

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS August 7, 2017
Flag Salute

Meeting came to order: 6:00 p.m.
Clerk called the roll: Mayor Joseph H. Mancini PRESENT
Commissioner Ralph H. Bayard PRESENT
Commissioner Joseph P. Lattanzi PRESENT
Also in attendance: Lynda J. Wells, Municipal Clerk
Kyle Ominski, Administrator

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES and ASBURY PARK PRESS on December 22, 2016 and April 13, 2017 and May 4, 2017; 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: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Mayor Mancini administered the Oath of Office to Sergeant Brendan Kerlin.

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 17-29C: **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 131 AND CHAPTER 205 PERTAINS TO THE AMENDMENT OF ASSEMBLIES AND GATHERINGS AND PERMITTED USE LIMITS IN ALL RESIDENTIAL ZONES**

ORDINANCE 17-29C

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 131 AND CHAPTER 205 PERTAINS TO THE AMENDMENT OF ASSEMBLIES AND GATHERINGS AND PERMITTED USE LIMITS IN ALL RESIDENTIAL ZONES

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend and revise Chapter 131 in order to amend and clarify the permit requirements and regulations for assemblies and gatherings, and to amend and revise Chapter 205 in order to amend and clarify the regulations for permitted use limits in all residential zones.

SECTION I

§131-1 is hereby repealed and replaced with the following.

§131-1. Approvals Required.

Except as otherwise permitted by this Chapter, no parades, assemblies, gatherings, meetings, or group activities consisting of more than thirty (30) persons shall be permitted anywhere within the territorial boundaries of the Township unless the sponsor shall have obtained the following approvals.

- A. Approval by the Chief of Police in accordance with the terms and provisions hereinafter set forth.
- B. Approval by Resolution of the Board of Commissioners in accordance with the terms and provisions hereinafter set forth.

SECTION II

§131-2(A) is hereby repealed and replaced with the following.

- A. Where the assembly, gathering, meeting, or group activity is to be held entirely within the boundaries of the property and the aforesaid event is being held by and pursuant to the invitation of the owner or lessee of the property.

- (1) This exception shall not apply to any for-profit, commercial, and/or any business-related assembly, gathering, meeting, group activity, or events. For-profit, commercial, and/or any business-related events shall be required to obtain the approvals required by this Chapter and comply with Chapter 205-60(B), as applicable.

SECTION III

§131-3 is hereby repealed and replaced with the following.

§131-3. Application.

A minimum of thirty (30) calendar days prior to the date of the planned parade, assembly, gathering, meeting, or group activity for which an exception does not

apply, application shall be made to the Chief of Police or to such other member of his or her department as he or she may designate. The application shall contain the name, address, and contact information of the applicant, or, in the event the application is made by a corporation, religious, or fraternal organization, it shall contain the name, address, and contact information of the officers and directors of the corporation, religious, or fraternal organization. The application shall further set forth the purpose of the proposed parade, assembly, gathering, meeting, or group activity, the date and proposed hours, the desired location, the number of anticipated participants, and any other pertinent information/conditions of the proposed event. A copy of the application shall be simultaneously filed with the Municipal Clerk for review by the Board of Commissioners.

SECTION IV

§131-4 is hereby retitled "**Investigation by Police Department**", further amended to delete the first sentence and replace with the following:

The Police Department shall investigate, approve, and/or disapprove the application pursuant to the following, and, upon approval or disapproval by the Police Department, the Police Department shall immediately notify the Municipal Clerk of the approval or disapproval, as well as any recommended conditions of approval.

SECTION V

§131-5 is hereby repealed and replaced with the following.

§131-5. Review by Board of Commissioners.

Upon written approval by the Police Department, the Police Department shall advise the Municipal Clerk in writing and the application shall be reviewed by the Board of Commissioners at the next scheduled Work Session. The Board of Commissioners shall approve or deny the application at its discretion, and shall set forth all conditions of any approval, if any, as applicable.

SECTION VI

§131-6. Bond and Indemnification Required.

The Township may require that the application be accompanied by a bond and/or indemnification and hold harmless agreement to indemnify all property owners, residents, and visitors of the Township for any loss or damage to property caused by or as a result of the parade, assembly, gathering, meeting, or group activity. The bond shall also ensure the Township that the area to be used shall be left in a clean and orderly condition. The bond shall be in a form satisfactory to the Board of Commissioners with sufficient surety to insure satisfaction in the event of default in any of the terms and conditions of the bond. The bond shall be in an amount deemed necessary and proper by the Board of Commissioners.

SECTION VII

§131-7 is hereby retitled "**Approval.**" Subsections A. and B. are hereby repealed and replaced with the following:

Notification of approval shall be made by the office of the Administrator, Municipal Clerk, or the Chief of Police or his/her designee, and shall set forth any/all conditions stipulated therein.

SECTION VIII

§205-60(B) is hereby repealed and replaced with the following.

B. Specific Prohibition. Except as otherwise provided herein, in all residential zones of the Township, no residential property or lot may be rented, leased, let, occupied, or used for any for-profit, commercial, and/or business-related purpose or events.

- (1) Residential properties may be used by the owner or the lessee of the property for private sales in accordance with and pursuant to the requirements of Chapter 152.
- (2) Residential properties may be used by and/or with the consent of the owner for any and all activities relating to the listing and showing of the residential property for sale, including, but not limited to, private showings and open houses.
- (3) Residential properties may be used by and/or with the consent of the owner for home businesses and occupations as permitted in the residential zones by Chapter 205.
- (4) Residential properties rented, leased, and/or occupied by any family not the owner for a period of more than 1 year may be used

or utilized for any wedding and/or wedding reception of any person.

SECTION IX

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION X

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

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

This ordinance was reviewed and approved by the Land Use Board at their meeting held on July 12th 2017.

Passed on first reading at a regular meeting held on July 3, 2017 and advertised in the BEACH HAVEN TIMES issue of July 6, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-29C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

2. Second Reading Ordinance 17-30: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AUTHORIZING A REFERENDUM BALLOT QUESTION REGARDING THE ESTABLISHMENT OF AN OPEN SPACE CONSERVATION TRUST FUND**
ORDINANCE 17-30

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AUTHORIZING A REFERENDUM BALLOT QUESTION REGARDING THE ESTABLISHMENT OF AN OPEN SPACE CONSERVATION TRUST FUND

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

WHEREAS, pursuant to N.J.S.A. 40:12-15.7, municipalities may submit to the voters in a general election a proposition authorizing imposition of an annual levy at a rate deemed appropriate, as determined by the governing body, for the acquisition of lands for recreation, conservation, and preservation purposes; and

WHEREAS, the Board of Commissioners of the Township of Long Beach ("Township") has revitalized and preserved, and continues to revitalize and preserve several areas of open space areas in the Township for recreation and conservation purposes, and the Board of Commissioners has concluded that the continued acquisition and preservation of lands for (i) recreation and parks, (ii) water resource and floodplain protection, (iii) environmental protection of wetlands, the watershed, and wildlife habitat, and (iv) historic preservation purposes is of vital public importance and shall further contribute to the public health, welfare, and safety; and

WHEREAS, the Board of Commissioners has further concluded that the continued and added funding for such recreation, conservation, and preservation purposes shall and continue to enhance the environment, quality of life, aesthetics, and economy of the Township; and

WHEREAS, in the event the referendum is approved by a majority of the votes cast, the Township may annually raise by taxation a sum not to exceed the amount of an additional one cent (\$0.01) per hundred dollars of assessed value on the annual local property tax levy; and

WHEREAS, in the event of approval by referendum, the amounts raised by the aforesaid levy shall be deposited into a "Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" to be created by the Township, and shall be used exclusively for the purposes authorized by the voters of the municipality; and

WHEREAS, based upon the foregoing, the Board of Commissioners has elected to seek the approval of the voters to establish an open space conservation trust fund and the imposition of the one cent (\$0.01) tax levy per hundred dollars of assessed value.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, in accordance with the aforesaid Recitals, which are expressly adopted and incorporated herein by reference as if set forth fully herein, does hereby authorize the referendum as follows.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to authorize a referendum ballot question on the question of whether the citizens of the Township of Long Beach desire to establish an open space conservation trust fund.

§1. Referendum and Ballot Question. The Board of Commissioners does hereby authorize and request that the following referendum question and explanatory statement be placed on the November 2017 general election ballot:

OPEN SPACE CONSERVATION TRUST FUND REFERENDUM

Shall the Township of Long Beach establish the "Township of Long Beach Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" to be used for the purposes of acquiring, developing, and maintaining recreational and conservation properties, acquiring or preserving historic properties, and/or for the payment of debt service incurred by the Township for these purposes to be funded at a rate not to exceed one cent (\$0.01) per one-hundred dollars of total Township equalized real property valuation?

EXPLANATORY STATEMENT

The Long Beach Township Board of Commissioners has revitalized various land parcels by and through the creation of new public parks and trails. In an effort to further obtain land dedicated to the establishment of additional open public areas, an Open Space Tax assessment is contemplated. The Open Space fund shall be dedicated to the purchase of land parcels located in Long Beach Township and reserved for use as parks and recreational areas, or for the preservation of historic structures. The proposed tax shall be \$.01 per \$100.00 of assessed property value.

A "Yes" vote approves funding for the purchase and maintenance of Open Space.

A "No" vote rejects funding for the purchase and maintenance of Open Space.

YES _____ NO _____

§2. Conveyance to the Ocean County Clerk. The Municipal Clerk shall submit a certified copy of this ordinance and the foregoing ballot question and explanatory statement to the Ocean County Clerk, who shall place same on the November general election ballot.

§3. Repealer. All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

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

Effective date.

This ordinance shall take effect after final adoption and publication, as required by law.

Passed on first reading at a regular meeting held on July 3, 2017 and advertised in the BEACH HAVEN TIMES issue of July 6, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-30 on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

3. Resolution 17-0807.01: Amend Ordinance 17-31C

Extend public comment period through October 2nd 2017

RESOLUTION 17-08.07.01

RESOLUTION AMENDING ORDINANCE 17-31C

WHEREAS, the Board of Commissioners of the Township of Long Beach, introduced Ordinance 17-31C on first reading Monday, July 3, 2017 entitled, "AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME PERTAINS TO THE CREATION OF A NEW CHAPTER 114 REGULATING AND LIMITING THE USE OF PLASTIC BAGS BY BUSINESSES IN THE TOWNSHIP; and

WHEREAS, the Ordinance was duly advertised in the July 6th2017 edition of the Beach Haven Times to be considered for second reading this date Monday August 7, 2017; and

WHEREAS, the Board of Commissioners of the Township of Long Beach wishes to amend the introduced Ordinance by postponing the second reading date until October 2nd, 2017 to allow for a longer public comment period and to provide the public and business owners more time to consider the proposed moratorium on plastic bags.

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 Monday August 7, 2017 that Ordinance 17-31C be amended to set October 2nd, 2017 at 4:00pm as the date and time for the second reading and public hearing; and

BE IT FURTHER RESOLVED that amended Ordinance 17-31C be re-advertised in the Beach Haven Times on August 10th, 2017 and September 14th, 2017 with notice of second reading and public hearing.

Motion to approve item 3:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

4. First Reading Ordinance 17-32C: **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 102 PERTAINS TO GAMES OF CHANCE**

Motion to approve Ordinance 17-32C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

5. First Reading Ordinance 17-33C: **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 5 PERTAINS TO THE REFORMATTING AND REVISING PORTIONS OF THE CHAPTER**

Motion to approve Ordinance 17-33C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

ADOPTIONS & APPROVALS

6. Resolution 17-0807.02: Approve online Auction
RESOLUTION 17-0807.02

WHEREAS, the Township of Long Beach is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Board of Commissioners of the Township of Long Beach is desirous of selling said surplus property in an "as is" condition without express or implied warranties; and

WHEREAS, pursuant to N.J.S.A. 40A:11-36, Long Beach Township authorizes the online auction of property no longer needed for public use; and

WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, pursuant to Resolution 16-0404.10 the Township of Long Beach has entered an agreement with GovDeals, Inc., for online auctioneering services; and

WHEREAS, the sale will be online and the address of the auction site is www.govdeals.com for the following items:

- 2007 Honda TRX500FM: VIN: 1HFTE310674209427
- 1988: New Holland 1920 Tractor VIN: UP21958
- John Deere Riding Mower D100
- 2006 ASV RC30 Skid Steer VIN: RSA03213
- 2001 Toyota Tacoma 4x4 VIN: 5TEWM72N41Z869234
- 2001 Toyota Tacoma 4x4 VIN: 5TEWM72N71Z875836
- 2008 Ford F350 4x4 Stake Body VIN: 1FTWF31Y28EEO4981
- 2001 Toyota Tacoma 4x4 VIN: 5TEPM62N81Z801226
- Neopost DS-80 Folder/Inserter

NOW, THEREFORE, BE IT RESOLVED by Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, that the Township of Long Beach approves the online auctioneering for property no longer of use to the Township in June of 2017.

7. Resolution 17-0807. 03: Approve various special events:

- E. 99th Street (Alabama Ave.) between LB Blvd and Beach Ave, BH Park. 3pm to 8pm on August 5, 2017 for a block party.
- East 53rd Street (Mears Ave.) between Ocean Blvd and Long Beach Blvd., Brant Beach from 5pm to 10:30pm on August 5, 2017 for a block party.
- E. 25th Street, Spray Beach between Atlantic Ave. and beach entrance from 4pm to 10pm on August 12, 2017 for a block party.

RESOLUTION 17-0807.03

WHEREAS, in response to homeowners' requests for the following:

- Permission to close East 99th Street (Alabama Ave.), Beach Haven Park between Long Beach Blvd. and Beach Ave. from 3:00 pm to 8:00 pm on August 5, 2017 for a block party.
- Permission to close East 53rd Street (Mears Ave.), Brant Beach between Ocean Blvd. and Long Beach Blvd. from 5:00 pm to 10:30 pm on August 5, 2017 for a block party.
- Permission to close East 25th Street, Spray Beach between Atlantic Ave. and the beach entrance from 4:00 pm to 10:00 pm on August 12, 2017 for a block party.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited temporary closures as requested with provisions for an open lane for emergency vehicles and flashing lights on barriers from dusk to close of event.

8. Resolution 17-0807.04: Approve various personnel matters

RESOLUTION 17-0807.04

Finance

Accept and Approve the resignation of the following employee effective retroactive to July 29th, 2017.

Jennifer Martin

Municipal Clerk

Approve the donation of 21 hours sick time from Joan Kearney to Danielle La Valle as per ordinance 08-43.

Police

Hire the following employee as a Permanent Full-Time Police Sergeant as per Personnel Certified List No. PL170924 at the annual rate of \$112,198.49 to be paid from Police Salary & Wage effective retroactive to August 5, 2017.

Brendan Kerlin

Public Works

Change the Payroll Account for the following employee from Water/Sewer to Public Works effective retroactive to July 13, 2017.

David Kolarski

Hire the following employee as a Seasonal Part-Time Laborer 1 at the rate of \$15.00 per hour to be paid from Public Works Salary & Wage effective August 7, 2017.

Kimberly Pomarico

9. Resolution 17-0807.05: Suspend parking regulations:
Long Beach Island Garden Club meetings in the area of the First United Methodist Church (130th Street), various dates September 2017 through May 2018

RESOLUTION 17-0807.05

WHEREAS, the Terrace First United Methodist Church has approved the use of their building for scheduled meetings of the Garden Club of Long Beach Island (10:00 a.m. thru 3:00 p.m.), wherein temporary conditions shall exist causing the need to suspend the No Parking regulations on Beach Avenue in the area of New Jersey and Indiana Avenues on the following dates:

- Thursday, September 14, 2017
- Thursday, October 12, 2017
- Thursday, November 9, 2017
- Thursday January 11, 2018
- Thursday, February 8, 2018
- Thursday, March 8, 2018
- Thursday, April 12, 2018
- Thursday, May 10, 2018

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited temporary parking allowances as requested.

10. Resolution 17-0807.06: Approve a Registration Form for the use of unmanned aircraft/drones

RESOLUTION 17-0807.06

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE USE OF A DRONE REGISTRATION FORM PURSUANT TO CHAPTER 57 OF THE CODE

WHEREAS, Chapter 57 of the Code of the Township of Long Beach was adopted by the Board of Commissioners on May 18th 2015 regulating the use and operation of Drones and Unmanned Aircraft; and

WHEREAS, in order to adequately administer and give effect to the provisions of Chapter 57, a registration form for Drone and Unmanned Aircraft usage is necessary.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners hereby approves and adopts the Drone Registration Form attached hereto which shall be completed and furnished by applicants to the Township Clerk for review and approval prior to the use of drones or unmanned aircraft.

11. Resolution 17-0807.07: Approve various water/sewer changes

RESOLUTION 17-0807.07

WHEREAS, the following Water/Sewer accounts require changes in their billing and/or classification due to various reasons; and

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

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
4.15	12	974-0/Sewer	2017	Conv to single fr duplex	\$221.50
5.05	17	1444-1/Water	2017	Meter read incorrectly	\$5,271.40

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

Motion to approve Items 6 thru 11:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

PURCHASES, CONTRACTS & AWARDS

12. Resolution 17-0807.08(a&b): Award various contracts, per bid

- a. 2017 Brick Paver Project: N. Beach & Loveladies
TC Landscape Construction: \$56,961.00
- b. Rain Gear and Outerwear for Public Works employees
Lawmen's & Shooter Supply, Inc.: various prices

RESOLUTION 17-0807.08(a)

A RESOLUTION AWARDING A CONTRACT FOR 2017 BRICK PAVERS BEACH ACCESS PROJECT FOR THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach solicited and received bids for 2017 Brick Pavers Beach Access Project in the Township of Long Beach on June 29, 2017; and

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

WHEREAS, TC Landscape Construction Group, 729 Marie Street, Toms River, NJ 08753 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification; and

WHEREAS, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the appropriation created by: Ordinance 17-14 Construction of Walkways Account #C-04-56-147-901 in the amount of \$56,961.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 7th day of August 2017, for the reasons aforesaid, that a contract be and is hereby awarded to:

TC Landscape Construction Group
729 Marie Street
Toms River, NJ 08753

For 2017 Brick Pavers Beach Access Project in the Township of Long Beach in an amount not to exceed Fifty-Six Thousand Nine Hundred Sixty-One dollars (\$56,961.00) as per the bid received on June 29, 2017.

RESOLUTION 17-0807.08(b)

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF RAIN GEAR AND OUTERWEAR PROTECTION FOR THE PUBLIC WORKS DEPARTMENT IN THE TOWNSHIP OF LONG BEACH, PER BID

WHEREAS, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach Public Works Department solicited and received bids for Rain Gear and Outerwear Protection on July 20, 2017; and

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

WHEREAS, Lawmen's & Shooters' Supply Inc., 7750 9th St. S.W, Vero Beach FL, 32968 gave the lowest qualified bid as per the Qualified Purchasing Agent and Municipal Attorney's review and certification; and

WHEREAS, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the appropriation created by: W/S Clothing and Uniforms Account # 7-09-55-549-032 in the amount of \$1,300.00, Streets and Roads Clothing and Uniforms; Account # 7-01-26-290-032 in the amount of \$1,350.00 and Public Works Clothing and Uniforms; Account # 7-01-26-302-032 in the amount of \$1,350.00 for a total amount not to exceed \$4,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach this 7th day of August 2017, for the reasons aforesaid, that a contract be and is hereby awarded to:

Lawmen's & Shooters' Supply Inc
7750 9th Street. S.W
Vero Beach, FL 32968

For Rain Gear and Outerwear Protection for Public Works employees in the Township of Long Beach in an amount not to exceed Four Thousand Dollars (\$4,000.00) pursuant to the bid received July 20, 2017.

Motion to approve Item 12:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

FINANCIAL APPROVALS

13. Resolution 17-0807.09(a-c): Authorize various Bond sales:

- a. Refunding Bond Anticipation Notes \$3,300,000
- b. Beach Haven Terrace Water Treatment Plant Project \$7,000,000- Project # 1517001-500
- c. Repair/Replace various sanitary sewer mains \$4,700,000 Project # S340023-06

TOWNSHIP OF LONG BEACH, NEW JERSEY

RESOLUTION NO. 17-0807.09(a)

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$3,300,000 OF REFUNDING BOND ANTICIPATION NOTES OF THE TOWNSHIP; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION FROM FEDERAL INCOME TAXATION OF INTEREST ON SAID NOTES; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECT THE ISSUANCE AND SALE OF SAID NOTES

BACKGROUND

WHEREAS, the Board of Commissioners ("Board of Commissioners") of the Township of Long Beach, County of Ocean, New Jersey ("Township"), adopted a resolution on December 7, 2012 to fund an emergency appropriation ("Appropriation Resolution") for the purpose of paying the extraordinary expenses associated with the repair, rehabilitation, reconstruction and/or replacement of, among other things, streets, roads, bridges, or other public property located in the Township damaged by Hurricane Sandy ("Appropriation"), all as more particularly described in the Appropriation Resolution; and

WHEREAS, the Local Bond Law, constituting Chapter 169 of the Laws of the State of New Jersey ("State"), as amended and supplemented, N.J.S.A. 40A:2-51 et seq. ("Local Bond Law"), authorizes municipalities to issue refunding bonds to fund temporary emergency appropriations, including the Appropriation; and

WHEREAS, on February 1, 2013, the Board of Commissioners introduced a refunding bond ordinance entitled "REFUNDING BOND ORDINANCE PROVIDING FUNDS TO PAY A SPECIAL EMERGENCY APPROPRIATION (HURRICANE SANDY); AUTHORIZING THE ISSUANCE OF UP TO \$5,000,000 OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" ("Refunding Bond Ordinance"); and

WHEREAS, pursuant to N.J.S.A. 40A:2-51 *et seq.*, the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs ("Local Finance Board"), at a meeting held on March 13, 2013, adopted a resolution authorizing the Township to finally adopt the Refunding Bond Ordinance; and

WHEREAS, on March 1, 2013, the Board of Commissioners, after a public hearing, finally adopted the Refunding Bond Ordinance; and

WHEREAS, pursuant to the Refunding Bond Ordinance, the Township is authorized to issue its refunding bond anticipation notes, in the aggregate principal amount of up to \$5,000,000 to fund the Appropriation; and

WHEREAS, the Township has heretofore issued its refunding bond anticipation notes in the principal amount of \$3,833,000 ("Prior Notes") to finance the costs of the Appropriation; and

WHEREAS, the Prior Notes mature on August 30, 2017; and

WHEREAS, it is the intent of the Board of Commissioners hereby to authorize and approve the issuance and sale of its refunding bond anticipation notes in the principal amount of up to \$3,300,000 to pay a portion of the principal of the Prior Notes at maturity ("Notes"); and

WHEREAS, it is necessary for the Township to adopt this resolution to authorize and effectuate the issuance and sale of said Notes.

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

Section 1. Pursuant to the Local Bond Law, the issuance of refunding bond anticipation notes of the Township, to be designated, substantially, "Township of Long Beach, County of Ocean, New Jersey, Refunding Bond Anticipation Note of 2017, Series A" ("Notes"), in an aggregate principal amount of up to \$3,300,000, is hereby authorized and approved.

Section 2. The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity but may be renewed from time to time, subject to the terms of the Refunding Bond Ordinance. The Notes shall be issued in bearer or registered form in minimum denominations of \$100,000 or greater and shall be in the form permitted by the Local Bond Law and as Bond Counsel shall approve.

Section 3. The Notes shall be executed in the name of the Township by the manual or facsimile signature of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the Township affixed, imprinted, or reproduced thereon, and attested by the manual signature of the Township Clerk or Deputy Township Clerk.

Section 4. The Chief Financial Officer, with the assistance of the law firm of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of payment of the purchase price plus accrued interest (if any) from the dated date of the Notes to the date of delivery thereof.

Section 5. At the next meeting after the sale of the Notes, the Chief Financial Officer is authorized and directed to report, in writing, to the Board of Commissioners, the principal amount, rate of interest and name of the purchaser of the Notes.

Section 6. The Notes shall be general obligations of the Township. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Notes 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 7. The Township hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Regulations promulgated thereunder; (ii)

the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 8. The Township hereby covenants as follows: (i) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 9. The Township hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 10. The Township hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Township hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Township during the period from January 1, 2017 to December 31, 2017, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 10, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Township: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to currently refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 11. All actions heretofore taken and documents prepared or executed by or on behalf of the Township by the Mayor, Chief Financial Officer, Township Clerk, Deputy Township Clerk, other Township officials or by the Township's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 12. The Mayor, Chief Financial Officer, Township Clerk and Deputy Township Clerk are each hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Bond Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer, Township Clerk and Deputy Township Clerk, on such documents or instruments shall be conclusive as to such determinations.

Section 13. All resolutions or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 14. This resolution shall take effect immediately upon adoption this 7th day of August, 2017.

Exhibit "A"

Ordinance Number	Notes Authorized	Notes Outstanding	Available Amount	Notes to be Issued
13-03	\$5,000,000	\$3,833,000	\$533,000	\$3,300,000

RESOLUTION NO. 17-0807.09(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 \$7,000,000 OF BONDS OF THE TOWNSHIP OF LONG BEACH CONSISTING OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2017A; THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2017B; 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 2017 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 Rehabilitation and/or Replacement of the Beach Haven Terrace Water Treatment Plant ("2017 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 2017 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 2017 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 2017A ("2017A Bonds") to the Trust, and its General Obligation Bonds, Series 2017B ("2017B 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. 17-08, duly and finally adopted and published in accordance with the requirements of the Local Bond Law ("Bond Ordinance"), authorized the issuance of general obligation bonds or bond anticipation notes of the Township to finance the costs of the 2017 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 2017A Bonds and the 2017B Bonds (collectively, the "2017 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 2017 Bonds in a principal amount up to \$7,000,000; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) allows for the sale of the 2017A Bonds and the 2017B 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 2017 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 2017 Bonds in two (2) series in a total principal amount of up to \$7,000,000 to be designated, "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2017A" and "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2017B", respectively. The 2017 Bonds will be used to pay the costs of the 2017 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 2017A Bonds and the 2017B 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 2017A Bonds and the 2017B Bonds:

- (a) The aggregate principal amount of the 2017A Bonds and the 2017B Bonds to be issued;
- (b) The maturity and annual principal installments of the 2017A Bonds and the 2017B Bonds, which maturity shall not exceed thirty (30) years;
- (c) The date of the 2017 Bonds;

- (d) The interest rates of the 2017 Bonds;
- (e) The purchase price for the 2017 Bonds; and
- (f) The terms and conditions under which the 2017 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 2017 Bonds by the parties authorized under Section 3 hereof.

Section 3. The 2017 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 2017 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 2017 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 2017 Bonds), and shall bear the affixed, imprinted or reproduced seal of the Township thereon. The 2017A Bonds and the 2017B 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 2017 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 2017 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 2017 Bonds or the 2017 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 2017 Bonds or the 2017 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinance, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Municipal Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 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 7th day of August, 2017.

Exhibit "A"
SERIES A & B BONDS – Drinking Water Project

Ordinance	Bonds or Notes Authorized	Notes Outstanding	Bonds to be Issued
17-08	\$7,000,000	0	\$7,000,000

RESOLUTION NO. 17-0807.09(c)
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 \$4,700,000 OF BONDS OF THE TOWNSHIP OF LONG BEACH CONSISTING OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2017C; THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2017D; 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 2017 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 mains beneath various streets in the Township including, but not limited to, laterals, manholes and pavement restoration ("2017 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 2017 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 2017 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 2017C ("2017C Bonds") to the Trust, and its General Obligation Bonds, Series 2017D ("2017D 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. 15-39, 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 2017 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 2017C Bonds and the 2017D Bonds (collectively, the "2017 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 2017 Bonds in a principal amount up to \$4,700,000; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) allows for the sale of the 2017C Bonds and the 2017D 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 2017 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 2017 Bonds in two (2) series in a total principal amount of up to \$4,700,000 to be designated,

"Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2017C" and "Township of Long Beach, County of Ocean, New Jersey, General Obligation Bonds, Series 2017D", respectively. The 2017 Bonds will be used to pay the costs of the 2017 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 2017C Bonds and the 2017D 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 2017C Bonds and the 2017D Bonds:

- (a) The aggregate principal amount of the 2017C Bonds and the 2017D Bonds to be issued;
- (b) The maturity and annual principal installments of the 2017C Bonds and the 2017D Bonds, which maturity shall not exceed thirty (30) years;
- (c) The date of the 2017 Bonds;
- (d) The interest rates of the 2017 Bonds;
- (e) The purchase price for the 2017 Bonds; and
- (f) The terms and conditions under which the 2017 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 2017 Bonds by the parties authorized under Section 3 hereof.

Section 3. The 2017 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 2017 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 2017 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 2017 Bonds), and shall bear the affixed, imprinted or reproduced seal of the Township thereon. The 2017C Bonds and the 2017D 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 2017 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 2017 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 2017 Bonds or the 2017 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 2017 Bonds or the 2017 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 7th day of August, 2017.

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

Ordinance	Bonds or Notes Authorized	Notes Outstanding	Bonds to be Issued
15-39	\$4,700,000	\$0	\$4,700,000

14. Resolution 17-0807.10(a&b): Accept various Performance Bonds
- a. PSM Real Estate LUB-24-17 Blk 15.87 Lots 1 & 1.01
\$31,022.50
 - b. PSM Real Estate LUB-10-17 Blk 15.88 Lots 1 & 1.01
\$23,522.50

RESOLUTION 17-0807.10 (a)

WHEREAS, the Township of Long Beach accepted from PSM Real Estate, Official Check No. 53185863-3 drawn on TD Bank dated July 19, 2017 in the amount of Thirty-One Thousand Twenty-Two Dollars and Fifty Cents (\$31,022.50), as the required Performance Bond for Minor Sub-Division #LUB-24-17, Block 15.87, Lots 1 & 1.01 (4812 Long Beach Blvd.).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners accepts this Performance Bond as per its Municipal Ordinance and as recommended by the Municipal Engineer.

RESOLUTION 17-0807.10 (b)

WHEREAS, the Township of Long Beach accepted from PSM Real Estate, Official Check No. 53185864-4 drawn on TD Bank dated July 19, 2017 in the amount of Twenty-Three Thousand Five Hundred Twenty-Two Dollars and Fifty Cents (\$23,522.50), as the required Performance Bond for Minor Sub-Division #LUB-10-17, Block 15.88, Lots 1 & 1.01 (4808 Long Beach Blvd.).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners accepts this Performance Bond as per its Municipal Ordinance and as recommended by the Municipal Engineer.

15. Resolution 17-0807.11(a-c): Authorize various actions by the Tax Collector
- a. Cancel tax levy for Block 7.03 Lot 1
 - b. Extend grace period for 3rd quarter taxes: due by 8/21/17
 - c. Cancel Tax Levy on Conservation Area

RESOLUTION 17-0807.11(a)

A RESOLUTION AUTHORIZING THE CANCELTION OF A TAX LEVY

WHEREAS, the Township of Long Beach received and accepted ownership of Block 7.03, Lot 1 located on West Delaware Ave confirmed by property deed #DB 16634, P 62 with settlement on January 13, 2017 from the owner: Ellen Bernstein; and

WHEREAS, a tax-exempt status shall be established by the Long Beach Township Tax Assessor for the year 2018 for Block 7.03 Lot 1 located on West Delaware Ave; and

WHEREAS, the exempt status for the remainder of 2017, as well as the cancelation of the remainder of tax billings for 2017 in the amount of Four Thousand Five Hundred One Dollar and Sixty-Five Cents (\$4,501.65), must be approved.

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 Tax Collector is hereby authorized to cancel the remainder of tax billings for 2017 for Block 7.03, Lot 1 in the amount of Four Thousand Five Hundred One Dollar and Sixty-Five Cents (\$4,501.65).

RESOLUTION 17-0807.11(b)

A RESOLUTION AUTHORIZING EXTENTION OF GRACE PERIOD FOR 3RD QUARTER 2017 TAXES

WHEREAS, the Long Beach Township Tax Office received official notice of the 2017 Tax Rate and the Statement of State Aid for CY 2017 Property Tax Bills late. This delays the printing and mailing of the Tax Bills beyond the June 14th deadline (NJSA 54:4-64); and

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:

Pedestrian Safety, Education and Enforcement: \$16,500.00

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

DATED: August 7, 2017

MOTION: Lattanzi

SECOND: Bayard

VOTE:

AYES: Lattanzi, Bayard, Mancini

NAYES:

ABSENT:

ABSTAIN:

17. Resolution 17-0807.13: Designate signatory for the Finance Department

RESOLUTION 17-0807.13

BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, at the Public Meeting held this 7th day of August, 2017 that Lydia D'Amore is hereby appointed as an authorized signatory for official documents regarding the Finance Department; and

BE IT FURTHER RESOLVED that Jennifer Martin hereby is removed as authorized signatory for official documents.

18. Resolution 17-0807.14: Authorize various Beach Patrol Tournament fees for 2017

RESOLUTION 17-0807.14

RESOLUTION ESTABLISHING FEES FOR VARIOUS 2017 LIFEGUARD TOURNAMENTS

WHEREAS, pursuant to §5-8.E.(8) the Board of Commissioners may set fees for Beach Patrol events by resolution; and

WHEREAS, in an effort to cover the costs of various Tournaments in 2017 the Board of Commissioners has determined specific fees shall be required.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach at a regular meeting held Monday, August 7, 2017 that participants in the Women's Invitational Tournament shall be charged a fee of Ten Dollars (\$10.00), and participants in the Pick Your Poison 5-Miler Tournament shall be charged a fee of Twenty-Five Dollars (\$25.00) for advanced registration, or Thirty-Five Dollars (\$35.00) to register on the date of the event.

19. Resolution 17-0807.15: Approve Bills & Payroll

Bills in the amount of: \$ 6,287,226.48

Payroll in the amount of: \$ 1,468,548.29

RESOLUTION 17-0807.15

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 \$ 1,468,548.29.

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 \$6,287,226.48 be and the same are hereby authorized to be paid on Monday, August 7, 2017

2. The said approved payroll amounting to the sum of \$1,468,548.29 be and the same are hereby authorized to be paid on Monday, August 7, 2017.

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 13 thru 19:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

COMMISSIONERS' REPORTS

Commissioner Lattanzi spoke about the great success of the Trolley Service that has had 65,000 riders to date this summer. He noted a referendum question would appear on the November General Election ballot regarding a minimal fee charged to ride the Shuttle. In order to continue and to expand the popular service, additional funding was necessary. A user fee to riders would be a reasonable and fair solution. He provided information on a second referendum question to be placed on the ballot. An Open Space Tax would be an economical way for Long Beach Township to acquire parcels of land for conservation as parks or historical sites. He hoped the voters would endorse and support these matters at the polls.

Commissioner Bayard advised the public that Township construction projects were suspended for the summer and would resume in the Fall.

Mayor Mancini announced the next meeting of the Land Use Board would be held on Wednesday, August 9th at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinance 17-31C would take place at the public meeting held on October 2nd at 4:00 pm. Second Reading and Public Hearing for Ordinance(s) 17-32C and 17-33C would take place at the public meeting held on September 11, 2017 at 4:00 pm. He further noted the Township anticipated Stockton University's Terminal Groin Design and cost estimate to be received shortly. The State of NJ planned to advertise for bids for the Inlet Dredging Project. The sand gathered from the inlet would be placed back on Township beaches.

Administrator's Report: Kyle Ominski announced the Bayview Park concert was cancelled due to poor weather.

OPEN PUBLIC SESSION

Mary Ann Gachigian, Deborah Slifer, and other residents of 85th Street, Beach Haven asked the Board of Commissioners to assist them in correcting the delivery of mail to their homes. Many deliveries were sent to 85th Street in Harvey Cedars and the Post Office has advised them the Township must re-name their street in order for the problem to be corrected.

Mayor Mancini and Kyle Ominski would meet with them and a Postal Representative on August 9th to work on a solution to the problem.

Mike D'Ambrosio/Brighton Beach asked that flooding near his home on West Connecticut Avenue be mitigated.

Commissioner Bayard would look into the problem.

Pat Prout/Brant Beach asked if the other Island Municipalities contributed to funding the Trolley Service.

Commissioner Lattanzi confirmed they did, however costs far exceeded the contributions.

Carol Formica/Brant Beach complimented the Police Department for an excellent event that they recently held, National Night Out. She asked why bathrooms had been placed at the Observation Deck on 68th Street and why a food truck had been placed in Bayview Park.

Mayor Mancini explained there was public demand for both. Many pedestrians, runners, cyclists and beach patrons utilized the seasonal/portable bathroom, and visitors in Bayview Park frequent the seasonal food trailer continually. The food trailer was owned by Long Beach Township and staffed only for the summer.

Bill Hutson/Holgate noted local restaurant owners were not interested in staffing a seasonal food stand in Bayview Park. The Township therefore offered the food concession at public auction. He advocated the Trolley Service that was used by all age groups, residents and visitors on Long Beach Island.

Dan Macone/Holgate asked for more information regarding the Pedestrian Safety, Education and Enforcement Fund. He hoped some of those resources could be used in Holgate to enhance safety.

CLOSE PUBLIC SESSION

Motion for adjournment at 6:30 p.m.:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner