

MINUTES
REGULAR SESSION BOARD OF COMMISSIONERS March 6, 2017
Flag Salute

Meeting came to order: 4:03 p.m.

Clerk called the roll:	Mayor Joseph H. Mancini	PRESENT
	Commissioner Ralph H. Bayard	ABSENT
	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, Mancini

Second: Mancini Nays:

AGENDA

OATH OF OFFICE: Police Officer Sean Farrell

Mayor Mancini administered the Oath of Office to Ptl. Farrell. **Chief Deely** welcomed Ptl. Farrell and commented on his many excellent qualities and achievements.

PROCLAMATION: March 2017 is Colorectal Cancer Awareness Month

PROCLAMATION

2017 COLORECTAL CANCER AWARENESS MONTH

WHEREAS, colorectal cancer is the second-leading cause of cancer deaths in the United States among men and women, and there is no cure; and

WHEREAS, approximately every four minutes, someone is diagnosed with colorectal cancer, and every 10 minutes, someone dies from colorectal cancer; and

WHEREAS, the survival rate of individuals who have early stage colorectal cancer is 90 percent, but is only 10 percent when diagnosed after it has spread to other organs; and

WHEREAS, 39 percent of colorectal cancer patients have their cancers detected at an early stage; and

WHEREAS, if the majority of people in the United States age 50 or older were screened regularly for colorectal cancer, the death rate could plummet by up to 80 percent; and

WHEREAS, colorectal cancer incidence and mortality rates are highest in African-American men and women; and

WHEREAS, the national goal established by the National Colorectal Cancer Roundtable is that 80 percent of Americans ages 50 and older be screened by the year 2018; and

WHEREAS, Colorectal Cancer Awareness Month is an opportunity to offer education on the signs and symptoms of colorectal cancer and the importance of early detection and screening.

NOW, THEREFORE BE IT PROCLAIMED, that the Board of Commissioners of the Township of Long Beach and the Long Beach Island Health Department do hereby designate March as **COLORECTAL CANCER AWARENESS MONTH 2017** in order to increase awareness of the dangers and issues associated with colorectal cancer.

ORDINANCES & PUBLIC HEARINGS

1. Resolution 17-0306.01: Approve an amendment to Ordinance 17-04
Revise the Statement of Purpose

RESOLUTION 17-0306.01

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH,
COUNTY OF OCEAN, STATE OF NEW JERSEY**

AMENDING THE ORDINANCE VACATING A PORTION OF THE WAVERY AVENUE RIGHT OF WAY

WHEREAS, the Township of Long Beach introduced Ordinance 17-04 ("Ordinance"), which seeks to vacate the Waverly Avenue Right of Way; and

WHEREAS, pursuant to N.J.S.A. 40:49-2, the Ordinance may be amended after introduction and prior to second reading in the event that the amendment does not substantially alter the substance of the Ordinance; and

WHEREAS, it has been determined that the Statement of Purpose set forth in the Ordinance includes a typographical error; and

WHEREAS, the typographical error transposes two Block and Lot numbers, in that it incorrectly sets forth Block 13.16, Lot 1, and Block 13.23, Lots 1 and 2; and

WHEREAS, the correct Block and Lot numbers are 13.16, Lots 1 and 2 and Block 13.23, Lot 1; and

WHEREAS, the legally operative body of the Ordinance contains no such error and accurately sets forth the Block and Lot numbers; and

WHEREAS, it is the legal opinion of the Township Attorney that the amendment does not substantially alter the substance or material terms of the Ordinance, and that, in light of the correct terms in the Ordinance and attached maps, as well as the notices that were

mailed to the interested persons, the amendment is unlikely to increase the number of objectors or persons who would come to a hearing to ask questions about an Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach hereby authorizes the amendment of the Statement of Purpose set forth in the Ordinance to read Block 13.16, Lot 1, and Block 13.23, Lots 1 and 2.

Motion to approve Item 1:

Motion: Lattanzi

Ayes: Lattanzi, Mancini

Second: Mancini

2. Second Reading Ordinance 17-04: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH VACATING A PORTION OF THE WAVERLY AVENUE RIGHT OF WAY** (Brighton Beach)

ORDINANCE 17-04

AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH VACATING A PORTION OF THE WAVERLY AVENUE RIGHT OF WAY

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 from the owners of certain property located on West Rhode Island Avenue and West Connecticut Avenue to vacate a portion of Waverly Avenue, which presently exists as an unimproved right of way; and

WHEREAS, the 16,000 +/- square foot area to be vacated ("Property") is more particularly described by the three (3) legal descriptions attached hereto as Exhibit A, Exhibit B, and Exhibit C, and which is graphically depicted in the three (3) separate maps entitled "Map to Accompany the New Vacation of a Portion of Waverly Avenue Block 13.16, Lot 1, and Block 13.23, Lots 1 & 2," "Map to Accompany the New Vacation of a Portion of Waverly Avenue Block 13.19, Lot 4, and Block 13.24, Lots 1 & 2," and "Map to Accompany the New Vacation of a Portion of Waverly Avenue Block 14.02, Lots 1 & 3" prepared by William J. Berg, P.L.S., attached hereto as Exhibit D, Exhibit E, and Exhibit F; 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, Exhibit B, and Exhibit C, and as depicted in Exhibit D, Exhibit E, and Exhibit F 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 on a portion of Waverly Avenue adjacent to Block 13.16, Lots 1 and 2, Block 13.23, Lot 1, Block 13.19, Lot 4, Block 13.24, Lots 1 and 2, and Block 14.02, Lots 1 and 3.

§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, Exhibit B, and Exhibit C, and depicted in Exhibit D, Exhibit E, and Exhibit F, all of which are 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 13.23, Lot 1, Block 13.16, Lot 2, Block 13.16, Lot 1, Block 13.24, Lot 2, Block 12.19, Lot 4, Block 14.02, Lot 1, and Block 14.02, Lot 3, 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, Exhibit B, Exhibit C, Exhibit D, Exhibit E, and Exhibit F.

§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 February 6, 2017 and advertised in the BEACH HAVEN TIMES issue of February 9, 2017.

OPEN PUBLIC HEARING

Bob McGrath, Susan Roysto, Karen Beier Korkuch, Sandy Korkuch, and Ron and Jean Evans had many questions regarding the vacation of the alleyway and were not in favor of the adoption of Ordinance 17-04 at this time.

The Board of Commissioners agreed to postpone the proposed adoption of this ordinance until April 3rd 2017.

CLOSE PUBLIC HEARING

Motion to **TABLE** Ordinance 17-04 on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Mancini

Second: Mancini

3. Second Reading Ordinance 17-05C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 PERTAINS TO THE ZONING AND REGULATION OF WIRELESS COMMUNICATIONS INSIDE AND OUTSIDE THE RIGHTS-OF-WAY IN THE TOWNSHIP**

ORDINANCE 17-05C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 PERTAINS TO THE ZONING AND REGULATION OF WIRELESS COMMUNICATIONS INSIDE AND OUTSIDE THE RIGHTS-OF-WAY IN THE TOWNSHIP

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to add definitions to §205-2 and create §205-65, which adopts certain zoning regulations relating to the zoning, siting, and regulations for wireless communications facilities and related equipment inside and outside of the rights-of-way in the Township of Long Beach, as it pertains to Chapter 205.

SECTION I

§205-2 is hereby amended to include the following definitions and amended definitions in the appropriate alphabetical order of the existing definitions set forth therein.

ANTENNA

Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined below.

BASE STATION

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.

The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation, the following.

- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a backhaul network.
- (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including DAS and small-cell networks).
- (3) Any structure other than a tower that, at the time the relevant application is filed under this section, supports or houses equipment described in paragraphs (1) and (2) which has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

BLACKHAUL NETWORK

The lines that connect a wireless provider's or facility developer's towers and cell sites to one or more cellular telephone switching offices and/or long-distance providers or the public switched telephone network.

COLLOCATION

The mounting of one or more wireless communications facilities, including antennae, on an existing tower-based wireless communications facility and/or wireless support structure for the purpose of transmitting and/or receiving radio and digital frequency signals for communications purposes. To be confirmed as collocation, an applicant must demonstrate that it qualifies as collocation in accordance with federal and state law, including, but not limited to N.J.S.A. 40:55D-46.2.

COVERAGE GAP

The need for additional capacity because of inadequate present capacity or service, dead spots, and inability to place a call.

DEAD SPOT

Small areas within a service area where the field of strength is lower than the minimum level for reliable service or inadequate capacity exists as determined by expert testimony in accordance with industry standards.

DISTRIBUTED ANTENNA SYSTEM OR DAS

Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

FCC

Federal Communications Commission.

MONOPOLE

A wireless communications facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure to support communications antennae and connecting appurtenances.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY

All non-tower wireless communications facilities, including, but not limited to, antennae and related equipment.

PREEXISTING WIRELESS SUPPORT STRUCTURES

Any tower, antenna, and/or other wireless communications support structure that has a construction permit or land use approval prior to the effective date of this section and including, but not limited to, any tower, antenna, and/or wireless communications support structure on property owned, leased, or otherwise controlled by Township.

PUBLIC UTILITY

Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. The term "public utility," however, shall not mean, for purposes of this Chapter, wireless communications providers and wireless facility developers.

RIGHT-OF-WAY OR ROW

The surface of and space above and below any real property in Township in which Township, County of Ocean, and/or State of New Jersey has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area, or property under the control of the Township, County of Ocean, and/or State of New Jersey, and any unrestricted public or utility easements established, dedicated, platted, improved, or devoted for utility purposes, but excluding lands relating to other than streets that are owned by the Township, County of Ocean, and/or State of New Jersey. The phrase "in the right(s)-of-way" and means in, on, over, along, above, and/or under the right(s)-of-way.

SATELLITE DISH

Any apparatus with a flat or parabolic surface which is designed for the purpose of receiving television, radio, microwave, satellite, or similar electronic signals.

STEALTH TECHNOLOGY

Camouflaging methods applied to wireless communications towers, antennae, and other related facilities which render them more visually appealing, or blend the proposed facilities into the existing structure or visual backdrop in such a manner as to render them minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae paint to match the existing structure, and facilities constructed to resemble trees, shrubs, flag poles, utility poles, and light poles.

SUBSTANTIAL CHANGE

A modification substantially changes the physical dimension of a wireless communications support structure and/or base station if it meets any of the following criteria.

- (1) Increase in Height. An increase in the height of a wireless communications support structure constitutes a substantial change (A) for structures outside public rights-of-way, if the proposed increase in height is more than 20 feet or 10%, whichever is greater, and (B) for structures in rights-of-way, the proposed increase in height is more than 10% or 10 feet, whichever is greater.
- (2) Increase in Width. An increase in the width of a tower constitutes a substantial change (A) for towers outside public rights-of-way, if the increase protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the new appurtenance, whichever is greater; and (B) for towers in rights-of-ways and for all base stations, if the increase protrudes from the edge of the structure more than 6 feet.
- (3) Increase in Equipment Cabinets. The addition of equipment cabinets constitutes a substantial change if it involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than 4 cabinets, whichever is less.
- (4) Excavation or Deployment Outside Current Site. Excavation or deployment of equipment outside the current site of the tower or base station constitutes a substantial change when required for a proposed collocation.
- (5) Defeat of Existing Concealment Elements. If existing concealment elements of the tower or base station would be defeated by the proposed collocation, the proposed collocation constitutes a substantial change. For example, if the proposed collocation would result in an extension of a camouflaged tree tower which would result in the tower no longer looking like a tree, the proposed collocation would constitute a substantial change of the tree tower.
- (6) Failure to Comply with Prior Conditions. A substantial change occurs if the proposed collocation fails to comply with conditions associated with the prior approval of the tower or base station, unless such non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds described above.

TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar wireless telecommunication purposes, including self-supporting lattice towers or monopole towers. The term shall also include radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, monopoles, and the like. The term includes the structure of the tower along with any support thereto.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY

Any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers, and monopoles. DAS hub facilities are considered to be tower-based wireless communications facilities.

UTILITY POLE

Any telephone pole, public utility pole, electric pole, or any other pole providing for the maintenance of wires for the distribution of electricity, telephone signals, telegraph signals, and/or television signals

WIRELESS

Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS EQUIPMENT

The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters,

receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cabling, and coaxial and fiber optic cable, but excluding wireless communications support structures.

WIRELESS COMMUNICATIONS FACILITY

The antennae, nodes, DAS, control boxes, towers, poles, conduits, ducts, pedestals, electronics, base station, small cell system, tower, wireless communications support structure, and other equipment used for the purposes of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE

A structure that is designed to support, or is capable of supporting, wireless communications facilities and equipment, including, but not limited to, a tower, water tower, or utility pole.

WIRELESS COMMUNICATIONS AND COMMUNICATIONS SERVICE

Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996 ("TCA"), which includes FCC licensed commercial wireless telecommunications services, including, but not limited to, all FCC-licensed blackhaul network and other wireless services, broadcast, cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar services that exist or that may be developed in the future.

SECTION II

Chapter 205 is hereby amended to add the following §205-65.

§205-65. Wireless Communications Facilities.

