dollars (\$8.00) for each DVD copy of public meetings

**RESOLUTION 09-1218.10(b)**

**A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF ONE (1) 2010 RANGER 500 HO UTILITY VEHICLE FOR THE POLICE DEPARTMENT OF LONG BEACH TOWNSHIP, PER QUOTATION**

**WHEREAS**, in accordance with N.J.S.A. 40:A11-6.1, the Long Beach Township Police Department solicited quotations for the purchase of one (1) 2010 Ranger 500 HOI Utility Vehicle; and

**WHEREAS**, in response to the invitation for solicitation three (3) quotations were received; and

**WHEREAS**, the quotations were reviewed by the Board of Commissioners of the Township of Long Beach and it was determined that Ledgewood Powersports, 1368 Highway 46, Roxbury, NJ 07876 provided the lowest qualified quotation in accordance with the specifications, said quotation in the amount of Nine Thousand Nine Hundred Ten Dollars (\$9,910.00); and

**WHEREAS**, it is in the public interest of the Township of Long Beach to award a contract to Ledgewood Powersports for the purchase of one (1) 2010 Ranger 500 EFI Utility Vehicle; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by Interlocal Police Other Expenses, account #9-01-42-100-051.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long, County of Ocean, State of New Jersey, at a regular meeting held this 18<sup>th</sup> day of December 2009 that the Mayor and the Municipal Clerk are hereby authorized to execute a contract with Ledgewood Powersports, 1368 Highway 46, Roxbury, NJ 07876 in an amount not to exceed Nine Thousand Nine Hundred Ten Dollars (\$9,910.00).

12. Resolution 09-1218.11 Authorize the option to extend a contract for the servicing of Police Department communications equipment for 2010:  
R.F. Design & Integration, Inc.

**Bonnie M. Leonetti, Municipal Clerk, Administrator** stated this was awarded per bid in 2009 with an option to extend for one year.

**RESOLUTION 09-1218.11**

**RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR THE SERVICING OF MOBILE RADIOS, PORTABLE RADIOS, BASE STATION REPEATERS, SATELLITES AND OTHER POLICE RADIO EQUIPMENT FOR THE POLICE DEPARTMENT OF THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, by Resolution 09-0123.05(a) dated January 23, 2009 the Township entered into an agreement with R.F. Design & Integration, Inc., 4725 Wingate Street, Philadelphia, PA 19136; and

**WHEREAS**, the said contract referred to specifications and prices and provided for a one year option to extend the contract; and

**WHEREAS**, both parties have agreed in writing to extend the contract for one year, from January 2010 through December 2010; and

**WHEREAS**, this Resolution shall be deemed to be the extension and any changes in the original contract shall be incorporated hereby and this Resolution shall serve as the written contract extension.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at their regular scheduled meeting held Friday, December 18, 2009 that the aforesaid contract with R.F. Design & Integration, Inc. shall be and is hereby extended for a period of one year pursuant to the terms and conditions stated herein.

13. Resolution 09-1218.12 Authorize an amendment to the contract for solid waste collection:  
Pinto Brothers awarded by Resolution 08-1230.13

**Bonnie M. Leonetti, Municipal Clerk, Administrator** advised there would be a change in the collection schedule.

**RESOLUTION NO. 09-1218-12**

**RESOLUTION AUTHORIZING THE AMENDMENT OF A CONTRACT MADE THE 30<sup>TH</sup> DAY OF DECEMBER 2008 BY AND BETWEEN THE TOWNSHIP OF LONG BEACH, CALLED OWNER AND PINTO BROTHERS DISPOSAL, LLC, CALLED CONTRACTOR**

**WHEREAS**, on the 30<sup>th</sup> day of December 2008, the Township of Long Beach adopted a Resolution, authorizing a contract between the Township of Long Beach and Pinto Brothers Disposal, LLC, for the collection of solid waste and recyclable materials in the Township of Long Beach; and

**WHEREAS**, on the same date the Township of Long Beach entered into an agreement with Pinto Brothers Disposal, LLC, providing for the collection of solid waste and recyclables in the Township of Long Beach; and

**WHEREAS**, the contract incorporated by reference all of the uniform bid specifications which had been made available to prospective bidders, the said bid specifications being entitled Township of Long Beach Uniform Bid Specifications Solid Waste and Recyclable Materials Collection Service); and

**WHEREAS**, the bid specifications included as attachment 4 the trash and recycling schedule for the year 2008; and

**WHEREAS**, the trash and recycling schedule divided the Township into three sections, the first section being Beach Haven Inlet to 130<sup>th</sup> Street, the second section covering the area 129<sup>th</sup> Street to 68<sup>th</sup> Street in Brant Beach and the third section covering 67<sup>th</sup> Street in Brant Beach to High Bar Harbor; and

**WHEREAS**, the collection schedule provided that during the months of June, July, August and September trash would be collected on Monday through Saturday inclusive; and

**WHEREAS**, Long Beach Township has had complaints from taxpayers, residents and tenants complaining of Saturday garbage and trash pickup; and

**WHEREAS**, the Director of Division of Public Works has discussed with representatives of Pinto Brothers Disposal, LLC, whether they would be agreeable to try for on a one year basis eliminating



**WHEREAS**, the final agreed upon settlement figure was \$125,000.00 to be paid \$95,000.00 by the New Jersey Municipal Excess Liability Fund and \$30,000.00 by the Township of Long Beach; and

**WHEREAS**, The Board of Commissioners of the Township of Long Beach have analyzed the proposed settlement and have discussed the same with counsel; and

**WHEREAS**, counsel, both Richard J. Shackleton, Esquire, the regular Solicitor for Long Beach Township and Mark M. Tallmadge, Esquire, Partner of Bressler, Amery & Ross, Special Litigation Counsel retained by the New Jersey Municipal Excess Liability Fund and the Township of Long Beach to defend the action recommended the settlement.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey, at a regular meeting held Friday December 18, 2009 that the matter of Anthony Majer, Plaintiff v. Township of Long Beach, et al., Defendants, shall be and is hereby settled by and between Plaintiff and the "Long Beach Defendants" in the amount of \$125,000.00 to be paid \$95,000.00 by the Municipal Joint Excess Liability Fund and \$30,000.00 by the Township of Long Beach.

**BE IT FURTHER RESOLVED**, that the Release and Settlement Agreement prepared by Mark M. Tallmadge, Esquire, Special Counsel to the Township be executed by the Mayor and witnessed by Bonnie Leonetti, RMC, CMC, Municipal Clerk of the Township of Long Beach and the said Mayor and Clerk are hereby authorized and directed to execute and attest the same and forward the same to Mark M. Tallmadge, Esquire, Special Counsel to the Township of Long Beach.

15. Resolution 09-1218.14 Approve a Chapter 159: Emergency Management Pass-thru Grant:  
\$11,985.23

**RESOLUTION 09-1218.14**

**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) EMERGENCY MANAGEMENT PERFORMANCE 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 State of New Jersey Department of Law and Public Safety has approved a grant in the amount of \$9,987.69; 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:

EMERGENCY MANAGEMENT PERFORMANCE GRANT: \$9,987.69

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

**GENERAL APPROPRIATION:**

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

EMERGENCY MANAGEMENT PERFORMANCE GRANT: \$9,987.69

There is a local match of \$1,997.54 from the matching funds for grants line item in our 2009 budget.

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.

16. Resolution 09-1218.15 Approve the acceptance of a Performance Bond:  
Major Site Plan LUB-11-09-PF \$3,740.00

**RESOLUTION 09-1218.15**

**WHEREAS**, the Township of Long Beach has 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).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach accepts this bond as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer and the Municipal Solicitor.

17. Resolution 09-1218.16(a&b): Authorize the sale of bonds by Bond Counsel for various projects:
- a. EIT Drinking Water Project: \$2,040,000.00
  - b. EIT Clean Water Project: \$2,030,000.00

TOWNSHIP OF LONG BEACH, NEW JERSEY

RESOLUTION 09-1218.16(a)

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO \$2,040,000 OF BONDS OF THE TOWNSHIP OF LONG BEACH CONSISTING OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2010C; THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2010D; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH BACKGROUND

**WHEREAS**, the Township of Long Beach, County of Ocean, New Jersey ("Township") has determined there exists a need for the removal and replacement of existing water mains ("2009/2010 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 ("Program"); and

**WHEREAS**, the Township has determined to use 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, to permanently finance the 2009/2010 Project; 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 2010C ("2010C Bonds") to the Trust, and its General Obligation Bonds, Series 2010D ("2010D Bonds") to the State, pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements, all as more particularly described in Exhibit "A" attached hereto; and

**WHEREAS**, pursuant to 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"), the Board of Commissioners of the Township has, pursuant to Bond Ordinance No. 09-06, 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 2009/2010 Project; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the 2010C Bonds and the 2010D Bonds (collectively, the "2010 Bonds") and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement ("Escrow Agreement") to be entered into between the Trust, the State, the Escrow Agent and the Township; and

**WHEREAS**, to effectuate the financing plan described in the above mentioned paragraphs, it is necessary for the Township to adopt this resolution and to authorize and approve the issuance and sale of the 2010 Bonds in a principal amount up to \$2,040,000; and

**WHEREAS**, *N.J.S.A. 40A:2-27(a)(2)* allows for the sale of the 2010C Bonds and the 2010D 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 2010 Bonds to the Trust, without any public offering, all under the terms and conditions set forth herein.

**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 Township authorizes and approves the issuance of the 2010 Bonds in two (2) series in a total principal amount of up to \$2,040,000 to be designated, "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2010C" and "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2010D", respectively. The 2010 Bonds will be used to pay the costs of the 2009/2010 Project. In accordance with *N.J.S.A. 40A:2-27(a)(2)* and *N.J.S.A. 58:11B-9(a)*, the Township hereby sells and awards the 2010C Bonds and the 2010D Bonds to the Trust and to the State in accordance with the provisions hereof.

**Section 2.** The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the 2010C Bonds and the 2010D Bonds:

- (a) The aggregate principal amount of the 2010C Bonds and the 2010D Bonds to be issued;
- (b) The maturity and annual principal installments of the 2010C Bonds and the 2010D Bonds, which maturity shall not exceed twenty (20) years;
- (c) The date of the 2010 Bonds;
- (d) The interest rates of the 2010 Bonds;
- (e) The purchase price for the 2010 Bonds; and
- (f) The terms and conditions under which the 2010 Bonds shall be subject to redemption prior to their stated maturities.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the 2010 Bonds by the parties authorized under Section 3 hereof.

**Section 3.** The 2010 Bonds shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Township, the Trust and the State shall approve. The 2010 Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to principal and interest in lawful money of the United States of America. The 2010 Bonds will be executed on behalf of the Township by the manual signatures or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Municipal Clerk (such execution shall constitute conclusive approval by the Township of the form of the 2010 Bonds), and shall bear the affixed, imprinted or reproduced seal of the Township thereon. The 2010C Bonds and the 2010D Bonds shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 4.** The terms of the 2010 Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full members of the Board of Commissioners.

**Section 5.** The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the 2010 Bonds and, to the extent payment is not otherwise provided, the Township shall be obligated to levy *ad valorem* taxes upon all taxable real property within the Township without limitation as to rate or amount for the payment thereof.

**Section 6.** Each of the Trust Loan Agreement, Fund Loan Agreement and the Escrow Agreement are hereby authorized to be executed and delivered on behalf of the Township by the Mayor or Chief Financial Officer in substantially the forms on file in the offices of the Township, with such changes as the Mayor or Chief Financial Officer in their respective sole discretion, after consultation with counsel and any advisors to the Township and after further consultation with the Trust and the State and their representatives, agents, counsel and advisors, shall determine, such determination to be conclusively evidenced by the execution of each of such Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer as determined hereunder. The Municipal Clerk and Deputy Municipal Clerk are each hereby severally authorized to attest to the execution of the Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer of the Township as determined hereunder and to affix the corporate seal of the Township to such documents.

**Section 7.** 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 2010 Bonds or the 2009/2010 Project are hereby ratified, confirmed, approved and adopted.

**Section 8.** The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2010 Bonds or the 2009/2010 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, 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 9.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 10.** This resolution shall take effect immediately upon adoption this 18th day of December, 2009.

**Exhibit "A"**  
**SERIES E & F BONDS – Drinking Water Project**

Ordinance	Bonds or Notes Authorized	Notes Outstanding	Bonds to be Issued
09-06	\$2,040,000	\$0	\$2,040,000

**TOWNSHIP OF LONG BEACH, NEW JERSEY**

**RESOLUTION 09-1218.16(b)**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO \$2,030,000 OF BONDS OF THE TOWNSHIP OF LONG BEACH CONSISTING OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2010A; THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2010B; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

**BACKGROUND**

**WHEREAS**, the Township of Long Beach, County of Ocean, New Jersey ("Township") has determined there exists a need for the removal and replacement of sanitary sewer pipes beneath various streets in the Township ("2009/2010 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 ("Program"); and

**WHEREAS**, the Township has determined to use 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, to permanently finance the 2009/2010

Project; 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 2010A ("2010A Bonds") to the Trust, and its General Obligation Bonds, Series 2010B ("2010B Bonds") to the State, pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements, all as more particularly described in Exhibit "A" attached hereto; and

**WHEREAS**, pursuant to 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"), the Board of Commissioners of the Township has, pursuant to Bond Ordinance No. 09-07, 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 2009/2010 Project; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the 2010A Bonds and the 2010B Bonds (collectively, the "2010 Bonds") and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement ("Escrow Agreement") to be entered into between the Trust, the State, the Escrow Agent and the Township; and

**WHEREAS**, to effectuate the financing plan described in the above mentioned paragraphs, it is necessary for the Township to adopt this resolution and to authorize and approve the issuance and sale of the 2010 Bonds in a principal amount up to \$2,030,000; and

**WHEREAS**, *N.J.S.A. 40A:2-27(a)(2)* allows for the sale of the 2010A Bonds and the 2010B 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 2010 Bonds to the Trust, without any public offering, all under the terms and conditions set forth herein.

**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 Township authorizes and approves the issuance of the 2010 Bonds in two (2) series in a total principal amount of up to \$2,030,000 to be designated, "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2010A" and "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2010B", respectively. The 2010 Bonds will be used to pay the costs of the 2009/2010 Project. In accordance with *N.J.S.A. 40A:2-27(a)(2)* and *N.J.S.A. 58:11B-9(a)*, the Township hereby sells and awards the 2010A Bonds and the 2010B Bonds to the Trust and to the State in accordance with the provisions hereof.

**Section 2.** The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the 2010A Bonds and the 2010B Bonds:

- (a) The aggregate principal amount of the 2010A Bonds and the 2010B Bonds to be issued;
- (b) The maturity and annual principal installments of the 2010A Bonds and the 2010B Bonds, which maturity shall not exceed twenty (20) years;
- (c) The date of the 2010 Bonds;
- (d) The interest rates of the 2010 Bonds;
- (e) The purchase price for the 2010 Bonds; and
- (f) The terms and conditions under which the 2010 Bonds shall be subject to redemption prior to their stated maturities.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the 2010 Bonds by the parties authorized under Section 3 hereof.

**Section 3.** The 2010 Bonds shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Township, the Trust and the State shall approve. The 2010 Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to principal and interest in lawful money of the United States of America. The 2010 Bonds will be executed on behalf of the Township by the manual signatures or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Municipal Clerk (such execution shall constitute conclusive approval by the Township of the form of the 2010 Bonds), and shall bear the affixed, imprinted or reproduced seal of the Township thereon. The 2010A Bonds and the 2010B Bonds shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 4.** The terms of the 2010 Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full members of the Board of Commissioners.

**Section 5.** The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the 2010 Bonds and, to the extent payment is not otherwise provided, the Township shall be obligated to levy *ad valorem* taxes upon all taxable real property within the Township without limitation as to rate or amount for the payment thereof.

**Section 6.** Each of the Trust Loan Agreement, Fund Loan Agreement and the Escrow Agreement are hereby authorized to be executed and delivered on behalf of the Township by the Mayor or Chief Financial Officer in substantially the forms on file in the offices of the Township, with such changes as the Mayor or Chief Financial Officer in their respective sole discretion, after consultation with counsel and any advisors to the Township and after further consultation with the Trust and the State and their representatives, agents, counsel and advisors, shall determine, such determination to be conclusively evidenced by the execution of each of such Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer as determined hereunder. The Municipal Clerk and Deputy Municipal Clerk are each hereby severally authorized to attest to the execution of the Trust Loan Agreement, Fund Loan Agreement

and Escrow Agreement by an authorized officer of the Township as determined hereunder and to affix the corporate seal of the Township to such documents.

**Section 7.** 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 2010 Bonds or the 2009/2010 Project are hereby ratified, confirmed, approved and adopted.

**Section 8.** The Mayor, Chief Financial Officer and Municipal Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2010 Bonds or the 2009/2010 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinances, 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 9.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 10.** This resolution shall take effect immediately upon adoption this 18th day of December, 2009.

**Exhibit "A"**  
**SERIES C & D BONDS – Clean Water Project**

Ordinance	Bonds or Notes Authorized	Notes Outstanding	Bonds to be Issued
09-07	\$2,030,000	\$0	\$2,030,000

18. Resolution 09-1218.17(a&b) Authorize the cancellation of various balances:
- a. Tax Collector: 2009 Tax and W/S overpayments and delinquencies of less than \$10.00
  - b. CFO: Reserve for the Master Plan \$7,730.22

**RESOLUTION 09-1218.17(a)**

**A RESOLUTION AUTHORIZING THE CANCELATION OF OVERPAYMENTS AND DELINQUENCIES OF LESS THAN \$10.00 FOR TAXES AND WATER/SEWER FEES**

**WHEREAS** NJSA 40A:5-17.1(b) authorizes a governing body to designate an authorized municipal employee to process, without further action on the part of the governing body, the cancellation of any property tax and/or Water/Sewer fee overpayment or delinquency of less than ten dollars (\$10.00).

**WHEREAS**, it will be more cost effective to cancel said overpayments and delinquent amounts.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, County of Ocean and State of New Jersey that the Tax Collector is hereby authorized to cancel the overpayment or delinquent balances of less than \$10.00 on the tax and water/sewer records.

**RESOLUTION 09-1218.17(b)**

**A RESOLUTION AUTHORIZING THE CANCELATION OF A RESERVE BALANCE**

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Township of Long Beach, County of Ocean and State of New Jersey does hereby authorize the cancellation of the following reserve balance:

Reserve for the Master Plan: \$7,730.22

19. Resolution 09-1218.18 Authorize a Tax Sale

**Bonnie M. Leonetti, Municipal Clerk, Administrator** advised the sale pertained to 2008 delinquencies and was held in 2009.

**RESOLUTION 09-1218.18**

**A RESOLUTION AUTHORIZING A TAX SALE**

**WHEREAS**, N.J.S.A. 54:5-19 provides that a municipality may, by resolution, provide for tax sale no earlier than the last month of the municipality's fiscal year when unpaid taxes or other municipal liens or charges are in arrears in the fiscal year designated in such resolution; and

**WHEREAS**, the governing body acknowledges that a tax sale shall be held no earlier than December of 2008 and no later than December 31, 2009 for the charges in arrears for the year 2008.

**WHEREAS**, N.J.S.A. 54:5-26 provides that in lieu of any two of the four publications, notice to the property owner and to any person or entity entitled to notice of foreclosure as per N.J.S.A. 54:5-104.48 may be given. The costs of which shall be additional to the cost of sale provided in N.J.S.A. 54:5-38. The additional costs are not to exceed \$25.00 for each set of notices for a particular property.

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

1. The Tax Collector is hereby directed and authorized to conduct a tax sale no earlier than December of 2008 and no later than December 31, 2009 for unpaid taxes or other municipal liens or charges, or parts thereof, that are in arrears for the 2008 fiscal year.
2. The Tax Collector may, in lieu of any two of the four publications, send notification of the Lien Sale and said charges are not to exceed \$25.00 for each set of notices for a particular property.

A certified copy of this resolution shall be forwarded to the Tax Collector and Chief Financial Officer for the Township of Long Beach.

20. Resolution 09-1218.19:
- |                            |                |
|----------------------------|----------------|
| Approve Bills & Payroll    |                |
| Bills in the amount of:    | \$3,922,507.94 |
| Payrolls in the amount of: | \$ 369,149.00  |

**RESOLUTION 09-1218.19**

**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 \$369,149.00.

**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 \$3,922,507.94 be and the same are hereby authorized to be paid on December 18, 2009.

2. The said approved payroll amounting to the sum of \$369,149.00 be and the same are hereby authorized to be paid on December 18, 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 14 - 20:

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

**Mayor Mancini** stated the Treasurer's Report for the month of November 2009 was on file in the Municipal Clerk's Office.

#### **COMMISSIONERS' REPORTS**

**Commissioner Knarre** wished everyone a happy and safe holiday season.

**Commissioner Bayard** was anticipating a snowstorm over the upcoming weekend. He asked that vehicles be parked off the street to facilitate the snowplows. The 2010 Trash and Recycling Calendars would soon be ready for distribution, and contained information not only about collections and recycling, but activities and events as well. Commissioner Bayard advised the collection schedule had been changed and there would no longer be trash pick-ups on Saturdays. He also stated there had been a reduction in the number of pick-up zones from three to two for 2010. He noted that the calendar featured artwork from local school children.

**Mayor Mancini** announced the next meetings of the Board of Commissioners and the Land Use Board. He advised two grants had recently been received in the Police Department; one would be used to purchase battery back-up should there be a power failure, and one would be used to purchase a message board. The Mayor stated there was impending bad weather for the weekend and hoped the beaches would not suffer any additional erosion. He asked that beachfront property owners execute their deeds of easement in order to meet the criteria for the Beach Storm Protection Program. He added the Board of Commissioners were considering the passage of an ordinance in 2010 to require oceanfront property owners who had not executed their deeds of easement to repair / replenish erosion on their properties at their own expense. He wished everyone Happy Holidays and a Happy New Year.

#### **OPEN PUBLIC SESSION**

**Bill Hutson / Holgate** asked what the cost to the oceanfront owner would be should they be required to purchase sand to stem erosion on their property(s).

**Mayor Mancini** replied it would be subject to the severity of the damage that had occurred. In some instances it could be in the hundreds of thousands of dollars.

**Bill Hutson / Holgate** inquired as to the number of newspapers the Township was required to use for publications.

**Mayor Mancini** advised two were required.

**Bonnie M. Leonetti, Municipal Clerk, Administrator** noted three were used to accommodate publication deadlines.

**Bill Hutson / Holgate** asked if the Long Beach Township Activities Committee events were noted in the new 2010 Trash & Recycling Calendar.

**Commissioner Bayard** replied that they were included in the calendar.

**Bill Hutson / Holgate** suggested the Dog Park currently located in Bayview Park be moved to a more southerly location in Bayview Park for the 2010 season.

#### **CLOSE PUBLIC SESSION**

Motion for adjournment at: 4:22 p.m.

Motion: Knarre Ayes: Knarre, Bayard, Mancini

Second: Bayard Nays:

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

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Joseph H. Mancini, Mayor

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Ralph H. Bayard, Commissioner

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William P. Knarre, Commissioner