

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS October 2, 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**

**OATH OF OFFICE:** Mayor Mancini administered the Oath of Office to Police Officer, Jessica Burkhard

**PROCLAMATIONS**

National Friends of Library Week: October 15-21, 2017

**NATIONAL FRIENDS OF LIBRARIES WEEK**  
**October 15-21, 2017**

**WHEREAS**, the Friends of the Island Library raise money that enables our library to move from good to great—providing the resources for additional programming, much needed equipment, support for children’s summer reading, and special events throughout the year; and

**WHEREAS**, the work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning, and connect with the thoughts and ideas of others from ages past and present; and

**WHEREAS**, the Friends understand the critical importance of well-funded libraries, and advocates to ensure that our library gets the resources it needs to provide a wide variety of services to all ages, including access to print and electronic materials, along with expert assistance in research, readers’ advisory, and children’s services; and

**WHEREAS**, the Friends’ gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community.

**NOW, THEREFORE BE IT RESOLVED**, that the Township of Long Beach proclaims October 15-21, 2017, as Friends of Libraries Week in, Long Beach Township, Ocean County, New Jersey and urges everyone to join the Friends of the Island Library, and thank them for all they do to make our library and community so much better.

Women’s Health Month: October 2017

**Proclaim October 2017: Women’s Health Month**

**WHEREAS**, women have contributed to innovations in health care research, treatment, prevention, awareness and advocacy as an extension of the traditional role of primary care giver for family members, including children, and a source for their family’s health care needs; and

**WHEREAS**, it is the responsibility of each and every woman, to take proactive steps to safeguard their own health, the health of their families and the health of their communities through education and a commitment to a healthy lifestyle; and

**WHEREAS**, in recognition of “Women’s Health Month” in Ocean County, community organizations and agencies that provide health services to women, in cooperation with the Ocean County Advisory Commission on the Status of Women, will be presenting a countywide calendar of events to promote women’s health and safety throughout the entire month of October; and

**WHEREAS**, the Ocean County Advisory Commission on the Status of Women has chosen this year’s theme of “Health Screenings” to encourage, guide and support women everywhere to take healthy steps toward a healthy lifestyle.

**NOW, THEREFORE**, the Board of Commissioners of the Township of Long Beach and the Long Beach Island Health Department do hereby proclaim the month of **October 2017** as:

**“WOMEN’S HEALTH MONTH”**

in Ocean County, commemorating the 26<sup>th</sup> anniversary of Women’s Health Month, and further encourage all women of Ocean County to participate in the many programs and services available throughout the County which will contribute to their quality of life.

Pregnancy and Infant Loss Awareness Month: October 2017

**Proclaim October 2017: Pregnancy and Infant Loss Awareness**

**WHEREAS**, on October 25, 1988 President Ronald Reagan designated October as Pregnancy & Infant Loss Awareness Month by signing Proclamation 5890; and

**WHEREAS**, approximately 1 in every 4 women suffers a miscarriage, stillbirth, or infant loss; and

**WHEREAS**, The Tears Foundation and other organizations work diligently to support women/families that have faced this unique loss; and

**WHEREAS**, Recognizing October as Pregnancy and Infant Loss Awareness Month in the Township of Long Beach shall provide bereaved mothers, fathers, family members with acknowledgment and compassion as to the great tragedy that has impacted their lives both recently and in the past; and

**WHEREAS**, bringing public awareness to this disenfranchised grief will help those that feel marginalized in their loss to see a compassionate society that can hold their suffering and grief.

**NOW, THEREFORE BE IT RESOLVED**, the Board of Commissioners of the Township of Long Beach, do hereby proclaim October 2017, as “Pregnancy and Infant Loss Awareness Month”, and invite all citizens in the community to be aware of this and join in activities that will highlight the importance of remembrance.

**ORDINANCES & PUBLIC HEARINGS**

1. Second 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**

Passed on first reading at a regular meeting held on July 3, 2017 and advertised in the BEACH HAVEN TIMES issue of July 6, 2017 and August 10, 2017.

**OPEN PUBLIC HEARING**

Maria DiPasquale/Brant Beach, Janet Drew/Beach Haven Gardens, Michael Cafiero/High Bar Harbor, Judy Bouton/Friends of the Public Library, Diane McCabe/Loveladies and Pam Masturzo/Loveladies were all in favor of the regulation and limited use of plastic bags.

Mayor Mancini postponed the adoption of this Ordinance until November 6<sup>th</sup>.

**CLOSE PUBLIC HEARING**

Motion to postpone adoption of Ordinance 17-31C:

Motion: Lattanzi                      Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

2. Second Reading Ordinance 17-34C: **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 AMENDMENT OF AND REVISIONS TO CHAPTER 189 REGULATING TRAFFIC AND PARKING IN THE TOWNSHIP**  
**ORDINANCE 17-34C**

**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 AMENDMENT OF AND REVISIONS TO CHAPTER 189 REGULATING TRAFFIC AND PARKING IN THE TOWNSHIP**

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

**WHEREAS**, pursuant to N.J.S.A. 39:4-197, the Township of Long Beach (“Township”) is authorized to limit the use of certain streets to certain class of vehicles; and

**WHEREAS**, the Board of Commissioners has determined that the use of Ocean Boulevard, Ocean Avenue, and Beach Avenue owned and located within the jurisdiction of the Township by commercial vehicles poses a real and present danger to the bicycle and pedestrian traffic on those streets; and

**WHEREAS**, those portions of Ocean Boulevard, Ocean Avenue and Beach Avenue were not designed at a sufficient width for adequate pedestrian and bicycle lanes and/or shoulders to ensure the public health, welfare, and safety; and

**WHEREAS**, particularly during the peak tourist and visitation months, but occurring year-round, families, adults, the elderly, and children use those portions of

Ocean Boulevard, Ocean Avenue, and Beach Avenue for access to and from the public beaches, travel to and from entertainment and business establishments, and general recreational and exercise activities, including, but not limited to, bicycling, skateboarding, jogging, running, and walking; and

**WHEREAS**, the Board of Commissioners submits that recreational and exercise activities, as well as transportation by and through bicycling, skateboarding, jogging, running, and walking should be protected and encouraged to the fullest extent possible; and

**WHEREAS**, commercial vehicles have and do regularly use Ocean Boulevard, Ocean Avenue, and Beach Avenue as a “cut through” or “bypass” around the traffic signals and traffic on Long Beach Boulevard; and

**WHEREAS**, the commercial vehicles pose a real and present danger to the public’s health, welfare, and safety, as aforesaid; and

**WHEREAS**, the sole available tool for the protection of the public’s health, welfare, and safety in this context is to seek to restrict commercial vehicles from access to Ocean Boulevard, Ocean Avenue, and Beach Avenue, except for deliveries and pick-ups at specific locations and entry and exits from the nearest cross streets relating thereto; and

**WHEREAS**, N.J.S.A. 39:4-197 authorizes the Township to limit classes of certain vehicles from the streets, provided the Commissioner of Department of Transportation approves the adopted regulations; and

**WHEREAS**, upon adoption, this ordinance shall be submitted to the Commissioner of the Department of Transportation for approval of Section VI, which, if so approved by the Commissioner, shall be provided to General Code for codification.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Township of Long Beach, Ocean County, State of New Jersey, in accordance with the aforesaid recitals, which are incorporated herein by reference, that:

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend and revise Chapter 189 in order to regulate and limit the use of certain streets by commercial vehicles, to renumber and reformat portions of the Chapter, and to make additions and revisions to parking restrictions.

**SECTION I**

§189-23B. is hereby amended to add the following in the proper numeric order, that is after 45<sup>th</sup> to 51<sup>st</sup> Streets and before 87<sup>th</sup> Street in Loveladies.

68th Street	North	Entire length
68th Street	South	From Long Beach Boulevard to the public parking lot entrance (west side)

**SECTION II**

§189-24A. is hereby amended to add the following in the proper numeric order, that is after 58<sup>th</sup> Street.

68th Street	South	Public parking lot entrance (east side) to Ocean Boulevard
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**SECTION III**

§189-11 is hereby repealed and replaced with the following.

§189-11. Parking at public lots and recreational facilities.

- A. It shall be unlawful to park any motor vehicle on the tennis court, basketball court, pickle ball court spaces so owned and designated unless said person is actively engaged in using the courts.
- B. Four parking lot spaces located at the Municipal Building shall be limited to fifteen-minute parking for persons doing business in the Municipal Building.

**SECTION IV**

§189-24A. is hereby amended to add the following prior to B.

<b>Public Lot</b>	<b>Location</b>
Municipal Building	Four designated parking spots at the Municipal Building

**SECTION V**

§189-23.B.a. is hereby deleted and shall be replaced with “(Reserved)”.

**SECTION VI**

In the event of approval by the Commissioner of the Department of Transportation pursuant to N.S.J.A. 39:4-197, which shall be provided to General Code

upon receipt, the following Article IV. Commercial Parking and §189-35 shall be repealed and replaced with the following.

ARTICLE IV. Commercial Vehicle Street Access, Limitations, and Parking  
§189-35. Commercial vehicle street access and limitations.

- A. Commercial vehicles, as defined by N.J.S.A. 39:1-1, and, including, but not limited to any and all commercial vehicles used by contractors, landscapers, the transport and delivery of goods, transport of waste, but excepting licensed ice cream vendors, are hereby excluded from the following streets, except as otherwise provided in this Article.
- (1) Ocean Boulevard at 31<sup>st</sup> South Street to Beach Avenue
  - (2) Beach Avenue to 121<sup>st</sup> Street (East MacEvoy Lane)
  - (3) Ocean Avenue at 121<sup>st</sup> Street (East MacEvoy Lane) to 127<sup>th</sup> Street (East Dune Lane)
  - (4) Atlantic Avenue at East South 34<sup>th</sup> Street to 13<sup>th</sup> Street Beach Haven
- B. Commercial vehicles making deliveries or picking up goods, equipment, construction materials, and waste to and from specific properties may access the restricted streets from the nearest cross street and for the sole purpose of engaging in the foregoing and shall exit the restricted streets at the nearest available cross street.
- C. There shall be no parking of commercial vehicles on any street or public space within the Township.
- (1) Except when the owner or operator is actually engaged in the business of performing services or delivering goods.
  - (2) One commercial vehicle is permitted within any commercial zone not to exceed 12 hours when the owner or operator owns or leases property within 200 feet of the commercial zone in which the vehicle is located.

#### SECTION VI

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

#### SECTION VII

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 September 11, 2017 and advertised in the BEACH HAVEN TIMES issue of September 14, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-34C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

3. Second Reading Ordinance 17-35: **BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLATION OF WATER METERS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$4,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING TOWNSHIP OF LONG BEACH, NEW JERSEY**

#### ORDINANCE 17-35

**BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLATION OF WATER METERS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$4,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,000,000; 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 \$4,000,000; and

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

**Section 3.** The sum of \$4,000,000, to be raised by the issuance of bonds or bond anticipation notes, is hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$4,000,000 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 \$4,000,000 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 \$500,000.

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

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Acquisition and Installation of Water Meters and Related Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$4,000,000	\$0	\$4,000,000	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 \$4,000,000 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

October 2, 2017

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.

**Date of Introduction:** September 11, 2017

**Date of Final Adoption:** October 2, 2017

**Notice of Pending Bond Ordinance 17-35 and Summary.**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on September 11, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Commissioners to be held at the Administration Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on October 2, 2017, at 4:00 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLATION OF WATER METERS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$4,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

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<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
Acquisition and Installation of Water Meters and Related Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$4,000,000	\$0	\$4,000,000	15 years

Appropriation: \$4,000,000  
 Bonds/Notes Authorized: \$4,000,000  
 Grants (if any) Appropriated: None  
 Section 20 Costs: \$500,000  
 Useful Life: 15 years

**Bond Ordinance 17-35 Statements and Summary**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on October 2, 2017 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office at 6805 Long Beach Boulevard, Brant Beach, New Jersey for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLATION OF WATER METERS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$4,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Acquisition and Installation of Water Meters and Related Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$4,000,000	\$0	\$4,000,000	15 years

Appropriation: \$4,000,000  
 Bonds/Notes Authorized: \$4,000,000  
 Grants (if any) Appropriated: None  
 Section 20 Costs: \$500,000  
 Useful Life: 15 years

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

Passed on first reading at a regular meeting held on September 11, 2017 and advertised in the BEACH HAVEN TIMES issue of September 14, 2017.

**OPEN PUBLIC HEARING**

Janet Drew/Beach Haven Gardens, Bill Thompson/Haven Beach, and Dave Brown/Brant Beach asked various questions regarding the purchase, installation and billing of water meters.

Mayor Mancini explained currently rates were set by fixture but would be by usage when the meters were operational; meters would be read remotely from the Township building; homeowners would be charged for the cost of the meter on their water bill in installments. He noted the installation of water meters in Long Beach Township had been mandated by the Department of Environmental Protection.

**CLOSE PUBLIC HEARING**

Motion to adopt Ordinance 17-35 on Second Reading:

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

- Second Reading Ordinance 17-36C: **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 57 PERTAINS TO THE REGULATION**

**OF DRONE TECHNOLOGY AND UNMANNED AIRCRAFT FOR THE TOWNSHIP OF LONG BEACH**

**ORDINANCE 17-36C**

**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 57 PERTAINS TO THE REGULATION OF DRONE TECHNOLOGY AND UNMANNED AIRCRAFT FOR THE TOWNSHIP OF LONG BEACH**

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend §57, which regulates drone technology and unmanned aircraft in Township to protect the public health, welfare, and safety.

**SECTION I**

§57-2 is hereby repealed and replaced with the following.

§57-2 Regulations.

- A. Except as otherwise provided in this Chapter, persons and entities are prohibited from:
- (1) Causing drones and unmanned aircraft to take off and/or land in the Township; and
  - (2) Operating drones and unmanned aircraft in any airspace within 400 feet of the ground and structures in the Township.
- B. Drones and unmanned aircraft operated pursuant to the exceptions set forth in this Chapter shall not be operated in a reckless, dangerous, harassing, or threatening manner.

**SECTION II**

§57-3C.(1) is hereby added as follows.

- (1) Under no circumstances shall the use of drones pursuant to the foregoing exception be performed within 100 feet of any person on the beach, except for the persons involved in the foregoing permitted activities.

**SECTION III**

§57-3D. is hereby repealed and replaced with the following.

D. This Chapter shall not prohibit individuals and entities from the use of drones for business purposes in the airspace within the boundary lines of private commercial or residential property with the property owner's consent, except that data collection shall be limited to data collection of and relating to the properties where the owners provide consent thereto alone. The permitted use of drones pursuant to the foregoing shall include the airspace of the public streets and property immediately adjacent to the private property, provided that the use of the roads and public property is reasonably necessary for the business purpose, is performed within a reasonable amount of time, and the drone is not operated in the airspace within 20 feet of persons, except for the persons involved in the foregoing permitted activity.

**SECTION IV**

§57-3E. is hereby repealed and replaced with the following.

- E. This Chapter shall not prohibit individuals and entities from the use of drones and unmanned aircraft for non-commercial purposes in the airspace within the boundary lines of private residential property with the property owner's consent, provided that the drone is not operated for any unlawful purpose.

**SECTION V**

§57-3F. is hereby repealed and replaced with the following.

- F. Any and all persons who operate a drone pursuant to the exceptions set forth in this §57-3 shall possess a remote pilot certificate issued by the FAA pursuant Part 107 of the FAA regulations.

**SECTION VI**

§57-4, §57-5, and §57-6 in Article II are hereby re-designated as §57-5, §57-6, and §57-7.

**SECTION VII**

§57-4 is hereby adopted as follows.

**§57-4 Annual Registration & Notice of Permitted Drone Use.**

- A. All persons and entities shall complete and file an Annual Drone Registration Form ("Annual Form"), which is available at the Municipal Clerk's Office, at least twenty-four (24) hours prior to the operation of any drone. The Annual Form shall be filed with the Municipal Clerk and shall

be valid during the calendar year within which it is filed. No person or entity may operate any drone pursuant to the exceptions set forth in §57-3C. and §57-3D. without the filing of the Annual Form.

- (1) The Annual Form shall require the following.
    - (a) The name, address, and telephone number of the person or entity filing the Annual Form and that intends to operate the drone.
    - (b) If the person and/or entity seeks to operate the drone pursuant to §57-3C., proof that the entity is a not-for-profit, licensed, or accredited educational research college, university, or scientific institution and that the drone use is for educational, scientific, environmental, or resource management purposes.
    - (c) If the person and/or entity seeks to operate the drone pursuant to §57-3D., proof that the owner has consented to the drone operation. Proof of an agency relationship with the owner shall be accepted as proof of the property owner's consent.
    - (d) The take-off and landing location of the drone operation, the expected start and end time of the operation, and the purpose of the operation.
    - (e) A statement that the operator has reviewed the applicable regulations and intends to abide by them.
    - (f) A statement that the pilot possesses a valid FAA remote pilot certificate and attach a copy of same.
  - (2) Once a person or entity has filed an Annual Form which has been accepted and approved by the Municipal Clerk's Office, all future drone operations by that person or entity during the same calendar year of the filing of the Annual Form shall be by telephone notice to the Police Department at least twenty-four (24) hours prior to the proposed operation of the drone pursuant to §57-3C. and §57-3D. The person or entity shall provide the Police Department with all information relating to the drone operation required by the Annual Form via telephone and/or email correspondence.
- B. The burden of proof shall be upon the person and/or entity to establish that the use of the drone is permitted pursuant to §57-3. Notwithstanding verbal or written approval by the Police Department, in the event that the use of the drones is determined not to comply with the exceptions set forth in §57-3, the person and/or entities shall be deemed to be in violation of this Chapter.

#### **SECTION VIII**

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

#### **SECTION IX**

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 September 11, 2017 and advertised in the BEACH HAVEN TIMES issue of September 14, 2017.

#### **OPEN PUBLIC HEARING**

David Phelan/Manahawkin asked for the regulations to be explained.

Mayor Mancini provided information and advised a copy of the Ordinance would be provided to him by the Municipal Clerk.

#### **CLOSE PUBLIC HEARING**

Motion to adopt Ordinance 17-36C on Second Reading:

Motion: Lattanzi                      Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

5. First Reading Ordinance 17-37C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE**

**OF NEW JERSEY, 1997" IS HEREBY AMENDED BY THE ADOPTION OF A NEW CHAPTER, CHAPTER 128, ADOPTING CERTAIN REGULATIONS RELATING TO OUTDOOR LIGHTING IN THE TOWNSHIP OF LONG BEACH**

Motion to approve Ordinance 17-37C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

6. First Reading Ordinance 17-38C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IS HEREBY AMENDED BY THE ADOPTION OF A NEW CHAPTER, CHAPTER 106, ADOPTING CERTAIN REGULATIONS RELATING TO INVASIVE PLANTS IN THE TOWNSHIP OF LONG BEACH**

Motion to approve Ordinance 17-38C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**ADOPTIONS & APPROVALS**

7. Resolution 17-1002.01: Support State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards

**Resolution 17-1002.01**

**Urge the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards**

**WHEREAS**, local municipalities require specific tools to address the rising cost of municipal government; and

**WHEREAS**, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

**WHEREAS**, salary costs are a large part of the driver in the increases of local property taxes; and

**WHEREAS**, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

**WHEREAS**, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

**WHEREAS**, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

**WHEREAS**, municipalities continue to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

**WHEREAS**, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

**WHEREAS**, the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due to submit its final report on its findings, recommendations until the same day of the expiration of the cap on interest arbitration awards, December 31, 2017; and

**WHEREAS**, we recognize it is now time for our taxpayers to benefit directly from these costs saving measures, as many police and fire contracts shall come due for negotiation after the sunset date; and

**WHEREAS**, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services so to fund interest arbitration awards.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Township of Long Beach urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

8. Resolution 17-1002.02: Support the Mid-Atlantic Regional Ocean Plan

October 2, 2017

**Resolution 17-1002.02**

**Resolution of the Township of Long Beach, County of Ocean, State of New Jersey,  
Supporting the Mid-Atlantic Regional Ocean Action Plan**

**WHEREAS**, healthy ocean eco-systems and sustainable ocean uses are a benefit to quality of life for residents of New Jersey by ensuring the ocean’s environmental and economic attributes continue to provide for future generations; and

**WHEREAS**, Long Beach Township strives to support actions which protect tourism, assure clean and healthy water, and improve the working and living environments of the ocean as steps to building a collaborative and respectful ocean user community that will thrive well into the new century; and

**WHEREAS**, Long Beach Township hereby acknowledges that our residents desire a healthy, thriving, and sustainable future for themselves, future generations, and our ocean; and

**WHEREAS**, Long Beach Township wishes to support a Mid-Atlantic Regional Ocean Action Plan (OAP) which benefits our residents and our ocean now and far into the future by exploring and adopting collaborative and coordinated federal, state and local government practices; and

**WHEREAS**, by supporting the implementation of a strong Mid-Atlantic Regional OAP Long Beach Township is enabling the process to allow community members and additional stakeholders the opportunity to engage further and have their voices heard regarding planning for sustainable uses and healthy ocean ecosystem practices; and

**WHEREAS**, as elected representatives of Long Beach Township, we have a significant responsibility to provide leadership which will seek to protect our coastal economy and healthy ocean ecosystems to strengthen our New Jersey coast and ocean; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Long Beach wishes to support the Mid-Atlantic Regional OAP on matters of a healthy ocean ecosystem and sustainable uses, the Township Commissioners wish to pursue public and private actions that will lead to the continuation of a strong, protective plan.

**BE IT FURTHER RESOLVED**, that the Township Commissioners request that Congressman Thomas MacArthur extend the Township’s support on all federal and/or state issues involving the planning process on behalf of Long Beach Township.

**BE IT FURTHER RESOLVED**, by Township Commissioners of the Township of Long Beach that we do hereby send notice to Congressman Thomas MacArthur, and copy to the Mid-Atlantic Regional Planning Body, State of NJ RPB member NJDEP to acknowledge Long Beach Township’s support for the continuation of the Mid-Atlantic Regional Ocean Action Plan and process.

9. Resolution 17-1002.03: Approve various water/sewer changes

**RESOLUTION 17-1002.03**

**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:

<b><u>BLOCK</u></b>	<b><u>LOT/QUAL</u></b>	<b><u>ACCT #/ACCT</u></b>	<b><u>YEAR</u></b>	<b><u>CANCEL/CHANGE</u></b>	<b><u>AMOUNT</u></b>
4.15	13	975-0 W/S	2015	Credit per fixture count	\$318.00
4.15	13	975-0 W/S	2016	Credit per fixture count	\$318.00
5.06	12	1457-0 Water	2017	Removed irrigation	\$304.00
15.85	5	5771-0 Sewer	2017	Converted to single	\$162.75
15.98	5.01	5850-0 Sewer	2017	2016 Standby credit	\$108.25

**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.

10. Resolution 17-1002.04: Approve various personnel matters

**RESOLUTION 17-1002.04**

**Municipal Clerk**

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

**Police**

Hire the following employee as a Permanent Full-Time Police Officer as per Personnel Certified List No. OL171129 at the annual rate of \$38,000.00 to be paid from Police Salary & Wage effective retroactive to October 2, 2017.

Jessica Burkhard

**Public Works**

Approve the donation of 70 hours sick time from Andy Baran to Preston Godschall as per Ordinance 08-43.

Motion to approve Items 7-10:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**PURCHASES, CONTRACTS & AWARDS**

11. Resolution 17-1002.05: Reaffirming the continuation of a shared service; Harvey Cedars Trash Pick Up on William Street

**RESOLUTION 17-1002.05**

**AUTHORIZING AND REAFFIRMING THE CONTINUATION OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LONG BEACH AND THE BOROUGH OF HARVEY CEDARS FOR THE SHARING OF TRASH AND RECYCLING SERVICES ON WILLIAM ST. IN HARVEY CEDARS**

**WHEREAS** William Street in the Borough of Harvey Cedars borders the North Beach section of Long Beach Township and houses residents from both Harvey Cedars (north side) and Long Beach Township (south side); and

**WHEREAS** on December 7, 2007, Long Beach Township authorized a Shared Services Agreement with the Borough of Harvey Cedars to split trash and recycling services for William Street to alleviate the heavy traffic caused by trash trucks; and

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

1. The Township of Long Beach hereby authorizes the continuation of trash collection by the Harvey Cedars' properties on William Street as set forth in the Township's trash schedule.
2. The Borough of Harvey Cedars shall continue to be responsible to collect all recyclable materials from the Township of Long Beach 's properties on William Street as set forth in the Borough's recycling schedule.
3. This agreement has been in effect since January 1, 2008 and shall remain effective until either Township of Long Beach or the Borough of Harvey Cedars terminates this agreement in writing.
4. Each municipality shall inform its residents on William Street of this agreement.
5. Copies of this resolution shall be forwarded to the Municipal Clerks of both municipalities to be forwarded to their trash/recycling collection agencies and to their Public Works departments.

Motion to approve Item 11:

Motion: Ayes:

Second: Nays:

**FINANCIAL APPROVALS**

12. Resolution 17-1002.06: Approve Bills & Payroll  
Bills in the amount of: \$ 3,915,024.14  
Payroll in the amount of: \$ 1,095,808.01

**RESOLUTION 17- 1002.06**

**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 \$1,095,808.01.

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

1. The said approved vouchers amounting to the sum of \$3,915,024.14 be and the same are hereby authorized to be paid on Monday, October 2, 2017.

2. The said approved payroll amounting to the sum of \$1,095,808.01 be and the same are hereby authorized to be paid on Monday, October 2, 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 Item 12:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

**Administrator's Report:** Kyle Ominski reported on shuttle usage over the summer season.

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi** provided information regarding the Shuttle and Gator Programs and the overall costs. He asked voters to support the Referendum Question that would appear on the November 6<sup>th</sup> ballot; approve a nominal fee to be charged to ride the Shuttle, should it become necessary in order to fund the Program.

**Commissioner Bayard** advised dune grass would be available to homeowners as of October 7<sup>th</sup>. Dogs would be permitted on the beach as of October 1<sup>st</sup>.

**Mayor Mancini** announced the next meeting of the Land Use Board would be held on Wednesday, October 11, 2017 at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinances 17-31C, 37C and 38C would take place at the public meeting held on November 6, 2017 at 4:00 pm.

**OPEN PUBLIC SESSION**

**Janet Drew/Beach Haven Gardens** would like to see additional items approved for recycling, water barrels be used for rain collection, and paved surfaces be regulated.

**Commissioner Bayard** explained the items eligible for recycling were set by the County, and rain barrels were already in use in the Township in several locations.

**Mayor Mancini** advised the use of pavers and paved surfaces were regulated in Long Beach Township.

**Joni Bakum/Brant Beach and Bill Hutson/Holgate** were enthusiastic about the Kite Festival taking place over the weekend and invited all to attend. Mr. Hutson mentioned the many activities ongoing at Bayview Park, complimented the Trolley System, and was relieved the School Referendum had failed.

**CLOSE PUBLIC SESSION**

Motion for adjournment at 4:40 p.m.:

Motion: Lattanzi                      Ayes: Lattanzi, Bayard, Mancini

Second: Bayard

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Lynda J. Wells, RMC  
Municipal Clerk

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Joseph H. Mancini, Mayor

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Ralph H. Bayard, Commissioner

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Dr. Joseph P. Lattanzi, Commissioner