- A. Purpose. The purpose of this section for the siting of wireless communications facilities is as follows.
- (1) Protect residential areas and land uses from potential adverse impacts of wireless communications facilities.
 - (2) Encourage and ensure the appropriate location of wireless communications facilities in consideration of the public health, welfare, and safety.
 - (3) Consistent with federal and state law, minimize the total number of wireless communications facilities in Township.
 - (4) Strongly encourage the collocation and joint use of existing and approved wireless communications facilities as a primary option rather than construction of new tower-based wireless communications facilities.
 - (5) Encourage applicants to locate wireless communications facilities, to the extent practicable and possible, in areas where the adverse impact to the community is minimal.
 - (6) Encourage applicants to configure wireless communications facilities in a way that minimizes their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging and stealth technology.
 - (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
 - (8) Avoid potential damage to adjacent properties and the public health, welfare, and safety through proper engineering and careful siting of wireless communications facilities.
 - (9) Comply with applicable federal and state law on the siting and regulation of wireless communications facilities, while ensuring that proper zoning regulations are implemented to ensure that the public health, welfare, and safety is protected and to minimize the adverse visual, structural health, and safety impacts of such facilities.
- B. In furtherance of the foregoing goals, Township shall give due consideration to the Township Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in the approving of sites for the location of wireless communications facilities and the regulation of such facilities.
- C. Applicability.
- (1) All wireless communications facilities shall be subject to these regulations, the applicable building regulations, and the Township Code, except as otherwise provided or grandfathered herein.
 - (2) Amateur Radio; Receive-Only Antennas. This section shall not govern any tower or the installation of any antenna that is under 70 feet in height which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
 - (3) Preexisting Towers or Antennas. Preexisting towers or antennas shall not be required to meet the requirements of this section, other than the requirements regarding building codes and safety standards. This exception shall not apply to any expansion or intensification of a preexisting tower or antenna.
 - (4) Government Agencies. Communication towers and/or antenna owned, operated, leased, or used by Township shall be exempt from the requirements of this section.

- (5) Satellite Dish Antenna. This section shall not govern any parabolic satellite antennas.
- D. Permitted Use, Scope, and Restrictions.
- (1) Wireless communications facilities are a permitted use in the General Commercial, Special Commercial, and Marine Commercial Zones. No wireless communications facilities of any type shall be permitted in any Residential Zones or within 50 feet of a lot in residential use or a residential district boundary.
 - (2) No wireless communications facilities are permitted inside or on any buildings or accessory buildings in Township. Except for the collocation on utility poles as required by federal and state law, and, as otherwise provided in this section, no non-tower based wireless communications facilities shall be permitted in Township. All wireless communications facilities in Township shall be limited to wireless communications support structures as set forth herein.
 - (3) With the exception of Township-owned and/or constructed lattice towers or guy-lattice towers, no lattice towers or guy-lattice towers shall be permitted in Township.
 - (4) Except as otherwise provided by law for public utilities, no new wireless communications support structures, such as towers or monopoles, shall be permitted in the ROW. Only collocation and non-substantial changes to existing wireless support structures shall be permitted in the ROW.
 - (5) Wireless communications facilities located on property owned, leased, or otherwise controlled by Township shall be a permitted use in all Zone Districts, provided that a license or lease authorizing such facilities has been approved by Township, and, as a condition of any such license or lease, Township may require site plan approval or may exempt the applicant from approval. The decision to extend such license or lease to an applicant shall be vested solely with Township, and shall not be governed by this section. Township, in its absolute and sole discretion, reserves the express right to deny all use of its property for wireless communications facilities. Nothing in this section shall be construed as requiring any applicant to locate on property owned, leased, or otherwise controlled by Township. Preexisting wireless communications facilities are exempt from the application of this subsection.
 - (6) No advertising signs shall be permitted on any wireless communications facilities, wireless communications support structures, wireless communications equipment, or base stations.
 - (7) All ROW regulations shall apply to all entities and applicants, regardless of whether the ROW is owned and/or controlled by the County or the State.
- E. Collocation and Priority Policy.
- (1) The Township Engineer shall maintain an inventory of existing wireless communications facility locations within or near Township.
 - (2) It is the Township's policy that the first priority locations for wireless communications facilities within Township shall be Township-owned towers, and then non-Township owned existing towers and wireless support structures, and all applicants for new wireless communications facilities shall make all reasonable and good faith efforts to collocate the proposed wireless communications facilities and/or secure the location of such facilities on Township-owned facilities first and non-Township owned existing towers and wireless support structures second.
 - (3) An applicant proposing any wireless communications facility at a new location shall demonstrate and document that it made its best business efforts to find a collocation site and that none was available, practicable, economically feasible, and was not a viable option.
- F. Costs and Fees.
- (1) Permit and Escrow Fees. Township may assess appropriate and reasonable application and permit fees directly related to the actual costs in reviewing and processing the application for approval of wireless communication facilities, as well as inspection, monitoring, and related costs, as set by resolution. Township may also impose and require escrow fees for the payment of actual fees and costs, as Township deems appropriate by way of resolution.
 - (2) Retention of Experts and Costs. Township and the Land Use Board may use and/or hire any consultants, engineers, attorneys, and/or experts to assist with the review and application for approval of wireless communications facilities, and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section and the Township Code. The applicant and/or owner of the wireless communication facility shall reimburse Township and the Land Use Board for all costs of the consultants, engineers, attorneys, and/or experts in providing expert evaluation and consultation in connection with these activities.

- (3) Compensation for ROW Use. In addition to other fees provided herein, every wireless communications facility in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to Township's actual ROW management costs, if any, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, supervising and other ROW management activities by Township. The owner of each tower-based wireless communications facility shall pay an annual fee to compensate Township for Township's costs incurred. The annual ROW management fee for wireless communications facilities shall be determined by Township and authorized by resolution.
- G. Application Requirements for the Installation of all non-Collocation and/or Substantial Changes to Wireless Communications Facilities.
- (1) Except as otherwise provided in this section, no wireless communications facilities shall be constructed, erected, or substantially changed unless site plan approval and any and all applicable variances are obtained from the Land Use Board. The following provisions shall apply to applications for such approval.
 - (a) Applications for site plans along with any required variances shall be subject to the procedures and requirements of the Municipal Land Use Law and the Township Code, §164-1, *et seq.*, except as modified herein.
 - (b) In granting site plan approval or a variance, the Land Use Board may impose additional conditions consistent with federal and state law to the extent the Land Use Board concludes such are necessary to minimize any adverse effect of the proposed wireless communications facility on adjoining properties.
 - (c) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer of the State of New Jersey, if a licensing requirement for that professional exists in New Jersey.
 - (d) An applicant for site plan approval or a variance shall submit the information required, a nonrefundable application fee, and an escrow deposit as established by resolution. The application fee and escrows shall be paid as required herein.
 - (e) Any tower shall be designed and constructed so as to accommodate at least 4 antenna arrays of separate wireless communications providers, where such accommodation is technically feasible.
 - (2) In addition to any and all information required for applications for site plan approval or a variance pursuant to this section and the Township Code, applicants for approval for the construction or installation of wireless communication facilities shall submit all of the items identified on the application checklist, along with the following information before the application is certified as complete.
 - (a) A completed prescribed application and application checklist for proposed wireless communications facilities.
 - (b) The identity of the owner of the property, structure, and/or building and a copy of the lease (with confidential or proprietary information redacted), proof of ownership and authority, and deed for the property.
 - (c) A scaled site plan clearly indicating the location, type, and height of the proposed wireless communications facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed wireless communications facility and any other structures, topography, parking, and other information as required by this or other Township ordinances, or as required by the Township or Board Engineer, to enable comprehensive review of the application.
 - (d) Survey of the property, including a Letter of Interpretation from the New Jersey Department of Environmental Protection, signed and sealed by a land surveyor licensed in the State of New Jersey, dated no earlier than 12 months prior to the date of the application ("LOI").
 - (e) The separation distance between the proposed wireless communications facility and the nearest residential unit and/or residentially zoned property.
 - (f) The separation distance from other wireless communications facilities described in the inventory of existing sites submitted pursuant to this subsection shall be shown on an updated site plan or map certified

- by a licensed engineer or licensed land surveyor. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s).
- (g) A landscape plan showing specific landscape materials and precise locations of proposed landscaping improvements, including, but not limited to, species type, size, spacing, other landscape features, and existing vegetation to be retained, removed, or replaced, which shall be certified by a licensed engineer or certified landscape architect.
 - (h) An Environmental Impact Study.
 - (i) A plan evidencing compliance with the applicable requirements of this section, including, but not limited to, the architecture, stealth technology requirements, aesthetics, color, camouflage, landscaping, and fencing.
 - (j) A written report of the suitability or non-suitability of the use of existing wireless communications facilities or other structures for services to be provided through the use of the proposed new wireless communications facility.
 - (k) A written report of the feasible location(s) of future wireless communications facilities that may be erected by the applicant within Township based upon existing physical engineering, technological, or geographical limitations in the event the proposed wireless communications facility is erected.
 - (l) A visual study, including photographic or topographic plans, identifying a line of sight analysis detailing the view of the proposed wireless communications facility from various directions and angles from adjacent areas within a 750-foot radius of the proposed wireless communications facility. The analysis shall be utilized to determine buffer requirements.
 - (m) Documentation of the results of the crane test, including a line-of-sight survey and photographic result of the crane test with regard to the potential visual and aesthetic impacts of the proposed tower. Such documentation must establish the zone of visibility of the proposed tower.
 - (n) Photo-simulations of any proposed tower, which shall include at least 1 photo-simulation from at least 4 angles of view of the tower (from the north, east, south and west), taken from ground level at the property line of the proposed site of any tower. Photo-simulations presented to the approving authority shall be in color and a minimum of 8 inches by 11 inches in size.
 - (o) Documentary and expert evidence regarding the need for the wireless communications facility, which information shall identify the existing wireless network layout and existing coverage areas to demonstrate the need for the facility at a particular location within Township. The evidence shall include a report of the radio frequency engineering analysis of the search area for the wireless communications facility.
 - (p) A report from a qualified expert certifying that the wireless communications facility complies with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (BOCA) International Code, including a description of the number and type of antennas it is designed to accommodate.
 - (q) A statement by the applicant demonstrating whether construction of the wireless communications facility will accommodate co-location of additional antenna for future users. If so, a letter of commitment by the applicant to lease excess space on wireless communications facility to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. The letter shall commit the tower owner and successors in interest.
 - (r) Elevations of all existing and proposed structures generally depicting all existing and proposed antennas, towers, platforms, finish materials, as well as all other accessory equipment.
 - (s) Inventory of Existing Sites. Each applicant shall provide to the Land Use Board an inventory of its existing wireless communications facilities or sites approved for towers or antennas that are either within the jurisdiction of Township or within 3 miles of the proposed site, whichever is more extensive, including specific information about the location, height, and design of each wireless communications facility. Township and the Land Use Board may share such information with other applicants applying for administrative approvals or permits

under this section or other organizations seeking to locate wireless communications facilities within the jurisdiction of Township; provided, however, that Township and Land Use Board are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- (t) Identification of the entities providing the backhaul network for the wireless communications facility described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - (u) Detailed and certified engineering plans of the wireless communications facility proposed and any and all related equipment.
 - (v) Fully-executed indemnification and hold harmless agreements prepared by Township, which are provided with the application package.
 - (w) Documentation that the existing vegetation, trees, and shrubs located within proximity to the wireless communications facility structure shall be preserved to the maximum extent possible.
 - (x) A soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/ETA 222-B, as amended, to document and verify the design specifications of the foundation of the tower-based wireless communications facility, and anchors, if used.
 - (y) Documentation of compliance with all of the regulations set forth in subsection K.
- H. Review of Tower-Based Applications. Tower-based applications shall be reviewed by the Land Use Board pursuant to the following:
- (1) Timeframe for review. The Land Use Board shall render a decision on an application within 150 days of receipt of a complete application.
 - (2) Incomplete applications. The Land Use Board may toll the 150-day timeframe set by notifying the applicant, within 30 days of receipt of submission of an application, that the application is incomplete. Such notification shall set forth all outstanding information, as well as the applicable Code provision, ordinance, application instruction, or publicly stated procedure requiring the information to be submitted. The 150-day timeframe shall begin again upon receipt of the supplemental submission.
 - (3) Subsequent incomplete applications. The Land Use Board may thereafter toll the 150-day timeframe by notifying the applicant, within 10 days of receipt of the supplemental submission, that the applicant did not provide the information identified in the original notice delineating missing information. Second or subsequent notices of incompleteness may not specify missing documents or information not previously delineated in the original notice of incompleteness.
 - (4) Failure to act. If the Land Use Board does not approve or deny an application within 150 days of receipt of the application or any applicable tolling periods thereafter, the applicant may notify the Land Use Board in writing that the review period has expired. Upon the Land Use Board's receipt of this notice from the applicant, the application shall be deemed granted.
- I. Application Requirements for the Installation of all Collocation and Non-Substantial Change to Wireless Communications Facilities.
- (1) An application for development to collocate or non-substantially change wireless communications equipment on a wireless communications support structure shall not be subject to site plan review, provided the application meets the following requirements.
 - (a) The wireless communications support structure shall have been previously granted all necessary approvals by the appropriate approving authority.
 - (b) The proposed application satisfies the federal and state requirements to meet the standard for collocation, as defined in this section.
 - (c) The proposed collocation and/or change complies with the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which variance relief would be required pursuant to N.J.S.A. 40:55D-1, et seq., or any other applicable law, rule, or regulation.
 - (2) All applications shall be filed with the Municipal Clerk and the Board of Commissioners shall review the application with consultation with the Township Engineer and Township Attorney to determine whether the application qualifies as a request for collocation, whether the change proposed is non-substantial, and/or whether the application requires site

plan approval. The Board of Commissioners shall review the application and advise the applicant within 30 days as to whether Township deems that site plan approval by the Land Use Board is required. If site plan approval is deemed to be required, the applicant shall proceed in accordance with the regulations regarding such approval and the time period for review shall restart in accordance with such regulations upon submission of a site plan application.

- (3) All applications shall be submitted to the Municipal Clerk on the proscribed application and checklist form(s) and shall include the following information.
- (a) A completed application and application checklist for wireless communication facilities collocation and non-substantial change modifications.
 - (b) A statement and supporting proofs that the application qualifies as collocation or as a non-substantial change.
 - (c) The identity of the owner of the property, structure, and/or building and a copy of the lease (with confidential or proprietary information redacted), proof of ownership and authority, deed for the property, and a copy of the agreement relating to N.J.S.A. 48:3-18.
 - (d) Applicant's certification that it possesses the legal authority to collocate and/or change the support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
 - (e) Fully-executed indemnification and hold harmless agreements prepared by Township, which are provided with the application package.
 - (f) A scaled location plan clearly indicating the location, type, and height of the proposed wireless communications facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed wireless communications facility and any other structures, topography, parking, and other information as required by this or other Township ordinances, or as required by the Township or Board Engineer, to enable comprehensive review of the application.
 - (g) The separation distance between the proposed wireless communications facility and the nearest residential unit and/or residentially zoned property.
 - (h) The separation distance from other wireless communications facilities described in the inventory of existing sites submitted pursuant to this subsection shall be shown on an updated location plan or map certified by a licensed engineer or licensed land surveyor. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s).
 - (i) A description of the type and quantity of equipment to be installed.
 - (j) A description of the number and size of any equipment cabinets to be installed.
 - (k) A description of any excavation required.
 - (l) A description of any change in tower height and/or width as a result of the proposed collocation, removal, or replacement.
 - (m) A plan evidencing the development's compliance with the applicable requirements of this section, including, but not limited to, the architecture, aesthetics, color, and use of stealth technology.
 - (n) A written report of the suitability or non-suitability of the use of existing wireless communications facilities or other structures for services to be provided through the use of the proposed new wireless communications facility, including certification from a structural engineer that the existing utility pole or tower is structurally suitable and safe for the collocation and/or non-substantial change.
 - (o) A written report of the feasible location(s) of future wireless communications facilities which may be erected by the applicant, within Township based upon existing physical engineering, technological, or geographical limitations in the event that the proposed wireless communications facility is erected.
 - (p) A visual study, including photographic or topographic plans, identifying a line of sight analysis detailing the view of the proposed wireless communications facility from various directions and angles from adjacent areas within a 750-foot radius of the proposed wireless communications facility. The analysis shall be utilized to determine buffer requirements.

- (q) Documentary and expert evidence regarding the need for the wireless communications facility, which information shall identify the existing wireless network layout and existing coverage areas to demonstrate the need for the facility at a particular location within Township. The evidence shall include a report of the radio frequency engineering analysis of the search area for the wireless communications facility.
 - (r) A report from a qualified expert certifying that the wireless communications facility complies with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (BOCA) International, Inc. Code, including a description of the number and type of antennas it is designed to accommodate.
 - (s) A statement by the applicant demonstrating whether construction of the wireless communications facility will accommodate co-location of additional antenna for future users. If so, a letter of commitment by the applicant to lease excess space on wireless communications facility to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. The letter shall commit the tower owner and successors in interest.
 - (t) Elevations of all existing and proposed structures generally depicting all existing and proposed antennas, towers, platforms, finish materials, as well as all other accessory equipment.
 - (u) Inventory of Existing Sites. An inventory of its existing wireless communications facilities or sites approved for towers or antennas that are either within the jurisdiction of Township or within 3 miles of the proposed site, whichever is more extensive, including specific information about the location, height, and design of each wireless communications facility. Township and the Land Use Board may share such information with other applicants applying for administrative approvals or permits under this section or other organizations seeking to locate wireless communications facilities within the jurisdiction of Township; provided, however, that Township and Land User Board are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 - (v) Identification of the entities providing the backhaul network for the wireless communications facility described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - (w) Documentation of compliance with all of the regulations set forth in subsection M.
- J. Review of Collocation of or Non-Substantial Change to Wireless Communications Facilities Applications.
- (1) Timeframe for review. The Board of Commissioners shall determine whether an application for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station constitutes a substantial change within 60 days of receipt of the application. Applications that do not substantially change the wireless communications facility and otherwise comply with the requirements set forth in this section shall be approved within this time period. This 60-day period may be extended by mutual agreement of Township and the applicant.
 - (2) Incomplete applications. The Board of Commissioners may toll the 60-day timeframe by notifying the applicant, within 30 days of receipt of submission of an application, that the application is incomplete. Such notification shall set forth all outstanding information, as well as the applicable Code provision, ordinance, application instruction, or publicly stated procedure requiring the information to be submitted. The 60-day timeframe shall begin again upon receipt of the supplemental submission.
 - (3) Subsequent incomplete applications. The Board of Commissioners may thereafter toll the 60-day timeframe by notifying the applicant, within 10 days of receipt of the supplemental submission, that the applicant did not provide the information identified in the original notice delineating missing information. Second or subsequent notices of incompleteness may not specify missing documents or information not previously delineated in the original notice of incompleteness.
 - (4) Complete applications. The Board of Commissioners shall, within the 60-day timeframe, approve all complete applications for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station that do not constitute a substantial change and that do not

otherwise violate applicable health, safety, and other requirements set forth in this section. If the Board of Commissioners determines that an application constitutes a substantial change to an existing wireless communications tower or base station, or otherwise fails to comply with this section, it shall notify the applicant of same in writing. If applicable, the Board of Commissioners shall advise the applicant to initiate the site plan process required by this section.

- (5) Applications on improper towers. Notwithstanding the foregoing, the Board of Commissioners is not obligated to approve an application for collocation, removal, or replacement of equipment on a tower or base station that was constructed or deployed without proper review, was not required to undergo siting review, or does not support transmission equipment that received another form of affirmative state or local regulatory approval.
- (6) Failure to act. If the Board of Commissioners does not approve or deny an application for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station within 60 days of receipt of the application or any applicable tolling periods thereafter, the applicant may notify the Board of Commissioners in writing that the review period has expired. Upon the Board of Commissioners receipt of this notice from the applicant, the application shall be deemed granted.

K. General Requirements for all Towers and Tower-Based Wireless Communications Facilities. The following regulations shall apply to all towers and tower-based wireless communications facilities.

- (1) Uniform Construction Code; Safety Standards; Standard of Care. Any tower-based wireless communications facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, foundation, safety, and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute ("ANSI") Code, National Electrical Safety Code, National Electrical Code, the New Jersey Uniform Construction Code and the applicable standards for towers that are published by the Electronic Industries Association, the Township Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based wireless communications facility shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in Township.
- (2) Gap in Coverage. An applicant for a tower-based wireless communications facility must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of wireless communications facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Land Use Board's decision on an application for approval of tower-based wireless communications facilities.
- (3) Collocation. An application for a new tower-based wireless communications facility outside the ROW shall not be approved unless the Land Use Board finds that the wireless communications equipment planned for the proposed tower-based wireless communications facility cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based wireless communications facility shall include a comprehensive inventory of all existing towers and other suitable structures within a 2-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- (4) Wind. Any tower-based wireless communications facility structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association.
- (5) Height. Any tower-based wireless communications facility shall be designed at the minimum functional height and shall not exceed a maximum total height of 100 feet, which height shall include all subsequent additions or alterations. All tower-based wireless communications facility applicants must submit documentation to the Land Use Board justifying the total height of the structure.
- (6) Public Safety Communications. No tower-based wireless communications facility shall interfere with public safety communications or the reception of

- broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (7) Maintenance. The following maintenance requirements shall apply:
 - (a) Any tower-based wireless communications facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair;
 - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents;
 - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents; and
 - (d) Except in the case of documented emergencies, 5-day written notice of any and all maintenance activities shall be provided to the Chief of Police and the Department of Public Works. Written notice of emergencies and documented proof of same shall be provided to the Chief of Police and the Department of Public Works as soon as practicable, but in no case more than 48 hours from the date of emergency.
 - (8) Radio Frequency Emissions. No tower-based wireless communications facility may, by itself or in conjunction with other wireless communications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
 - (9) Identification. All tower-based wireless communications facilities shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Land Use Board.
 - (10) Lighting. Tower-based wireless communications facilities shall not be artificially lighted, except as required by law and as may be approved by the Land Use Board. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.
 - (11) Appearance and Visual Compatibility Requirements.
 - (a) All tower-based wireless communications facility structures shall be located, designed, and screened to blend with the existing natural or building surroundings so as to minimize visual impacts through the use of the latest stealth technology, including color and camouflaging, architectural treatment, landscaping, and other available means, considering the need to be compatible with neighboring residences and the character of the community. The tower-based wireless communications facility shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.
 - (b) Any height extensions to an existing tower-based wireless communications facility shall require prior approval of the Land Use Board. The Land Use Board reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of Township.
 - (c) Any proposed tower-based wireless communications facility shall be designed structurally, electrically, and in all respects to accommodate both the wireless communications facility applicant's antennas and comparable antennae for future users.
 - (d) Towers shall either maintain a galvanized steel finish, be painted a neutral color, and employ stealth technology so as to reduce visual obtrusiveness.
 - (e) At the wireless communications equipment building, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding buildings.
 - (f) All tower-based wireless communications facility structures must be designed to preserve scenic vistas and views of the Atlantic Ocean, Barnegat Bay, Little Egg Harbor, all Inlets, cultural and history landmarks, and unique geographic and topographic features. Natural features such as trees, views, natural terrain, open waters, and natural drainage ridge lines shall be preserved whenever possible in locating and designing a tower. Towers shall further be designed and located to minimize impact on open space and Green Acres properties.

- (g) Any and all buildings or structures relating to the tower-based wireless communications facility structures shall be located, designed, and screened to blend with the existing natural or building surroundings so as to minimize visual impacts through the use of stealth technology.
- (h) Any and all buildings or structures relating to the tower-based wireless communications facility structures shall not contain more than 1,600 square feet of gross floor area or be more than 15 feet in height.
- (i) Equipment storage buildings or cabinets shall comply with all applicable zoning and building codes.
- (j) The wireless communications equipment building shall not exceed 10 feet for flat roofs or 15 feet for pitched roofs, which shall have a minimum vertical rise of 6 inches for every 12 inches of horizontal run, and the building must blend architecturally with any existing building on the property. Pitched roofs shall be permitted only where the applicant is proposing a structure designed to blend with the local architectural context.
- (k) When a location out of the view from off-tract properties is not possible, appropriate foundation planting shall be provided outside the wireless telecommunications equipment building.
- (l) Landscaping. The following requirements shall govern the landscaping surrounding towers for which site plan approval is required.
 - (i) Tower-based communications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.
 - (ii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (m) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the approving authority if the goals of this section would be better served thereby. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
- (n) An individual wireless carrier shall not occupy more than four hundred (400) square feet of the equipment building.
- (12) Noise. Tower-based wireless communications facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under State law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (13) Aviation Safety. Tower-based wireless communications facilities shall comply with all Federal and State laws and regulations concerning aviation safety.
- (14) Nonconforming Uses. Nonconforming tower-based based wireless communication facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section and this Chapter 205.
- (15) Removal. In the event that use of a tower-based based wireless communication facility is planned to be discontinued, the owner shall provide written notice to Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned based wireless communication facilities or portions of based wireless communication facilities shall be removed as follows:
 - (a) All unused or abandoned tower-based wireless communication facilities and accessory facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by Township.
 - (b) If the wireless communication facility and/or accessory facility is not removed within 6 months of the cessation of operations at a site, or within any longer period approved by Township, the wireless communication facility and accessory facilities and equipment may be removed by Township and the cost of removal assessed against the owner of the wireless communication facility.
 - (c) Any unused portions of tower-based wireless communication facilities, including antennas, shall be removed within 6 months of the time of cessation of operations. Township must approve all replacements of

portions of a tower-based wireless communication facility previously removed.

- (16) Additional Antennae. As a condition of approval for all tower-based wireless communications facilities, the applicant shall provide Township with a written commitment that it will allow other service providers to co-locate antennae on tower-based wireless communications facilities where technically and economically feasible. The owner of a tower-based wireless communications facility shall not install any additional antennae without obtaining the prior written approval as required in this section.
- (17) Environmental. All tower-based wireless communication facilities shall comply with all applicable environmental regulations.
- (18) Visual or Land Use Impact. The Land Use Board reserves the right to deny an application for the construction or placement of any tower-based wireless communications facility based upon visual and/or land use impact.
- (19) Inspection. Township reserves the right to inspect any tower-based wireless communications facility to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or State or Federal law. Township and/or its agents shall have the authority to enter the property upon which a wireless communications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (20) Setbacks. The following setback requirements shall apply to all towers:
 - (a) Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line and all non-appurtenant buildings and structures to ensure public safety in the event of a collapse or fall of the tower, provided that distance is no closer than the building setback applicable to the zoning district.
 - (b) Accessory buildings must satisfy the minimum zoning district setback requirements.
 - (c) No tower shall exist within required buffer or conservation easement areas.
- (21) Separation distance from tower to tower. No tower shall be within 1,500 feet of another tower. Tower separation shall be measured from the base of the tower to the base of the other tower.
- (22) Insurance Requirements. All applicants shall be required to provide proof of and maintain comprehensive general liability insurance covering the tower-based wireless communications facility in the minimum coverage amount of \$5,000,000.00 for any 1 claim and \$10,000,000.00 for any aggregate claim. The insurance policy shall name Township as an additional insured. The existence of any available and/or applicable insurance shall not waive or release applicant from the obligations set forth required indemnification agreement included in the application.
- (23) Fence/Screen.
 - (a) A security fence having a maximum height of 8 feet shall completely surround any tower-based wireless communications facility, guy wires, or any building housing wireless communications facility equipment.
 - (b) An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.
 - (c) The wireless communications facility applicant shall submit a landscape plan for review and approval by the Township Planning Commission for all proposed screening.
- (24) Accessory Equipment.
 - (a) Ground-mounted equipment associated to, or connected with, a tower-based wireless communications facility shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground mounted equipment shall be screened from public view using stealth technologies, as described above.
 - (b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

- (25) Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based wireless communications facility. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the wireless communications facility owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
 - (26) Bond. Prior to the issuance of a permit, the owner of a tower-based wireless communications facility outside the rights-of-way shall, at its own cost and expense, obtain from a surety licensed to do business in New Jersey and maintain a bond or other form of security acceptable to the Township Attorney, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this section and this Chapter 205. The bond shall provide that Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file the bond with Township.
- L. Tower-Based Facilities inside the Rights-of-Way. No new wireless communications support structures shall be permitted in any ROW, except that pursuant to federal law and N.J.S.A. 40:55D-46.2, existing, approved utility poles approved by the appropriate authority for public utilities and new utility poles approved by the appropriate authority for public utilities in the rights-of-way located in the Commercial, Special Commercial, and Marine Districts alone may be used for the collocation of wireless communications facilities, provided they are not located within 50 feet of any residential zone or residential lot line. No collocation shall be permitted in any Residential Zone ROW. The following regulations shall apply to such tower-based wireless communications facilities located in the ROW.
- (1) Time, Place and Manner. Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower-based wireless communications facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
 - (2) Equipment Location. Tower-based wireless communications facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Land Use Board. In addition:
 - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
 - (b) Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping, stealth technology, or other decorative features to the satisfaction of the Township;
 - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area and employ stealth technology to the satisfaction of the Township;
 - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti; and
 - (e) Any underground vaults related to tower-based wireless communications facilities shall be reviewed and approved by the Township.
 - (3) Relocation or Removal of Facilities. Within 60 days following written notice from Township, or such longer period as Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based wireless communications facility in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any wireless communications facility when Township, consistent with its police powers and applicable regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
 - (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - (b) The operations of the Township or other governmental entity in the right-of-way;
 - (c) Vacation of a street or road or the release of a utility easement; and/or

- (d) An emergency as determined by Township.
- M. General Requirements for All Collocation of and Non-Substantial Changes to Wireless Communications Facilities.
- (1) Collocation and non-substantial changes to wireless communications facilities shall be limited to the placement of wireless communications on utility poles inside and outside the rights-of-way.
 - (2) The following regulations shall apply to the collocation of and changes to wireless communications facilities that do not substantially change the physical dimensions of the wireless communications support structure to which they are attached.
 - (a) Uniform Construction Code; Safety Standards. Standard of Care. Any wireless communications facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute ("ANSI") Code, National Electrical Safety Code, National Electrical Code, the New Jersey Uniform Construction Code and the applicable standards for towers that are published by the Electronic Industries Association, the Township Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any wireless communications facility shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in Township.
 - (b) Wind. Any collocation of and changes to wireless communications facilities shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association.
 - (c) Public Safety Communications. No collocation of and changes to wireless communications facilities shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
 - (d) Aviation Safety. Collocation of and changes to wireless communications facilities shall comply with all Federal and State laws and regulations concerning aviation safety.
 - (e) Radio Frequency Emissions. No collocation of and changes to wireless communications facilities may, by themselves or in conjunction with other wireless communications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
 - (f) All wireless communications facilities and structures shall be located, designed, and screened to blend with the existing natural or building surroundings so as to minimize visual impacts through the use of the latest stealth technology, including color and camouflaging, architectural treatment, landscaping, and other available means, considering the need to be compatible with neighboring residences and the character of the community. The wireless communications facility, structure, antenna, and all related equipment shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.
 - (g) Separation distance from wireless communications facilities and antenna. No wireless communication facility or antenna shall be within 500 feet of another. The separation shall be measured from the base of the utility pole to the base of the other utility pole.
 - (h) Noise. Wireless communications facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under State law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
 - (i) Historic Buildings or Districts. No wireless communications facility may be located within 150 feet of any building or structure that is listed on either the National or New Jersey Registers of Historic Places or the

- official historic structures and/or historic districts list maintained by Township, or has been designated by Township as being of historic significance.
- (j) Visual Impact and Safety. Township reserves the right to deny an application for the construction or placement of any wireless communications facilities based upon visual and/or land use impact, and require design modification as a pre-condition to approval. No collocation or non-substantial changes shall be permitted in any site triangle or otherwise interfere with site lines and/or the public health, welfare, and safety.
 - (k) Removal. In the event that use of the collocated or changed is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless communications facilities or portions of wireless communications facilities shall be removed as follows:
 - (i) All abandoned or unused collocation of and changes to wireless communications facilities and accessory facilities shall be removed within 3 months of the cessation of operations at the site unless a time extension is approved by Township;
 - (ii) If the collocation of and changes to wireless communications facilities or accessory facility is not removed within 3 months of the cessation of operations at a site, or within any longer period approved by Township, the WCF and/or associated facilities and equipment may be removed by Township and the cost of removal assessed against the owner of the WCF.
 - (l) Maintenance. The following maintenance requirements shall apply:
 - (i) The collocation of and changes to wireless communications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair;
 - (ii) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of Township's residents;
 - (iii) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents; and
 - (iv) Except in the case of documented emergencies, 5-day written notice of any and all maintenance activities shall be provided to the Chief of Police and the Department of Public Works. Written notice of emergencies and documented proof of same shall be provided to the Chief of Police and the Department of Public Works as soon as practicable, but in no case more than 48 hours from the date of emergency.
 - (m) Bond. Prior to the issuance of a permit, the owner of each individual non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in New Jersey and maintain a bond, or other form of security acceptable to the Township Attorney, in an amount of \$25,000 for each individual non-tower WCF, to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that Township may recover from the principal and surety any and all compensatory damages incurred by Township for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with Township.
 - (n) Inspection. Township reserves the right to inspect any tower-based wireless communications facility to ensure compliance with the provisions of this Chapter and any other provisions found within the Township Code or State or Federal law. Township and/or its agents shall have the authority to enter the property upon which a wireless communications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - (o) Insurance Requirements. All applicants shall be required to provide proof of and maintain comprehensive general liability insurance

covering the wireless communications facility in the minimum coverage amount of \$1,000,000.00 for any one claim and \$3,000,000.00 for any aggregate claim. The insurance policy shall name Township as an additional insured. The existence of any available and/or applicable insurance shall not waive or release applicant from the obligations set forth required indemnification agreement included in the application.

- N. Existing Nonconforming Antennas or Towers; Damaged. Nonconforming wireless communications facilities, antennas, or wireless communications support structures that are damaged or destroyed may not be rebuilt without having to first obtain the appropriate approval from the appropriate approving authority and without having to meet the requirements specified in this section.
- O. Enforcement, Violations, and Penalties.
 - (1) A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this section and any other remedy at law or in equity, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Chapter.
 - (1) A violation of this section shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.
- P. Miscellaneous.
 - (1) Police Powers. Township, by granting any permit or taking any other action pursuant to this section, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state, and local laws and regulations.

SECTION III

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

SECTION IV

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

Effective date.

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

This ordinance was reviewed and approved by the Land Use Board at their meeting held on February 8th 2017.

Passed on first reading at a regular meeting held on February 6, 2017 and advertised in the BEACH HAVEN TIMES issue of February 9, 2017.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-05C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Mancini

Second: Mancini

- 4. Second Reading Ordinance 17-06C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 PERTAINS TO THE AMENDMENT OF DEFINITIONS, RIGHT-OF-WAY REGULATIONS, RECREATIONAL FIRE DEVICES AND REGULATIONS, REAR YARD SETBACKS, RECTILINEAL TURNAROUND REGULATIONS, SIGN REGULATIONS, AND THE REFORMATTING OF CHAPTER 205**

ORDINANCE 17-06C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 PERTAINS TO THE AMENDMENT OF DEFINITIONS, THE REFORMATTING OF CHAPTER 205, AND RIGHT-OF-WAY, RECREATIONAL FIRE DEVICE, REAR YARD SETBACK, RECTILINEAL TURNAROUND SETBACK, CONSTRUCTION SIGN, AND MARINE COMMERCIAL ZONE PARKING REGULATIONS

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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend and revise Chapter 205 in order to revise and reformat the Chapter, amend the definitions of building height and street, add definitions relating to the regulation of outdoor and recreational fire devices, amend rear yard setbacks for certain residential districts, revise the setback regulations relating to rectilinear turnarounds, revise the regulation of construction signs, and revise the regulation of parking requirements in the marine commercial zone, as they pertain to Chapter 205.

SECTION I

§205-2 is hereby amended to repeal and replace the definition of BUILDING HEIGHT as follows.

BUILDING HEIGHT

The height of any building, accessory building, or structure shall be determined pursuant to this Chapter.

SECTION II

§205-5 is hereby amended to delete subsections C and D(2) and subsection D shall become C, subsection D(1) shall become C(1), and subsection D(3) shall become C(2).

SECTION III

§205-11 is hereby amended to add the following subsection A(1).

- (1) No accessory building shall be closer than the setback specified for the zone where the structure is located.

SECTION IV

§205-11 is hereby amended to add the following subsections F(6) and F(7).

- (6) Air conditioner compressor platforms not to exceed in total 32 square feet, pool equipment platforms not to exceed in total 32 square feet, and emergency generator platforms not to exceed in total 32 square feet, if located on a corner lot, may be located within the principal side yard setback from the street extending not more than 4 feet into the required setback from the property line. Ductless air conditioner units may encroach into the side and rear yard setbacks a maximum of 18 inches.
- (7) Temporary handicap ramps and walkways for which a physician's note has been provided to the Zoning Officer. Such ramps and walkways shall be permitted so long as required for use by the occupant at the property and shall be removed when no longer necessary, including, but not limited to, when the person no longer maintains his/her residence at the property and/or when the property is sold.

SECTION V

§205-49 is hereby deleted and §205-10 is hereby amended to add the following subsection §205-10F.

F. The following structures may exceed the height limits prescribed by this chapter as hereinbelow set forth.

- (1) Chimneys provided for fireplaces, furnaces and the like: not more than 8 feet.
- (2) Flagpoles on the roof of buildings: not more than 8 feet.
- (3) Heating, ventilating, and air-conditioning units: not more than 4 feet.
- (4) Satellite dish antennas not exceeding 2 feet in diameter: not more than 8 feet.
- (5) Open railing systems for safety around rooftop decks which do not exceed 42 inches in height and which are open and unobstructed to the maximum extent permitted by appropriate building codes.
- (6) Television antennas: not to exceed 8 feet.
- (7) Elevator towers.
 - (a) Commercial: not more than 100 square feet may exceed the height limitation by not more than 8 feet.
 - (b) Residential: not more than 64 square feet may exceed the height limitation by not more than 8 feet.
 - (i) The elevator tower which exceeds the maximum permitted height limitation shall be located no less than 10 feet from all exterior walls of the building in which it is located and no less than 15 feet from the exterior front wall of such building.
 - (ii) The elevator tower shall contain nothing other than the elevator which it is designed to house.
- (8) Freestanding flagpoles shall be permitted with height limitations not to exceed the following.
 - (a) Commercial zone flagpoles utilized with a commercial use: 40 feet.
 - (b) Residential flagpoles in a residential zone or in any zone used in conjunction with a residence: 34 feet.
- (9) Rooftop awnings.
 - (a) The frame shall be permanently anchored to the roof deck or building structure.
 - (b) The proposed awning shall be fully retractable by either motorized or manual function.
 - (c) The proposed awning shall not exceed a maximum area of 10 feet by 12 feet.
 - (d) The proposed awning shall not exceed a maximum overall height of 8 feet above the building height limitations.

SECTION VI

§205-25.3, §205-62, and §205-62.1 are hereby deleted and marked (Reserved).

SECTION VII

§205-7 is hereby repealed and replaced with the following.

§205-7 Public Rights-of-Way.

- A. Except as otherwise provided in this Chapter, the following regulations shall apply to all public right-of-way and dedicated streets in the Township.
- (1) No structure of any kind shall be erected, placed, or maintained within any public right-of-way, easement, or dedicated street.
 - (2) Except as otherwise provided in subsection B(2), no trash bins, garbage bins and the like shall be located or placed within any portion of any public right-of-way, easement, or dedicated street.
 - (3) No planting or vegetation shall be maintained in such manner that the same shall overgrow or intrude upon or over the paved portion of any public right-of-way, easement, or dedicated street.
 - (4) No vegetation shall be planted or maintained which obstructs any part of any directional sign or traffic sign along any public right-of-way, easement, or dedicated street.
 - (5) Property owners shall trim and maintain all vegetation so that it will not obscure or obstruct the vision line of any portion of any directional sign or traffic sign from the right-of-way or street and shall further trim and maintain all vegetation so that it neither intrudes upon or over the paved portion of any public right-of-way, easement, or dedicated street. The term "paved portion" shall include any improved sidewalk area abutting or adjacent to any such public right-of-way or public street.
- B. Permitted use of public right-of-way between paved area of public right-of-way and an abutting owner's property line.
- (1) In that portion of the public right-of-way extending 5 feet from the edge of the impervious pavement toward the abutting owner's property line, no obstructions may be placed and that area shall remain clear and unobstructed. The only improvements which may be installed at the owner's desire are as follows.
 - (a) Curbs and sidewalks installed to meet with the specifications required in §§172-17, 172-18, 172-19 and 172-20.
 - (b) Grass.
 - (c) Stones or gravel.
 - (d) Pavers, bricks or anything else which is flat and provides no impediment to pedestrian passage.
 - (2) In that area of the public right-of-way extending a distance of 5 feet perpendicular to the abutting owner's property line, the following may be installed.
 - (a) Ground cover not over 12 inches high.
 - (b) Shade trees which are located a minimum of 7.5 feet from the exterior face of the curblines and no more than 2.5 feet from the owner's property line toward the impervious improved street coverage which shade trees shall clear the elevation of the sidewalk by not less than 8 feet.
 - (c) Trash bins not exceeding 32 inches in height.
- C. Permitted use of public right-of-way between paved area of public right-of-way and mean high water line of any bay abutting westerly shore of Long Beach Island.
- (1) In that portion of the public right-of-way extending from the westerly end of any paved portion of the public right-of-way to the mean high water line of any body of water fronting on the westerly sideline of Long Beach Township, the storage or placement of any boat, vessel or other water craft of any sort, kind or description without the owner being in attendance thereof and present shall be prohibited, and no vessel, boat or other water craft shall be left unattended in such public right-of-way.
 - (2) The owner of any boat, vessel or other water craft left unattended in such public right-of-way shall be punished in accordance with and as provided for in Chapter 1, General Provisions, §1-17.

SECTION VIII

§205-50 shall be deleted.

SECTION IX

§205-25.1 shall be repealed and replaced with the following.

§205-25.1 Exceptions to Area Requirements.

- A. When 2 or more lots are created by subdivision in the residential zones of the Township, they shall have the minimum square footage of 6,000 square feet, except as may be provided by §176-27A.
- B. The minimum requirement of 6,000 square feet and 60 feet of frontage set forth in the preceding paragraph shall not be required where a minor subdivision is created pursuant to §176-27A(1), *et seq.*, and any lot so created shall be exempt from the 6,000 square feet and 60 feet of frontage requirement herein above set forth in the next preceding paragraph.

- C. A single-family dwelling may be constructed in a district where permitted on any lot shown on a recorded subdivision plat or any lot of official record on the effective date of this Chapter, the owner of which does not own any adjoining lot or adjacent land, provided that in the opinion of the Land Use Board the lot area and proposed yard spaces satisfy as closely as possible the lot and yard requirements of this chapter for the district in which such lot is located. If the owner of a substandard size lot owns adjacent lots or parcels of land, such lots or parcels shall be considered as a single lot, and the area and yard space provision of this chapter shall apply.

SECTION X

§205-55 is hereby deleted.

SECTION XI

§205-17 is hereby repealed in its entirety and replaced with the following.

§205-17 Nonconforming Lots, Buildings, and Uses

- A. All lots created by subdivision prior to October 5, 1979, and having a minimum width of 40 feet at the street line or on the ocean or the bay and a minimum lot area of 3,000 square feet, in single ownership with a deed vesting such ownership duly recorded in the Ocean County Clerk's Office in Toms River, New Jersey, on or before June 1, 1979, and which lot is located between two adjacent lots on each of which adjacent lots a conforming structure has been erected pursuant to a valid and properly issued building permit issued prior to June 3, 1983, shall, for the purposes of this chapter, be considered conforming lots.
- B. Any lot having a minimum lot area of 3,000 square feet and a minimum width of 40 feet at the street line or on the ocean or the bay which has been created by formal action of the Long Beach Township Planning Board shall, for a period of five years from the final approval granted by the Long Beach Township Planning Board, be considered to be a valid and conforming lot even though said lot shall not be in individual ownership as of June 1, 1979.
- C. Any structure erected on or before June 1, 1979, in conformity with the zoning setback requirements in effect on the date of erection, shall be considered a conforming structure under this chapter and alterations and additions thereto may be made to such structure without recourse to the Land Use Board; provided, however, that no nonconformity shall be created or enlarged under the terms of this chapter by such alteration or addition.
- D. Any lot upon which a multiple-family dwelling has been erected and which multiple-family use is reflected on the tax assessment records of the Township of Long Beach as well as the sewer department records of the Township of Long Beach as of January 1, 2001, may be replaced, provided that the following conditions are met: 1) the new structure shall not contain more than two dwelling units; 2) all requirements as to lot coverage, height, front, side and rear yard setbacks, and all other requirements for the construction of a dwelling in the zone in which the lot is located are met; 3) and two off-street parking places are provided for each unit. If the nonconforming multiple-family structure is occupied only as a two-family use and is reflected on the tax assessment records of the township of long beach as well as on the sewer department records of the Township of Long Beach as of January 1, 2001, the same may be enlarged provided the conditions in 1), 2) and 3) above are met and complied with.
- E. Continuances. Except as otherwise provided in this section, the lawful use of land or buildings existing may be continued, although such use or building does not conform to the regulations specified by this Chapter for the zone in which the land or building is located, provided that the use of land or buildings complies with the following.
- (1) No nonconforming lot shall be further reduced in size without a variance.
 - (2) No nonconforming building shall be enlarged or altered in such a manner which would increase the degree of nonconformity without a variance.
 - (3) No nonconforming use may be expanded without a variance.
- F. Abandonment. A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one year from the date of cessation or discontinuance. Such use shall not be reoccupied except in conformity with this chapter.
- G. Restoration. Any nonconforming use or structure existing at the time of passage of an ordinance may be restored or repaired in the event of partial destruction thereof.
- H. Reversion. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
- I. District changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.

SECTION XII

§205-64 Outdoor Recreational Fires and Devices is hereby repealed and replaced with the following.

§205-64 Outdoor Recreational Fires and Devices

- A. No person shall authorize or create, kindle, or maintain any open burning or fire unless conducted and permitted and/or approved in accordance with this section.
- B. Permitted outdoor fires are limited to recreational fires entirely contained within permitted portable fire devices and permanent fire devices, and which may only be lit and maintained with clean firewood, charcoal, manufactured fire logs, propane, and natural gas as permissible fuels. All other fuels, including, but not limited to, brush, leaves, trees, trash, refuse, and treated and wet wood are prohibited.
 - (1) All permitted outdoor fires shall be maintained in a manner that ensures any smoke and embers arising therefrom does not interfere with the air quality, peace, and quiet enjoyment of neighboring residents.
 - (2) With the sole exception of grills and related, permitted cooking devices, all portable fire devices and permanent fire devices shall possess and employ an ember-suppressing lid (stone/masonry devices must have a lid or screen.)
- C. All solid-fuel-burning (wood) fire pits, open wood burning, and/or open and un-enclosed, and/or contained burning of any kind not in accordance with this section is prohibited.
- D. No permanent fire device may be constructed, affixed, and/or placed on any lot until a permit therefor has been issued by the Zoning Officer.
 - (1) An application shall be submitted to the Zoning Officer accompanied by a plan prepared by a licensed civil engineer, land surveyor, or architect licensed by the State of New Jersey indicating the type of device and location to be installed.
 - (2) The Zoning Officer may waive the requirement for the plan required by D(1) for a permanent fire device.
- E. Portable fire devices are authorized and permitted for use without application for a permit from the Zoning Officer.
- F. Location Requirements.
 - (1) Neither permanent fire devices nor portable fire devices shall not be located in any side yard or area of any lot fronting on a public street or easement.
 - (a) Limited, 1-day approval for the location of portable fire devices in the area of any lot fronting on a public street or easement, or within the street may be granted by application to the Zoning Officer, which shall be subject to a \$100 application fee and reviewed for approval or rejection by the Board of Commissioners, and any such approval shall be subject to reasonable restrictions set by the Board of Commissioners.
 - (2) Portable fire devices shall be a minimum of 5 feet from any building or accessory structure and a minimum of 10 feet from any lot line, except that such shall be permitted on decks and patios, provided such are a minimum of 5 feet from any building and 10 feet from any lot line.
 - (3) Permanent fire devices shall be a minimum of 5 feet from any building or accessory structure and a minimum of 10 feet from any lot line, except that such may be permitted on decks and patios.
 - (4) Portable and permanent fire devices shall be within the radius of a working garden hose or a working fire extinguisher shall be stored within 10 feet therefrom.
- G. Permanent Fire Devices. Exterior masonry and wood-burning fireplaces may be attached to the principal and accessory buildings and shall comply with Long Beach Township zoning regulations as per §205-11F and also all building code requirements for masonry fireplaces.
- H. Enforcement, Violations, and Penalties.
 - (2) This section shall be enforced by the Long Beach Island Health Department, Code Enforcement Officers, and the Police Department.
 - (3) Any authorized officer, agent, employee or representative of Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this section.
 - (4) A violation of this section shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.
 - (5) Any fire determined to be in violation of this section shall be required to be extinguished for the night.

SECTION XIII

§205-2 is hereby amended to add the following definitions in the appropriate alphabetical order of the existing definitions set forth therein.

CLEAN WOOD

Natural wood which has not been painted, varnished, or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

PORTABLE FIRE DEVICE

A device such as a fire pit, barbeque grille, outdoor cooking device, fireplace, fire bowl, or chiminea that is constructed to contain a fire, is not built into the ground and/or built, affixed, and/or anchored to any structure, building, or accessory building.

PERMANENT FIRE DEVICE

A device such as a fire pit, barbeque grill, outdoor cooking device, fireplace, fire bowl, brick, stone or masonry enclosure, or chiminea that is constructed to contain a fire, is built into the ground and/or is built, affixed, and/or anchored to any structure, building, or accessory building.

RECREATIONAL FIRES

An outdoor fire where charcoal, dry, clean, untreated wood, or other fuels are used in portable fire devices and permanent fire devices, including, but not limited to, outdoor grills, traditional outdoor cooking devices, outdoor fireplaces, fire pits, chimineas.

SECTION XIV

§205-2 is hereby amended to add replace the definition for STREET with the following, new definition.

STREET

Any street, avenue, boulevard, road, lane, parkway, or other way which is an existing county or municipal roadway, or a street or way.

SECTION XV

§205-11 is hereby amended to replace B(2) with the following, new B(2).

- (2) On lots fronting or abutting rectilinear turnarounds on private easements, setbacks shall be measured from the access easement boundary lines which such rectilinear turnarounds serve. In the event the map creating such rectilinear turnaround does not show the easement line extending through the turnaround, setbacks shall be measured from the easement line as though the easement line extended through such turnaround.

SECTION XVI

205-11 is hereby amended to delete the words "exclusive of utility easements" and replace with the following: "exclusive of walkway, utility, and drainage easements."

Except as otherwise set forth herein, in all sections of the Long Beach Township, when measuring setback requirements for front yard, rear yard, and side yard, the measurements shall be taken from the property lines and from any easement line existing on said lot exclusive of utility easements.

SECTION XVII

§205-45 is hereby amended to add the following sentence at the end of subsection E: "All construction signs shall be removed from the property prior to the issuance of any certificate of occupancy"; and shall be further amended to add the following subsection E(1).

- (1) During construction on a private easement having no frontage on a public street, constructions signs shall be permitted pursuant to E above and shall further be permitted to be placed in the site triangle where the private easement meets the public street or right of way, provided that such signs otherwise conform with the requirements of this Chapter.

SECTION XVIII

§205-46 is hereby amended to add the following sentence at the end of subsection D: "All construction signs shall be removed from the property prior to the issuance of any certificate of occupancy"; and shall be further amended to add the following subsection D(1).

- (1) During construction on a private easement having no frontage on a public street, constructions signs shall be permitted pursuant to E above and shall further be permitted to be placed in the site triangle where the private easement meets the public street or right of way, provided that such signs otherwise conform with the requirements of this Chapter.

SECTION IX

§205-37 is hereby amended to repeal and replace subsection §205-37C(5) with the following.

- (6) Each principal building shall be provided with a rear yard as follows.
 - (a) No principal building on a lot with a lot depth of less than and up to and including 75 feet shall be closer than 10 feet to any rear lot line.
 - (b) No principal building on a lot with a lot depth of more than 75 feet and up to and including 80 feet shall be closer than 15 feet to any rear lot line.
 - (c) No principal building on a lot with a lot depth of more than 80 feet shall be closer than 20 feet to any rear lot line.

SECTION XX

§205-38 is hereby amended to repeal and replace subsection §205-38C(5) with the following.

- (5) Each principal building shall be provided with a rear yard as follows.

- (a) No principal building on a lot with a lot depth of less than and up to and including 75 feet shall be closer than 10 feet to any rear lot line.
- (b) No principal building on a lot with a lot depth of more than 75 feet and up to and including 80 feet shall be closer than 15 feet to any rear lot line.
- (c) No principal building on a lot with a lot depth of more than 80 feet shall be closer than 20 feet to any rear lot line.

SECTION XXI

§205-39 is hereby amended to repeal and replace subsection §205-39C(5) with the following.

- (5) Each principal building shall be provided with a rear yard as follows.
 - (a) No principal building on a lot with a lot depth of less than and up to and including 75 feet shall be closer than 10 feet to any rear lot line.
 - (b) No principal building on a lot with a lot depth of more than 75 feet and up to and including 80 feet shall be closer than 15 feet to any rear lot line.
 - (c) No principal building on a lot with a lot depth of more than 80 feet shall be closer than 20 feet to any rear lot line.

SECTION XXII

§205-53 is hereby repealed and replaced with the following.

§205-53 Storage sheds.

On all residential lots with preexisting residential structures, including residential lots with preexisting residential structures where the maximum lot coverage has been met, the construction of a single storage shed shall be permitted, subject to the following limitations.

- A. A shed shall not exceed 10 by 10 feet in area.
- B. No utilities of any kind shall be installed.
- C. There shall be a 9-foot maximum height measured from lot grade to the peak, and sidewalls shall not exceed 7 feet in height.
- D. The shed must comply with all accessory building setbacks for single-family properties.

SECTION XXIII

§205-44A(3)(a) shall be repealed and replaced with the following.

- (a) For restaurants and other public eating establishments, 1 off-street parking space for each 6 seats shall be provided.

SECTION XXIV

§205-12B is hereby amended to add the following subsection (1).

- (1) When a lot is an irregular shape and the lot frontage is greater than the opposite lot line, the total side yards will be calculated by the average of the sum of both lot lines multiplied by 30%, but in no event less than the minimum total side yards required for the zone where the lot is located.

SECTION XXV

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

SECTION XXVI

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

Effective date.

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

This ordinance was reviewed and approved by the Land Use Board at their meeting held on February 8th 2017.

Passed on first reading at a regular meeting held on February 6, 2017 and advertised in the BEACH HAVEN TIMES issue of February 9, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-06C on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Mancini

Second: Mancini

- 5. Second Reading Ordinance 17-07: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN 2017 (N.J.S.A. 40A: 4-45.14)**

ORDINANCE 17-07

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN 2017 (N.J.S.A. 40A: 4-45.14)

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, DO ORDAIN:

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said

budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Board of Commissioners finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Board of Commissioners hereby determines that a 3.5% increase in the budget for said year, amounting to \$640,097.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget, shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Long Beach shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$746,780.37; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove, that is not appropriated as part of the final budget, shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services with 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Passed on first reading at a regular meeting held on February 6, 2017 and advertised in the BEACH HAVEN TIMES issue of February 9, 2017.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-07 on Second Reading:

Motion: Lattanzi

Ayes: Lattanzi, Mancini

Second: Mancini

6. Second Reading Ordinance 17-08: **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 TOWNSHIP OF LONG BEACH, NEW JERSEY**

ORDINANCE NO. 17-08

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

WHEREAS, the Board of Commissioners of the Township of Long Beach, County of Ocean, New Jersey ("Township"), has duly and finally adopted bond ordinances 14-40, 14-41, 15-29 and 15-45 (collectively, the "Ordinances"), authorizing a total of \$9,830,000 in bonds and/or bond anticipation notes to finance the completion of various improvements to the Beach Haven Terrace Water Treatment Plant and the Brant Beach Water Treatment Plant (collectively, the "Project"); and

WHEREAS, the scope of the Project has changed and, as a result, the Township now desires to broaden the description of the improvements and increase the amount previously authorized in the Ordinances by \$8,000,000; and

WHEREAS, it is necessary for the Township to amend and restate the Ordinances for budgetary purposes and to make the changes listed above so that the construction and financing of the Project may proceed.

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.

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 \$17,830,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$17,830,000.

Section 3. The sum of \$17,830,000, 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 \$17,830,000 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.

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 \$17,830,000 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 \$3,500,000.

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. Rehabilitation and/or Replacement of the Beach Haven Terrace Water Plant; 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 plans and specifications on file in the office of the Township Clerk.	\$7,000,000	\$0	\$7,000,000	40 years
B. Rehabilitation and/or Replacement of the Brant Beach Water Plant; 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 plans and specifications on file in the office of the Township Clerk.	10,830,000	0	10,830,000	40 years
TOTAL	\$17,830,000	\$0	\$17,830,000	

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 40.00 years.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$17,830,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. All ordinances or other proceedings making appropriations or authorizing the issuance of bonds or bond anticipation notes for the improvements or purposes described in Section 7 of this Bond Ordinance, particularly, the improvements previously authorized by Bond Ordinances 14-40, 14-41, 15-29 and 15-45, are hereby repealed to the extent of any inconsistency herewith and to the extent, if any, that they authorize the issuance hereafter of bonds or bond anticipation notes for the purpose of financing such improvements or purposes, or that they make appropriations for such improvements or purposes in excess of the amounts herein stated as the appropriations therefor. Any such bonds or bond anticipation notes heretofore issued and now outstanding pursuant to these ordinances, any moneys expended and any expenses incurred pursuant to appropriations made by these ordinances or other proceedings shall be accounted and deemed to have been issued, expended or incurred pursuant to this Bond Ordinance.

Section 17. 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: February 6, 2017

Date of Final Adoption: March 6, 2017

Notice of Pending Bond Ordinance 17-08 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 February 6, 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 08008, on March 6, 2017 at 4 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: **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**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Rehabilitation and/or Replacement of the Beach Haven Terrace Water Plant; 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 plans and specifications on file in the office of the Township Clerk.	\$7,000,000	\$0	\$7,000,000	40 years
B. Rehabilitation and/or Replacement of the Brant Beach Water Plant; 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 plans and specifications on file in the office of the Township Clerk.	10,830,000	0	10,830,000	40 years

TOTAL **\$17,830,000** **\$0** **\$17,830,000**

Appropriation: \$17,830,000
 Bonds/Notes Authorized: \$17,830,000
 Grants (if any) Appropriated: None
 Section 20 Costs: \$3,500,000
 Useful Life: 40.00 years

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

Bond Ordinance 17-08 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 March 6, 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: **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**

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Rehabilitation and/or Replacement of the Beach Haven Terrace Water Plant; 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 plans and specifications on file in the office of the Township Clerk.	\$7,000,000	\$0	\$7,000,000	40 years
B. Rehabilitation and/or Replacement of the Brant Beach Water Plant; 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 plans and specifications on file in the office of the Township Clerk.	10,830,000	0	10,830,000	40 years
TOTAL	\$17,830,000	\$0	\$17,830,000	

Appropriation: \$17,830,000
 Bonds/Notes Authorized: \$17,830,000
 Grants (if any) Appropriated: None
 Section 20 Costs: \$3,500,000
 Useful Life: 40.00 years

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

Passed on first reading at a regular meeting held on February 6, 2017 and advertised in the BEACH HAVEN TIMES issue of February 9, 2017.

OPEN PUBLIC HEARING
 No Comment
 CLOSE PUBLIC HEARING

Motion to adopt Ordinance 17-08 on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Mancini

Second: Mancini

7. First Reading Ordinance 17-09C: 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 160 AS IT PERTAINS TO THE REGULATION OF CONSTRUCTION SIGNS

Motion to approve Ordinance 17-09C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Mancini

Second: Mancini

8. First Reading Ordinance 17-10C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 5 PERTAINS TO THE REGULATIONS OF THE TRANSPORTATION DEPARTMENT IN THE TOWNSHIP OF LONG BEACH

Motion to approve Ordinance 17-10C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Mancini

Second: Mancini

9. Resolution 17-0306.02: Introduce the 2017 Temporary Capital Budget
RESOLUTION 17-0306.02

WHEREAS, the statutes provide for the making of temporary appropriations for the period of January 1st to the date of adoption of the Local Municipal Budget; and

WHEREAS, the Governing Body of the Township of Long Beach, County of Ocean, desires to provide for an orderly method to meet claims during the foresaid period, prior to the adoption of the Local Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following appropriations, attached as Schedule A, are hereby adopted as the 2017 Temporary Capital Budget.

Motion to approve Item 8:

Motion: Lattanzi Ayes: Lattanzi, Mancini

Second: Mancini

10. First Reading Ordinance 17-11: BOND ORDINANCE AUTHORIZING STREET SCAPING IMPROVEMENTS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$250,000 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 \$237,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Motion to approve Ordinance 17-11 on First Reading:

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

11. First Reading Ordinance 17-12: **BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF A NEW DECK ON 67TH STREET IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$100,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$95,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 17-12 on First Reading:

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

12. First Reading Ordinance 17-13: **BOND ORDINANCE AUTHORIZING THE EXTENSION OF, AND IMPROVEMENTS TO, THE OBSERVATION DECK IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$450,000 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 \$427,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 17-13 on First Reading:

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

13. First Reading Ordinance 17-14: **BOND ORDINANCE AUTHORIZING CONSTRUCTION OF WALKWAYS IN THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$400,000 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 \$380,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion to approve Ordinance 17-14 on First Reading:

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

14. First Reading Ordinance 17-15: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$230,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE COSTS ASSOCIATED WITH VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS EQUIPMENT**

Motion to approve Ordinance 17-15 on First Reading:

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

ADOPTIONS & APPROVALS

15. Resolution 17-0306.03: Oppose NJ S-3: Regulation of opioid prescription medications by health care practitioners
RESOLUTION 17-0306.03

WHEREAS, the State of New Jersey is currently experiencing an opioid addiction epidemic related to the rapid dependency on such prescription medications; and

WHEREAS, Governor Christie has devoted 2017, his final year in office, to taking meaningful steps to address and stem this serious epidemic by legislating strict constraints on the duration of prescribed opioid medications to certain patients; and

WHEREAS, essentially the Governor has imposed limits on a physician's ability to assess and appropriately prescribe the proper opioid medication for their patient(s); and

WHEREAS, NJ S-3 was passed on February 15th 2017 and is currently defined in P.L. 2017, c. 28, restricting such prescribed medications to a maximum supply of five (5) days for the treatment of acute pain, requiring additional consultation between the patient and the physician in order to extend the medication beyond the initial prescription, with any further issuance of the prescribed opioid requiring a Pain Management Agreement between the patient and physician; and

WHEREAS, a broad-brush government regulation of medically necessary pain medications prescribed by licensed physicians would result in unintended consequences such as increased visits to hospital emergency rooms to obtain pain medications or even patients seeking pain relief through street acquired drugs that could lead to drug overdose deaths.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach recognizes the State's serious opioid addiction epidemic however the conclusion by legislators that physicians are somehow responsible for narcotic abuse is misdirected and inappropriate; and

BE IT FURTHER RESOLVED prescribed medication for chronic or acute pain cannot be determined by politicians; treatment decisions must remain in the capable hands of licensed health care practitioners; and

BE IT FINALLY RESOLVED NJ S-3 places unrealistic constraints on physicians and their ability to best care for their patients; the Board of Commissioners of the Township of Long Beach strongly urges State Legislators to repeal or amend P.L. 2017, c. 28 and restore the ability to

adequately prescribe appropriate opioid medications to their patients without restrictive political regulation.

16. Resolution 17-0306.04: Approve various personnel matters

RESOLUTION 17-0306.04

Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number *****4696 effective retroactive to February 23, 2017.

Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number *****5866 effective retroactive to March 1, 2017.

Finance

Hire the following employee as a Permanent Full-Time Clerk 1 at the annual rate of \$85,000.00 to be paid from Finance Salary & Wage effective March 20, 2017.

Lydia D'Amore

Police

Hire the following employee as a Seasonal Part-Time Class II Officer at the rate of \$17.00 per hour to be paid from Police Salary & Wage effective March 6, 2017.

William Gee

Hire the following employee as a Permanent Full-Time (contractual Step 1) Police Officer effective March 6, 2017 as per Department of Personnel Certified List No. OL170210 with a base Salary of \$38,000 to be paid from Police Salary & Wage.
March 6, 2017.

Sean Farrell

17. Resolution 17-0306.05(a&b): Approve various Registrar designation changes

- a) Withdraw Kyle Ominski as Alternate Deputy Registrar
- b) Appoint Danielle Mezzina as Alternate Deputy Registrar

RESOLUTION 17-0306.05 (a)

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby wishes to withdraw the title of Alternate Deputy Registrar of Vital Statistics for Kyle Ominski effective retro-active to March 1, 2017.

RESOLUTION 17-0306.05(b)

BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach hereby wishes to designate the title of Alternate Deputy Registrar of Vital Statistics to Danielle Mezzina for the Township of Long Beach, effective retro-active to March 1, 2017 for a term of 3 (three) years.

18. Resolution 17-0306.06: Authorize membership and goals of the 2017 Green Team Advisory Committee

RESOLUTION 17-0306.06

WHEREAS, the Township of Long Beach strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Township of Long Beach wishes to build a model of government which benefits our residents now and into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on green issues, the Township, pursuant to Resolution 11-1021.02, established a Green Team Advisory Committee; and updated the goals and members in Resolution 14-0124.02

WHEREAS, the Township continues to focus on green issues with the implementation of the (public access planning and transportation initiatives as well as energy assessments of municipal operations and facilities; and)

WHEREAS, the Township prioritizes green initiatives in-house with energy efficient upgrades; in our community with mobility and transportation efforts; public access enhancements and increasing reduce, reuse and recycling efforts and education.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby establish the 2017 Green Team Advisory Committee consisting of members, who shall be residents or employees of the Township of Long Beach, appointed for the term effective January 1, 2017 through December 31, 2017; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Township of Long Beach that the mission, goals and objectives of the Green Team Advisory Committee through this date are established as follows:

MISSION: The Township of Long Beach Green Team Advisory Committee will advise the Board of Commissioners on ways to improve municipal operations with green initiatives which are economically and environmentally sound, through research and evaluation.

Goals for 2017 for Long Beach Township Green Team:

- Continue energy efficient planning and implementation and solar installation assessments;
- Enhance and expand the Hydration Station Project
- Outline a mobility plan and complete streets plan for our roadways for all users from pedestrians, bikes, and public transportation;
- Further the integrated public and open space management through the Municipal Public Access Planning;

- Restore and upgrade trails, parks and bayfront public access locations;
- Continue dune re-vegetation and stewardship initiative as part of continued stewardship projects with our taxpayers associations and partner organizations;
- Continue to promote Recycling and Clean Communities goals and objectives.

OBJECTIVES:

- Collaborate with Township employees and other governmental agencies, businesses and service providers to share resource information and ideas consistent with the mission of the green team.
- Encourage participation of all employees to solicit ideas on green initiatives.
- Research and analyze green initiatives which make practical environmental and economic sense.
- Develop strategies for sustainable green initiatives as defined above in municipal operations.

BE IT FINALLY RESOLVED, by the Board of Commissioners of the Township of Long Beach that the following persons are hereby appointed to the Green Team Advisory Committee through December 31, 2017:

<u>Name</u>	<u>Title</u>	<u>Member status</u>
Angela Andersen	Sustainability Coordinator LBT	Team Leader
Andy Baran	Deputy Dept. Head DPW	Township Member
Ralph Bayard	Commissioner	Township Member
Lynda Wells	Municipal Clerk	Township Member
Lisa Jones	CFO	Township Member
Dan Krupinski	Health Officer	Township Member
Allison Iannicone	Owen/Little Assoc	Regular Member
Zach Kerzner	Business Owner	Citizen Member

19. Resolution 17-0306.07: Approve various Water/ Sewer changes

RESOLUTION 17-0306.07

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

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

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
4.20	9.01	1039-0 Water	2017	Removed irrigation	\$304.00
12.11	3	4014-0 W/S	2017	To Standby per C&C	\$668.00
14.03	9	4598-0 Water	2017	Per fixture count	\$ 42.00
15.68	15	5638-0 Water	2017	Removed 1 bath per CO	\$ 73.00
20.100	7	7284-0 Water	2017	Removed pool	\$304.00
20.100	7	7284-0 Sewer	2017	Removed garbage disp	\$225.00

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

Motion to approve Items 15 thru 19:

Motion: Lattanzi Ayes: Lattanzi, Mancini

Second: Mancini Nays:

LICENSES & PERMITS

20. Resolution 17-0306.08: Set the maximum number of Motorized Ice Cream Vendor licenses for 2017: Eight (8)

RESOLUTION 17-0306.08

WHEREAS, pursuant to §195-7.M. of the Code of the Township of Long Beach, the Board of Commissioners may, from time to time by resolution, limit the number of licenses issued for Ice Cream Vending as necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Long Beach does hereby set the maximum number of Ice Cream Vending licenses issued for 2017 at eight (8).

21. Resolution 17-0306.09: Authorize the extension of Recreational Vendor License applications

RESOLUTION 17-0306.09

WHEREAS, pursuant to Ordinance 16-06C, the Township of Long Beach provides Bayview Park Recreational licensees the right of first refusal to renew their license(s) in a subsequent year by submission of a current application no later than March 1st of that year; and

WHEREAS, said Recreational Vendor License application is posted on the municipal website, www.longbeachtownship.com, at least thirty (30) days prior to the March 1st deadline; and

WHEREAS, due to a website software concern, the 2017 Recreational Vendor License application was not posted until February 9th 2017.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the application deadline is hereby extended to March 10th 2017 to allow a 30-day period from notice posting to receipt of application for existing licensees to renew for 2017.

Motion to approve Items 20 and 21:

Motion: Lattanzi Ayes: Lattanzi, Mancini

Second: Mancini Nays:

PURCHASES, CONTRACTS & AWARDS

22. Resolution 17-0306.10: Authorize the execution Shared Service Agreement with the County of Ocean: Electrical service to new traffic signals installed on Long Beach Blvd (18th, 14th and 128th Streets)

RESOLUTION 17-0306.10

A RESOLUTION AUTHORIZING THE TOWNSHIP OF LONG BEACH TO PROVIDE ELECTRIC CURRENT TO VARIOUS TRAFFIC SIGNALS INSTALLED PURSUANT TO THE OCEAN COUNTY TRAFFIC SIGNAL UPGRADE PROJECT

WHEREAS, the Township of Long Beach entered into a Shared Service Agreement (N.J.S.A.40A:65-4(3)(b) with the County of Ocean for the Pedestrian Safety and Traffic Signal Upgrades Project pursuant to Resolution 15-0619.10 passed on June 19th 2015; and

WHEREAS, the Township of Long Beach has agreed to supply and pay for electric current to operate three (3) new traffic signals located on Long Beach Boulevard at the intersections of 18th, 14th and 128th Streets; and

WHEREAS, it is deemed to be in the public interest for the Township of Long Beach to execute such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute an agreement for the Township to provide and pay for electric current for three (3) new traffic signals authorized pursuant to the Ocean County Traffic Signal Upgrades Project.

23. Resolution 17-0306.11(a&b): Approve various Shared Service Agreements:
- a. Recycling Coordinator: for Pine Beach Borough
 - b. Recycling Coordinator: for Surf City Borough

RESOLUTION 17-0306.11(a)

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF SURF CITY FOR MUNICIPAL CERTIFIED RECYCLING COORDINATOR SERVICES

WHEREAS, the "Uniform Shared Services and Consolidation Act." N.J.S.A. 40A:65-1 et. seq authorizes the Township of Long Beach to enter into an agreement for the provision of certain governmental services with the Borough of Surf City; and

WHEREAS, N.J.S.A. 40A:65-5 requires such an agreement to be authorized by resolution; and

WHEREAS, it is the desire of the Board of Commissioners to authorize the execution of a Shared Service Agreement with the Borough of Surf City for Municipal Certified Recycling Coordinator Services.

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. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement with the Borough of Surf City for Municipal Certified Recycling Coordinator Services in accordance with the provisions of law. A copy of said agreement is attached hereto and made a part hereof as Schedule 'A'.
2. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.
3. That a certified copy of this resolution shall be forwarded to:
 - The Division of Local Government Services
 - The Borough of Surf City
 - Chief Financial Officer of Long Beach Township

SHARED SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF SURF CITY AND THE TOWNSHIP OF LONG BEACH, OCEAN COUNTY, NEW JERSEY

THIS AGREEMENT, made this ____day of _____, 2017, by and between the Township of Long Beach, a municipal corporation of the State of New Jersey, having its principal offices located at 6805 Long Beach Boulevard, Brant Beach, New Jersey, 08008, hereinafter referred to as "Township" and the Borough of Surf City, a municipal corporation of the State of New Jersey, having its principal offices located at 813 Long Beach Blvd., Surf City, New Jersey, 08008, hereinafter referred to as "Borough"; and collectively the Township and the Borough referred to as "the parties".

WITNESSETH

WHEREAS, N.J.S.A. 13:1E-99:16 provides that each municipality in the State of New Jersey shall designate one or more persons as the municipal certified recycling coordinator who shall have completed the requirements of a course of instruction in various aspects of recycling program management as determined or administered by the Department of Environmental Protection (hereinafter "Department"); and

WHEREAS, both municipalities currently and independently provide a municipal recycling system to the residents and taxpayers of each municipality in accordance with the requirements of law; and

WHEREAS, the Borough is currently without the services of a certified recycling coordinator; and

WHEREAS, the Township has an employee designated as a municipal certified recycling coordinator who is capable of supplying such services to the Borough; and

WHEREAS, the Borough and the Township have pursued a plan for providing shared services for the position of municipal certified recycling coordinator; and

WHEREAS, as such, the Borough designates the Township as the provider for municipal certified recycling coordinator duties and services within the Borough hereinafter set forth; and

WHEREAS, N.J.S.A 40:65-1 et seq. specifically authorizes local government units to enter into agreements for the provision of shared services.

NOW, THEREFORE, in consideration of the mutual promises, agreements and other considerations made by and between the parties, the Township and the Borough do hereby agree as follows:

AGREEMENT

1. The parties shall share the municipal certified recycling coordinator services and duties wherein the Township shall provide the Borough with its municipal certified recycling coordinator in accordance with this agreement.
2. The municipal certified recycling coordinator services shall consist of, and be limited to, review and execution of the recycling tonnage report and/or recycling tonnage grant application as required by law, which recycling tonnage report and/or recycling tonnage grant application shall be prepared by the Borough and provided to the municipal certified recycling coordinator for his or her review and execution for submission to the Department.
3. The Township shall be the lead agency in connection with this agreement, and the employer of the municipal certified recycling coordinator for the provision of services provided in connection with this agreement as set forth in paragraph 2.
4. This agreement shall be effective for the period commencing upon the execution date of this agreement and shall continue for a period of one year. It is the intent of the parties to review and evaluate this shared services agreement for renewal at the end of the term; however, the agreement may be terminated by either of the parties during this term.
5. All notices required by this agreement shall be in writing and shall be sent via regular and certified mail, return receipt requested to the municipal clerk of each party at the address listed in the preamble of this agreement.
6. This agreement constitutes the entire agreement between the Borough and the Township and supersedes all prior written or oral understandings. This agreement may only be amended, supplemented, modified or cancelled by a duly executed written instrument.
7. The parties agree that this agreement was prepared under the authority of the State of New Jersey and therefore shall be interpreted by the laws of that State.
8. The parties agree that it is in the best interest of their respective taxpayers and citizens to avoid litigation if at all possible. Therefore, the parties agree to jointly mediate any and all outstanding issues pertaining to the services provided by the municipal certified recycling coordinator, not specifically provided for in this agreement.
9. The Borough shall indemnify, defend and hold harmless, the Township, its officers, employees and agents from and against any and all claims of whatsoever nature or type arising from this agreement and specially as may arise from employees or former employees of the Borough who are or may be affected by this agreement and the provision of services to the Borough hereunder by the Township. However, the Borough shall neither indemnify or hold harmless the Township for actions upon which a demand or claim or assertion of liability are found to have arisen outside the course of carrying out official duties on behalf the Borough of which were beyond the scope of performing official duties or performed in bad faith, or which constituted actual fraud, actual malice, willful misconduct, an intentional wrong or criminal act. Such indemnification shall include payment of all reasonable fees and costs and damages, if any in the defense of any claim by a third person. The Township shall have the option of either requiring the Borough to tender a defense on behalf of the Township or selecting its own counsel to defend the Township's interests for which the Borough will pay all reasonable fees and costs for any claims subject to indemnification hereunder.
10. The rights, duties and obligations of this agreement may not be assigned without either party's written consent.
11. It is agreed that a failure or delay in the enforcement of any of the provisions of this agreement by either party shall not constitute a waiver of those provisions.
12. If any provision or provisions of this agreement be determined to be invalid or contrary to New Jersey law and only those provisions shall be struck and the remaining provisions of this agreement shall survive.
13. In the event that this agreement shall be invalidated by a court of competent jurisdiction then, at the option of the Township, the Township shall continue to provide the services specified herein on an interim of emergency basis for a period of ninety (90) days as permitted within an order of the court.
14. The parties acknowledge and agree that they are associated for only the purposes set forth in this agreement and each is a public entity separate and distinct from the other. Nothing contained in this agreement shall be deemed or construed to create a partnership or joint venture or to otherwise create any liability for one party whatsoever

with respect to the indebtedness, liabilities and obligations of the other party beyond what may be required by general law.

15. Professional Liability Coverage is through the Joint Insurance Fund for each municipality. Each municipality shall provide coverage for the services, which are specifically performed for the respective municipality.

16. The parties hereto represent and warrant that the person executing this agreement has the full power and authority to enter into this agreement and that this agreement has been duly authorized by the appropriate resolution of each entity.

IN WITNESS, WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

RESOLUTION 17-0306.11(b)

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF PINE BEACH FOR MUNICIPAL CERTIFIED RECYCLING COORDINATOR SERVICES

WHEREAS, the "Uniform Shared Services and Consolidation Act." N.J.S.A. 40A:65-1 et. seq. authorizes the Township of Long Beach to enter into an agreement for the provision of certain governmental services with the Borough of Pine Beach; and

WHEREAS, N.J.S.A. 40A:65-5 requires such an agreement to be authorized by resolution; and

WHEREAS, it is the desire of the Board of Commissioners to authorize the execution of a Shared Service Agreement with the Borough of Pine Beach for Municipal Certified Recycling Coordinator Services.

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:

4. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement with the Borough of Pine Beach for Municipal Certified Recycling Coordinator Services in accordance with the provisions of law. A copy of said agreement is attached hereto and made a part hereof as Schedule 'A'.
5. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.
6. That a certified copy of this resolution shall be forwarded to:
 - The Division of Local Government Services
 - The Borough of Pine Beach
 - Chief Financial Officer of Long Beach Township

SHARED SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF PINE BEACH AND THE TOWNSHIP OF LONG BEACH, OCEAN COUNTY, NEW JERSEY

THIS AGREEMENT, made this ____day of _____, 2017, by and between the Township of Long Beach, a municipal corporation of the State of New Jersey, having its principal offices located at 6805 Long Beach Boulevard, Brant Beach, New Jersey, 08008, hereinafter referred to as "Township" and the Borough of Pine Beach, a municipal corporation of the State of New Jersey, having its principal offices located at 599 Pennsylvania Avenue, Pine Beach, New Jersey, 08741, hereinafter referred to as "Borough"; and collectively the Township and the Borough referred to as "the parties".

WITNESSETH

WHEREAS, N.J.S.A. 13:1E-99:16 provides that each municipality in the State of New Jersey shall designate one or more persons as the municipal certified recycling coordinator who shall have completed the requirements of a course of instruction in various aspects of recycling program management as determined or administered by the Department of Environmental Protection (hereinafter "Department"); and

WHEREAS, both municipalities currently and independently provide a municipal recycling system to the residents and taxpayers of each municipality in accordance with the requirements of law; and

WHEREAS, the Borough is currently without the services of a certified recycling coordinator; and

WHEREAS, the Township has an employee designated as a municipal certified recycling coordinator who is capable of supplying such services to the Borough; and

WHEREAS, the Borough and the Township have pursued a plan for providing shared services for the position of municipal certified recycling coordinator; and

WHEREAS, as such, the Borough designates the Township as the provider for municipal certified recycling coordinator duties and services within the Borough hereinafter set forth; and

WHEREAS, N.J.S.A 40:65-1 et seq. specifically authorizes local government units to enter into agreements for the provision of shared services.

NOW, THEREFORE, in consideration of the mutual promises, agreements and other considerations made by and between the parties, the Township and the Borough do hereby agree as follows:

AGREEMENT

1. The parties shall share the municipal certified recycling coordinator services and duties wherein the Township shall provide the Borough with its municipal certified recycling coordinator in accordance with this agreement.

2. The municipal certified recycling coordinator services shall consist of, and be limited to, review and execution of the recycling tonnage report and/or recycling tonnage grant application as required by law, which recycling tonnage report and/or recycling tonnage grant application shall be prepared by the Borough and provided to the municipal certified recycling coordinator for his or her review and execution for submission to the Department.
3. The Township shall be the lead agency in connection with this agreement, and the employer of the municipal certified recycling coordinator for the provision of services provided in connection with this agreement as set forth in paragraph 2.
4. This agreement shall be effective for the period commencing upon the execution date of this agreement and shall continue for a period of one year. It is the intent of the parties to review and evaluate this shared services agreement for renewal at the end of the term; however, the agreement may be terminated by either of the parties during this term.
5. All notices required by this agreement shall be in writing and shall be sent via regular and certified mail, return receipt requested to the municipal clerk of each party at the address listed in the preamble of this agreement.
6. This agreement constitutes the entire agreement between the Borough and the Township and supersedes all prior written or oral understandings. This agreement may only be amended, supplemented, modified or cancelled by a duly executed written instrument.
7. The parties agree that this agreement was prepared under the authority of the State of New Jersey and therefore shall be interpreted by the laws of that State.
8. The parties agree that it is in the best interest of their respective taxpayers and citizens to avoid litigation if at all possible. Therefore, the parties agree to jointly mediate any and all outstanding issues pertaining to the services provided by the municipal certified recycling coordinator, not specifically provided for in this agreement.
9. The Borough shall indemnify, defend and hold harmless, the Township, its officers, employees and agents from and against any and all claims of whatsoever nature or type arising from this agreement and specially as may arise from employees or former employees of the Borough who are or may be affected by this agreement and the provision of services to the Borough hereunder by the Township. However, the Borough shall neither indemnify or hold harmless the Township for actions upon which a demand or claim or assertion of liability are found to have arisen outside the course of carrying out official duties on behalf the Borough of which were beyond the scope of performing official duties or performed in bad faith, or which constituted actual fraud, actual malice, willful misconduct, an intentional wrong or criminal act. Such indemnification shall include payment of all reasonable fees and costs and damages, if any in the defense of any claim by a third person. The Township shall have the option of either requiring the Borough to tender a defense on behalf of the Township or selecting its own counsel to defend the Township's interests for which the Borough will pay all reasonable fees and costs for any claims subject to indemnification hereunder.
10. The rights, duties and obligations of this agreement may not be assigned without either party's written consent.
11. It is agreed that a failure or delay in the enforcement of any of the provisions of this agreement by either party shall not constitute a waiver of those provisions.
12. If any provision or provisions of this agreement be determined to be invalid or contrary to New Jersey law and only those provisions shall be struck and the remaining provisions of this agreement shall survive.
13. In the event that this agreement shall be invalidated by a court of competent jurisdiction then, at the option of the Township, the Township shall continue to provide the services specified herein on an interim of emergency basis for a period of ninety (90) days as permitted within an order of the court.
14. The parties acknowledge and agree that they are associated for only the purposes set forth in this agreement and each is a public entity separate and distinct from the other. Nothing contained in this agreement shall be deemed or construed to create a partnership or joint venture or to otherwise create any liability for one party whatsoever with respect to the indebtedness, liabilities and obligations of the other party beyond what may be required by general law.
15. Professional Liability Coverage is through the Joint Insurance Fund for each municipality. Each municipality shall provide coverage for the services, which are specifically performed for the respective municipality.
16. The parties hereto represent and warrant that the person executing this agreement has the full power and authority to enter into this agreement and that this agreement has been duly authorized by the appropriate resolution of each entity.

IN WITNESS, WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

24. Resolution 17-0306.12: Authorize the execution a Shared Service Agreement:
 Ocean County Prosecutors Program: FY 2017
 (Fatal accident investigations, traffic enforcement and education)

RESOLUTION 17-0306.12

A RESOLUTION AUTHORIZING THE RENEWAL OF A SHARED SERVICES AGREEMENT WITH OCEAN COUNTY FOR THE PROSECUTOR'S PROGRAM

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Long Beach desires to continue to participate in the County of Ocean Police Services Prosecutor's Program formerly known as the Fatal Accident Support Team (F.A.S.T.); and

WHEREAS, there is a need for Traffic Safety Officers to attend accidents when a fatality has occurred; and

WHEREAS, these Traffic Safety Officers are available through the municipalities within the County of Ocean; and

WHEREAS, funds for the Prosecutor's Program are available in the Ocean County 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Township of Long Beach does hereby authorize the execution of the Prosecutor's Program Shared Services Agreement effective January 1, 2017 through December 31, 2017 with compensation to the Township set at the rate of sixty (\$55.00) per hour per officer.

BE IT FURTHER RESOLVED, certified copies of this Resolution shall be forwarded to the Ocean County Office of the Prosecutor and Department of Finance.

25. Resolution 17-0306.13(a&b): Approve various purchases, per State Contract:

- a. Image Systems: lease various copiers for Finance & P/W Departments (48- months) T216A/82584
- b. AT&T Mobility: communication hardware and software (2 years with one 2-year option to extend) G2075/40466

RESOLUTION 17-0306.13(a)

WHEREAS, the Township of Long Beach wishes to purchase from an authorized vendor under the State of New Jersey Cooperative Purchasing Program INJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Lexmark/Image Systems for Business has been awarded New Jersey State Contract #40466 (Index #G-2075) for Copiers, Maintenance and Supplies for the period January 1, 2016 through January 11, 2018; and

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

WHEREAS, the actual cost to lease one (1) Lexmark C4150/CX725 copier (Lease #1) is \$304.18 per month for 48 months totaling \$14,600.64; the actual cost to lease one (1) Lexmark XM5263/MX710 copier (Lease #2) is \$192.01 per month for 48 months totaling \$9,216.48; and

WHEREAS, the Finance Officer has certified the availability of funds for this contract in the appropriation created by Fin Admin & Public Works: Photocopy & Supplies, Account #'s 7-01-20-130-046 and 7-01-26-302-046 with allowance for same in all future budgets for the term of each lease.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that Image Systems for Business, 22E Worlds Fair Drive, Somerset, NJ 08873 be awarded a contract for Lease #1: one (1) Lexmark C4150/CX725 copier for the Public Works Garage, and Lease #2: one (1) Lexmark XM5263/MX710 copier for the Finance Department effective from February 15, 2017 through February 14, 2021.

RESOLUTION 17-0306.13(b)

WHEREAS, the Township of Long Beach wishes to purchase from an authorized vendor under the State of New Jersey Cooperative Purchasing Program INJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, AT&T Mobility has been awarded New Jersey State Contract #82584 (Index #T216A) for Wireless Devices and Services for the period September 1, 2012 through August 31, 2017; and

WHEREAS, the Commissioner of Public Safety recommends the utilization of this contract to facilitate and enhance Police Radio Communication(s) as the most cost effective method for the needs of the Township; and

WHEREAS, the Finance Officer has certified the availability of funds for this contract in the appropriation created by Current Telephone, Account #7-01-31-440-000 in an amount not to exceed \$56,250.00 and W/S Telephone, Account #7-09-55-549-076 in an amount not to exceed \$18,750.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that AT&T, One AT&T Way, Room 2C224E, Bedminster, NJ 07921 be awarded one 2-year contract with one 2-year option to extend for Police Communication Services effective from March 6, 2017 through March 5, 2019.

Motion to approve Items 22 thru 25:

Motion: Lattanzi
Second: Mancini

Ayes: Lattanzi, Mancini
Nays:

FINANCIAL APPROVALS

26. Resolution 17-0306.14: Approve an increase to 2017 Temporary Current Fund Budget

RESOLUTION 17-0306.14

WHEREAS, the Chief Financial Officer of the Township of Long Beach has determined that an increase to the 2017 Temporary Budget, approved pursuant to Resolution 16-1219.14, and increased pursuant to Resolutions 17-0109.10 and 17-0206.14, is necessary; and

WHEREAS, appropriations for the 2017 Temporary Current Fund Budget shall be increased pursuant to the Schedule attached hereto.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the Chief Financial Officer be and she is hereby authorized to increase the 2017 Temporary Current Fund Budget.

27. Resolution 17-0306.15: Authorize various fees pertaining to Wireless Communication structures and appurtenances

RESOLUTION 17-0306.15

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY SETTING VARIOUS FEES FOR WIRELESS COMMUNICATION STRUCTURES AND APPURTENANCES

WHEREAS, the Township of Long Beach by and through the adoption of Ordinance 17-05C (Ordinance), has established certain regulations pertaining to Wireless Communications Facilities ("Wireless Facilities") in the Township; and

WHEREAS, pursuant to the Ordinance, certain applications and checklists are required for requests for collocation, non-substantial changes, substantial changes, and the construction of permitted Wireless Facilities in the Township; and

WHEREAS, pursuant to and consistent with the Ordinance, the Municipal Clerk shall draft, prepare, approve, and from time-to-time amend, as appropriate, the required applications and checklists; and

WHEREAS, the fee for applications for collocation and non-substantial changes shall be set at \$1,000.00, all professional fees incurred relating to the review of each application shall be paid by applicant, and each applicant shall pay for each right-of-way inspection that shall be conducted for a fee of \$100.00; and

WHEREAS the application fee for applications for non-collocation and substantial changes shall be set at \$1,000.00 and the applicants shall further comply with any and all fees, costs, and escrow as set forth in Chapters 18, 82, and 164 of the Township Code, as applicable; and

WHEREAS, the Board of Commissioners shall have the ability to set the fee(s) by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Long Beach hereby authorizes the preparation and adoption of the applications and imposition of fees as aforesaid.

28. Resolution 17-0306.16: Approve Bills & Payroll
Bills in the amount of: \$ 6,756,275.75
Payroll in the amount of: \$ 828,382.75

RESOLUTION 17-0306.16

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 828,382.75.

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

1. The said approved vouchers amounting to the sum of \$6,756,275.75 be and the same are hereby authorized to be paid on Monday, March 6, 2017.

2. The said approved payroll amounting to the sum of \$ 828,382.75 be and the same are hereby authorized to be paid on Monday, March 6, 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 26 thru 28:

Motion: Ayes:

Second: Nays:

29. Resolution 17-0306.17: Introduce 2017 Municipal Budget

RESOLUTION 17-0306.17

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Long Beach that the following statements of revenues and appropriations shall constitute the Local Municipal Budget for the year 2017; and

BE IT FURTHER RESOLVED that said Budget be published in the Beach Haven Times, issue of March 16, 2017.

The Governing Body of the Township of Long Beach does hereby approve the following as the Budget for the year 2017:

VOTE:

John Neyer/North Beach Haven was in favor of the vacation. As an affected property owner, he believed improved landscaping would benefit the area and the additional tax revenue would be an advantage to the Township.

Nick Dapano, Don Kincaid, Joe Scarra, Frank Gillespie, Susan Oswald, Mike Goler, Tom Green all stated their opposition to the vacation for various reasons, including; limiting public access; hardship for emergency vehicles to access the areas; increases likelihood of flooding and obstruction of bay views.

Stuart Snyder, Esq. would obtain an assessment from the Engineer in order to add deed restrictions, if proper and necessary, that would be imposed should Ordinance 17-04 be adopted.

Mayor Mancini stated no decision regarding this vacation would be made at this time. He asked all concerned parties to submit their comments to him for further consideration.

Lynda J. Wells, RMC
Municipal Clerk

Joseph H. Mancini, Mayor

Ralph H. Bayard, Commissioner

Dr. Joseph P. Lattanzi, Commissioner