

Minutes  
REGULAR SESSION BOARD OF COMMISSIONERS July 3, 2017  
Flag Salute

Meeting came to order: 4:00 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 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

AGENDA

ORDINANCES & PUBLIC HEARINGS

1. Second Reading Ordinance 17-22: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$35,000.00 FROM THE CAPITAL IMPROVEMENT FUND (GENERAL CAPITAL ACCOUNT) FOR THE PURCHASE OF A CAMERA SYSTEM FOR THE TRANSPORTATION DEPARTMENT**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated from the Capital Improvement Fund (General Capital Account) the sum of \$35,000 for the purchase of a camera system for the Transportation Department.

**Section 2.** It is hereby determined and stated that the improvements set forth in Section 1 above are general capital improvements and are not a current expense.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this 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 Municipal Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

**Date of Introduction:** June 5, 2017

**Date of Final Adoption:** July 3, 2017

Passed on first reading at a regular meeting held on June 5, 2017 and advertised in the BEACH HAVEN TIMES issue of June 8, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-22 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini  
Second: Bayard

2. Second Reading Ordinance 17-23: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH VACATING A TEN-FOOT-WIDE UNNAMED ALLEY RIGHT OF WAY ADJACENT TO DELAWARE AVENUE**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1, *et seq.*, the governing body of a municipality may make, amend, repeal, and enforce an ordinance to vacate any public street, highway, lane or alley, or any portion thereof; and

**WHEREAS**, Township of Long Beach ("Township") has received a request to vacate a ten-foot-wide unnamed alley adjacent to Delaware Avenue, which presently exists as an unimproved right of way; and

**WHEREAS**, the 650.60+/- square foot area to be vacated ("Property") is more particularly described by the legal description attached hereto as Exhibit A, and which is graphically depicted in the map entitled "Map to Accompany An Alley Vacation," prepared by William J. Berg, P.L.S., and attached hereto as Exhibit B; and

**WHEREAS**, Township has determined that the Property to be vacated has not been improved, does not provide public access, and is no longer needed for public purposes; and

**WHEREAS**, Township finds that it is in the best interests of Township and its citizenry to abandon, vacate, release, and extinguish any and all public rights in and to the Property as described in Exhibit A and as depicted in Exhibit B, which area is no longer needed for a public purpose; and

**WHEREAS**, the vacation is expressly made without recourse, warranty, or representation of any type or kind and subject to any and all easements, claims of easements, restrictions, defects, liens, encumbrances, adverse claims or circumstances, encroachments, violations, variances, rights, riparian rights, and privileges possessed by any person or entity, including, but not limited to, the State and public utility or cable television companies on, over, under, and across the described portion of the Property.

**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 vacate the Property as follows.

#### STATEMENT OF PURPOSE

The purpose of this Ordinance is to vacate the Township's unimproved right of way to a ten-foot-wide unnamed alley adjacent to Block 6.48, Lot 15, and Block 6.48, Lot 16 on Delaware Avenue.

**§1. Vacation of Property.** Subject to the conditions set forth herein, the rights of the public in and to Property to be vacated as described in Exhibit A and depicted in Exhibit B, each of which is attached hereto and incorporated and made a part hereof by reference herein, are hereby released, extinguished, and vacated.

**§2. Conveyance and Merger.** The area of the Property hereby vacated is conveyed and shall merge, consolidate with, and become a part of the adjoining lands as provided for by operation of law. Specifically, as provided by the operation of law, the Property adjoining Block 6.48, Lot 15, and Block 6.48, Lot 16, shall receive those portions of the vacated Property up to the center line of the former unimproved right of way as a result of the vacation as described and depicted in Exhibit A and Exhibit B.

**§3. Reservation of Rights.** The vacation hereby enacted expressly reserves and excepts from vacation all rights and privileges possessed by the State and public utilities, as defined by R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act" (N.J.S.A. 48:5A-1, *et. seq.*), to maintain, repair, and replace their existing facilities in, adjacent to, over or under the vacated right-of-way.

**§4. Warranties.** The vacation hereby enacted is expressly made without recourse, warranty, or representation of any type or kind and subject to any and all easements, claims of easements, restrictions, defects, liens, encumbrances, adverse claims or circumstances, encroachments, violations, variances, riparian rights, rights, and privileges possessed by any person or entity on, over, under and across the described portion of Property. It is the intent of Township to vacate the aforementioned interests that the public may have in the aforementioned right-of-way, subject, however, to the reservations set forth herein, and to provide that the property shall be conveyed in its "as is," "where is," and "with all faults" condition for no further consideration.

**§5. Notice.** At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy hereof, together with a notice for the introduction thereof and the time and place when and where the Ordinance shall be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

**§6. Recording.** Township Clerk shall file and record, within sixty (60) days of the effective date of this Ordinance, a copy of this Ordinance certified by her under the seal of Township to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Ocean in accordance with applicable law.

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

**§8. 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 June 5, 2017 and advertised in the BEACH HAVEN TIMES issue of June 8, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-23 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**3. Second Reading Ordinance 17-24: AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$125,000 FROM THE CAPITAL IMPROVEMENT FUND (UTILITY CAPITAL ACCOUNT) FOR THE COSTS ASSOCIATED WITH THE ACQUISITION OF A UTILITY TRUCK AND BACKHOE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated from the Capital Improvement Fund (Utility Capital Account) the sum of \$50,000 for the Acquisition of a Utility Truck and the sum of \$75,000 for the Acquisition of a Backhoe.

**Section 2.** It is hereby determined and stated that the improvements set forth in Section 1 above are general capital improvements and are not a current expense.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this 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 Municipal Clerk and available for inspection.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

Passed on first reading at a regular meeting held on June 5, 2017 and advertised in the BEACH HAVEN TIMES issue of June 8, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-24 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**4. Second Reading Ordinance 17-25: BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF EXISTING WATER MAINS AND HYDRANTS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$4,200,000 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 \$4,200,000; 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 \$4,200,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$4,200,000.

**Section 3.** The sum of \$4,200,000, 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 \$4,200,000 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 Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. 1517001-015) submitted by the Township to said entities (collectively, the "Application").

**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 \$4,200,000 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 \$850,000.

**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 Removal and Replacement of Existing Water Mains and Hydrants, including but not limited to Pipes, Valves and Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Township Clerk's office.	\$4,200,000	\$0	\$4,200,000	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 \$4,200,000 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 the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

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

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

(d) it shall timely file with the 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 13.** 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 14.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 15.** 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 June 5, 2017 and advertised in the BEACH HAVEN TIMES issue of June 8, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-25 on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

5. Second Reading Ordinance 17-26: **BOND ORDINANCE AUTHORIZING THE REMOVAL AND/OR REPLACEMENT OF EXISTING SANITARY SEWER MAIN IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$4,500,000 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 \$4,500,000; 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 \$4,500,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$4,500,000.

**Section 3.** The sum of \$4,500,000, 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 \$4,500,000 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 Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. S340023-07) submitted by the Township to said entities (collectively, the "Application").

**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 \$4,500,000 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 \$900,000.

**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 Removal and Replacement of Existing Sanitary Sewer Main, including but not limited to Laterals, Manholes and Pavement Restoration; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file in the Municipal Clerk's office.	\$4,500,000	\$0	\$4,500,000	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 \$4,500,000 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 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 proceed of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

**Section 13.** The Township hereby covenants as follows:

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

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

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

(d) it shall timely file with the 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 13.** 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 14.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 15.** 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 June 5, 2017 and advertised in the BEACH HAVEN TIMES issue of June 8, 2017.

OPEN PUBLIC HEARING

**Pat Prout of 120 W. 56<sup>th</sup> St.**, questioned why there were two ordinances for this (17-25 and 17-26).

**Mr. Ominski** explained that one was for water (17-25) and the other (17-26) for sewer.

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-26 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**6. Second Reading Ordinance 17-27: BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS TO VETERANS PARK IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$200,000 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 \$190,000; 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 \$200,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$190,000; and

(c) a down payment in the amount of \$10,000 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 \$190,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,000, which amount represents the required down payment, 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 \$190,000 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 \$190,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

**Section 7.** The 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 of 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. Supplemental Funding for the Completion of Various Capital Improvements at Veterans Park, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as originally financed by Capital Ordinance 17-15, finally adopted on April 6, 2017	\$200,000	\$10,000	\$190,000	15 years

**Section 8.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate

original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$190,000 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 June 5, 2017 and advertised in the BEACH HAVEN TIMES issue of June 8, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-27 on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

7. Second Reading Ordinance 17-28C: **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**

**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.

The Municipal Clerk stated this Ordinance was **WITHDRAWN** and would be re-introduced by the following Ordinance 17-29C.

Motion to **Withdraw** Ordinance 17-28C:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

- 8. First 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**

**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.

Mayor Mancini explained this Ordinance would prevent large groups of people from gathering for commercial/for profit uses without a required application and approval from the Police Department and the Commissioners.

Motion to approve Ordinance 17-29C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

- 9. First 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 THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DOES ORDAIN:**

**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.

The Mayor explained this would designate an additional \$0.01 per \$100 dedicated to an Open Space Fund for the purchase of land for recreation, conservation or historic preservation purposes. The resulting \$80.00 per year/per property would raise approximately \$800,000 to fund such land purchases.

Motion to approve Ordinance 17-30 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

- 10. First Reading Ordinance 17-31C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME PERTAINS TO THE CREATION OF A NEW CHAPTER 114 REGULATING AND LIMITING THE USE OF PLASTIC BAGS BY BUSINESSES IN THE TOWNSHIP**

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to create Chapter 114, which adopts regulations relating to and limiting the use of plastic bags by businesses in the Township. The regulations are intended as necessary and proper steps by the Township to address a significant global problem relating to the sale and use of plastic bags, to further incentivize the use of reusable bags at businesses, and, ultimately, to protect the environment, wildlife, and the public health, welfare, and safety.

**Mayor Mancini** explained re-usable or recycled paper bags can protect our environment and wildlife and enhance public health, safety and welfare.

The second reading will be postponed until October to allow a 90-day comment period.

Motion to approve Ordinance 17-31C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**ADOPTIONS & APPROVALS**

11. Resolution 17-0703.01: Adopt the 2017 Floodplain Management Plan and Amendments, per annual review

**RESOLUTION 17-0703.01**

**A RESOLUTION RE-ADOPTING THE FLOODPLAIN MANAGEMENT PLAN AND AMENDMENTS, AS PER THE ANNUAL REVIEW, FOR THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, the Township of Long Beach participates in the Community Rating System (CRS) program of the National Flood Insurance Program (NFIP); and

**WHEREAS**, the CRS program requires that a Floodplain Management Plan be formulated and adopted as a planning document to reduce flooding and repetitive flood losses; and

**WHEREAS**, this planning effort began August 1997 with the establishment of a Planning Committee adopted by Resolution 97-0905.05 on September 5, 1997; and the original Floodplain Management Plan was adopted on April 17, 1998 under Resolution 98-0417.03; and

**WHEREAS**, a document has been developed by the Committee titled a Floodplain Management Plan for Long Beach Township that contains an Action Plan for reducing flooding and flood losses and this Floodplain Management Plan and Action Plan was the subject of a public hearing on April 4, 1998 and since then has been reviewed, evaluated and updated each year at the annual Floodplain Management Committee Meeting. At this year's meeting on April 12, 2017 various amendments were proposed and the overall plan and current action plan have been updated; and

**WHEREAS**, upon approval, this report will be made available for the public and the local media as required to maintain the Townships' Class 5 Community status with a 25% discount on flood insurance programs.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach that the Floodplain Management Plan, Action Plan, and Amendments as discussed above are hereby adopted as a planning document for the Township of Long Beach; and

**BE IT FURTHER RESOLVED** that the implementation of the Action Plan shall continue to be reviewed on a yearly basis by the Planning Committee, and made available to the public and the media upon request.

12. Resolution 17-0703.02: Rescind Resolution 17-0605.12  
SL MacIntyre: current contract effective through  
December 2017

**RESOLUTION 17-0703.02**

**WHEREAS**, Resolution 17-0605.12, passed by the Board of Commissioners at a meeting held on June 5, 2017, authorized the extension of a contract with SL MacIntyre Underground, LLC for Emergency Water/Sewer Repairs; and

**WHEREAS**, Resolution 16-0606.14 awarded said contract to SL MacIntyre Underground, LLC effective June 2016 through December 2017 with an option to extend services at the conclusion of the initial contract period; and

**WHEREAS**, the option to extend the contract as per Resolution 17-0605.12 was authorized in error prior to the actual conclusion of the initial contract period.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that Resolution 17-0605.12 authorizing the extension of a contract SL MacIntyre Underground, LLC is hereby rescinded.

13. Resolution 17-0703.03: Authorize the ratification of the vacation of a portion of New Jersey Avenue

**RESOLUTION 17-0703.03**

**RESOLUTION CONFIRMING THE EXECUTION AND RECORDING OF A CONFIRMATORY QUITCLAIM DEED FOR 136 WEST NEW JERSEY AVENUE, EFFECTIVE NUNC PRO TUNC TO 1949 AND 1951**

**WHEREAS**, American Abstract Agency, LLC ("Title Company"), advised the Township of Long Beach ("Township") that the Township conveyed title to Lots 19 and 18 in Tract 2 (collectively "Lots") to private parties in 1948 and 1951, respectively; and

**WHEREAS**, the Title Company discovered during a title search relating to 136 West New Jersey Avenue ("Property") that the aforesaid deeds conveying the Lots in 1948 and 1951, which now comprise the Property, were not recorded; and

**WHEREAS**, the Title Company requested that the Township confirm the conveyance by way of a confirmatory quitclaim deed ("Deed"), which confirms the conveyances of the Lots without any warranty or guarantees as to the Township's

title to the Lots in 1948 or 1951, nor provides any assurances as to the quality of titles previously conveyed; and

**WHEREAS**, the Township Attorney investigated the issue, recommended that the evidence supports the prior conveyances, and recommended the Deed be prepared, executed, and applicable *nunc pro tunc* to 1948 and 1951; and

**WHEREAS**, the Mayor and Municipal Clerk executed the Deed prepared by the Township Attorney and authorized the recording of the Deed with the Ocean County Clerk; and

**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 July 3, 2017, that the Deed was and is hereby authorized as executed and recorded.

14. Resolution 17-0703.04: Approve various personnel matters

**RESOLUTION 17-0703.04**

Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number \*\*\*\*\*7933 active retroactive to June 12, 2017.

Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number \*\*\*\*\*4686 effective retroactive to June 1, 2017.

Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number \*\*\*\*\*4994 effective retroactive to June 26, 2017.

**Beach Badge**

Please hire the following employee as a Seasonal Beach Badge program Supervisor at the rate of \$13.25 per hour to be paid from Beach Badge Salary & Wage effective retroactive to June 17, 2017.

Gianna Brusca      Brielle Gulya      Paige Mosher

Hire the following employees as Seasonal Beach Badge Program Sellers/Checker at the following rates of pay to be paid from the Beach Badges Salary & Wage effective retroactive to June 17, 2017.

\$8.60 per hour

Joseph Vitiello

Abigail Wilbert

Marielle Conwell

\$8.50 per hour

Isabelle Chirico

Bryce Jillson

Kyle Moore

Ashley Sinclair

Lindsey Anderson

Gabriella Corbo

Katherine Greed

Philip Weber

Joseph Vitiello

Abigail Wilbert

Connor Axelrod

Thor Barckley

Melissa Braunstein

Joseph Brusca

Ryan Burslem

Paul Clemente

Camille Corbi

Elizabeth Duncan

Megan Giarraputo

Alex Haldenwang

Kelsey Hemenway

Alaina Lewis

Emma Marszalek

Kaylee McCracken

Hailey Middleton

Gweneth Moran

Sophie Noble

Jillian Omberg

Paige Perez

Jessica Petersen

Julie Reagan  
Abigail Redmond  
Baylee Reinhart  
Rachel Rieck  
Charles Roth  
Madison Rothstein  
Jordan Rizzo  
Stephen Schau  
Kyle Stretch  
Molly Torgersen  
Alyssa Vitiello  
Kate Weston

**Beach Patrol**

Hire the following employee as a Seasonal Laborer 1 at the rate of \$120.00 per day to be paid from Lifeguard Salary & Wage effective retroactive to May 1, 2017.

Jack Bushko

**Construction**

Change the following employee's salary to \$80,000.00 per year to be paid from Construction Salary & Wage effective retroactive to July 1, 2017.

Greg Cirillo

**Finance**

Approve the donation of 21 hours sick time from Chris Connors to Jen Martin as per ordinance 08-43.

**Municipal Clerk**

Approve the donation of 14 hours sick time from Gabrielle Albert to Danielle La Valle as per ordinance 08-43.

Approve the donation of 35 hours sick time from Greg Cirillo to Danielle La Valle as per ordinance 08-43.

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

Approve the donation of 14 hours sick time from Joni Bakum to Danielle La Valle as per ordinance 08-43.

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

Approve the donation of 14 hours sick time from Susan Levance to Danielle La Valle as per ordinance 08-43.

Approve the donation of 14 hours sick time from Joanne Tallon to Danielle La Valle as per ordinance 08-43.

Approve the donation of 35 hours sick time from Beth Brewster to Danielle La Valle as per ordinance 08-43.

**Public Works**

Hire the following employee as a Seasonal Laborer 1 at the rate of \$12.00 per hour to be paid from Public Works Salary & Wage effective retroactive to June 17, 2017.

Joe Mangino

Hire the following employee as a Seasonal Full-Time Laborer 1 at the rate of \$9.00 per hour to be paid from Public Works Salary & Wage effective retroactive to June 23, 2017.

Marcos Matias

Hire the following employee as a Seasonal Laborer 1 at the rate of \$10.00 per hour to be paid from Public Works Salary & Wage effective retroactive to June 23, 2017.

Zachary Oddo

**Tax Assessor**

Change the following employee's annual base salary to \$51,000.00 per year to be paid from Tax Assessor Salary & Wage effective July 3, 2017.

Barbara Bielawne

**Water/Sewer**

Hire the following employee as a Seasonal Full-Time Laborer 1 at the rate of \$9.00 per hour to be paid from Water/Sewer Salary & Wage effective retroactive to June 10, 2017.

Tyler Colon

15. Resolution 17-0703.05: Authorize an application for Municipal Recycling Tonnage Grant

**RESOLUTION 17-0703.05**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to

Municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new Municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on Municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the Municipality; and

**WHEREAS**, a resolution authorizing this Municipality to apply for such tonnage grants will memorialize the commitment of this Municipality to recycling and indicate the assent of the Board of Commissioners of Long Beach Township to the efforts undertaken by the Municipality and the requirements contained in the Recycling Act and Recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 3<sup>rd</sup> day of July 2017, that the Township of Long Beach hereby endorses the submission of a 2016 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection Agency Office of Recycling and designates Angela Andersen, Certified Recycling Professional, to ensure that the said application is properly filed.

16. Resolution 17-0703.06: Authorize the solicitation and acceptance of a donation (40:12-29): ViaCom

**RESOLUTION 17-0703.06**

**NOW THEREFORE, BE IT RESOLVED** that in accordance with §40:12-29, the Board of Commissioners of the Township of Long Beach does hereby approve the solicitation and acceptance of a donation from Viacom, Inc. in the amount of Eight Thousand Dollars (\$8,000.00).

17. Resolution 17-0703.07: Approve various water/ sewer changes

**RESOLUTION 17-0703.07**

**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>
15.37	4.01	5277-0 Water/Sewer	2017	Standby per Cut & Cap	\$435.00
15.93	3	5812-0 Water	2017	Removed Irrigation	\$202.75

**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.

18. Resolution 17-0703.08: Approve re-appointment of the Tax Assessor Tracy Hafner: 4-year term

**RESOLUTION 17-0703.08**

**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 3<sup>rd</sup> day of July 2017 that, pursuant to N.J.S.A. 40A:9-148, Tracy Hafner be and she is hereby appointed the Municipal Tax Assessor of the Township of Long Beach effective July 1, 2017 through June 30, 2021.

19. Resolution 17-0703.09 Approve various special events:

- East Jerome Ave. (97<sup>th</sup> Street), Peahala Park. 4pm to 11pm on July 3, 2017 for a block party.
- East Oceanview Ave. (91<sup>st</sup> Street), Peahala Park from 5pm to 9pm on July 4, 2017 for a block party.
- West Muriel Ave. (98<sup>th</sup> Street), Beach Haven Park, from 9am to 11:30am on July 4, 2017 for a block party.
- West Muriel Ave. (98<sup>th</sup> Street) Beach Haven Park, from 5:30pm to 10:30pm on July 29, 2017 for a block party.

**RESOLUTION 17-0703.09**

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

- Permission to close East Jerome Ave. (97<sup>th</sup> Street), Peahala Park between Long Beach Blvd. and Beach Ave. 4pm to 11pm on July 3, 2017 for a block party.
- Permission to close East Oceanview Ave. (91<sup>st</sup> Street), Peahala Park, between Beach Ave. and the beach from 5pm to 9pm on July 4, 2017 for a block party.
- Permission to close West Muriel Ave. (98<sup>th</sup> Street), Beach Haven Park, between West Jerome Ave. (97<sup>th</sup> Street) and Long Beach Blvd. from 9am to 11:30am on July 4, 2017 for a block party.
- Permission to close West Muriel Ave. (98<sup>th</sup> Street) Beach Haven Park, between West Jerome Ave. (97<sup>th</sup> Street) and Long Beach Blvd. from 5:30pm to 10:30pm on July 29, 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.

Motion to approve Items 11 thru 19:

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

**LICENSES & PERMITS**

20. Resolution 17-0703.10: Amend Resolution 17-0605.10 Annual Liquor Licensees

**RESOLUTION 17-0703.10**

**RESOLUTION AUTHORIZING THE ELIMINATION OF A SPECIAL CONDITION THROUGH THE AMENDMENT OF RESOLUTION 17-0605.10, WHICH APPROVED THE RENEWAL OF LIQUOR LICENSES FOR THE PERIOD JULY 1, 2017, THROUGH JUNE 30, 2018**

**WHEREAS**, on June 5, 2017, by and through Resolution 17-0605.10 ("Resolution"), the Township of Long Beach ("Township") approved the applications for the renewal of liquor licenses by the following applicants; and

- Sweeney Enterprises LLC. t/a Terrace Tavern/ Oyster House, holder of plenary retail consumption license 1517-33-001-005
- Nardi's LLC., t/a Nardi's, holder of plenary retail consumption license 1517-33-002-007
- 8200 Boulevard Corp., t/a Kubel's Too, holder of plenary retail consumption license with broad package privilege 1517-32-003-007
- Beach Haven Wines & Liquors, LLC. t/a Fritzie's Wines & Liquors, holder of plenary retail distribution license 1517-44-004-005
- Felten Enterprises, Inc., t/a Hudson House Bar, holder of plenary retail consumption license 1517-33-005-003
- Woolley Holding Co., t/a Spray Beach Motor Inn, holder of plenary retail consumption license with hotel / motel exception 1517-36-007-001
- Barnegat Light Post #3729, Veterans of Foreign Wars, Inc., holder of club license 1517-31-009-001
- Haven Beach Association, holder of club license 1517-31-010-001
- Spray Beach Yacht Club, holder of club license 1517-31-012-001
- Brant Beach Yacht Club, holder of club license 1517-31-008-002
- Daddy O Restaurant, LLC, holder of plenary retail consumption license with broad package privilege 1517-32-006-005

**WHEREAS**, the Board of Commissioners has concluded that Special Condition (Item #2) unnecessarily exceeds and duplicates existing State regulations, as well as creates additional and unnecessary administrative requirements and burdens upon the Township and Township Police Department.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach at a regular meeting held on Monday, July 3, 2017, that the Special Condition identified as Item (2) is hereby eliminated and the Resolution is hereby amended in accordance therewith.

Motion to approve Item 20:

Motion: Lattanzi                      Ayes: Lattanzi, Bayard, Mancini  
Second: Bayard

**PURCHASES, CONTRACTS & AWARDS**

21. Resolution 17-0703.11: Authorize an extension for the execution of a contract with TKT Construction: execution pending written approval from the USDA and the EIT

**RESOLUTION 17-0703.11**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING AN EXTENSION FOR THE EXECUTION OF A CONTRACT FOR THE SANDY 2012 – RECONSTRUCTION OF WELL #3 AND GENERATOR BUILDING AT THE BRANT BEACH WATER TREATMENT PLANT**

**WHEREAS**, pursuant to Resolution 17-0605.13(b), the Township of Long Beach awarded a contract, per bid, to TKT Construction Company, Inc. for the Sandy 2012 – Reconstruction of Well #3 and Generator Building at the Brant Beach Water Treatment Plant; and

**WHEREAS**, the bid submitted by TKT Construction Company, Inc., as well as numerous documents and supporting information, must be reviewed and approved by the United States Department of Agriculture and the Environmental Infrastructure Trust, who shall provide funding for the project; and

**WHEREAS**, N.J.S.A.40A:11-24 allows for an extension beyond 21 days for contract execution upon written approval by the parties; and

**WHEREAS**, written notification from Kevin C. Goldsmith, Vice President of TKT Construction Co., Inc. dated June 19<sup>th</sup> 2017 was received by the Board of Commissioners requesting the extension of contract execution pending receipt of authorization by the USDA and NJEIT.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that the extension of contract execution for the Sandy 2012 – Reconstruction of Well #3 and Generator Building at the Brant Beach Water Treatment Plant be and is hereby approved.

22. Resolution 17-0703.12: Authorize the rebid of Rain Gear Outerwear for the DPW One (1) non-responsive bid received on 6/13/17

**RESOLUTION 17-0703.12**

**RESOLUTION AUTHORIZING RE-ADVERTISEMENT FOR THE RECEIPT OF BIDS:  
RAIN GEAR / OUTERWEAR FOR THE PUBLIC WORKS DEPARTMENT**

**WHEREAS**, the Township of Long Beach advertised for the receipt of bids for the purchase various rain gear and outerwear items for the Public Works Department on June 1, 2017; and

**WHEREAS**, pursuant to the Notice to Bidders, receipt of bids took place on June 13<sup>th</sup> 2017 at 10:00 am at which place and time one (1) bid was received from Lawmen’s Shooters’ Supply, Inc.; and

**WHEREAS**, Lawmen’s Shooters’ Supply, Inc. bid equivalent items which did not meet the needs of the Public Works Department and therefore were deemed non-responsive pursuant to N.J.S.A.40A:11-2.(33); and

**WHEREAS**, the Board of Commissioners desires these items to be re-bid.

**NOW, THEREFORE, BE IT RESOLVED**, that 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, July 3, 2017, hereby authorizes the re-advertisement for receipt of bids for the purchase of Rain Gear and Outerwear items for the Public Works Department.

Motion to approve Items 21 and 22:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**FINANCIAL APPROVALS**

23. Resolution 17-0703.13: Authorize interim financing for various Environmental Infrastructure Trust Projects: Beach Haven Terrace and Brant Beach Water Treatment Plants

**TOWNSHIP OF LONG BEACH, NEW JERSEY**

**RESOLUTION NO. 17-0703.13**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE CONSTRUCTION FINANCING TRUST LOAN PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$17,830,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE TOWNSHIP OF LONG**

**BEACH IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST CONSTRUCTION FINANCING TRUST LOAN PROGRAM.**

**WHEREAS**, the Township of Long Beach (the "Local Unit"), in the County of Ocean, New Jersey, has determined that there exists a need within the Local Unit for the rehabilitation and/or replacement of the Beach Haven Terrace Water Treatment Plant and the Brant Beach Water Treatment Plant (collectively, the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the financing program (the "Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust");

**WHEREAS**, the Local Unit has determined to temporarily finance the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the Trust (the "Construction Loan") to the Local Unit, pursuant to the Construction Financing Trust Loan Program of the Trust (the "Construction Financing Program");

**WHEREAS**, in order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the "Note Relating to the Construction Financing Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$17,830,000 (the "Note");

**WHEREAS**, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

**WHEREAS**, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Local Unit as follows:

**Section 1.** In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance 17-08 of the Local Unit, which bond ordinance is entitled "AMENDED AND RESTATED BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF THE BEACH HAVEN TERRACE WATER TREATMENT PLANT AND THE BRANT BEACH WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$17,830,000 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 \$17,830,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on March 6, 2017, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

**Section 4.** The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$17,830,000;
- (b) the maturity of the Note shall be determined by the Trust;
- (c) the interest rate of the Note shall be determined by the Trust;
- (d) the purchase price for the Note shall be par;

- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "CFP-2017-\_\_";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

**Section 5.** The Note shall be substantially in the form attached hereto as Exhibit A.

**Section 6.** The law firm of Parker McCay P.A., Mount Laurel, New Jersey, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Construction Financing Program, to arrange for same.

**Section 7.** The Mayor, Administrator, Chief Financial Officer and Clerk of the Local Unit (collectively, the "Authorized Officers") are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

**Section 8.** This resolution shall take effect immediately.

**Section 9.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Parker McCay P.A., Mount Laurel, New Jersey, bond counsel to the Local Unit, David Zimmer, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

[Remainder of Page Intentionally Left Blank.]

EXHIBIT "A"

**TOWNSHIP OF LONG BEACH, NEW JERSEY NOTE  
RELATING TO:**

**THE CONSTRUCTION FINANCING TRUST LOAN PROGRAM  
OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST**

\$ \_\_\_\_\_, 20\_\_ CFP-\_\_-\_\_

**FOR VALUE RECEIVED**, the **TOWNSHIP OF LONG BEACH, NEW JERSEY**, a municipal corporation duly created and validly existing pursuant to the laws of the State (as hereinafter defined), and its successors and assigns ("Borrower"), hereby promises to pay to the order of the **NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST**, a public body corporate and politic with corporate succession, duly created and validly existing under and by virtue of the Act (as hereinafter defined) ("Trust"), the Principal (as hereinafter defined), together with all unpaid accrued Interest (as hereinafter defined), fees, late charges and other sums due hereunder, if any, in lawful money of the United States of America, on the Maturity Date (as hereinafter defined) or the date of any optional prepayment or acceleration in accordance with the provisions of this note (this "Note").

**SECTION 1. Definitions.** As used in this Note, unless the context requires otherwise, the following terms shall have the following meanings:

**"Act"** means the "New Jersey Environmental Infrastructure Trust Act", constituting Chapter 334 of the Pamphlet Laws of 1985 of the State (codified at N.J.S.A. 58:11B-1 et seq.), as the same may from time to time be amended and supplemented.

**"Administrative Fee"** means a fee of up to four-tenths of one percent (.40%) of that portion of the Principal identified in clause (i) of the definition thereof (as set forth in

this Section 1), or such lesser amount, if any, as the Trust may determine from time to time.

**"Anticipated Financing Program"** means the financing program of the Trust, pursuant to which the Trust will issue its Trust Bonds for the purpose of financing, on a long-term basis, the Project and other projects of certain qualifying borrowers.

**"Anticipated Long Term Loan"** means the long-term loan made by the Trust to the Borrower from the proceeds of its Trust Bonds, as part of the Anticipated Financing Program.

**"Authorized Officer"** means any person authorized by the Borrower or the Trust, as the case may be, to perform any act or execute any document relating to the Loan or this Note.

**"Code"** means the Internal Revenue Code of 1986, as the same may from time to time be amended and supplemented, including any regulations promulgated thereunder, any successor code thereto and any administrative or judicial interpretations thereof.

**"Cost"** means those costs that are allocable to the Project, as shall be determined on a project-specific basis in accordance with the Regulations, as the same may be amended by subsequent eligible costs as evidenced by a certificate of an Authorized Officer of the Trust.

**"Environmental Infrastructure Facilities"** means Wastewater Treatment Facilities, Stormwater Management Facilities or Water Supply Facilities (as such terms are defined in the Regulations).

**"Environmental Infrastructure System"** means the Environmental Infrastructure Facilities of the Borrower, including the Project, for which the Borrower is receiving the Loan.

**"Event of Default"** means any occurrence or event specified in Section 6 hereof.

**"Fund Portion"** means, on any date, an amount equal to seventy-five percent (75%) of the Principal of the Loan on such date, which Fund Portion is expected to be refinanced on the Maturity Date from proceeds of a loan to be made to the Borrower by the State, acting by and through the New Jersey Department of Environmental Protection.

**"Interest"** means the interest charged on the outstanding Principal of the Loan at a rate of (a) with respect to the Trust Portion of the Principal, \_\_\_\_\_%, and (b) with respect to the Fund Portion of the Principal, 0.00%, and payable by the Borrower to the Trust: (i) on the Maturity Date; or (ii) with respect to any optional prepayment or acceleration of the Loan, on the date of such optional prepayment or acceleration, as the case may be.

**"Loan"** means the loan of the Principal, made by the Trust to the Borrower to finance or refinance a portion of the Cost of the Project, as evidenced by this Note.

**"Loan Disbursement Requisition"** means the requisition, to be executed by an Authorized Officer of the Borrower and approved by the New Jersey Department of Environmental Protection, in a form to be determined by the Trust and the New Jersey Department of Environmental Protection.

**"Maturity Date"** means \_\_\_\_\_, 20\_\_\_\_, or such earlier or later date to be determined by the Trust in its sole discretion, which date shall be determined by the Trust to be the date of the closing for the Anticipated Financing Program.

**"Principal"** means the principal amount of the Loan, at any time being the lesser of: (i) \_\_\_\_\_ Dollars (\$\_\_\_\_\_); or (ii) the aggregate outstanding amount as shall actually be disbursed to the Borrower by the Trust pursuant to one or more Loan Disbursement Requisitions, which Principal shall be payable by the Borrower to the Trust: (i) on the Maturity Date; or (ii) with respect to any optional prepayment or acceleration of the Loan, on the date of such optional prepayment or acceleration, as the case may be.

**"Project"** means the Environmental Infrastructure Facilities of the Borrower which constitutes a project for which the Trust is making the Loan to the Borrower.

**"Regulations"** means the rules and regulations, as applicable, now or hereafter promulgated pursuant to *N.J.A.C. 7:22-3 et seq., 7:22-4 et seq., 7:22-5 et seq., 7:22-6 et seq., 7:22-7 et seq., 7:22-8 et seq., 7:22-9 et seq. and 7:22-10 et seq.*, as the same may from time to time be amended and supplemented.

**"State"** means the State of New Jersey.

**"Trust Bonds"** means the revenue bonds of the Trust to be issued, as part of the Anticipated Financing Program.

"Trust Portion" means, on any date, an amount equal to twenty-five percent (25%) of the Principal of the Loan on such date, which Trust Portion is expected to be refinanced on the Maturity Date from proceeds of a loan to be made to the Borrower by the Trust.

**SECTION 2. Representations of the Borrower.** The Borrower represents and warrants to the Trust:

(a) Organization. The Borrower: (i) is a municipal corporation duly created and validly existing under and pursuant to the Constitution and laws of the State; (ii) has full legal right and authority to execute, attest and deliver this Note, to sell this Note to the Trust, and to perform its obligations hereunder, and (iii) has duly authorized, approved and consented to all necessary action to be taken by the Borrower for: (A) the issuance of this Note, the sale thereof to the Trust and the due performance of its obligations hereunder and (B) the execution, delivery and due performance of all certificates and other instruments that may be required to be executed, delivered and performed by the Borrower in order to carry out and give effect to this Note.

(b) Authority. This Note has been duly authorized by the Borrower and duly executed, attested and delivered by Authorized Officers of the Borrower. This Note has been duly sold by the Borrower to the Trust and duly issued by the Borrower and constitutes a legal, valid and binding obligation of the Borrower, enforceable against the Borrower in accordance with its terms, except as the enforcement thereof may be affected by bankruptcy, insolvency or other laws or the application by a court of legal or equitable principles affecting creditors' rights.

(c) Pending Litigation. There are no proceedings pending or, to the knowledge of the Borrower, threatened against or affecting the Borrower that, if adversely determined, would adversely affect: (i) the condition (financial or otherwise) of the Borrower; (ii) the ability of the Borrower to satisfy all of its Loan repayment obligations hereunder; (iii) the authorization, execution, attestation or delivery of this Note; (iv) the issuance of this Note and the sale thereof to the Trust; and (v) the Borrower's ability otherwise to observe and perform its duties, covenants, obligations and agreements under this Note.

(d) Compliance with Existing Laws and Agreements; Governmental Consent. (i) The due authorization, execution, attestation and delivery of this Note by the Borrower and the sale of this Note to the Trust; (ii) the observation and performance by the Borrower of its duties, covenants, obligations and agreements hereunder, including, without limitation, the repayment of the Loan and all other amount due hereunder; and (iii) the undertaking and completion of the Project, will not (A) other than the lien, charge or encumbrance created by this Note and by any other outstanding debt obligations of the Borrower that are at parity with this Note as to lien on, and source and security for payment thereon from, the general tax revenues of the Borrower, result in the creation or imposition of any lien, charge or encumbrance upon any properties or assets of the Borrower pursuant to, (B) result in any breach of any of the terms, conditions or provisions of, or (C) constitute a default under, any existing ordinance or resolution, outstanding debt or lease obligation, trust agreement, indenture, mortgage, deed of trust, loan agreement or other instrument to which the Borrower is a party or by which the Borrower, its Environmental Infrastructure System or any of its properties or assets may be bound, nor will such action result in any violation of the provisions of the charter or other document pursuant to which the Borrower was established or any laws, ordinances, injunctions, judgments, decrees, rules, regulations or existing orders of any court or governmental or administrative agency, authority or person to which the Borrower, its Environmental Infrastructure System or its properties or operations are subject. The Borrower, or its duly authorized agent or assign, has obtained all permits and approvals required to date by any governmental body or officer for the authorization, execution, attestation and delivery of this Note, for the sale of this Note to the Trust, for the making, observance and performance by the Borrower of its duties, covenants, obligations and agreements under this Note, and for the undertaking and completion of the Project.

(e) Reliance. The Borrower hereby acknowledges that the Trust is making the Loan to the Borrower pursuant to the terms hereof in reliance upon each of the representations of the Borrower set forth in this Section 2.

**SECTION 3. Covenants of the Borrower.**

(a) Participation in the Anticipated Financing Program. The Borrower covenants and agrees that it shall undertake and complete in a timely manner all

conditions precedent identified by the Trust relating to: (i) the participation by the Borrower in the Anticipated Financing Program; and (ii) the qualification by the Borrower for receipt of the Anticipated Long Term Loan.

(b) Full Faith and Credit Pledge. To secure the repayment obligation of the Borrower with respect to this Note, and all other amounts due under this Note, the Borrower unconditionally and irrevocably pledges its full faith and credit and covenants to exercise its unlimited taxing powers for the punctual payment of any and all obligations and amounts due under this Note. The Borrower acknowledges that, to assure the continued operation and solvency of the Trust, the Trust may, pursuant to and in accordance with Section 12a of the Act, require that if the Borrower fails or is unable to pay promptly to the Trust in full any Loan repayments, any Interest or any other amounts due pursuant to this Note, an amount sufficient to satisfy such deficiency shall be paid by the State Treasurer to the Trust from State-aid otherwise payable to the Borrower.

(c) Disposition of Environmental Infrastructure System. The Borrower covenants and agrees that it shall not sell, lease, abandon or otherwise dispose of all or substantially all of its Environmental Infrastructure System without the express written consent of the Trust, which consent may or may not be granted by the Trust in its sole discretion.

(d) Financing With Tax Exempt Bonds. The Borrower acknowledges, covenants and agrees that it is the intention of the Borrower to finance the Project on a long term basis with proceeds of Trust Bonds now or hereinafter issued, the interest on which is excluded from gross income for purposes of federal income taxation pursuant to Section 103(a) of the Code ("tax exempt bonds"). In furtherance of such long term financing with tax exempt bonds, the Borrower covenants that, except to the extent expressly permitted in writing by the Trust, the Borrower will not take any action or permit any action to be taken which would result in any of the proceeds of the Loan being used (directly or indirectly): (i) in any "private business use" within the meaning of Section 151(b)(6) of the Code; (ii) to make or finance loans to persons other than the Borrower; or (iii) to acquire any "nongovernmental output property" within the meaning of Section 151(d)(2) of the Code. In addition, the Borrower covenants and agrees that no portion of the Project will be investment property, within the meaning of Section 158(b) of the Code. The Borrower covenants and agrees that any Costs of the Borrower's Project to be paid or reimbursed with proceeds of the Loan will result in the expenditure of proceeds under Treasury Regulations §1.158-6(d) and Treasury Regulations §1.150-2.

(e) Operation and Maintenance of Environmental Infrastructure System. The Borrower covenants and agrees that it shall maintain its Environmental Infrastructure System in good repair, working order and operating condition, and make all necessary and proper repairs and improvements with respect thereto.

(f) Records and Accounts; Inspections. The Borrower covenants and agrees that it shall keep accurate records and accounts for its Environmental Infrastructure System (the "System Records"), separate and distinct from its other records and accounts (the "General Records"), which shall be audited annually by an independent registered municipal accountant and shall be made available for inspection by the Trust upon prior written notice. The Borrower shall permit the Trust to inspect the Environmental Infrastructure System.

(g) Insurance. The Borrower covenants and agrees that it shall maintain insurance policies providing against risk of direct physical loss, damage or destruction of its Environmental Infrastructure System, in an amount that will satisfy all applicable regulatory requirements. The Borrower covenants and agrees that it shall include, or cause to be included, the Trust as an additional "named insured" on any certificate of liability insurance procured by the Borrower and by any contractor or subcontractor for the Project.

(h) Reliance. The Borrower hereby acknowledges that the Trust is making the Loan to the Borrower pursuant to the terms hereof in reliance upon each of the covenants of the Borrower set forth in this Section 3.

**SECTION 4. Disbursement of the Loan Proceeds; Amounts Payable; Prepayment; and Late Fee.** The Trust shall effectuate the Loan to the Borrower by making one or more disbursements to the Borrower promptly after receipt by the Trust of a Loan Disbursement Requisition, each such disbursement and the date thereof to be recorded by an Authorized Officer of the Trust on the table attached as Exhibit A hereto. The latest date upon which the Borrower may submit to the Trust a Loan

Disbursement Requisition is the business day immediately preceding the date fixed by the Trust for the sale of its bonds in connection with the Anticipated Financing Program. On the Maturity Date, the Borrower shall repay the Loan to the Trust in an amount equal to: (i) the Principal; (ii) the Interest; (iii) the Administrative Fee, if any; and (iv) any other amounts due and owing pursuant to the provisions of this Note. Any earnings accrued on the undrawn Trust Portion of the Principal of the Loan shall be credited against the Borrower's repayment obligations hereunder. The Borrower may prepay the Loan the Loan obligations hereunder, in whole or in part, upon receipt of the prior written consent of an Authorized Officer of the Trust. Each payment made to the Trust shall be applied to the payment of, *first*, the Interest then due and payable, *second*, the Principal, *third*, the Administrative Fee, if obligations hereunder, in whole or in part, upon receipt of the prior written consent of an any, *fourth*, any late charges, and, *finally*, any other amount due pursuant to the provisions of this Note. In the event that the repayment obligation set forth in this Note is received by the Trust later than the Maturity Date, a late fee shall be payable to the Trust in an amount equal to the greater of twelve percent (12%) per annum or the prime rate as published in the *Wall Street Journal* on the Maturity Date plus one half of one percent per annum on such late payment from the Maturity Date to the date it is actually paid; provided, however, that any late payment charges incurred hereunder shall not exceed the maximum interest rate permitted by law.

**SECTION 5. Unconditional Obligations.** The direct, general obligation of the Borrower to make the Loan repayments and all other payments required hereunder and the obligation to perform and observe the other duties, covenants, obligations and agreements on its part contained herein shall be absolute and unconditional, and shall not be abated, rebated, set-off, reduced, abrogated, terminated, waived, diminished, postponed or otherwise modified in any manner whatsoever while any Loan repayments, or any other payments due hereunder, remain unpaid, regardless of any contingency, act of God, event or cause whatsoever, including (without limitation) any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, the taking by eminent domain or destruction of or damage to the Project or Environmental Infrastructure System, commercial frustration of the purpose, any change in the laws of the United States of America or of the State or any political subdivision of either or in the rules or regulations of any governmental authority, any failure of the Trust to perform and observe any agreement or any duty, liability or obligation arising out of this Note, or any rights of set-off, recoupment, abatement or counterclaim that the Borrower might have against the Trust or any other party; provided, however, that payments hereunder shall not constitute a waiver of any such rights.

**SECTION 6. Events of Default.** The following events shall constitute an "Event of Default" hereunder: (i) failure by the Borrower to pay, when due, any and all of its Loan repayment obligations hereunder, and any other payment obligations due hereunder; (ii) failure by the Borrower to observe and perform any duty, covenant, obligation or agreement on its part to be observed or performed pursuant to the terms of this Note; (iii) any representation made by the Borrower contained in this Note or in any instrument furnished in compliance with or with reference to this Note is false or misleading in any material respect; and (iv) a petition is filed by or against the Borrower under any federal or state bankruptcy or insolvency law or other similar law in effect on the date of this Note or thereafter enacted, unless in the case of any such petition filed against the Borrower such petition shall be dismissed within thirty (30) days after such filing and such dismissal shall be final and not subject to appeal, or the Borrower shall become insolvent or bankrupt or shall make an assignment for the benefit of its creditors, or a custodian of the Borrower or any of its property shall be appointed by court order or take possession of the Borrower or its property or assets if such order remains in effect or such possession continues for more than thirty (30) days.

**SECTION 7. Remedies upon Event of Default.** Whenever an Event of Default shall have occurred and be continuing pursuant to the terms hereof, the Borrower hereby acknowledges and agrees to the rights of the Trust to take any action permitted or required at law or in equity to collect the amounts then due and thereafter to become due hereunder or to enforce the observance and performance of any duty, covenant, obligation or agreement of the Borrower hereunder. If an Event of Default shall have occurred, the Borrower hereby acknowledges and agrees that the Trust shall have the right to declare all Loan repayments and all other amounts due hereunder to be due and payable immediately without further notice or demand. The Borrower hereby

acknowledges and agrees that no remedy herein is intended to be exclusive, and every remedy shall be cumulative and in addition to every other remedy given under this Note or now or hereafter existing at law or in equity. The Borrower hereby further acknowledges and agrees that no delay or omission by the Trust to exercise any remedy or right accruing upon any Event of Default shall impair any such remedy or right or shall be construed to be a waiver thereof, but any such remedy or right may be exercised as often as may be deemed expedient. The Borrower hereby agrees that upon demand it shall pay to the Trust the reasonable fees and expenses of attorneys and other reasonable expenses (including, without limitation, the reasonably allocated costs of in-house counsel and legal staff) incurred in the collection of Loan repayments or any sum due hereunder or in the enforcement of the observation or performance of any obligations or agreements of the Borrower upon an Event of Default. Any moneys collected by the Trust pursuant to this Section 7 shall be applied first to pay any attorneys' fees or other fees and expenses owed by the Borrower.

**SECTION 8. Certain Miscellaneous Provisions.** The Borrower hereby acknowledges and agrees as follows: (a) all notices hereunder shall be deemed given when hand delivered or when mailed by registered or certified mail, postage prepaid, to the Borrower at the following address: Township of Long Beach, County of Ocean, New Jersey, 6805 Long Beach Boulevard, Brant Beach, New Jersey 08008, Attention: Chief Financial Officer; and to the Trust at the following address: New Jersey Environmental Infrastructure Trust, P.O. Box 440, Trenton, New Jersey 08625, Attention: Executive Director; (b) this Note shall be binding upon the Borrower and its successors and assigns; (c) in the event any provision of this Note is held illegal, invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate, render unenforceable or otherwise affect any other provision hereof; (d) the obligations of the Borrower pursuant to the terms of this Note may not be assigned by the Borrower for any reason, unless the Trust shall have approved said assignment in writing; (e) this Note may not be amended, supplemented or modified without the prior written consent of the Trust; (f) this Note shall be governed by and construed in accordance with the laws of the State; (g) the Borrower shall, at the request of the Trust, execute and deliver such further instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights, security interests and agreements granted or intended to be granted by this Note; and (h) whenever the Borrower is required to obtain the determination, approval or consent of the Trust pursuant to the terms hereof, such determination, approval or consent may be either granted or withheld by the Trust in its sole and absolute discretion.

[The remainder of this page has been left blank intentionally.]

**IN WITNESS WHEREOF**, the Borrower has caused this Note to be duly executed, sealed and delivered on the date first above written.

24. Resolution 17-0703.14: Rescind Resolution 17-0605.18(a)

**RESOLUTION 17-0703.14**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, GIVING AUTHORIZATION TO RESCIND RESOLUTION 17-0605.18(a) WHICH ALLOWED FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) SHARED SERVICE AGREEMENTS FOR THE PURCHASE AND INSTALLATION OF VARIOUS CAMERAS**

**WHEREAS**, pursuant to Resolution 17-0605.18(a) a Chapter 159 Special Item of Revenue and Appropriation was approved for the Purchase and Installation of Various Cameras in the amount of \$56,589.98, representing a Shared Service Agreement between the Township and the Boroughs of Beach Haven, Ship Bottom and Harvey Cedars, the Township of Stafford and the Ocean County Prosecutor's Office.

**WHEREAS**, the New Jersey State Division of Local Government Services requested that the Township separate their contribution of \$15,000.00 for the purchase of cameras described in the Shared Service Agreement, and approved pursuant to Resolution 17-0501.07(b), from the total amount of \$56,589.98.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that Resolution 17-0605.18(a) is hereby rescinded and amending resolutions; one (1) in the amount of \$15,000.00 and one (1) in the amount of \$41,589.98 shall be approved on July 3, 2017 by Resolution 17-0703.15(a&b).

25. Resolution 17-0703.15(a&b): Approve various 159's

- a) Shared Service Purchase/Install Cameras: \$41,589.98
- b) Purchase/Install Cameras-Forfeiture Account: \$15,000.00

**RESOLUTION 17-0703.15 (a)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2017 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) SHARED SERVICE AGREEMENTS FOR THE PURCHASE AND INSTALLATION OF VARIOUS CAMERAS**

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

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

**WHEREAS**, the State of New Jersey has approved a grant with an additional amount of \$41,589.98; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2017 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2017 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous revenues

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

SHARED SERVICE AGREEMENT

PURCHASE /INSTALL CAMERAS FY 2017: \$41,589.98

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:

SHARED SERVICE AGREEMENT

PURCHASE /INSTALL CAMERAS FY 2017: \$41,589.98

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: July 3, 2017

MOTION: Lattanzi

SECOND: Bayard

VOTE:

AYES: Lattanzi, Bayard, Mancini

**RESOLUTION 17-0703.15(b)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2017 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) FOR THE PURCHASE AND INSTALLATION OF VARIOUS CAMERAS-FORFEITURE ACCOUNT**

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

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

**WHEREAS**, the State of New Jersey has approved a grant with an additional amount of \$15,000.00; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2017 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2017 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

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

PURCHASE /INSTALL CAMERAS

FORFEITURE ACCOUNT FY 2017: \$15,000.00

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:

PURCHASE /INSTALL CAMERAS

FORFEITURE ACCOUNT FY 2017: \$15,000.00

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: July 3, 2017

MOTION: Lattanzi

SECOND: Bayaed

VOTE:

AYES: Lattanzi, Bayard, Mancini

Resolution 17-0703.16: Approve a Change Order

P&A Construction: 2016 Drainage & Water Main

Replacement Project 70<sup>th</sup> & 71<sup>st</sup> Streets \$17,398.39

**26. RESOLUTION 17-0703.16 RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR THE 2016 NEW DRAINAGE & WATER MAIN REPLACEMENT- 70<sup>TH</sup> & 71<sup>ST</sup> STREETS & BAYVIEW AVENUE IN THE TOWNSHIP OF LONG BEACH**

**WHEREAS** P & A Construction Co., Inc. was awarded a contract for the 2016 New Drainage & Water Main Replacement: 70<sup>th</sup> & 71<sup>st</sup> Streets & Bayview Avenue in the Township of Long Beach in the amount of Four Hundred Thirty-Nine Thousand, Nine Hundred Thirty-One Dollars and Sixty-Four Cents (\$439,931.64) as per Resolution 16-1003.08; and

**WHEREAS**, based on the actual project, unforeseen conditions resulted in additional work required; and

**WHEREAS**, these changes have resulted in Change Order #1 of the original contract and has been approved and certified by the Municipal Engineer. Said detailed Certification contains all the facts associated with this Change Order in accordance with state statutes and is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 3<sup>rd</sup> day of July 2017 that P & A Construction Co., Inc, P.O. Box 28, Colonia, NJ 07067 be and is hereby awarded Change Order #1 in the amount of Seventeen Thousand, Three Hundred Ninety Eight Dollars and Thirty Nine Cents (\$17,398.39), representing a 3.95% increase over the original contract price, for payment of the work required to complete the 2016 New Drainage & Water Main Replacement: 70<sup>th</sup> & 71<sup>st</sup> Streets & Bayview Avenue in the Township of Long Beach.

27. Resolution 17-0703.17: Approve Bills & Payroll  
Bills in the amount of: \$ 8,166,379.83  
Payroll in the amount of: \$ 1,111,079.92

**RESOLUTION 17-0703.17**

**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 \$1,111,079.92.

**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 \$8,166,379.83 be and the same are hereby authorized to be paid on Monday, July 3, 2017.

2. The said approved payroll amounting to the sum of \$ 1,111,079.92 be and the same are hereby authorized to be paid on Monday, July 3, 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 23 thru 27:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**Kyle Ominski Administrator's Report:** 38<sup>th</sup> Street Camera on and viewable on app. He expressed the busses being very busy and reminded everyone of the concert tonight.

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi:** Good Sunday concert! Buses highly utilized and working to manage volume. Expressed that there may also be undercover officers on the bus. Stated that the referendum question goes to help money.

**Commissioner Bayard:** NO COMMENTS

**Mayor Mancini:** The next meeting of the Land Use Board will be held on Wednesday, July 12<sup>th</sup> at 7:00 pm in the upstairs multi-purpose room. The next public meeting will take place on August 7<sup>th</sup> at 6pm.

Second Reading and Public Hearing for Ordinances 17-29C, 30 will take place at the public meeting held on August 7<sup>th</sup> at 6:00 pm and 17-31 will take place at the October meeting held on October 2, 2017 at 4:00pm.

Expressed that since the state parks were closed LBI was packed. States that cones placed in front of homes are illegal and the cops will remove them and give warning 1<sup>st</sup> time. He is aware of the significant erosion taking place in Holgate. Waiting for new Jetty design. He urges Bikers to be respectful to other people on the road and to stop at red lights.

#### OPEN PUBLIC SESSION

**Dan Maccone/Holgate:** Happy 4<sup>th</sup>! Thanked Mayor and commissioners for attending June tax payers meeting. All information was germane and greatly appreciated.

**Bill Hudson/ Holgate:** Happy 4<sup>th</sup>! Is happy to see referendum question for the buses to be back on in favor of the fares. Was happy about the turn out and the information given at the Harvey Cedars School meeting with Vito G. Thinks it's very unfair to the cost of property owners on LBI/LBT.

**Angelo Rinaldi/Loveladies:** Thanked the Mayor for presentation at the Homeowners meeting. Got all great reviews.

#### CLOSE PUBLIC SESSION

Motion for adjournment at 4:30pm:

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

---

Lynda J. Wells, RMC  
Municipal Clerk

---

Joseph H. Mancini, Mayor

---

Ralph H. Bayard, Commissioner

---

Dr. Joseph P. Lattanzi, Commissioner