

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS AUGUST 01, 2022

Flag Salute

Meeting came to order: 4:04 p.m.

| | | |
|-----------------------|---------------------------------|---------|
| Clerk calls the roll: | Mayor Joseph H. Mancini | Absent |
| | Commissioner Ralph H. Bayard | Present |
| | Commissioner Joseph P. Lattanzi | Present |

Also in attendance: Danielle La Valle, Municipal Clerk
Kyle Ominski, Administrator

Municipal Clerk announces: 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 23, 2021; 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: | Bayard | Ayes: Bayard, Lattanzi |
| Second: | Lattanzi | Nays: |

AGENDA

DECLARATION: Appointment to LBT Land Use Board

The following shall be appointed as per N.J.S.A. 55D to the Long Beach Township Land Use Board as of August 2022 for the following terms:

| | |
|---------------------------------------|-------------|
| David Seegers, Class IV Alternate #4: | 2 year term |
|---------------------------------------|-------------|

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 22-16: **BOND ORDINANCE AUTHORIZING THE REPLACEMENT OF VARIOUS WATER MAINS IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$987,000 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 \$987,000; 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, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$987,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$987,000.

Section 3. The sum of \$987,000, to be raised by the issuance of bonds or bond anticipation notes, is 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 \$987,000 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 \$987,000 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 \$198,000.

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

| <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|---|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. Replacement of Various Water Mains in and for the Township including, but not limited to, 77 th Street, Mea Lane, Seagull Avenue, and West Harrington Avenue, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | \$987,000 | \$0 | \$987,000 | 40 years |

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$987,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of or repayment of obligations issued to finance the costs of the improvements described in Section 7 above.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

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

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

(d) it shall timely file with the 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.

Passed on first reading at a regular meeting held on July 11, 2022 and advertised in the BEACH HAVEN TIMES issue of July 14, 2022.

OPEN PUBLIC HEARING
No Public Comment
CLOSE PUBLIC HEARING

Motion to approve/adopt Ordinance 22-16 on Second Reading:

Motion: Bayard Ayes: Bayard, Lattanzi
Second: Lattanzi Nays:

2. Second Reading Ordinance 22-17: **BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR RESURFACING OF VARIOUS ROADWAYS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$650,000 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 \$189,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

BE IT ORDAINED by the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement 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 purpose stated in Section 7 hereof is \$650,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$189,500; and

(c) a down payment in the amount of \$9,974 for the purpose stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$189,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$9,974, which amount represents the required down payment, and the sum of \$450,526, which amount represents a grant from the New Jersey Department of Transportation ("NJDOT"), are hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$189,500 to finance the costs of the purpose 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 purpose described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$189,500 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 \$125,000.

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

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Grants</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|---|-----------------------------|---------------------|---------------|------------------------------|-----------------------------|
| A. | Reconstruction and/or Resurfacing Various Roadways in the Township including, but not limited to, West Hobart Avenue, | \$650,000 | \$9,974 | \$450,526 | \$189,500 | 10 years |

| <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Grants</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----------------------------|-----------------------------|---------------------|---------------|------------------------------|-----------------------------|
|----------------------------|-----------------------------|---------------------|---------------|------------------------------|-----------------------------|

together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$189,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of or repayment of obligations issued to finance the costs of the improvement described in Section 7 above.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

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

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

(d) it shall timely file with the 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 improvement authorized hereby is not a current expense and is an improvement that the Township may lawfully make. No part of the cost of the improvement 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.

Passed on first reading at a regular meeting held on July 11, 2022 and advertised in the BEACH HAVEN TIMES issue of July 14, 2022.

OPEN PUBLIC HEARING

No public Comment

CLOSE PUBLIC HEARING

Motion to approve/adopt Ordinance 22-17 on Second Reading:

Motion: Bayard Ayes: Bayard, Lattanzi

Second: Lattanzi Nays:

3. Second Reading Ordinance 22-18: **BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF A WATER TREATMENT PLANT AND WELL BUILDING IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY;**

APPROPRIATING THE SUM OF \$3,500,000 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 \$3,500,000; 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, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$3,500,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$3,500,000.

Section 3. The sum of \$3,500,000, to be raised by the issuance of bonds or bond anticipation notes, is 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 \$3,500,000 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. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Infrastructure Bank, under an Application for Financial Assistance submitted by the Township to said entities.

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 \$3,500,000 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 \$700,000.

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

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|--|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. | Construction of Water Treatment Plant and Well Building, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | \$3,500,000 | \$0 | \$3,500,000 | 40 years |

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$3,500,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of or repayment of obligations issued to finance the costs of the improvements described in Section 7 above.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes

authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

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

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

(d) it shall timely file with the 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.

Passed on first reading at a regular meeting held on July 11, 2022 and advertised in the BEACH HAVEN TIMES issue of July 14, 2022

OPEN PUBLIC HEARING

John Fiore, Brant Beach-questions about if fresh water was being treated

Commissioner Bayard says yes, just like Brant Beach

Ann Barkey, Love Ladies-questioning whether new building or rehabilitation of old building

Commission Bayard explains it is a modernization of current building

Rand Pearsall, Holgate-had a question regarding new structures on premises

Commissioner Bayard explains no new structure, only raising it

CLOSE PUBLIC HEARING

Motion to approve/adopt Ordinance 22-18 on Second Reading:

Motion: Bayard Ayes: Bayard, Lattanzi

Second: Lattanzi Nays:

4. Second Reading Ordinance 22-19: **BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF STORM WATER PUMP STATIONS AND STORM DRAINS IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$3,000,000 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 \$2,850,000; 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, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purpose described in Section 7 hereof is hereby authorized as a general improvement 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 purpose stated in Section 7 hereof is \$3,000,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$2,850,000; and

(c) a down payment in the amount of \$150,000 for the purpose stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$2,850,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$150,000, which amount represents the required down payment, is hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$2,850,000 to finance the costs of the purpose 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 purpose described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$2,850,000 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 \$600,000.

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

| | <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|----|--|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. | Construction of Storm Water Pump Stations and Storm Drains at various locations throughout the Township including, but not limited to, 13 th Street, 27 th Street, and 35 th Streets, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | \$3,000,000 | \$150,000 | \$2,850,000 | 40 years |

Section 8. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$2,850,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of or repayment of obligations issued to finance the costs of the improvement described in Section 7 above.

Section 10. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation

Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

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

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

(d) it shall timely file with the 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 improvement authorized hereby is not a current expense and is an improvement that the Township may lawfully make. No part of the cost of the improvement 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.

Passed on first reading at a regular meeting held on July 11, 2022 and advertised in the BEACH HAVEN TIMES issue of July 14, 2022.

OPEN PUBLIC HEARING

Pete Potochney, Brant Beach-question regarding which streets this affects and how impactful this will be

CLOSE PUBLIC HEARING

Motion to approve/adopt Ordinance 22-19 on Second Reading:

Motion: Bayard Ayes: Bayard, Lattanzi

Second: Lattanzi Nays:

5. First Reading Ordinance 22-20C: **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 205, WHICH PERTAINS TO ZONING**

Motion to approve/adopt Ordinance 22-20C on First Reading:

Motion: Bayard Ayes: Bayard, Lattanzi

Second: Lattanzi Nays:

6. First Reading Ordinance 22-21C: **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 90, WHICH PERTAINS TO FIREARMS**

Motion to approve/adopt Ordinance 22-21C on First Reading:

Motion: Bayard Ayes: Bayard, Lattanzi

Second: Lattanzi Nays:

ADOPTIONS & APPROVALS

7. Resolution 22-0801.01: Approve Various Personnel Matters

RESOLUTION 22-0801.01

Water/Sewer

Hire the following employee as a Permanent Full-Time Laborer 1 at the annual base salary of \$45,000.00 to be paid from Water/Sewer Salary & Wage effective August 15, 2022.

David Letts

Public Works

Change the following employee's Civil Service Title to Laborer 2 and annual base salary to \$75,312.00 effective retroactive to July 23, 2022.

Jack Bazel

Police

Hire the following employees as Temporary Part-Time Dispatchers at the rate of \$25.00 per hour to be paid from Police Dispatch Salary & Wage effective retroactive July 18, 2022.

Melissa Switzer

Jessica Vanpelt

Beach Patrol

Hire the following employee as a Seasonal Lifeguard at a rate of \$106.72 per day to be paid from the Lifeguard Salary & Wage effective retroactive June 18, 2022.

Jillian Middleton

Change the rate of pay for the following seasonal lifeguard to \$106.72 per day to be paid from the Lifeguard Salary & Wage effective retroactive June 18, 2022.

Emma Foster

Change the rate of pay for the following seasonal lifeguard to \$103.39 per day to be paid from the Lifeguard Salary & Wage effective retroactive June 18, 2022.

Ben I. Rubin

Change the rate of pay for the following seasonal lifeguards to \$96.72 per day to be paid from the Lifeguard Salary & Wage effective retroactive June 18, 2022.

Kenny Gomez

Molly McAndrew

Justin Davis

Hire the following employee as a Seasonal Lifeguard at a rate of \$93.38 per day to be paid from the Lifeguard Salary & Wage effective retroactive July 8, 2022.

Ryan Carey

Hire the following employee as a Seasonal Lifeguard at a rate of \$96.72 per day to be paid from the Lifeguard Salary & Wage effective retroactive July 18, 2022.

Gabrielle Brusca

Beach Badge

Hire the following as a Seasonal Beach Badge Program Assistant Supervisor, at the rate of \$15.00 per hour to be paid from the Beach Badge Salary & Wage effective July 12, 2022.

Patrick O'Brien

Hire the following as Seasonal Beach Badge Program Seller/Checkers part time, per hour, at the rate of \$13.00 per hour to be paid from the Beach Badge Salary & Wage effective July 21, 2022.

Yagmur Karabocek

Alan Said Alban Morales

Mikayil Shahtakhtinski

Transportation

Hire the following employee as a Seasonal Gator Driver at the rate of \$13.00 per hour to be paid from Transportation Salary & Wage effective retroactive to July 28, 2022.

Douglas Sirotiak

Water/Sewer

Approve an annual stipend of \$2,200.00 for the year of 2022 for the following non-contractual employee for holding a Commercial Driver's License B as per Board of Commissioner's decision that it is considered job related.

Vincenzo Leto

Motion to approve Item 7:

Motion: Bayard

Ayes: Bayard, Lattanzi

Second: Lattanzi

Nays:

LICENSES & PERMITS

8. Resolution 22-0801.02: Approve an Application for a Social Event: Block Party August 27th, 5pm-10pm, 121-131 Macevoy

RESOLUTION 22-0801.02

APPROVE STREET CLOSING APPLICATION FOR SOCIAL EVENTS

WHEREAS, in response to a homeowner's requests for the following:

- Permission to close Macevoy Lane from 121 Macevoy to 131 Macevoy from 5:00pm-10:00pm August 27, 2022 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 closure as requested with provisions for an open lane for emergency vehicles and flashing lights on barriers from dusk to close of each event.

Motion to approve Item 8:

Motion: Bayard

Ayes: Bayard, Lattanzi

Second: Lattanzi

Nays:

PURCHASES, CONTRACTS & AWARDS

9. Resolution 22-0801.03: Award Contract Per Cooperative Purchasing, Sourcewell -2022 Mason Dump Truck with Backpack and Plow for the W/S Department from Allegiance Truck, \$100,796.00

RESOLUTION 22-0801.03

AUTHORIZING PURCHASE UNDER THE NATIONAL COOPERATIVE PURCHASING PROGRAM SOURCEWELL PER THE LOCAL PUBLIC CONTRACTS LAW N.J.S.A.

52:34-6.2

WHEREAS, the Township of Long Beach wishes to purchase from an authorized vendor under the National Purchasing Cooperative SOURCEWELL; and

WHEREAS, pursuant to N.J.S.A. 52:34-6.2, a contracting unit is authorized to utilize a National Coop if determined to be in the best interest of the contracting unit; and

WHEREAS, Allegiance Trucks a vendor/dealer with International Truck., has been awarded the Sourcewell Contract #060920-NVS which expires August 1, 2024; and

WHEREAS, the Commissioner of Revenue and Finance recommends the utilization of this contract on the grounds that it represents the most cost-effective method for the needs of the Township; and

WHEREAS, the actual cost for the purchase of one (1) 2022 CV515 SFA 4x4 Mason Dump with Backpack and Plow for the Water/Sewer Department is One Hundred Thousand Seven Hundred Ninety-Six Dollars (\$100,796.00); and

WHEREAS, the Finance Officer has certified the availability of funds for this contract in the appropriation created by: Purchase of Vehicle Account #2-09-55-549-051 in the amount not to exceed One Hundred Thousand Seven Hundred Ninety-Six Dollars (\$100,796.00); and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach that Allegiance Truck, 525 West Linden Ave, Linden, NJ 07036 be awarded a contract for the purchase and delivery of one (1) 2022 CV515 SFA 4x4 Mason Dump with Backpack and Plow Water/Sewer Department.

Motion to approve Item 9:

Motion: Bayard Ayes: Bayard, Lattanzi
Second: Lattanzi Nays:

FINANCIAL APPROVALS

10. Resolution 22-0801.04: Accept Performance Bond;
Richard & Kimberly Poust; Block 4.07 Lot 13.02; LUB# 04-21

RESOLUTION 22-0801.04

ACCEPT A PERFORMANCE BOND

WHEREAS, the Township of Long Beach accepted from Richard & Kimberly Poust Check No. 23721 drawn on Bank United dated July 8, 2022, in the amount of Eleven thousand Seven Hundred Twenty Dollars and Fifty cents (\$11,720.50) as the required Performance Bond for Minor Subdivision #LUB-04-21, Block 4.07, Lot 13.02.

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.

11. Resolution 22-0801.05: Approve Bills and Payroll
Bills in the amount of: \$7,819,543.61
Payroll in the amount of: \$832,224.85

RESOLUTION 22-0801.05

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 \$832,224.85.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Long Beach as follows:

1. The said approved vouchers amounting to the sum of \$7,819,543.61 be and the same are hereby authorized to be paid on Monday, August 1, 2022.
2. The said approved payroll amounting to the sum of \$832,224.85 be and the same are hereby authorized to be paid on Monday, August 1, 2022

The Municipal Clerk be, and 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 10-11:

Motion: Bayard Ayes: Bayard, Lattanzi
Second: Lattanzi Nays:

Administrator's Report: No report

COMMISSIONERS' REPORTS

Commissioner Bayard: No report

Commissioner Lattanzi: The next meeting of the Land Use Board will be held on Wednesday, August 10, 2022 at 7:00 pm in the Municipal Court Room.

Second Reading and Public Hearing for Ordinance(s) 22-20C & 22-21C will take place at the public meeting held on Wednesday, September 7, 2022 at 4:00 pm.

We have an Emergency Order going into effect regarding the recent increase in large groups of juveniles and “pop-up parties”, gathering in residential neighborhoods, at commercial establishments and on the beaches. The order states that without a parent or guardian, all persons 17 years of age and under are not permitted outside upon public property or unimproved private property after 12:00 a.m. until 5:00 a.m. and no groups of persons larger than 10 people shall be permitted on any beach after 10:00 p.m. until 5:00 a.m. the following day.

Commissioner Lattanzi explains that we are on, if not slightly above, budget for the gator and transportation programs. Friday Night Concert series is going very well, but we are looking at pulling back the Sunday Concerts a little bit.

OPEN PUBLIC SESSION

Ann Barkey, Love Ladies-had questions regarding the water rates for next year and how they will be different.

Commissioner Bayard responded that the usage will be reviewed and rates will be assessed at the end of the year.

Dave McWilliam, Brighton Beach-Had questions regarding status of the Kubel’s property
Pete Trainor, North Beach Haven-questioned when Resiliency Meetings will be and how will people be notified.

Kyle Ominski informed Mr. Trainor to reach out to Angela Anderson for that information.

Lew Nagy, Loveladies-requests additional trash receptacles at the 91st street beach.

Don O’Brien, Brant Beach-inquired about the town’s position on the windmills and if we have reached out to the State.

Commissioner Lattanzi informed Mr. O’Brien that the town is very against the windmills and that we have written to the state but have not heard back.

Mr. O’Brien continued by voicing concerns about the fee for trash enforcement and was curious why the town did not issue warnings.

Commissioner Bayard explained that the town has given up on warnings as they were not working.

John Fiore, Brant Beach-has concerns that new bulkhead at 57th Street is too high and since the surroundings bulkheads were not as high the water would simply flow over those lower bulkheads.

CLOSE PUBLIC SESSION

Motion for adjournment at: 4:31pm

Motion: Bayard Ayes: Bayard, Lattanzi
Second: Lattanzi Nays:

Danielle La Valle, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner