

REGULAR SESSION BOARD OF COMMISSIONERS OCTOBER 3, 2008

MINUTES
Flag Salute

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

Clerk calls the roll: Mayor Joseph H. Mancini
Commissioner DiAnne C. Gove
Commissioner Ralph H. Bayard

Also in attendance: Bonnie M. Leonetti, Municipal Clerk
Teresa S. Sgro, Asst. 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; the PRESS OF ATLANTIC CITY; and the ASBURY PARK PRESS on May 28, 2008; and filed with the Municipal Clerk.

AGENDA

PROCLAMATION Proclaim October 24, 2008 as "Pretty in Pink Day" and recognizing October as Breast Cancer Awareness Month.

ORDINANCES/PUBLIC HEARINGS

Municipal Clerk announced:

1. Second Reading Ordinance 08-35C: **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 CHAPTER 176 PERTAINS TO SUBDIVISION OF LAND.**

(This Ordinance repeals a sentence in Section 176-27 the Land Subdivision Ordinance of the Township of Long Beach in order to make the Ordinance more clear.)

Passed as on first reading at a regular meeting held on September 19, 2008 advertised in the BEACH HAVEN TIMES, issue of September 24, 2008.

ORDINANCE 08-35C

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 Chapter 176 pertains to subdivision of land.

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

STATEMENT OF PURPOSE

This Ordinance repeals a sentence in Section 176-27 the Land Subdivision Ordinance of the Township of Long Beach in order to make the Ordinance more clear. The confusion arises as a result of the adoption of Ordinance 06-27C which permitted a minor subdivision in a developed neighborhood, providing that minor subdivisions might be created by taking into account the development on both sides of the street upon which the subdivision was located within 200 feet of the exterior boundary line of the subdivision and further providing that in determining the existence of non-conforming structures within 200 feet the determination of frontage, depth and square footage of a majority of the lots referenced should be determined by ownership and actual use not by mere reference to the Tax Map and further that the applicant for such subdivision was required to show on the plot plan or survey lots on both sides of the street on which the subdivision fronted as they were actually owned and used and further providing that such lots with less than 60 feet of frontage and 6,000 square feet should have a minimum of 40 feet of frontage on the street and contain not less than 3,000 square feet. There is a sentence in Section 176-27A which provides that in no event should any lot contain less frontage, depth or square footage than required for the respective residential zone in which the subdivision was located and the intention of that Section was to provide protection for the Loveladies and North Beach sections of Long Beach Township. This Ordinance makes it clear that the requirement for no less than the minimum frontage and square footage area contained in the respective zone applies only to the Loveladies and North Beach sections of Long Beach Township.

SECTION I

Paragraph A in Section 176-27 of an Ordinance entitled "**Code of the Township of Long Beach, County of Ocean, State of New Jersey, (1997)**" is hereby amended by the repeal of the last sentence thereof which reads:

In no event, however, shall any such lot contain less frontage, depth or square footage than required for the respective residential zone in which the subdivision is located.

SECTION II

JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$47,500; 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, 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 \$50,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$47,500;
- (c) a down payment in the amount of \$2,500 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; and

Section 3. The sum of \$47,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$2,500, 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 \$47,500 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 \$47,500 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$30,000.

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>Estimate d Total Cost</u>	<u>Down Paymen t</u>	<u>Amount of Obligation s</u>	<u>Period of Usefulne ss</u>
A. Supplemental Funding for Costs Associated with the Reconstruction and/or Resurfacing of North Ohio Avenue, previously authorized by Bond Ordinance No. 08-11, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$50,000	\$2,500	\$47,500	10 years

Section 8. Grants or any other funds received from any governmental or private entity will be applied to the payment of, or repayment of obligations issued to finance, the costs of improvements described in Section 7 above.

Section 9. 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 \$47,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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 applicable Capital Budget of the Township 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 applicable 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 the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

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

Section 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: **September 19, 2008**

Date of Adoption: _____

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 September 19, 2008. 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 _____, 2008 at _____ o'clock __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 SUPPLEMENTAL FUNDING FOR THE RESURFACING OF NORTH OHIO AVENUE IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$50,000 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 \$47,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Paymen t</u>	<u>Amount of Obligation s</u>	<u>Period of Usefulne ss</u>
A. Supplemental Funding for Costs Associated with the Reconstruction and/or Resurfacing of North Ohio Avenue, previously authorized by Bond Ordinance No. 08-11, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$50,000	\$2,500	\$47,500	10 years

Appropriation:	\$50,000
Bonds/Notes Authorized:	\$47,500
Grants (if any) Appropriated:	N/A
Section 20 Costs:	\$30,000
Useful Life:	10.00 years

BONNIE M. LEONETTI, R.M.C., C.M.C.,
Municipal Clerk

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 _____, 2008 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 for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE RESURFACING OF NORTH OHIO AVENUE IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$50,000 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 \$47,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Paymen t</u>	<u>Amount of Obligation s</u>	<u>Period of Usefulne ss</u>
A. Supplemental Funding for Costs Associated with the Reconstruction and/or Resurfacing of North Ohio Avenue, previously authorized by Bond Ordinance No. 08-11, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$50,000	\$2,500	\$47,500	10 years

Appropriation: \$50,000
 Bonds/Notes Authorized: \$47,500
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$30,000
 Useful Life: 10.00 years
 (Amends Ordinance 08-11 providing additional funding)

Passed as on first reading at a regular meeting held on September 19, 2008 advertised in the BEACH HAVEN TIMES, issue of September 24, 2008.

OPEN PUBLIC HEARING
 No comments
 CLOSE PUBLIC HEARING

Motion to adopt Ordinance 08-36 on Second Reading:
 Motion: Gove Ayes: Bayard, Gove, Mancini
 Second: Bayard Nays:

Municipal Clerk announced:

3. Second Reading Ordinance 08-37: **BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR IMPROVEMENTS TO THE BEACH HAVEN TERRACE DETENTION BASIN IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$100,000 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 \$95,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**
TOWNSHIP OF LONG BEACH, NEW JERSEY

ORDINANCE 08-37

BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR IMPROVEMENTS TO THE BEACH HAVEN TERRACE DETENTION BASIN IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$100,000 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 \$95,000; 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, 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 \$100,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$95,000;
- (c) a down payment in the amount of \$5,000 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; and

Section 3. The sum of \$95,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$5,000, 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 \$95,000 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 \$95,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$40,000.

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>Estimate d Total Cost</u>	<u>Down Paymen t</u>	<u>Amount of Obligation s</u>	<u>Period of Usefulne ss</u>
a. Supplemental Funding for Costs Associated with Improvements to the Beach Haven Terrace Detention Basin, previously authorized by Bond Ordinance No. 08-20, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$100,000	\$5,000	\$95,000	15 years

Section 8. Grants or any other funds received from any governmental or private entity will be applied to the payment of, or repayment of obligations issued to finance, the costs of improvements described in Section 7 above.

Section 9. 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 \$95,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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 applicable Capital Budget of the Township 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 applicable 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 the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

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

Section 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: **September 19, 2008**

Date of Adoption: _____

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 September 19, 2008. 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 _____, 2008 at _____ o'clock __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 SUPPLEMENTAL FUNDING FOR IMPROVEMENTS TO THE BEACH HAVEN TERRACE DETENTION BASIN IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$100,000 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 \$95,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Paymen t</u>	<u>Amount of Obligation s</u>	<u>Period of Usefulne ss</u>
a. Supplemental Funding for Costs Associated with Improvements to the Beach Haven Terrace Detention Basin, previously authorized by Bond Ordinance No. 08-20, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$100,000	\$5,000	\$95,000	15 years

Appropriation: \$100,000
 Bonds/Notes Authorized: \$95,000
 Grants (if any) Appropriated: N/A
 Section 20 Costs: \$10,000
 Useful Life: 15 years

 BONNIE M. LEONETTI, R.M.C., C.M.C.,
 Municipal Clerk

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 _____, 2008 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 for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR IMPROVEMENTS TO THE BEACH HAVEN TERRACE DETENTION BASIN IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$100,000 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 \$95,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Paymen t</u>	<u>Amount of Obligation s</u>	<u>Period of Usefulne ss</u>
a. Supplemental Funding for Costs Associated with Improvements to the Beach Haven Terrace Detention Basin, previously authorized by Bond Ordinance No. 08-20, together with the acquisition of all materials and equipment	\$100,000	\$5,000	\$95,000	15 years

and completion of all work necessary therefor
or related thereto

Appropriation: \$100,000
Bonds/Notes Authorized: \$95,000
Grants (if any) Appropriated: N/A
Section 20 Costs: \$10,000
Useful Life: 15 years

(Amends Ordinance 08-20 providing additional funding)

Passed as on first reading at a regular meeting held on September 19, 2008 advertised in the BEACH HAVEN TIMES, issue of September 24, 2008.

OPEN PUBLIC HEARING
No comments
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 08-37 on Second Reading:

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

ADOPTIONS, APPROVALS

Municipal Clerk announced:

4. Resolution 08-1003.01: Support request by Ocean County Freeholders urging NJ Board of Public Utilities to require interconnectivity of television systems for Ocean County (provides for one common channel for all systems)

RESOLUTION 08-1003.01

WHEREAS, Ocean County is served by a number of different cable television companies issued franchises by individual municipalities; and

WHEREAS, satellite and fiber optic television systems are expanding their presence in Ocean County; and

WHEREAS, there is not a single television channel that is common to all television system providers in Ocean County; and

WHEREAS, Long Beach Township Board of Commissioners supports the Ocean County Board of Chosen Freeholders who have expressed their concern that the absence of a common television channel limits the ability to provide county wide information on emergencies or other information important to County residents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach supports Ocean County Board of Chosen Freeholders and their request to require interconnectivity of television systems seeking a State wide franchise.

BE IT FURTHER RESOLVED, that copies of this resolution shall be made available to the New Jersey Board of Public Utilities, all other Ocean County municipalities, Ocean County Board of Chosen Freeholders, and Comcast Cable.

5. Resolution 08-1003.02: Approve a change to a sewer account.

RESOLUTION 08-1003.02

WHEREAS, the following Sewer account is due refund as the homeowner paid for repairs that were the responsibility of Long Beach Township; and

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

<u>Blk:</u>	<u>Lot:</u>	<u>Acct:</u>	<u>Owner:</u>	<u>Amount:</u>
1.18	1.05	133-0/Water	Andrew Willie	\$210.50

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

6. Resolution 08-1003.03: Approve establishment of a Township Recycling Program (provides for goals, education and the like)

RESOLUTION 08-1003.03

WHEREAS, Long Beach Township has developed a Recycling Program that will improve its efforts to increase all types of recycling within the Township; and

WHEREAS, the intent of this program includes, but is not limited to:

1. To be a responsible municipality by encouraging its residents to improve their quality of life by protecting the environment through recycling.
2. To increase the amount of revenue the Township receives by recycling, thereby assisting the Township's effort to be monetarily responsible.
3. To meet the State's criteria for a certified Recycling Coordinator, in compliance with the requirements of the New Jersey Recycling Enhancement Act by December 31, 2008; and

WHEREAS, the Township has made substantial improvements with recycling during the past two years, however, much more needs to be done before reaching our goal of having recycling represent fifty percent (50%) of our total waste; and

WHEREAS, this is an ambitious goal due to the inclusion of bulk waste items such as furniture, carpet, wood, etc. which are unusually heavy items in our total waste figure but it is a goal we should try to achieve.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that the Long Beach Township Recycling Program be hereby adopted and shall follow the guidelines in the attached 'Exhibit A'.

7. Resolution 08-1003.04: Approve personnel actions
RESOLUTION 08-1003.04

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

Approve a paid Military Leave of Absence for TF effective October 13, 2008 thru October 17, 2008.

Approve a paid Medical Leave of Absence using accumulated sick days for LW effective retro-active to September 29, 2008.

Accept the resignation tendered by Donna Liming and approve her requested termination of employment effective retro-active to October 2, 2008.

Motion to approve Items 4 thru 7:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

Second: Nays:

CONTRACTS AND AWARDS

8. Resolution 08-1003.05: Approve contact for the purchase of three roll off containers per quote, Automated Waste Equipment \$14,231.00
RESOLUTION 08-1003.05

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE THREE (3) ROLLOFF CONTAINERS OF VARIOUS SIZES, ONE RECYCLE A-FRAME ROOF FOR ONE CONTAINER AND FREIGHT FOR THE PUBLIC WORKS DEPARTMENT OF THE TOWNSHIP OF LONG BEACH, PER QUOTATION

WHEREAS, the Township of Long Beach has solicited quotes for the purchase of three (3) roll-off Containers of various sizes, one recycle A-Frame roof for one container, and freight for Public Works Department.

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

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

WHEREAS, AUTOMATED WASTE EQUIPMENT gave the lowest qualified quote.

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation(s) created by: Ocean County Recycling Mini Grant (08), Account # G-02-40-776-001

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 3rd day of October 2008, for the reasons aforesaid, that a contract be and is hereby awarded to:

Automated Waste Equipment
P.O. Box 5757
Trenton, NJ 08638

for the purchase of three (3) roll-off containers of various sizes, one recycle A-Frame roof for one container, and freight for the Public Works Department in an amount not to exceed Fourteen Thousand two Hundred Thirty One Dollars (\$14,231.00) as per quote received September 18, 2008.

9. Resolution 08-1003.06: Approve contract for the purchase of four roll off containers from Ocean County Co-op; \$14,220.00

RESOLUTION 08-1003.06

RESOLUTION AUTHORIZING A CONTRACT FOR FOUR (4) ROLLOFF CONTAINERS FOR PUBLIC WORKS DEPARTMENT OF LONG BEACH TOWNSHIP BASED ON THE BID PROCURED BY THE STATE REGISTERED OCEAN COUNTY COOPERATIVE PURCHASING SYSTEM

WHEREAS, Long Beach Township is a participating entity of the Ocean County Cooperative Purchasing System, County identifier #B2007-180; and

WHEREAS, the Township wishes to utilize the Ocean County Cooperative Purchasing System to contract for the purchase of four (4) roll-off containers for the Public Works Department of Long Beach Township; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation(s) created by: Ocean County Recycling Mini Grant (08), Account # G-02-40-776-001

WHEREAS, Wastequip Manufacturing Company, 1031 Hickstown Road, Erial, NJ 08081, was the lowest qualified bidder and awarded contract #B2006-61 by the Ocean County Cooperative Purchasing System.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach at a regular meeting held Friday, October 3, 2008 that the Mayor and Municipal Clerk shall be and are hereby authorized to execute a contract as described above and pursuant to the bid specifications at the bid price in an amount not to exceed Fourteen Thousand Two Hundred Twenty Dollars (\$14,220.00).

10. Resolution 08-1003.07: Approve contract for the purchase of a wide track hydrostatic bulldozer, per bid– Jesco, Inc. - \$107,089.00

RESOLUTION 08-1003.07

A RESOLUTION AWARING A CONTRACT FOR THE PURCHASE AND DELIVERY OF ONE (1) WIDE TRACK HYDROSTATIC BULLDOZER FOR THE PUBLIC WORKS DEPARTMENT OF THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, the Township of Long Beach has solicited bids for the purchase and delivery of one (1) Wide Track Hydrostatic Bulldozer; and

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

WHEREAS, Jesco, Inc. gave the lowest qualified bid as per the municipal attorney's review and approval; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the appropriation created by a bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 3rd day of October 2008, for the reasons aforesaid, that a contract be and is hereby awarded to:

Jesco, Inc.
118 St, Nicholas Avenue
South Plainfield, NJ 07080

for the purchase and delivery of one (1) Wide Track Hydrostatic Bulldozer in an amount not to exceed (final) purchase price of One Hundred Seven Thousand Eighty Nine Dollars (\$107,089.00) which includes a credit of Twenty Five Thousand Dollars (\$25,000) for trade in value of one Twp. bulldozer

as per the bid received September 23, 2008.
one of our older dozers)

(cost reflects the trade in of

11. Resolution 08-1003.12: Approve transfer of professional services
(regarding personnel issues and labor)
RESOLUTION 08-1003.12

Resolution Transferring Professional Services regarding Personnel Grievance issues and files

WHEREAS, the Township of Long Beach on May 20, 2008 approved a Professional Service Contract by Resolution 08-0520.08 to the firm of Citta, Holzapfel & Zabarsky for the purpose of continuing all Prosecutorial duties and Labor/Personnel services for only the issue of an ongoing PBA grievance regarding police retirees' co-pays for prescription drugs through its completion; and

WHEREAS, the Township of Long Beach on July 25, 2008 also approved a Professional Service Contract by Resolution 08-0725.10 to Armando V. Riccio of the firm Capehart & Scatchard for General Labor and Personnel services except for the above noted issue; and

WHEREAS, the Township of Long Beach finds that certain work Armando V. Riccio of the firm Capehart & Scatchard is doing regarding negotiations and extended health coverage are greatly intertwined with the matter left with Citta, Holzapfel & Zabarsky, and it would facilitate the progress of both issues to have one firm take responsibility for both.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 3rd day of October 2008, for the reasons aforesaid, that all files pertaining to the PBA grievances against the Township regarding prescription drug co-pays, re-imburements, etc. developed and held by Citta, Holzapfel & Zabarsky shall be transferred immediately to Armando Riccio, Esq. of Capehart & Scatchard by way of courier sent by Capehart & Scatchard ; and

BE IT FURTHER RESOLVED that all Labor/Personnel Services shall cease, but Prosecutorial Services shall remain, with Citta, Holzapfel & Zabarsky as designated by contract awarded on May 20, 2008.

Motion to approve Items 8 thru 11:

Motion: Gove Ayes: Bayard, Gove, Mancini

Second: Bayard Nays:

FINANCIAL APPROVALS

12. Resolution 08-1003.08: Approve acceptance of Performance Bond
LUB 7-08 Block 7.25, Lot 1.01
RESOLUTION 08-1003.08

WHEREAS, the Township of Long Beach has received from Jerome & Donna Ryan a Cashier's Check No. 1352811 dated September 22, 2008 in the amount of Seventeen Thousand Fifty Two Dollars and Fifty Cents (\$17,052.50) drawn on Bank of America, as the required Performance Bond for Subdivision #LUB-7-08, Block 7.25, Lot 1.01 (1 East Indiana Avenue., Beach Haven Terrace).

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 recommended by the Municipal Engineer.

13. Resolution 08-1003.09:(a&b) Approve extension of Performance Bonds
(a) LUB 10-06 Block 4.22, Lot 13
(b) LUB 17-05 Block 1.19, Lot 1
RESOLUTION 08-1003.09(a)

WHEREAS, the Township of Long Beach received, pursuant to Resolution 06-1006.13, Cashier's Check #376426579 drawn on Bank of America in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950.00) as a Performance Bond for Subdivision Application #LUB-10-06, Block 4.22, Lot 13 (108 West 17th St., North Beach Haven, NJ); and

WHEREAS, upon inspection of the property by the Township Engineer it has been determined that certain work items have not been satisfactorily completed and he recommends the Performance Bond be extended for one year to October 3, 2009.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the extension of this Performance Bond as recommended by the Township Engineer.

RESOLUTION 08-1003.09(b)

WHEREAS, the Township of Long Beach received, pursuant to Resolution 06-0505.17(b), accepted a Cashier's Check #376426579 drawn on Bank of America in the amount of Twenty Two Thousand One Hundred Ninety Three Dollars (\$22,193.00) as a Performance Bond for Subdivision Application #LUB-17-05, Block 1.19, Lot 1 (Holgate, NJ); and

Municipal Clerk

Joseph H. Mancini, Mayor

DiAnne C. Gove, Comm.

Ralph H. Bayard, Comm.