

**MINUTES**  
**REGULAR SESSION    BOARD OF COMMISSIONERS    OCTOBER 7, 2019**

**Flag Salute**

Meeting came to order: 4:00 p.m.  
Clerk calls the roll: Mayor Joseph H. Mancini -PRESENT  
Commissioner Ralph H. Bayard -PRESENT  
Commissioner Joseph P. Lattanzi -PRESENT  
Also in attendance: Lynda J. Wells, Municipal Clerk  
Kyle Ominski, Administrator  
Danielle La Valle, Deputy Municipal Clerk

Municipal Clerk announces: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES on December 6, 2018 and ASBURY PARK PRESS on December 10, 2018; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting and to approve the same as recorded in the minute book:

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

**AGENDA**

**PROCLAMATION:** National Friends of Libraries Week, October 20-26, 2019  
Pregnancy and Infant Loss Awareness Month, October 2019

**ORDINANCES & PUBLIC HEARINGS**

1. Second Reading Ordinance 19-22C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTER 180, AMENDING SWIMMING POOL AND HOT TUB REGULATIONS**

Passed on first reading at a regular meeting held on September 9, 2019 and advertised in the BEACH HAVEN TIMES issue of September 12, 2019.

**ORDINANCE 19-22C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IN CHAPTER 180, AMENDING SWIMMING POOL AND HOT TUB REGULATIONS**

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to add a new definition and to add a new subsection to the swimming pool and hot tub regulations set forth in Chapter 180.

**SECTION I**

§180-1 is hereby amended to add a new definition as follows:

**SOLID AND FLOATABLE MATERIALS**

Any sediment, debris, trash, and other floating, suspended, or settable solids.

**SECTION II**

§180-3 D. is hereby amended to add new subsection (3):

- (3) All groundwater discharge shall be conveyed through hoses to an approved storm drain inlet. The drainage hose shall be continuous from the pump to the storm drain inlet. A protection member (silt bag) shall be connected to the end of the hose to prevent the passage of all solid and floatable materials into the storm drain inlet.

- (a) Any de-watering hose crossing Ocean Blvd, Beach Ave, or Atlantic Ave shall be approved by Police Department.

**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.

OPEN

No comments.

CLOSED

Motion to adopt Ordinance 19-22C on Second Reading:

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

2. Resolution 19-1007.01: Amend Ordinance 19-23C to make a non-material revision

**RESOLUTION 19-1007.01**

**WHEREAS**, Ordinance 19-23C was introduced at the Township of Long Beach ("Township") Board of Commissioners' ("Board") meeting on Monday, September 9, 2019; and

**WHEREAS**, pursuant to and in accordance with N.J.S.A. 40:49-2, the Board has elected to amend Ordinance 19-23C in order to make a non-material revision to Section O.(2) for clarification regarding the placement of wireless communication facilities; and

**WHEREAS**, the amendment does not alter Section O.(2), substantial or otherwise.

**NOW, THEREFORE, BE IT RESOLVED** that Ordinance 19-23C shall be amended to make a non-material revision to Section O.(2) for clarification regarding the placement of wireless communication facilities, and that Ordinance 19-23C, as amended, shall proceed to consideration for final passage.

PASSED ON: October 7, 2019

Motion to approve Item 2:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. Second Reading Ordinance 19-23C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 WHICH PERTAINS TO THE ZONING AND REGULATION OF WIRELESS COMMUNICATIONS INSIDE AND OUTSIDE THE ROW IN THE TOWNSHIP, CHAPTER 123 WHICH PERTAINS TO NOISE REGULATIONS, AND A NEW CHAPTER 81 WHICH PERTAINS TO DESIGN GUIDELINES FOR THE PUBLIC RIGHT-OF-WAY**

This ordinance was reviewed and approved by the Land Use Board.

Passed on first reading at a regular meeting held on September 9, 2019 and advertised in the BEACH HAVEN TIMES issue of September 12, 2019.

#### **ORDINANCE 19-23C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 WHICH PERTAINS TO THE ZONING AND REGULATION OF WIRELESS COMMUNICATIONS INSIDE AND OUTSIDE THE ROW IN THE TOWNSHIP, CHAPTER 123 WHICH PERTAINS TO NOISE REGULATIONS, AND A NEW CHAPTER 81 WHICH PERTAINS TO DESIGN GUIDELINES FOR THE PUBLIC RIGHT-OF-WAY**

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

#### **STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend §205-2 and repeal and replace §205-38 in order to revise the regulations relating to wireless communications facilities, to amend §123-1, §123-2, and §123-5 in order to revise the noise regulations, and to create a new Chapter 81 to adopt regulations for the public right-of-way.

#### **SECTION I**

§205-2 is hereby amended to repeal and replace the definitions of BACKHAUL NETWORK, CO-LOCATION, DISTRIBUTED ANTENNA SYSTEM, and SUBSTANTIAL CHANGE, WIRELESS COMMUNICATIONS FACILITY, and add the following definition for CABINET, GROUND-LEVEL CABINET, SMALL WIRELESS FACILITY POLE, and SMALL WIRELESS FACILITY.

#### **BACKHAUL 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.

#### **CABINET**

A small box-like, rectangular, oval, or other geometric-shape structure used to facilitate utility or wireless communications facilities.

#### **COLLOCATION**

The act of siting wireless communications facility on an existing structure without the need to construct a new wireless communications support structure and without a substantial increase in the size of an existing structure. 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. The siting of small wireless facilities and DAS on existing utility poles in the ROW shall be considered collocation.

#### **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. DAS antenna elevations are generally at or below the clutter level and node installations are compact.

**GROUND-LEVEL CABINET**

A cabinet that is not attached to an existing utility pole or tower and is touching or directly or indirectly supported by the ground.

**SMALL WIRELESS FACILITY**

A wireless facility mounted on structures 40 feet or less in height and meets both of the following qualifications: (i) each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 cubic feet in volume; and (ii) all other wireless equipment associated with the small wireless facility, whether ground- or pole-mounted, is cumulatively no more than 28 cubic feet in volume. Small wireless facilities include DAS.

**SMALL WIRELESS FACILITY POLE**

A pole substantially similar to a utility pole and subject to the same laws and regulations governing utility poles which provides for the siting of small wireless facilities in the ROW.

**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 for structures outside the ROW if the proposed increase in height is more than 20 feet or 10%, whichever is greater. All wireless communications support structures in the ROW, including small wireless facility poles and utility poles, shall be limited to a maximum of 40 feet in height. Any change to the increase in height for any wireless communications support structures in the ROW that increase the height to a total less than the maximum of 40 feet shall not constitute a substantial change.
- (2) Increase in width. An increase in the width of a tower constitutes a substantial change for towers outside the ROW 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. All changes to the width of small wireless facilities that comply with the applicable regulations shall be deemed non-substantial.
- (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 noncompliance 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.
- (7) The collocation of small wireless facilities on existing utility poles in the ROW and the replacement of existing, approved utility poles pursuant to the applicable law in the ROW shall not be considered a substantial change.
- (8) No changes that exceed the scope of the applicable regulations shall be permitted, whether substantial or non-substantial.

**WIRELESS COMMUNICATIONS FACILITY**

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

**SECTION II**

All references to "co-location" in §205-2 shall be replaced by "collocation".

**SECTION III**

§205-38 is hereby repealed and replaced with the following.

October 7, 2019

§205-38. Wireless communications facilities.

- A. Purpose. The purposes for the regulations of wireless communications facilities are as follows.
- (1) Protect residential areas and land uses from potential adverse impacts of wireless communications facilities and encourage applicants to locate wireless communications facilities, to the extent practicable and possible, in areas where the adverse impact to the community is minimal.
  - (2) Encourage and ensure the appropriate location of wireless communications facilities to avoid potential damage to adjacent properties and ensure the public health, welfare, and safety through proper engineering and careful siting of wireless communications facilities in accordance with federal and State law.
  - (3) Encourage the collocation and joint use of existing and approved wireless communications facilities, towers, and utility poles as a primary option rather than construction of new tower-based wireless communications facilities and new small wireless facility poles.
  - (4) 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 to preserve the aesthetic character in accordance with applicable zoning, planning, and design standards.
  - (5) Promote and ensure the positive impact of wireless communications facilities and enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently and to ensure that the residents, visitors, public safety operations, and businesses have reliable access to wireless telecommunications networks and state-of-the-art communications services.
  - (6) Comply with applicable federal and State law on the siting and regulation of wireless communications facilities while protecting the public health, welfare, and safety.
- B. Interpretation.
- (1) This section is not intended to, nor shall it be interpreted or applied to: (a) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless, data, and communications services; (b) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for ROW management; (c) unreasonably discriminate among providers of functionally equivalent services; (d) deny any request for authorization to place, construct, or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions so long as such wireless communications facilities comply with the FCC's regulations concerning such emissions; (e) prohibit any collocation or modification that the Township may not deny under federal or State law; or (f) otherwise authorize the Township to preempt any applicable federal or State law.
  - (2) In furtherance of the foregoing goals, due consideration shall be given to the 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 are subject to these regulations, except as otherwise provided herein.
  - (2) Amateur radios; receive-only antennae. 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 antennae.
  - (3) Preexisting towers or antennae. Preexisting towers or antennae 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) Public entities. Wireless support structures, Tower-based wireless communications facilities, and wireless communications facilities operated, leased, or used by the Township shall be exempt from the requirements of this section. The Township shall be a permitted use in all zone districts, provided that any lease authorizing such facilities has been approved by the Township, and, as a condition of any such lease, the

Township may require site plan approval or may exempt the applicant from approval.

- (5) Satellite Dish Antenna. This section shall not govern any parabolic satellite antennae.

D. Permitted use, scope, and restrictions.

- (1) Wireless communications facilities are a permitted use in the general commercial, special commercial, and marine commercial zones. Only collocation of small wireless facilities on utility poles in the ROW and the construction of small wireless facility poles for the purpose of siting small wireless facilities in the ROW shall be permitted in residential zones and only 1 such wireless communications facility shall be permitted on each utility pole and small wireless facility pole. No other wireless communications facilities of any type shall be permitted in any residential zones or within 100 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. Except for the collocation of small wireless facilities on utility poles and siting of small wireless facilities on small wireless facility poles in the ROW as required by federal and State law, and, as otherwise provided by the Township Code, no non-tower based wireless communications facilities shall be permitted.
- (3) No lattice towers or guyed-lattice towers shall be permitted.
- (4) Except as otherwise provided by law for public utilities and the approval and construction of new small wireless facility poles for the purpose of siting small wireless facilities as permitted by the Township Code, no new wireless communications support structures, such as towers or monopoles, shall be permitted in the ROW. Only collocation of small wireless facilities, non-substantial changes to existing wireless communications support structures, utility poles, and small wireless facility poles shall be permitted in the ROW.
- (5) No advertising or non-safety-related signs of any type shall be permitted on any wireless communications facilities, wireless communications support structures, wireless communications equipment, cabinets, or base stations.
- (6) All wireless communications facilities shall comply with all applicable federal, State, County, and Township laws and regulations.

E. Collocation and priority policy.

- (1) It is the Township's policy that the first priority locations for wireless communications facilities shall be the Township-owned towers, and then non-Township owned existing towers and wireless communications 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 the Township-owned wireless communications support structures first, the non-Township owned existing towers and wireless communications support structures second, the collocation of small wireless facilities on existing utility poles third, and the construction of small wireless facility poles fourth.
- (2) The Township's priority policy for small wireless facilities is as follows.
  - (a) Existing utility poles shall be the priority locations for such facilities, followed by replacement of utility poles, and followed by the construction of new small wireless facility poles.
  - (b) First priority for collocation on existing utility poles and construction of new small wireless facility poles shall be first in non-residential zones, second on Long Beach Boulevard in all zones, and third on local residential streets.
- (3) An applicant proposing any wireless communications facility at a new location shall demonstrate and document that it made its best efforts to find a collocation site and that none was available, practicable, economically feasible, or viable.

F. Application fees, costs, and escrows relating to wireless communications facilities outside the ROW, non-collocation, and substantial changes.

- (1) The Township may assess appropriate and reasonable application and fees directly related to the actual costs in reviewing and processing the application for approval of wireless communication facilities, as well as actual inspection, monitoring, and related costs, as set by resolution. The Township may also impose and require escrow fees for the payment of actual fees and costs, as the Township deems appropriate by way of resolution.

- (2) Retention of experts and costs. The 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, following approval, assist with the review and evaluation of any potential violations. The applicant and/or owner of the wireless communication facility shall reimburse the Township and the Land Use Board for all costs of the foregoing activities.
- G. Application fees and costs relating to wireless communications facilities inside the ROW, collocation, and non-substantial changes.
- (1) All applications shall be accompanied by a fee directly related to a reasonable approximation of the Township's costs reasonably incurred as a direct result of the application and which the fee shall be set at \$500 for an application including 1 to 5 location sites and \$100 for each additional location site.
  - (2) 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 the Township's actual ROW management costs, if any, including, but not limited to, the costs of the administration and performance of all review, inspection, supervision, and other ROW management activities by the Township. The owner of each wireless communications facility shall pay an annual fee to compensate the Township for the Township's costs incurred, if any. The annual ROW management fee for wireless communications facilities shall be determined by Township and authorized by resolution. Unless otherwise permitted by law, the annual fee shall be set at \$270 for each site in the ROW.
- H. Application requirements for the construction and/or installation of all wireless communications facilities that constitute a new tower and tower-based wireless communications facility, non-collocation, and/or substantial changes to non-small wireless facility wireless communications facilities.
- (1) Except as otherwise provided, 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.
  - (2) This section shall not apply to existing utility poles, the replacement of utility poles, and new utility poles in the ROW and the construction of small wireless facility poles in the ROW. The foregoing does not constitute towers or tower-based wireless communications facilities.
  - (3) 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.
    - (d) An applicant for site plan approval or a variance shall submit the information required, a nonrefundable application fee, and an escrow deposit.
    - (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.
  - (4) In addition to any and all information required for applications for site plan approval or a variance pursuant 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 proscribed 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 the Township Code, 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 State Department of Environmental Protection, signed and sealed by a land surveyor licensed in the State, dated no earlier than 12 months prior to the date of the application.
- (e) The separation distance between the proposed wireless communications facility and the nearest residential unit and/or residentially zoned property and boundary line.
- (f) The separation distance from other wireless communications facilities described in the inventory of existing sites 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, 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 the 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 requirements as set forth in the International Building Code, New Jersey State edition, as amended, or the applicable New Jersey structural and wind requirements, including a description of the number and type of antennae it is designed to accommodate.
- (q) A statement by the applicant demonstrating whether construction of the wireless communications facility will accommodate collocation of additional antennae for future users. If so, a letter of commitment by the applicant to lease the 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 the issuance of a building permit. The letter shall commit the tower owner and all successors in interest.
- (r) Elevations of all existing and proposed structures generally depicting all existing and proposed antennae, towers, platforms, finish materials, as well as all other accessory equipment.
- (s) An inventory of the applicant's existing wireless communications facilities or sites approved for towers or antennae within the jurisdiction of the Township and within 3 miles of the proposed site, including specific information about the location, height, and design of each wireless communications facility. The 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 the Township; provided, however, that the 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 wireless communications facilities owned or operated by the applicant in the Township.
- (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 the 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 wireless communications support structure and anchors, if used.
- (y) Documentation of compliance with all of the applicable requirements of the Township Code.

I. Review of applications for the construction and/or installation of all wireless communications facilities that constitute a new tower and tower-based wireless communications facility, non-collocation, and/or substantial changes to non-small wireless facility wireless communications facilities.

- (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 Township 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.

J. Application Requirements for new construction and/or installation of all wireless communications facilities that include new small wireless facility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, substantial changes to small wireless facilities, and non-substantial changes to non-small wireless facilities.

- (1) An application for development to construct and/or install new wireless communications facilities that constitute new construction and/or installation of all wireless communications facilities that include new small wireless facility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, substantial changes to small wireless facilities, and non-substantial changes to non-small wireless facilities shall not be subject to site plan review, provided the application meets the following requirements.
  - (a) If collocation to or non-substantial change to an existing wireless communications support structure, the existing structure shall have been previously granted all necessary approvals by the appropriate approving authority.
  - (b) If construction and/or installation of a new small wireless facility pole in the ROW for the purpose of siting small wireless facilities in the ROW, the new structure shall obtain all necessary approvals by the appropriate approving authority.
  - (c) The proposed application satisfies the federal and State requirements to meet the standards for collocation.
  - (d) 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.
  - (e) Complies with all applicable requirements of the Township Code.
- (2) Each application shall be limited to a request to construct and/or install a total of 1 wireless communications facility that constitutes new construction and/or installation of all wireless communications facilities that include new small wireless facility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, substantial changes to small wireless facilities, and non-substantial changes to non-small wireless facilities.
- (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.
  - (b) A statement and supporting proofs that the application qualifies as new construction and/or installation of all wireless communications facilities that include new small wireless facility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, substantial changes to small wireless facilities, and non-substantial changes to non-small wireless facilities.
  - (c) The identity of the owner of the property, structure, and/or building and proof of approval to use the site and compliance with N.J.S.A. 48:3-18.
  - (d) Proof of all consents required by federal, State, and local law and regulations, including N.J.S.A. 48:17-8.
  - (e) Certification that the applicant possesses the legal authority to construct, collocate, and/or change the wireless communications support structure, which may include approvals from the jurisdiction authorizing the initial placement of the wireless communications support structure and transmission equipment.
  - (f) Fully-executed indemnification and hold harmless agreements.
  - (g) 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 the Township Code, or as required by the Township to enable comprehensive review of the application.

- (h) The separation distance from other wireless communications facilities shall be shown on a 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 wireless communications support structure(s) and the owner/operator of wireless communications support structure(s) within 1 mile.
- (i) A description of the type and quantity of equipment to be installed and the number and size of any equipment cabinets to be installed.
- (j) A description of any excavation required.
- (k) A description of any change in wireless communications support structure height and/or width as a result of the proposed collocation, removal, or replacement.
- (l) A plan evidencing the development's compliance with the applicable requirements, including, but not limited to, the architecture, aesthetics, color, and use of stealth technology.
- (m) 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 or new utility pole is structurally suitable and safe for new construction and/or installation of all wireless communications facilities that include new utility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, substantial changes to small wireless facilities, and non-substantial changes to non-small wireless facilities.
- (n) 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 International Building Code, New Jersey State edition, as amended, or the applicable New Jersey structural and wind requirements, including a description of the number and type of antennae it is designed to accommodate.
- (o) A statement by the applicant demonstrating whether construction of the wireless communications facility will accommodate collocation of additional antenna for future users. The statement shall commit the wireless communications support structure owner and successors in interest.
- (p) Elevations of all proposed wireless communications facilities generally depicting all existing and proposed antennae, wireless communications support structures, platforms, finish materials, as well as all other accessory equipment.
- (q) An inventory of its existing wireless communications facilities or sites approved for wireless communications support structures or antennae within the jurisdiction of the Township.
- (r) Documentation of compliance with all of the applicable requirements of the Township Code.

K. Review of applications for the new construction and/or installation of all wireless communications facilities that include new utility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, substantial changes to small wireless facilities, and non-substantial changes to non-small wireless facilities.

- (1) Initial review. The Board of Commissioners shall review the application and advise the applicant within 30 days as to whether Township deems that the application is subject to these or other regulations. If compliance with other subsections are deemed to be required, the applicant shall proceed in accordance with the applicable regulations.
- (2) Timeframe for review. The Board of Commissioners shall review and approve or deny the application within 90 days of receipt. This 90-day period may be extended by mutual agreement of the Township and the applicant.
- (3) Incomplete applications. The Board of Commissioners may toll the 90-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 90-day timeframe shall begin again upon receipt of the supplemental submission.

- (4) Subsequent incomplete applications. The Board of Commissioners may thereafter toll the 90-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.
- (5) Complete applications. The Board of Commissioners shall, within the 90-day timeframe, approve all complete applications for the construction and/or installation of all wireless communications facilities that constitute new construction and/or installation of all wireless communications facilities that include new utility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, substantial changes to small wireless facilities, and non-substantial changes to non-small wireless facilities 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 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 applicable process.
- (6) Applications on improper towers. Notwithstanding the foregoing, the Board of Commissioners is not obligated to approve an application for new construction and/or installation of all wireless communications facilities that include new utility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, and non-substantial changes to non-small wireless facilities on a wireless communications support structure 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.
- (7) Failure to act. If the Board of Commissioners does not approve or deny an application for the construction and/or installation of all wireless communications facilities that constitute new construction and/or installation of all wireless communications facilities that include new utility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless facilities, substantial changes to small wireless facilities, and non-substantial changes to non-small wireless facilities within 90 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.

L. Application Requirements for collocation and non-substantial changes to small wireless facilities.

- (1) An application for collocation and non-substantial changes to small wireless facilities shall not be subject to site plan review and shall not require compliance with subsection J, provided the application meets the following requirements.
  - (a) If collocation to or non-substantial change to an existing wireless communications support structure, the existing 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 standards for collocation.
  - (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) Each application shall be limited to a request to construct and/or install a total of 10 wireless communications facilities that constitute collocation and non-substantial changes to small wireless facilities.
- (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.

- (b) A statement and supporting proofs that the application qualifies under this section.
- (c) The identity of the owner of the property, structure, and/or building and a copy of the agreement relating to N.J.S.A. 48:3-18.
- (d) Certification that the applicant possesses the legal authority to collocate and/or change the wireless communications support structure, which may include approvals from the jurisdiction authorizing the initial placement of the wireless communications support structure and transmission equipment.
- (e) Fully-executed indemnification and hold harmless agreements prepared by the 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 the Township Code, or as required by the Township or Board Engineer, to enable comprehensive review of the application.
- (g) The separation distance from other wireless communications facilities described in the inventory of existing sites 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 wireless communications support structure(s) and the owner/operator of wireless communications support structure(s).
- (h) A description of the type and quantity of equipment to be installed and the number and size of any equipment cabinets to be installed.
- (i) A description of any excavation required.
- (j) A description of any change in wireless communications support structure height and/or width as a result of the proposed collocation, removal, or replacement.
- (k) A plan evidencing the development's compliance with the applicable requirements, including, but not limited to, the architecture, aesthetics, color, and use of stealth technology.
- (l) 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 is structurally suitable and safe for small wireless facilities, collocation and/or non-substantial change.
- (m) 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 requirements as set forth in the International Building Code, New Jersey State edition, as amended, or the applicable New Jersey structural and wind requirements, including a description of the number and type of antennae it is designed to accommodate.
- (n) A statement by the applicant demonstrating whether construction of the wireless communications facility will accommodate collocation of additional antenna for future users. The statement shall commit the wireless communications support structure owner and successors in interest.
- (o) Elevations of all proposed wireless communications facilities generally depicting all existing and proposed antennae, wireless communications support structures, platforms, finish materials, as well as all other accessory equipment.
- (p) An inventory of its existing wireless communications facilities or sites approved for wireless communications support structures or antennae within the jurisdiction of the Township and 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. The 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 the Township; provided, however, that the Township and Land User Board are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- (q) Documentation of compliance with all of the applicable requirements of the Township Code.

M. Review of applications that constitute collocation and non-substantial changes to small wireless facilities.

- (1) Initial review. The Board of Commissioners shall review the application with consultation with the Township Engineer, the Township Attorney, and any other consultants and/or experts deemed necessary to determine whether the application qualifies as a request for collocation, whether the change proposed is non-substantial. 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 or compliance with subsection J are required. If site plan approval or compliance with subsection J are deemed to be required, the applicant shall proceed in accordance with the applicable regulations.
- (2) Timeframe for review. The Board of Commissioners shall review and approve or deny the application within 60 days of receipt. This 60-day period may be extended by mutual agreement of the Township and the applicant.
- (3) 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.
- (4) 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.
- (5) Complete applications. The Board of Commissioners shall, within the 60-day timeframe, approve all complete applications for the collocation and non-substantial changes to small wireless facilities 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 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 applicable process.
- (6) Applications on improper towers. Notwithstanding the foregoing, the Board of Commissioners is not obligated to approve an application for small wireless facilities, collocation, removal, or replacement of equipment on a wireless communications support structure 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.
- (7) Failure to act. If the Board of Commissioners does not approve or deny an application for collocation and non-substantial changes to small wireless facilities 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.

N. General requirements for the construction and/or installation of all wireless communications facilities that constitute a new tower and tower-based wireless communications facility, non-collocation, and/or substantial changes to wireless communications facilities.

- (1) Uniform Construction Code; safety standards; standard of care. Wireless communications facilities 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) Collocation. An application shall not be approved unless the Land Use Board finds that the wireless communications equipment cannot be accommodated on an existing or approved structure or building. Any application shall include a comprehensive inventory of all existing towers and other suitable structures within a 3-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.
- (3) Wind. Wireless communications support 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.
- (4) Height. Wireless communications facilities 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 applicants must submit documentation to the Land Use Board justifying the total height of the structure.
- (5) Public safety communications. No 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.
- (6) Maintenance. The following maintenance requirements shall apply:
  - (a) Wireless communications facilities 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.
- (7) Radio frequency emissions. No wireless communications facilities shall, 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.
- (8) Identification. All 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 of the Land Use Board.
- (9) Lighting. 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.
- (10) Appearance and visual compatibility requirements.
  - (a) All wireless communications support structures and facilities 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 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 increases to an existing tower-based wireless communications facility shall require prior approval of the Land Use Board. The Land Use Board shall have the discretion to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
- (c) Wireless communications facilities shall be designed structurally, electrically, and in all respects to accommodate both the wireless communications facility applicant's antennae 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 wireless communications support structures shall 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 wireless communications support 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 wireless communications support 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) Wireless 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 400 square feet of the equipment building.
- (11) 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.
- (12) Aviation safety. Wireless communications facilities shall comply with all federal and State laws and regulations concerning aviation safety.
- (13) Nonconforming uses. Nonconforming 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 the Township Code.
- (14) Removal. In the event that use of a wireless communication facility is planned to be 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 based wireless communication facilities or portions of based wireless communication facilities shall be removed as follows:
  - (a) All unused or abandoned 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 the 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 the Township, the wireless communication facility and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner.
  - (c) Any unused portions of the wireless communication facilities, including antennae, shall be removed within 6 months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based wireless communication facility previously removed.
- (15) Additional antennae. As a condition of approval for all wireless communications facilities, the applicant shall provide the Township with a written commitment that it will allow other service providers to collocate antennae on the 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.
- (16) Environmental. Wireless communication facilities shall comply with all applicable environmental regulations.
- (17) Visual or land use impact. The Land Use Board shall have the discretion to deny an application for the construction or placement of any wireless communications facility based upon visual and/or land use impact.
- (18) Inspection. The Township shall possess the right to inspect any wireless communications facility to ensure compliance with the provisions of the Township Code or State or federal law. The 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.
- (19) 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.
  - (20) 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.
  - (21) 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 ROW shall, at its own cost and expense, obtain from a surety licensed to do business in the State and maintain a bond or other form of security acceptable to the Township Attorney, in an amount of \$500,000 to assure the faithful performance of the terms and conditions of the Township Code and as a guarantee that no such installation or equipment exceeds or will exceed the allowable FCC limits for radio frequency emissions and radiation exposure to the general public. The bond shall provide that the 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 a copy of the bond with the Township and the bond shall be held and maintained during the entire period of the owner's operation of each wireless communications facility.
  - (27) Indemnification. All applicants shall be required to execute an indemnification agreement in the form required and pursuant to which the owner shall agree to defend, hold harmless, and indemnify the Township, its officers, employees, agents, attorneys, volunteers, and independent contractors to the fullest extent under the law.
- O. General requirements for new construction and/or installation of all wireless communications facilities that include new small wireless facility poles for the siting of small wireless facilities in the ROW, the collocation of non-small wireless

facilities, non-substantial changes to non-small wireless facilities, and the collocation of and non-substantial changes to small wireless facilities.

- (1) Time, place and manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all wireless communications facilities based on public safety, traffic management, physical burden on the ROW, public health, welfare, and safety, and related considerations.
- (2) Small wireless facilities, collocation, and non-substantial changes to wireless communications facilities shall be limited to the placement of wireless communications on utility poles and small wireless facility poles inside the ROW.
- (3) No small wireless facility poles shall include any visible exterior lighting of any kind.
- (4) 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.
- (5) The collocation of small wireless facilities on utility poles in the ROW, the replacement of utility poles to site small wireless facilities in the ROW, and the construction of new small wireless facility poles in the ROW for the purpose of siting small wireless facilities in the ROW shall not constitute towers or tower-based wireless communications facilities and shall comply with the applicable regulations and the following.
  - (a) No utility poles or small wireless facility poles, inclusive of any and all antennae and equipment, shall exceed 40 feet in height.
  - (b) No new small wireless facility poles constructed for the purpose of siting small wireless facilities in the ROW shall be placed within 300 feet of any other existing utility pole that supports a small wireless facility or any other small wireless facility pole. The Board of Commissioners may relax this requirement, at its sole and absolute discretion for any or no reason, to 200 feet.
  - (c) The siting of small wireless facilities in the ROW on existing utility poles and the installation of new small wireless facility poles shall not be greater than 5 feet from the point where the shared property line between two properties and the intersection of the ROW.
  - (d) Where the applicant has demonstrated that an existing utility pole can be used, the antennae shall be mounted to the existing pole in a manner that preserves the structural integrity and aesthetics of the pole.
  - (e) The replacement of existing utility poles and siting of small wireless facility poles shall comply with all applicable federal, State, and local laws and regulations, including N.J.S.A. 48:17-8.
  - (f) Replacement utility poles shall be fabricated using the same materials as the pole to be replaced, shall be the same diameter, and shall be placed in the same location.
  - (g) Unless otherwise permitted by the Board of Commissioners, at its discretion, new small wireless facility poles shall be fabricated using the same materials as the existing, neighboring utility poles.
  - (h) Panel antennae are not permitted unless the applicant provides evidence that establishes a cylindrical antenna or antennae are not technically feasible.
  - (i) Only 2 antenna shall be permitted per utility pole and small wireless facility poles, no antenna shall be permitted to exceed 10 feet in height and the width of 12 inches, and shall not exceed a maximum of 3 cubic feet.
  - (j) The diameter of small wireless facility poles shall be limited to 4.5 feet.
  - (k) Small wireless facility poles shall be set back from curbs, offset from driveways, offset from trees, and shall not be located within 10 feet of any energized line.
- (6) Except as otherwise provided in O(5)(b) for small wireless facilities, no wireless communications facilities, including small wireless facilities, shall be located within 300 feet of any other wireless communications facilities.
- (7) All ground-level cabinets for wireless communications facilities shall comply with the following:
  - (a) No ground-level cabinets shall be permitted in any residential zone.
  - (b) Permitted ground-level cabinets shall:
    - [1] Be less than 28 cubic feet in volume;
    - [2] Not be sited in any site triangle and shall not inhibit site at any intersection; and

- [3] Be located greater than 18 inches of the face of a curb;
  - [4] Allow sufficient room for the public to pass and repass across the ROW and sidewalks.
- (8) Pole-mounted antennae and cabinets shall comply with the following:
- (a) Pole-mounted antennae are permitted on utility poles and small wireless facility poles in all zones, provided that each:
    - [1] Does not exceed 3 cubic feet in volume;
    - [2] Not be sited in any site triangle and shall not inhibit pedestrian and vehicular site lines at any intersection; and
    - [3] Allows sufficient room for the public to pass and repass across the ROW and sidewalks.
  - (b) Pole-mounted cabinets are permitted on small wireless facility poles and utility poles, provided that each:
    - [1] Does not exceed 16 cubic feet;
    - [2] Not be sited in any site triangle and shall not inhibit site at any intersection;
    - [3] Allows sufficient room for the public to pass and repass across the ROW and sidewalks, does not diminish the usability of the sidewalks, and otherwise does not obstruct, impede, or hinder the usual travel or public safety on the ROW;
    - [4] Is installed at least 8 feet above the ground, and, if any wireless facilities or equipment are projecting toward the street or sidewalk, the base of the attachment shall be installed no less than 17 feet above the street or sidewalk;
    - [5] No protrusion from the outer circumference of the pole shall be more than 18 inches;
    - [6] Is limited to a total volume of all installed equipment external to the pole (including, but not limited to, cabinets, vaults, boxes, and antennae) that does not exceed 28 cubic feet, which maximum applies to all equipment installed at the time of the original application and includes any equipment to be installed at a future date.
- (9) 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 ANSI, National Electrical Safety Code, National Electrical Code, the State 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.
- (10) Wind. 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.
- (11) Public safety communications. Wireless communications facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (12) Aviation safety. Wireless communications facilities shall comply with all federal and State laws and regulations concerning aviation safety.
- (13) Radio frequency emissions or radiation. Wireless communications facilities shall not, by themselves or in conjunction with other wireless communications facilities, generate radio frequency emissions or radiation 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.
- (14) Design and new technology. All wireless communications facilities shall comply with the requirements of Chapter 81.
- (15) Separation. Separation distance from wireless communications facilities and antennae. Except as otherwise provided in O(5)(b) for small wireless

facilities, no wireless communication facility or antennae shall be within 300 feet of another. The separation shall be measured from the base of the utility pole and/or small wireless facility pole to the base of the other utility pole and/or small wireless facility pole.

- (16) 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.
- (17) 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 State Registers of Historic Places or the official historic structures and/or historic districts list maintained by Township, or has been designated by the Township as being of historic significance.
- (18) Visual impact and safety. The 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 wireless communications facility shall be permitted in any site triangle or otherwise interfere with site lines and/or the public health, welfare, and safety.
- (19) Removal. In the event that use of the wireless communications facility 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:
  - (a) All abandoned or unused collocation of and changes to wireless communications facilities and accessory equipment shall be removed within 3 months of the cessation of operations at the site unless a time extension is approved by the Township;
  - (b) If the wireless communications facilities and accessory equipment is not removed within 3 months of the cessation of operations at a site, or within any longer period approved by Township, the wireless communications facilities and/or associated equipment may be removed by the Township and the cost of removal assessed against the owner.
- (20) Maintenance. The following maintenance requirements shall apply:
  - (a) Wireless communications facilities 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 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.
- (21) Bond. Upon approval of the application and prior to the issuance of a permit, the owner of each wireless communications facility shall, at its own cost and expense, obtain from a surety licensed to do business in the State and maintain a bond, or other form of security acceptable to the Township Attorney, in an amount of \$10,000 for each such wireless communications facility to assure the faithful performance of the terms and conditions of the Township Code and as a guarantee that no such installation or equipment exceeds or will exceed the allowable FCC limits for radio frequency emissions and radiation exposure to the general public. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township and the bond shall be held and maintained during the entire period of the owner's operation of each wireless communications facility.
- (22) Inspection. The Township shall possess right to inspect any wireless communications facility to ensure compliance. The 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.

- (23) 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 \$2,000,000.00 for any one claim and \$3,000,000.00 for any aggregate claim for each wireless communications facility location. The insurance policy shall name the 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.
- (24) Indemnification. All applicants shall be required to execute an indemnification agreement in the form required and pursuant to which the owner shall agree to defend, hold harmless, and indemnify the Township, its officers, employees, agents, attorneys, volunteers, and independent contractors to the fullest extent under the law.
- P. Relocation or removal of facilities. Within 60 days following written notice from Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of utility pole-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 the 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 ROW;
  - (b) The operations of the Township or other governmental entity in the ROW;
  - (c) Vacation of a street or road or the release of a utility easement; and/or
  - (d) An emergency as determined by Township.
- Q. Existing non-conforming wireless communications facilities. Nonconforming wireless communications facilities, antennae, and/or wireless communications support structures that are damaged or destroyed may not be rebuilt without first obtaining the appropriate approval from the appropriate approving authority and without having to meet the requirements of the Township Code.
- R. Annual recertification requirements for all wireless communications facilities. All wireless communications facilities shall comply with the following annual recertification requirements.
  - (1) Each year on July 1, the owner shall submit an affidavit which shall list all active wireless communications facilities it owns within the Township by location and certifying that (a) the required insurance is maintained and provide a copy of the certificate of insurance per installation and (b) certify that each wireless communications facility has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning radio frequency exposure limits.
  - (2) The Township shall have the right to employ a qualified radio frequency engineer to conduct an annual random test of wireless communications facilities to ensure their compliance with all FCC radio-frequency emission limits as they pertain to exposure to the general public. The cost of such tests shall be paid by the owner of the wireless communications facilities.
    - (a) In the event that such independent tests reveal that a wireless communications facility is emitting radio frequency emissions or radiation in excess of FCC exposure guidelines as they pertain to the general public, the Township shall notify the owner and all residents living within 1500 feet of the wireless communication facility of the violation, and the owner shall have forty-eight (48) hours to bring the wireless communications facility into compliance. Failure to bring the wireless communications facility into compliance shall result in the forfeiture of the bond, and the Town

shall have the right to (1) terminate the approval and/or (2) require the removal of such wireless communications facilities in the sole discretion of the Township.

- (3) The owner shall pay an annual fee set forth in subsection G(2) per active wireless communications facility.
  - (6) Any wireless communications facility that is no longer in use shall be removed by the owner within 60 days of submission of the annual re-certification affidavit, at the owner's expense.
    - (a) Any wireless communications facility that is not removed within 60 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day until such installation is removed.
  - (7) Where such annual recertification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for wireless communications facilities shall be accepted until such time as the annual re-certification has been submitted and all fees and fines paid.
- S. Non-permitted installations. Any wireless communications facilities constructed, erected, modified or enhanced prior to the issuance of the required approval set forth in this Chapter shall be removed prior to the submission of an application. No consideration of any application for a wireless communications facility shall be made, and no so-called "shot clock" for approval shall commence while such unauthorized installations remain.
- T. 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.
- U. 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 IV**

§123-1 is hereby amended to repeal and replace the first paragraph with the following.

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined below have the same meaning as those defined in N.J.C.A. 7:29-1, et seq., and §205-2.

#### **SECTION V**

§123-1 is hereby amended to delete the definition of PUBLIC RIGHT-OF-WAY.

#### **SECTION VI**

§123-2(A)(10) is hereby added as follows.

(10) Wireless communications facilities.

#### **SECTION VII**

§123-5A(1) is hereby added as follows.

(1) Wireless communications facilities and all related antennae, equipment, and cabinets shall not exceed 50 decibels between 8:00 a.m. and 8:00 p.m. and 40 decibels between 8:00 p.m. and 8:00 a.m.

#### **SECTION VIII**

A new Chapter 81 is hereby added as follows.

C. DESIGN GUIDELINES FOR THE PUBLIC RIGHT-OF-WAY.

CHAPTER 81 Design Guidelines for the Public Right-of-Way

§81-1 Definitions

The definitions set forth in §205-2 shall apply to this Chapter.

§81-2 Regulations

- A. To the extent permitted by law, all public utilities and wireless communications facilities sited in the ROW shall comply with the following design and aesthetic guidelines.
- B. All public utilities and wireless communications facilities sited in the ROW 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.

1. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.
  2. Where feasible, as new technology becomes available, the owner shall replace larger, more visually intrusive facilities with smaller, less intrusive, and more camouflaged utilities and facilities.
- C. All pole-mounted equipment shall be installed as close to the pole as technically and legally feasible to minimize impacts to the visual profile, painted flat and non-reflective colors to match the underlying pole, placed behind existing signs, and oriented away from prominent views.
1. No above-ground or pole-mounted equipment in the ROW shall be finished with reflective materials.
  2. 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. All required or permitted signage in the ROW must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures.
- E. The color of all antennae, equipment, base stations, and cabinets shall be consistent with the location.
- F. Any graffiti shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.

§81-3 Violations and penalties.

A violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.

#### **SECTION IX**

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

#### **SECTION X**

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

#### **Effective date.**

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

OPEN

No comments.

CLOSED

Motion to adopt Ordinance 19-23C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 4. First Reading Ordinance 19-24C: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTERS 51 AND 82 PERTAINING TO BEACHES**

Motion to adopt Ordinance 19-24C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 5. First Reading Ordinance 19-25C: 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 64 WHICH PERTAINS TO CERTIFICATES OF OCCUPANCY**

Motion to adopt Ordinance 19-25C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 6. First Reading Ordinance 19-26C: 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 94 WHICH PERTAINS TO FLOOD DAMAGE PREVENTION**

Motion to adopt Ordinance 19-26C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

#### **ADOPTIONS & APPROVALS**

7. Resolution 10-1007.02: Support Referendum to allow Veterans or Widowed Spouses of Veterans to be eligible for Property Tax Deduction

#### **RESOLUTION 19-1007.02**

**RESOLUTION TO URGE VOTERS TO SUPPORT THE REFERENDUM ON THE ELECTION BALLOT IN NOVEMBER, SO THAT VETERANS OR WIDOWED SPOUSES OF VETERANS WHO RESIDE IN**

October 7, 2019

**CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) WILL BE ELIGIBLE FOR PROPERTY TAX DEDUCTION**

**WHEREAS**, the State Constitution for New Jersey authorizes veterans and widowed spouses of veterans who served in active duty during war and other times of emergency to receive a property tax deduction, in the amount of \$250 per year, in well-deserved recognition of their service to our country; and

**WHEREAS**, veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities (CCRC) have been unfairly denied eligibility for the \$250 property tax deduction because they do not own their units, even though they instead contribute to property taxes through a monthly payment, and even though they have made the same sacrifices as all veterans in our great country; and

**WHEREAS**, there are twenty-five CCRCs in the State which collectively house approximately 2,500 veterans or widowed spouses who are being denied the property tax deduction; and

**WHEREAS**, Senator Vin Gopal has sponsored legislation (S1331), that has been approved by the Senate and General Assembly, to extend the deduction to veterans and their widowed spouses in CCRCs; and

**WHEREAS**, the extension of the deduction, because it requires an amendment to the State Constitution, must be approved by the voters at the ballot in November before it will become valid and effective; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach now desire to memorialize their support of the referendum on the ballot in November, and to urge the voters of this State to vote in favor of the property tax deduction for veterans and widowed spouses of veterans who reside in CCRCs.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach hereby urges voters to support the referendum on the ballot in November 2019, so that veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities ("CCRC") will be eligible for the \$250 property tax deduction; and

**BE IT FURTHER RESOLVED** that the Board of Commissioners of the Township of Long Beach believes that this small benefit to our veterans and widowed spouses of veterans who reside CCRCs is a proper and warranted acknowledgment of the tremendous sacrifices that veterans have given to protect and serve our great nation.

8. Resolution 19-1007.03: Approve various changes to Water/Sewer accounts

**RESOLUTION 19-1007.03**

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

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

<b><u>BLOCK LOT/QUAL</u></b>	<b><u>ACCT #/ACCT</u></b>	<b><u>YEAR</u></b>	<b><u>CANCEL/CHANGE</u></b>	<b><u>AMOUNT</u></b>
4.15 13	975-0 Sewer	2019	Removed G. D.	\$56.25
14.25 16	4931-0 Water/Sewer	2018	Standby Credit	\$76.25
20.152 1	7565-0 Water	2019	Returned Meter Sensor	\$190.00

**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.

9. Resolution 19-1007.04: Approve various personnel matters

**RESOLUTION 19-1007.04**

**Beach Patrol**

Hire the following as Seasonal Lifeguard at a rate of \$90.05 per day to be paid from the Lifeguard Salary & Wage effective retroactive to August 20, 2019.

Shane Gallagher

Hire the following as Seasonal Lifeguards at a rate of \$86.71 per day to be paid from the Lifeguard Salary & Wage effective retroactive to August 1, 2019.

Ryan Dean

Change the following employee's title from Seasonal Lifeguard Lieutenant to Seasonal Lifeguard and change his rate of pay to \$101.72 per day to be paid from the Lifeguard Salary & Wage effective retroactive to August 3, 2019.

Tyler O'Grady

**Health Department**

Approve a one-time stipend to the following employee in the amount of \$2,000.00 for significant job duties to be paid from Health Department Salary & Wage effective October 7, 2019.

Casey Wolf

**Public Works**

Hire the following employee as a Seasonal Part-Time Laborer 1 at the rate of \$18.00 per hour to be paid from Public Works Salary & Wage effective retroactive to September 16, 2019.

Barry Cox



**Police**

Hire the following employee as a Full-Time Class II Officer at the rate of \$15.50 per hour to be paid from Police Salary & Wage effective retroactive to September 7, 2019.

Austin Spagnola

Motion to approve Items 7-9:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**PURCHASES, CONTRACTS & AWARDS**

10. Resolution 19-1007.05(a&b): Approve various contracts, per State and County Cooperatives:

- a. Purchase of a 2020 Ford F350 Pickup Truck, Winner Ford, \$50,984.00
- b. Purchase of a 2020 Ford Ranger, Winner Ford, \$28,070.00

**RESOLUTION 19-1007.05(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**, Chas S. Winner, Inc., dba Winner Ford has been awarded New Jersey State Contract #A88758 (Index #T-2101) for the period March 15, 2019 through March 18, 2020; and

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

**WHEREAS**, the actual cost for the purchase of (1) 2020 Ford F350 4WD Pickup Trucks for the Water Sewer Department is Fifty Thousand Nine Hundred Eight Four Dollars (\$50,984.00); and

**WHEREAS**, that the Chief Financial Officer has provided a certification of funds for 2019 of the lease agreement with Fulton Bank in the amount of \$11,468.14 in the appropriation "Water Sewer Contractual Services" Account #9-09-55-549-029 payable to Fulton Bank, with appropriation allowances to be made in future budgets for the remainder of the lease agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that Chas S. Winner, Inc., dba Winner Ford, 250 Haddonfield – Berlin Rd., Cherry Hill, NJ 08034 be awarded a contract for purchase and delivery of one (1) 2020 Ford F350 4WD Pickup Truck for Water Sewer.

**RESOLUTION 19-1007.05(b)**

**WHEREAS**, the Township of Long Beach wishes to purchase from an authorized vendor under the Ocean County Cooperative Purchasing System; 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**, Chas S. Winner, Inc., dba Winner Ford has been awarded Ocean County Contract #B2018-175 for the period January 16, 2019 through January 15, 2020; and

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

**WHEREAS**, the actual cost for the purchase of (1) 2020 Ford Ranger for the Water Sewer Department is Twenty-Eight Thousand Seventy Dollars (\$28,070.00); and

**WHEREAS**, that the Chief Financial Officer has provided a certification of funds for 2019 of the lease agreement with Fulton Bank in the amount of \$6,538.59 in the appropriation "Water Sewer Contractual Services" Account #9-09-55-549-029 payable to Fulton Bank, with appropriation allowances to be made in future budgets for the remainder of the lease agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that Chas S. Winner, Inc., dba Winner Ford, 250 Haddonfield – Berlin Rd., Cherry Hill, NJ 08034 be awarded a contract for purchase and delivery of one (1) 2020 Ford Ranger for Water Sewer.

Motion to approve Item 10:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**FINANCIAL APPROVALS**

11. Resolution 19-1007.06: Approve the 2018 Annual Audit

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**RESOLUTION 19-1007.06**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the Board of Commissioners of the Township of Long Beach, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

12. Resolution 19-1007.07: Approve the Cancellation of a Tax Levy

**RESOLUTION 19-1007.07**

**A RESOLUTION AUTHORIZING THE CANCELATION OF A TAX LEVY**

**WHEREAS**, the Township of Long Beach received and accepted ownership of Block 13.19 Lot 12 also known as 8100 Long Beach Blvd. in April of 2019; and

**WHEREAS**, a tax-exempt status needs to be established for the remainder of 2019, as well as the cancellation of the remainder of the tax billings for 2019, in the amount of \$2001.44 for 8100 Long Beach Blvd.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey the Tax Collector is hereby authorized to cancel the remainder of the tax billings for 2019 for Block 13.19 Lot 12 in the amount of \$2001.44.

13. Resolution 19-1007.08: Accept a sub-grant award: Ocean County Health Department, Ocean County Child Health, Childhood Lead Exposure Prevention (CLEP) Project; \$3,800.00

**RESOLUTION 19-1007.08**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF A SUBGRANT AWARD FROM THE OCEAN COUNTY BOARD OF HEALTH**

**WHEREAS**, the County of Ocean Board of Health is the recipient of the Ocean County Child Health, Childhood Lead Exposure Prevention (CLEP) Project grant; and

**WHEREAS**, the County of Ocean Board of Health is sub-awarding a portion of the grant to the Long Beach Island Health Department in the amount of \$3,800.00 pursuant to the terms in Ocean County Board of Health Resolution 261(19).

**NOW, THEREFORE, BE IT RESOLVED**, that the Board Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, accepts the award of the Ocean County Child Health, Childhood Lead Exposure Prevention (CLEP) Project Subgrant in the amount of \$3,800.00 pursuant to the terms in Ocean County Board of Health Resolution 261(19).

14. Resolution 19-1007.09: Approve a Refund to a Tax account: Block 10.14 Lot 3, \$2,073.75

**RESOLUTION 19-1007.09**

**WHEREAS**, the following Tax Account is due a refund due to the duplicate payment of taxes; and

**WHEREAS**, it is requested by the Director of Revenue and Finance that this refund be made as follows:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>ADDRESS</u></b>	<b><u>PAYEE</u></b>	<b><u>AMOUNT</u></b>
10.14	3	15 E. Colorado Ave	Craig Clearwater 210 Christopher Street Montclair, NJ 07042	\$2,073.75

**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 make the above-noted refund.

15. Resolution 19-1007.10: Release a portion of a Performance Bond:  
LUB 18-10, Block 4.49 Lot 12, \$8,250.00

**RESOLUTION 19-1007.10**

**WHEREAS**, pursuant to Resolution 18-1001.089(a), the Township of Long Beach accepted from 2015 Atlantic Ave., LLP, Official Check No. 6757401583, drawn on Wells Fargo Bank, dated September 7, 2018 in the amount of Fourteen Thousand Six Hundred Thirty Dollars (\$14,630.00), representing the required Performance Bond for Minor-Subdivision #LUB-10-18, Block 4.49, Lot 12 (2015 Atlantic Avenue); and

**WHEREAS**, on an inspection by the Municipal Engineer on September 30, 2019, it was determined some of the work was complete and the release of a portion of the performance bond was recommended.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach hereby approves the release of a portion of the Performance Bond in the amount of Eight Thousand, Two Hundred Fifty Dollars (\$8,250.00), as per its Municipal Land Use Ordinance and as per the recommendation and certification of the Municipal Engineer.

16. Resolution 19-1007.11 (a-c): Approve Various Chapter 159's
- a. 2019 CDBG Project; Handicap Access-131<sup>st</sup> & 119<sup>th</sup> Streets, \$35,000.00
  - b. 966 Reimbursement (2020) – Portable Radios, \$8,266.00
  - c. 966 Reimbursement (2020) – Mobile Radio, \$4,208.75

**RESOLUTION 19-1007.11(a)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2019 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) 2019 COMMUNITY DEVELOPMENT BLOCK GRANT**

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

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

**WHEREAS**, the Ocean County Planning Board, on behalf of the Ocean County Board of Chosen Freeholders, have allocated \$35,000.00 for the installation of a handicap beach access ramp at 131<sup>st</sup> and 119<sup>th</sup> Streets, Long Beach Township; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2019 Municipal Budget to provide for the insertion of this reimbursement as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2019 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous revenues

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

2019 Community Development Block Grant: \$35,000.00

2. That the Board of Commissioners does hereby further authorize an appropriation of an equal sum under the caption of:

**GENERAL APPROPRIATION:**

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

2019 Community Development Block Grant: \$35,000.00

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

**RESOLUTION 19-1007.11(b)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2015 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159)**

**966 REIMBURSEMENT (2020) – PORTABLE RADIOS**

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

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

**WHEREAS**, the New Jersey State Office of Emergency Management has approved a reimbursement for portable radios in the amount of \$8,266.00; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2019 Municipal Budget to provide for the insertion of this reimbursement as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2019 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous revenues

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

NJ State Office of Emergency Management: \$8,266.00

2. That the Board of Commissioners does hereby further authorize an appropriation of an equal sum under the caption of:

**GENERAL APPROPRIATION:**

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

966 Reimbursement Grant (2020): \$8,266.00

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

**RESOLUTION 19-1007.11(c)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2015 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159)**

**966 REIMBURSEMENT (2020) – MOBILE RADIO**

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

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

**WHEREAS**, the New Jersey State Office of Emergency Management has approved a reimbursement for the purchase of a laptop computer in the amount of \$4,208.75; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2019 Municipal Budget to provide for the insertion of this reimbursement as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2019 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous revenues

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

NJ State Office of Emergency Management: \$4,208.75

2. That the Board of Commissioners does hereby further authorize an appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

966 Reimbursement Grant (2020): \$4,208.75

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

17. Resolution 19-1007.12: Approve a change order, 2018 Holgate Sanitary Sewer Pump Station, B & H Contracting, Inc.:  
\$121,250.00

**RESOLUTION 19-1007.12**

**RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR THE 2018 HOLGATE SANITARY SEWER PUMP STATION PROJECT IN THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, B & H Contracting, Inc. was awarded a contract for 2018 Holgate Sanitary Sewer Pump Station Project in the Township of Long Beach in the amount of One Million, Nine Hundred and one Thousand, Seven Hundred Eighty-five dollars (\$1,901,785.00) as per Resolution 18-0702.09; and

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

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

**WHEREAS**, sufficient funds are available and certified by the Chief Financial Officer from the Appropriation made by Ordinance 18-15 RPR/RPL VAR W/S MAIN-HOL PUMP ACCOUNT # U-08-55-987-901 in the amount of \$121,250.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach at a regular scheduled meeting, (not less than two-thirds (2/3) of the members thereof affirmatively concurring) this 7<sup>th</sup> day of October 2019 that B&H Contracting 1022 Black Horse Pike Folsom, NJ 08037, be and is hereby awarded Change Order #1 in the amount of One Hundred Twenty-One Thousand Two Hundred and Fifty Dollars (\$121,250.00), representing a 6.38% increase over the original contract price, for payment of the work required to complete the 2018 Holgate Sanitary Sewer Pump Station Project in the Township of Long Beach.

18. Resolution 19-1007.13: Authorizing in REM foreclosure proceedings on certain properties

**RESOLUTION 19-1007.13**

**A RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING IN REM FORECLOSURE PROCEEDINGS ON CERTAIN PROPERTIES IN THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, the Township of Long Beach holds Tax Certificates on the following properties:

BLOCK	LOT	OWNER	PROPERTY	LOCATION
Block 12.07	Lot 16	Julia H. Lewis Irrevocable Trust f/b/o Shindu Shapiaru, Jeffrey A. Shapiro, Jr., Judith Shapiro, and Jane Bergman, tenants in common	120x40/42	E. Mariners Lane
Block 12.07	Lot 17	Julia H. Lewis Irrevocable Trust f/b/o Shindu Shapiaru, Jeffrey A. Shapiro, Jr., Judith Shapiro, and Jane Bergman, tenants in common	120x60/61	E. Mariners Lane

**WHEREAS**, should the property taxes not be redeemed or the taxes owed otherwise be paid, the Township of Long Beach desires to return these properties to the tax rolls by authorizing foreclosure proceedings by the summary proceedings In Rem, and as described in N.J.S.A. 54:5-104.29 to 54:5-104.71, as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey to begin after October 11, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey that the Tax Sale

Certificates as shown on the above foreclosure list now held by the Township of Long Beach be foreclosed by summary proceedings In Rem, and as set forth in N.J.S.A. 54:5-104.29 to 54:5-104.71, as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey to begin after October 11, 2019.

19. Resolution 19-1007.14: Approve Bills & Payroll  
Bills in the amount of: \$4,318,772.40  
Payroll in the amount of: \$1,198,241.78

**RESOLUTION 19-1007.14**

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

**WHEREAS**, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

**WHEREAS**, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

**WHEREAS**, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$1,198,241.78.

**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 \$4,318,772.40. be and the same are hereby authorized to be paid on Monday, October 7, 2019

2. The said approved payroll amounting to the sum of \$1,198,241.78. be and the same are hereby authorized to be paid on Monday, October 7, 2019.

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 11-19:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**Administrator's Report:** Kite Festival would be this upcoming weekend (October 11-13, 2019) along with Shellabration on Saturday from 12-5 p.m..

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi:** The buses would run their regular weekend schedule for this upcoming weekend. Flu shots were available through the Board of Health.

**Commissioner Bayard:** Dune grass from the County would be available this weekend at Public Works garage. Water meters would be sold Saturday, October 12<sup>th</sup> and on Monday, October 13<sup>th</sup> from 8am-12pm.

**Mayor Mancini:** The next meeting of the Land Use Board will be held on Thursday, October 10<sup>th</sup> at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinance(s) 19-24C, 19-25C and 19-26C will take place at the public meeting held on November 4<sup>th</sup> at 4:00 pm. Thanked the volunteers who helped with the polo match which was on October 5, 2019, it was a great event.

**OPEN PUBLIC SESSION**

Joni Bakum: Thanked for all the help and hard work to make the polo match a big success. DQ Events Triathlon was successful and they made a \$1,000.00 donation.

Bill Hutson, Holgate: Provided information regarding Kite Festival.

Jack Bushko: Commented that there would be a video of the polo match on YouTube.

Tom Beatty, Holgate: Thanked the Commissioners for the air pump in Holgate and suggested they provide a longer hose to reach around the vehicles.

Rand Pearsall, Holgate: Questioned the beach conditions in Holgate.

Mayor: Beach 2 dunes were pushed back to pre-Sandy conditions; no more sand would be moved until the spring.

Pearsall: Inquired about dune grass planting in Holgate.

Mayor: The Township received one quote so far for dune grass planting and it came in on the high side, considering different options and organizations to help out.

Dick Jeffries, 129<sup>th</sup> Street: Shared pictures of Long Beach Island from many years ago, would like to see a winter art festival.

Susan Barnum, Brant Beach: Questioned if all Island municipalities have a common plan for the future of the Island and who decides when the lights start blinking?

Mayor: Advised her to speak to the Joint Tax Payers Association regarding the six municipalities working together and that the County is works with each municipality about when the lights in their town will start blinking.

**CLOSE PUBLIC SESSION**

Motion for adjournment at 4:30 p.m.:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

Lynda J. Wells, RMC  
Municipal Clerk

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Joseph H. Mancini, Mayor

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Ralph H. Bayard, Commissioner

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Dr. Joseph P. Lattanzi, Commissioner