

**Flag Salute**

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

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES and ASBURY PARK PRESS on December 21, 2017; and filed with the Municipal Clerk.

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

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

**AGENDA**

**PROCLAMATIONS**

Mildred Hrbek: 100<sup>th</sup> Birthday on July 2<sup>nd</sup>

**PROCLAMATION**

**PROCLAMATION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY RECOGNIZING WITH CONGRATULATIONS THE 100<sup>TH</sup> BIRTHDAY OF MILDRED HRBEK**

**WHEREAS**, it has come to the attention of the Township of Long Beach that the esteemed Mildred Hrbek is about to celebrate a significant milestone in her life; she will become 100 Years young on the Second day of July 2018; and

**WHEREAS**, the Governing Body wishes to acknowledge her life and accomplishments here on Long Beach Island; and

**WHEREAS**, Mildred and her late husband, Arthur, formerly from Upper Saddle River, New Jersey became permanent residents at 1 Seaview Drive South, Loveladies New Jersey in the early 1960's; and

**WHEREAS**, in the 1980's Mildred owned "THE OSPREY NEST" antique shop located in Barnegat Light; and

**WHEREAS**, Mildred's three daughters: Linda McManus of Palm Harbor, Florida, Michele Gray of Fort Myers, Florida and Sherrill Gavin of Kent Island, Maryland, along with her nine (9) grandchildren and five (5) great grandchildren note with pride that Mildred is an active member of the Zion Lutheran Church and Bible Class of Barnegat Light, a member of the Seaview Beach Property Owners (SBPO) Association and a former trustee of the Loveladies Property Owners Association (LPOA); and

**WHEREAS**, Mildred enjoys her Wednesday morning breakfasts "with the girls" at Scojo's, keeps in touch with family and friends via e-mail and tends to her "Teddy Bear" collection; and

**WHEREAS**, Mildred Hrbek is admired as a vital member of our Township and community.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby salute and congratulate Mildred Hrbek on the momentous occasion of her 100<sup>th</sup> birthday, for her significant accomplishments and numerous contributions to our community and wishes her well in the future.

**ORDINANCES & PUBLIC HEARINGS**

1. Second Reading Ordinance 18-16C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 205 PERTAINING TO OUTDOOR FIRES AND FIRE DEVICE**

**ORDINANCE 18-16C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 205 PERTAINING TO OUTDOOR FIRES AND FIRE DEVICES**

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

**STATEMENT OF PURPOSE**

This Ordinance amends various definitions and regulations to clarify the existing regulations and restrictions regarding the placement and use of outdoor fire devices, to revise the applicable measurements for the location requirements

of fire devices, to create additional regulations and exceptions relating thereto, and to amend certain definitions.

**SECTION I**

§205-2 is hereby amended to repeal and replace the definitions of "Permanent Fire Device" and "Portable Fire Device," as well as add the definition for "Outdoor Cooking Device" as follows.

**OUTDOOR COOKING DEVICE**

A device that uses recreational fire in any type and manner, including, but not limited to, ranges, stoves, barbeque grills, propane grills, gas grills, or ovens to cook or prepare any type of food.

**PERMANENT FIRE DEVICE**

A device such as a fire pit, outdoor cooking device, fireplace, fire bowl, brick, stone or masonry enclosure, or chiminea that is constructed to contain a fire, is not made out of any combustible materials, and is built into the ground and/or is built, affixed, and/or anchored to any building, accessory building, or structure. All outdoor cooking devices, including, but not limited to, grills, stone or masonry enclosures, stoves, and ovens not approved and installed entirely within a dwelling shall constitute a permanent fire device.

**PORTABLE FIRE DEVICE**

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

§205-2 is hereby further amended to add the following definition.

**SECTION II**

§205-37 is hereby amended to delete "recreational" from the title and it shall now read "Outdoor recreational fires and devices."

**SECTION III**

§205-37F and G are hereby repealed and replaced with the following.

- F.** Location requirements.
- (1) Neither permanent fire devices nor portable fire devices shall be located in any side yard or area of any lot fronting on a public street or easement.
    - (a) Limited, 1-day approval for the location of portable fire devices in the area of any lot fronting on a public street or easement or within the street may be granted by application to the Zoning Officer, which shall be subject to an application fee of \$100 and reviewed for approval or rejection by the Board of Commissioners, and any such approval shall be subject to reasonable restrictions set by the Board of Commissioners.
  - (2) Portable fire devices shall be a minimum of 5 feet from any building or structure and a minimum of 10 feet from any lot line, except that such shall be permitted on decks and patios, provided such are a minimum of 5 feet from any building and 10 feet from any lot line. All portable fire devices shall be measured from the furthest protruding edge of the device except that fire pits shall be measured from center of the pit to the lot line and from the furthest protruding edge to any building or structure.
  - (3) Permanent fire devices shall be a minimum of 5 feet from any building or accessory structure and a minimum of 10 feet from any lot line, except that such may be permitted on decks and patios. All permanent fire devices shall be measured from the furthest protruding edge of the device except that fire pits shall be measured from center of the pit to the lot line and from the furthest protruding edge to any building or structure.
  - (4) Portable and permanent fire devices shall be within the radius of a working garden hose or a working fire extinguisher shall be stored within 10 feet therefrom.
  - (5) Except as provided herein, no permanent fire devices or portable fire devices shall be permitted to be installed or placed under any portion of any building, accessory building, or structure.

- (a) An outdoor cooking device which also constitutes a permanent fire device may be affixed to any building, accessory building, or structure and/or installed under any portion of any building, accessory building, or structure if the outdoor cooking device complies with all State and local building and fire codes relating to the device if it were located inside a building or accessory building. This exception does not apply to any portable fire device regardless of whether it also constitutes an outdoor cooking device.
- G.** Fireplaces. Notwithstanding the foregoing, exterior masonry and wood-burning fireplaces may be attached to the building or accessory building and shall comply with the zoning regulations as per §205-11F, all building code requirements for masonry fireplaces, and all other applicable State and local building and fire codes.

#### **SECTION IV**

§205-37H is hereby re-designated subsection "I" and the following subsection shall be added.

- H.** FEMA Regulations. The construction and placement of all permanent fire devices and placement of all portable fire devices shall comply with all applicable FEMA regulations.

#### **SECTION V**

All Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

#### **SECTION VI**

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.

#### **SECTION VII**

This Ordinance shall take effect upon publication thereof after final passage according to law.

Passed on first reading at a regular meeting held on May 7, 2018 and advertised in the BEACH HAVEN TIMES issue of May 10, 2018 and June 7, 2018.

The Land Use Board reviewed and approved this Ordinance at their June 15<sup>th</sup> meeting.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-16C on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

2. Second Reading Ordinance 18-17C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 PERTAINS TO GENERAL COMMERCIAL AND MARINE COMMERCIAL ZONES**

#### **ORDINANCE 18-17C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 205 PERTAINS TO GENERAL COMMERCIAL AND MARINE COMMERCIAL ZONES**

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

#### **STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend §205-59 and §205-61 in order to omit and clarify certain information repetitiously stated in each section.

#### **SECTION I**

§205-59A is hereby amended to repeal sub-sections (18), (19), and (20) in their entirety.

#### **SECTION II**

§205-61A is hereby amended to add the following new sub-section o:

- (o) Mixed Uses.

#### **SECTION III**

- §205-61 is hereby amended to add the following new sub-section I:
- I. Prohibited Uses and Buildings. Refer to §205-59B (General Commercial Zone) of this Code.

#### **SECTION IV**

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

#### **SECTION V**

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

#### **Effective date.**

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

Passed on first reading at a regular meeting held on May 7, 2018 and advertised in the BEACH HAVEN TIMES issues of May 10, 2018 and June 7, 2018.

The Land Use Board reviewed and approved this Ordinance at their June 15<sup>th</sup> meeting.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-17C on Second Reading:

Motion: Bayard

Ayes: Bayard, Mancini

Second: Mancini

Nays:

3. Second Reading Ordinance 18-18: **BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF STORM WATER PUMP STATIONS IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,100,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,100,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

#### **ORDINANCE 18-18**

**BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF STORM WATER PUMP STATIONS IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,100,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,100,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

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

**Section 1.** The purpose described in Section 7 hereof is hereby authorized as a general improvement to be made or acquired by the Township of Long Beach, County of Ocean, New Jersey ("Township").

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

(a) the estimated amount to be raised by the Township from all sources for the purpose stated in Section 7 hereof is \$1,100,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is \$1,100,000.

**Section 3.** The sum of \$1,100,000, to be raised by the issuance of bonds or bond anticipation notes, is hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the Township in an amount not to exceed \$1,100,000 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$1,100,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$225,000.

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

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Construction of Storm Water Pump Stations at various locations throughout the Township including, but not limited to, 71 <sup>st</sup> Street, 76 <sup>th</sup> Street and 81 <sup>st</sup> Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$1,100,000	\$0	\$1,100,000	40 years

**Section 8.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$1,100,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

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

expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

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

- (a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by this Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;
- (b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;
- (c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;
- (d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and
- (e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 14.** The improvement authorized hereby is not a current expense and is an improvement that the Township may lawfully make. No part of the cost of the improvement authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 16.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

**Date of Introduction:** June 4, 2018

**Date of Final Adoption:** July 2, 2018

**Notice of Pending Bond Ordinance 18-18 and Summary.**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, on June 4, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Commissioners to be held at the Administration Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on July 2, 2018, at 4:00 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF STORM WATER PUMP STATIONS IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,100,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,100,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Construction of Storm Water Pump Stations at various locations throughout the Township including, but not limited to, 71 <sup>st</sup> Street, 76 <sup>th</sup> Street and 81 <sup>st</sup> Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$1,100,000	\$0	\$1,100,000	40 years
Appropriation:		\$1,100,000			
Bonds/Notes Authorized:		\$1,100,000			
Grants (if any) Appropriated:		None			

Section 20 Costs: \$225,000  
Useful Life: 40 years

**Bond Ordinance 18-18 Statements and Summary**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey on July 2, 2018 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Township Clerk's office at 6805 Long Beach Boulevard, Brant Beach, New Jersey for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF STORM WATER PUMP STATIONS IN AND FOR THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,100,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,100,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Construction of Storm Water Pump Stations at various locations throughout the Township including, but not limited to, 71 <sup>st</sup> Street, 76 <sup>th</sup> Street and 81 <sup>st</sup> Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$1,100,000	\$0	\$1,100,000	40 years

Appropriation: \$1,100,000  
Bonds/Notes Authorized: \$1,100,000  
Grants (if any) Appropriated: None  
Section 20 Costs: \$225,000  
Useful Life: 40 years

Passed on first reading at a regular meeting held on June 4, 2018 and advertised in the BEACH HAVEN TIMES issue of June 7, 2018.

OPEN PUBLIC HEARING  
No comment  
CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-18 on Second Reading:  
Motion: Bayard Ayes: Bayard, Mancini  
Second: Mancini Nays:

4. Second Reading Ordinance 18-19C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997” IN CHAPTER 64, AMENDING A SUBSECTION RELATING TO SWIMMING POOLS IN THE TOWNSHIP OF LONG BEACH**

**ORDINANCE 18-19C**  
**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997” IN CHAPTER 64, AMENDING A SUBSECTION RELATING TO SWIMMING POOLS IN THE TOWNSHIP OF LONG BEACH**  
**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to amend a subsection in Chapter 64 to establish dates and times when de-watering of inground swimming pool excavations into a public right of way shall be permitted.

**SECTION I**  
§64-14 is hereby repealed in its entirety and replaced with the following.  
§64-14. **Swimming Pools**

- A. A permit issued by the Construction Code Official is required for the installation of a permanent or semi-permanent swimming pool. In addition, a building permit is required for any pool whose structure is more than 3 feet above finished grade.
- B. All de-water pumping for inground swimming pool excavations shall be completed within 15 days from the start of pumping.
- C. Between June 15 and September 15 of any calendar year, a maximum of 5 working days shall be permitted for de-watering an inground swimming pool.

## **SECTION II**

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

## **SECTION III**

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

### **Effective date.**

This ordinance shall take effect after final adoption and publication as required by law. Passed on first reading at a regular meeting held on June 4, 2018 and advertised in the BEACH HAVEN TIMES issue of June 7, 2018.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-19C on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

5. Second Reading Ordinance 18-20C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTERS 160 PERTAINS TO SIGNS**  
**ORDINANCE 18-20C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTERS 160 AND PERTAINS TO SIGNS**

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

### **STATEMENT OF PURPOSE**

This Ordinance amends and reformats various regulations concerning signs in the Township of Long Beach.

## **SECTION I**

Chapter 160 is hereby repealed and replaced in its entirety with the following.

**Chapter 160:** Signs.

**Article I:** Purpose and Definitions

§160-1. **Purpose.**

The purpose of this Chapter 205, Article V, Signs, is to establish regulations for the fabrication, erection, and use of signs, banners, symbols, markings, and advertising devices. The standards are designed to protect and promote the public and environmental welfare, health, and safety, as well as to aid in the development and promotion of business and industry by providing sign regulations that encourage aesthetic harmony, effectiveness, flexibility, and safety concerns in the design and use of such devices without causing harm to the public and environmental health, welfare, and safety, including negative impacts upon business and industry.

§160-2. **Definitions.**

As used in this Chapter, the following terms shall have the following meanings indicated.

### **ABANDONED SIGN**

A sign that no longer advertises a bona fide business, lessor, owner, product or activity conducted, or product available or that directs persons to a former location where such goods, products, services, or facilities are no longer available.

### **AREA OF SIGN**

The area of the largest single face of the sign within a perimeter that forms the outside shape, including any frame, that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than 1 section or module, all areas will be



totalled. Where poster panels or bulletins are installed back to back, 1 face only is considered as "area." If there is a difference, the larger face will be counted.

**BANNER**

A strip of flexible material or cloth and/or narrow flag-type sign bearing copy, color, design, and/or any other symbol.

**CHANGEABLE SIGN**

A manual or electronically or electrically controlled sign that changes copy on the sign.

**CONSTRUCTION SIGN**

A temporary sign identifying a building or construction site and any or all of the architects, engineers, financial institutions, contractors, and suppliers involved.

**COPY**

Any wording on a sign surface.

**COPY AREA**

The area in square feet of the smallest geometric figure that describes the area enclosed by the actual copy of a sign. For fascia signs, the "copy area" limits refer to the message not to the illuminated background.

**DIRECTIONAL SIGN**

Any sign that serves solely to designate the location of any place or area.

**ELECTRICAL SIGN**

Any sign containing electrical wiring that is attached or intended to be attached to an electrical energy source.

**FACE OF SIGN**

The entire area of sign upon which copy could be placed.

**FASCIA SIGN or WALL SIGN**

A sign attached to or against a wall of a building, with the face parallel to the building wall, and extending not more than 1 foot therefrom.

**FEATHER FLAG**

A banner or flag with a feather-like structure and/or feather shaped.

**FLAG**

A piece of cloth or other flexible material varying in size, shape, color, and design, usually attached on 1 edge to a staff or cord bearing copy, color, design, and/or any other symbol and often employed to display the symbol of a nation, state, or organization.

**FLASHING SIGN**

Any sign that contains an intermittent or flashing light source or that includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Automatic changing signs, such as public service time, temperature, and date signs, or electronically controlled message centers are classed as changeable signs, not "flashing signs."

**IDENTIFICATION SIGN**

A sign that is limited to the name, address, and number of a building, institution, or person and to the activity carried on in the building, institution, or the occupancy.

**ILLUMINATED SIGN**

Any sign that is lighted from within, without, or reflects from a source intentionally directed upon it, for example, by means of floodlights, goose-necked reflectors, or externally mounted light fixtures.

**INCIDENTAL SIGN**

A secondary sign not directly describing goods, products, services, or facilities that are available on the premises where the sign is located, i.e., credit cards accepted, official notices required by law, and trade affiliations.

**LED**

LED, or light emitting diode, is an electronic device that emits light when an electrical current is passed through it.

**MULTIPRISM SIGN**

Signs made with a series of sections that turn and stop or flip to show several pictures or messages in the same area.

**OUTDOOR ADVERTISING SIGN or OFF-SITE SIGN**

Signs that are outdoors or off the premises being advertised that advertise goods, products, or services not necessarily sold on the premises upon which the sign is located and are of 3 main types:

- A. Poster panels or bulletins normally mounted on a building wall, roof, or freestanding structure with advertising copy in the form of pasted paper;
- B. Multiprism signs alternating advertising messages on 1 displayed area; and
- C. Painted bulletins where the copy is painted directly on the background of a wall, roof, or freestanding display area.

**PENNANT**

A tapering flag.

**PORTABLE SIGN**

Any sign not permanently attached to the ground or a building.

**PREMISES**

An area of land with its appurtenances and buildings that, because of its unity of use, is 1 unit of real estate.

**REAL ESTATE OR PROPERTY FOR SALE, RENT, OR LEASE SIGN**

Any sign to sell, lease, or rent land or buildings, but not a sign identifying or advertising a real estate broker's office or other office devoted to the sale of real estate.

**SEASONAL OR HOLIDAY SIGNS**

Signs such as Christmas decorations or those used for an historic holiday and installed for a limited period of time.

**SIGN**

Any identification, description, illustration, symbol, collection of symbols, statue, any landscaping where letters or numbers are used, or device illuminated or nonilluminated that is visible from any public place designed to advertise, identify, or convey information, or direct the public's attention to a product, services, business, non-profit, religious organization, or any other commercial or residential location, with the exception of window displays and non-commercial and non-business related flags. For the purposes of this Chapter and Chapter 205, any and all regulations relating to permitting of signs and the safety and maintenance of signs shall be deemed to include the sign structure, as well, whether or not sign structure is also set forth in the provisions thereof.

**SIGN FACE**

The entire area of sign on which copy could be placed.

**SIGN STRUCTURE**

Any structure that supports, has supported, or is designed to support any type of sign, banner, feather flag, pennant, or flag. A decorative cover is part of a "sign structure."

**TEMPORARY SIGN**

A sign that is not permanently affixed. All devices, such as banners, pennants, flags (not intended to include non-commercial flags), searchlights, twirling or sandwich-type signs, sidewalk or curb signs, and balloons or other air or gas-filled figures.

**Article II: General Regulations; Permits and Inspections; Constructions Standards**

**§160-3. General Regulations.**

- A. All signs not specifically permitted by this Chapter and Chapter 205 are prohibited and no sign or sign structure shall be placed or erected except in accordance with this Chapter and Chapter 205.
- B. All signs shall be designed, constructed, installed, and maintained to be compatible with their surroundings and in a manner so that they do not endanger the public health, welfare, and safety.
- C. The Code Enforcement Officer, the Zoning Officer, and/or their designees shall be the Designated Public Officers charged with the authority to carry out the provisions of this Chapter.
- D. All signs and sign structures shall conform to the requirements of all applicable State and local building codes.
- E. Every sign and sign structure, including any sign exempted from permit requirements, shall be maintained in good structural, aesthetically pleasing, presentable, safe, neatly painted, clean, and in otherwise good and well-maintained condition at all times.

**§160-4. Permits and Inspections.**

- A. Except as otherwise provided in this Chapter and Chapter 205, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign, or cause the same to be done, without first obtaining a sign permit for each such sign from a Designated Public Officer.

- (1) No permit shall be required for a change of copy on any sign, nor for the repainting, cleaning, normal maintenance, or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign and sign structure are not modified in any way. No new permit is required for signs that have permits and that conform with the requirements of this Chapter on the date of its adoption unless and until the sign is altered or relocated.
  - (2). No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building, if any, or their authorized representatives.
- B. Application for a permit shall be made upon a form provided by the Designated Public Officer and shall be accompanied by such information as may be required to ensure compliance with all appropriate laws and regulations, including, at a minimum, the following.
- (1) The name, address, and contact information of the owner and the person in possession of the premises where the sign is located or to be located and the name, address, and contact information of the owner of the sign.
  - (2) A drawing depicting the location of the sign and all other existing signs located on the same premises.
  - (3) A description of the type of sign, material components of the sign, and nature and intended use of the sign.
  - (4) A drawing depicting the sign structure, sign size, electrical components, and method of attachment and character of the structural members to which attachment is to be made. If required by the Designated Public Officer, engineering data shall be supplied on plans submitted, certified by a duly licensed structural engineer.
- C. Application for permits shall be filed with the Designated Public Officer, together with a permit fee; provided, however, that the minimum fee for a permit shall be \$10.
- D. When a sign permit is denied by the Designated Public Officer, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
- E. Any sign permit issued shall become null and void if construction is not commenced within 180 days from the date of such permit. If work authorized by such permit is suspended or abandoned for 120 any time after the work is commenced, a new permit shall be first obtained before any work shall recommence.
- (1) The person erecting, altering, or relocating a sign shall notify the Designated Public Officer upon start of construction and upon completion of the work for which permits are required.
  - (2) All freestanding signs are subject to a footing inspection and all electrical signs are subject to a final electrical inspection.

**§160-4. Construction Standards.**

- A. All signs and sign structures shall comply with all applicable State and local building codes.
- B. Required Support and Anchoring. In addition to the requirements of all applicable State and local building codes, all signs structures shall comply with the following.
- (1) Freestanding sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Foundations shall be designed to carry the weight and wind load of the sign in the soil which it is placed. Such structures or poles shall be fabricated only from painted or galvanized steel or such other materials as may provide equal strength.
  - (2) A parapet wall or roof shall be designed for and have sufficient strength to support any sign that is attached thereto.
  - (3) Wire and cable supports shall have a safety factor of 4. All metal, wire cable supports and braces, and all bolts used to attach signs to brackets and signs to the supporting building or structure shall be of galvanized steel or of an equivalent material. All sign supports shall be an integral part of the sign design.

- (4) Signs and sign structures shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action, unless specifically designed by means of bearings or other methods approved to allow for movement.
- C. Glass. When glass is used for sign letters or transparent or translucent panels, it shall be at least double strength thickness for sign areas up to and including 300 square inches. When glass is used for sign letters or transparent or translucent panels for sign areas in excess of 300 square inches, at least ¼ inch wire glass shall be used, and the maximum span between supports shall be 4 feet.
- D. Wind loads. All signs and sign structures, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows.
  - (1) For solid signs: 30 pounds per square foot on 1 face of the sign.
  - (2) For signs that are not solid: 36 pounds per square foot of the total face area of the letters and other sign surfaces or 10 per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

**Article III: Exempt, Prohibited, and Nonconforming Signs**

**§160-5. Additional Exempt Signs.**

In addition to the exemptions set forth in this Chapter and Chapter 205, the following signs shall be exempt from the provisions of this Chapter, but which shall nevertheless comply with all other applicable provisions of the Code, including, but not limited to, Chapter 205, and all applicable State and local building codes.

- A. Construction signs. Construction signs for which a valid building or zoning permit has been issued.
- B. Directional or instructional signs. Signs that provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed 4 square feet in area, such as signs identifying rest rooms or walkways, or signs providing direction, such as parking lot entrance and exit signs, as well as those of similar nature.
- C. Flags. Flags not used for any commercial or business-related advertising purposes.
- D. Holiday signs. Signs of a primarily decorative nature clearly incidental and customary and commonly associated with any national, local, or religious holiday, provided that such signs shall be displayed for a period of not more than 45 consecutive days nor more than 60 days in any 1 year. Such signs may be of any type, number, area, height, illumination or animation and shall be set back not less than 10 feet from all boundary lines of the lot, provided that a clear area be maintained to a height of 72 inches within 55 feet of the center line of the intersection of 2 streets and a street and driveway. Subject to the foregoing, any type of holiday decorations that partially camouflage or divert attention from traffic signals or directional signals are specifically prohibited.
- E. House numbers, name plates, home office, and security signs. House numbers, name plates, home office, and security signs not exceeding 2 square feet in area for each residential building.
- F. Incidental signs. Up to 3 incidental signs may be attached to a freestanding sign structure or to a building wall. The area of each sign may not exceed 5 square feet; the total area of all such signs may not exceed 10 square feet.
- G. Interior signs. Signs located within the interior of any building or shopping center or within an enclosed lobby or court of any building and signs for and located within the inner or outer lobby, court, or entrance of any theater that are not visible from the public right-of-way.
- H. Memorial signs. Memorial signs or tablets or names of buildings placed so as to be part of the building.
- I. Notice bulletin boards. Notice bulletin boards not to exceed 24 square feet in area for medical, public, charitable, or religious institutions where the same are located on the premises of said institution.
- J. No-trespassing or no-dumping signs. No-trespassing or no-dumping signs not to exceed 1 for every 50 feet per lot, except that special permission may be granted by the Designated Public Officer for additional signs under special circumstances.

- K. Occupant signs. 1 sign for each dwelling unit not to exceed 2 square feet in area indicating the name of the occupant or identification of a home professional office.
- L. Plaques. Plaques or nameplate signs not more than 2 1/2 square feet in area that are fastened directly to the building.
- M. Campaign signs. On behalf of candidates for public office or measures on election ballots, provided that said signs are subject to the following regulations:
  - (1) May be erected not earlier than 45 days prior to said election and shall be removed within 15 days following said election; and
  - (2) No sign shall be located within or over the public right-of-way.
- N. Public notices. Official notices posted by public officers or employees in the performance of their duties.
- O. Public signs. Signs required or specifically authorized for a public purpose by any law, statute, or ordinance, which may be of any type, number, area, height above grade, location, illumination, or animation required by the law, statute, or ordinance under which the signs are erected.
- P. Real estate signs. 1 real estate sign advertising the property on which it is located either "for sale" or "for rent" or 1 sign advertising the property "for sale" or "for rent" (single- or double-faced) on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies, is not illuminated, does not exceed an area of 6 square feet with the maximum dimension of 4 feet and is removed within 15 days after the sale has been consummated. 1 additional sign, as described above, is permitted where a parcel has an excess of 300 feet of frontage or fronts on 2 streets.
  - (1) Open house signs. Open house signs shall comply with the requirements for real estate signs above set forth, except:
    - (a) The open house advertised by an open house sign shall be for a maximum period of 48 hours per event;
    - (b) An open house sign utilized as a directional sign may be placed in the public right-of-way, provided that it does not obstruct the free passage of pedestrians or lawfully operated vehicles and further is not placed in such a manner as to cause corner sight obstructions;
    - (c) No open house sign shall be permitted on any median;
    - (d) No open house sign shall have attached thereto balloons, flags, or any other attention-attracting attachments of any sort, kind nor description;
    - (e) Open house signs may only be displayed from 8:00 a.m. to 5:00 p.m. on the 2 days of a permitted open house event; and
    - (f) 1 real estate sign advertising a property located on a private easement and having no frontage on any public street or thoroughfare advertising a property on the private easement "for sale" or "for rent" is permitted in the sight triangle where the private easement meets the public street or right-of-way.
- Q. Permanent window signs. For each ground floor occupancy of a building in the commercial and marina districts, not more than 2 permanent signs that may be painted on or otherwise displayed from the inside surface of any window, showcase, or other similar facility. Said signs shall be in addition to those signs permitted under the other provisions of this Chapter. The total copy area of such signs, however, shall not exceed a maximum of 25% of the total window area or 1 square foot per lineal front foot of the premises occupied, whichever is the lesser.
- R. Signs in the display window. Signs in the display window of a business use which are incorporated with a display relating to services offered.
- S. Symbols or insignia. Religious symbols, commemorative plaques of historical agencies or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed 4 square feet in area, and provided further that all such symbols, plaques, and identification emblems shall be placed flat against a building.
- T. Temporary signs. Temporary signs not exceeding 4 square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided that said signs are posted only during said drive or no more than 30 days before said event and are moved no more than 7 days after

an event. The Board of Commissioners may grant a temporary permit for signs or banners over a street or public way. A temporary banner may exceed 4 square feet in area.

- U. Warning signs. Signs warning the public of the existence of danger but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.
- V. Real estate tract development signs. During the development of a tract of land which has been subdivided pursuant to Chapter 176, Subdivision of Land, into 3 or more lots, a sign erected and maintained by the subdivider on the premises advising the public of the subdivision and of the availability of lots for sale therein. Such signs shall not exceed 50 square feet in size nor shall its largest dimension exceed 7 feet. The square footage and maximum dimension shall include any trim or framing device utilized with the sign. The top of such sign shall not be located more than 12 feet above grade of the street on which the lot fronts where the sign is located and the sign shall not be erected until the Planning Board has granted final subdivision approval and the subdivision map has been signed and filed with the County of Ocean. Once erected, the sign shall not be permitted to remain beyond the earlier of the sale of the last lot or 36 months from the date of its erection. In addition to the sign advertising the subdivision, each lot therein will be permitted a real estate sign as provided by this Chapter.

**§160-6. Additional prohibited signs.**

In addition to the signs prohibited by Chapter 205 and this Chapter, the following types of signs are also expressly prohibited in all districts, except as otherwise provided by this Chapter.

- A. Animated, moving, and LED signs. Except as provided below, no lighted LED, fiber-optic, neon, or otherwise electronically lighted or unlighted message sign, sign board, sign box, other type of sign structure, or object which is moving, animated, scrolling, flashing, variable, blinking, auto-changing, any other means of providing constant illumination, or programmable shall be permitted, except for the required movement of time-and-temperature displays. Time-and-temperature display signs shall be permitted only as part of a site plan approved by the Planning Board.
  - (1) All governmental entity signs shall be permitted.
  - (2) Signs at gasoline stations on which the unit pricing of fuel is shown electronically shall be permitted, provided that the remainder of the sign remains static at all times, and further provided that the unit pricing changes no more than 1 time every 24 hours.
  - (3) Changeable signs as defined in this Chapter shall be permitted.
- B. Miscellaneous signs and posters. The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences, or other structures is prohibited unless specifically permitted by this Chapter.
- C. Moving signs. No sign or any portion thereof shall be permitted that moves or assumes any motion constituting a nonstationary or nonfixed condition, except for the rotation of barber poles, changing signs, or multiprism units. Indexing multiprism units must not exceed a speed of 2 complete revolutions every 20 seconds. This section is not meant to prohibit any form of vehicular sign, such as a sign attached to a bus or lettered on a motor vehicle.
- D. Abandoned signs and sign structures. Abandoned signs and sign structures are not permitted.
- E. Advertising vehicles. Except as provided below, no person shall operate or park any vehicle or trailer on a public right-of-way or on private property so as to be visible from a public right-of-way that has attached thereto or located thereon any sign or advertising device for the primary purpose of advertisement of products and/or directing people to a business or activity or premises, nor shall any said sign advertise any property or any other premises for sale or rent.
  - (1) This section is not intended to prohibit a sign attached to a bus or lettered on a motor vehicle unless the primary purpose of such vehicle is for such advertising.
- F. Public areas. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any

street or public thoroughfare except as shall expressly be authorized by this Chapter.

- G. Banners. Banners, pennants, searchlights, twirling signs, sandwich-board signs, sidewalk or curb signs, and balloons and other gas-filled figures shall not be used except that they shall be permitted at the opening of a new business in a commercial district for a total period not to exceed 5 days and in residential districts in conjunction with a demonstration of model homes in a new subdivision for 2 days prior to the opening of such demonstration to 2 days after and not to exceed a total period of 15 days in any calendar year. The signs shall also be permitted at special events of a civic or philanthropic nature upon application to and approval by the Designated Public Officer.
- H. A-frame signs. A-frame, sandwich-board, sidewalk, or curb signs are prohibited, except as provided in Subsection G above.
- I. Portable signs. Portable or wheeled signs are prohibited except for new business openings for not over 15 days. This shall not be interpreted to prohibit identification lettering on motor vehicles or advertising on buses.
- J. Other signs. The following signs are also prohibited:
  - (1) Signs visible to the public which bear or contain statements, words, or pictures of an obscene or pornographic character.
  - (2) Signs that are painted on or attached to any fence (except temporary fences around construction sites) or any wall or structure (other than structures for permitted signs) that is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure and the street address or no-trespassing signs.
  - (3) Signs that operate or employ any stereopticon, motion picture projection, or media in conjunction with any advertisements or have visible moving parts or give the illusion of motion.
  - (4) Signs that emit audible sound, odor, or visible matter.
  - (5) Signs that purport to be or are an imitation of or resemble an official traffic sign or traffic signal.
  - (6) Signs that, by reason of their size, location, movement, content, coloring, or manner of illumination purport to be an imitation or may be confused with or construed as a traffic sign, traffic signal, a device or light of an emergency or road equipment vehicle, or which hide from view any traffic sign, signal, device, or other governmental sign installed or placed to direct the public or otherwise intended to protect the public health, welfare, and safety,

#### § 160-7. **Nonconforming Signs.**

- A. Signs that received permits and were considered lawful prior to the adoption of this Chapter may be continued although such signs do not conform to the regulations specified by this Chapter, except that a legal nonconforming sign shall immediately lose its legal nonconforming designation if:
  - (1) The sign is altered in any way in structure that tends to or makes the sign less in compliance with the requirement of this Chapter than it was before the alteration;
  - (2) The sign or sign structure is relocated;
  - (3) The sign (except for copy on a changeable copy sign) is replaced; or
  - (4) In the opinion of the Designated Public Officer or the Chief of Police the sign or sign structure constitutes a traffic hazard, a public hazard, a nuisance, or otherwise poses a threat to the public health, welfare, and safety.
- B. In the event a sign becomes nonconforming pursuant to Section A above, the Designated Public Officer shall order it removed on 10 days written notice, giving the reason therefor.
- C. Nothing in this Article shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Chapter regarding safety, maintenance, and repair of signs. Provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign or sign structure in any way that makes it more nonconforming.

#### **Article IV: Conflict and Penalties**

##### §160-8. **Conflict.**

If any portion of this Chapter is found to be in conflict with any other provision of any zoning, building, fire safety, or health ordinance of the Code, the provision which establishes the higher standard shall prevail.

**§160-9. Violations and penalties.**

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

**SECTION II**

All Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION III**

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.

**SECTION IV**

This Ordinance shall take effect upon publication thereof after final passage according to law.

Passed on first reading at a regular meeting held on June 4, 2018 and advertised in the BEACH HAVEN TIMES issue of June 7, 2018.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-20C on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

6. Second Reading Ordinance 18-21C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 205 PERTAINING TO THE REGULATIONS OF SIGNS**

**ORDINANCE 18-21C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 205 AND PERTAINING TO THE REGULATIONS OF SIGNS**

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

**STATEMENT OF PURPOSE**

This Ordinance amends various regulations concerning the zoning and placement of signs.

**SECTION I**

§205-62 and §205-63 are hereby repealed and replaced with the following.

§205-62. Signs.

- A. All signs not specifically permitted by this Chapter or Chapter 160 are prohibited.
- B. All definitions set forth in Chapter 160 shall apply herein.
- C. No sign shall be maintained where by reason of its position, size, shape, content, or color, it may, in the opinion of the Chief of Police or his/her designee, obstruct, impair, obscure, or interfere with the view of, or be confused with, any traffic control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic.
- D. All signs lawfully installed or placed by a governmental entity are permitted.
- E. Lighted, animated, moving, and LED signs.
  - (1) Lighted signs shall not include exposed bulbs or tubings or flashing lights.
  - (2) No LED, fiber-optic, neon, or otherwise electronically lighted or unlighted message sign, sign board, sign box, other type of sign structure or object which is moving, animated, scrolling, flashing, variable, auto-changing, or programmable shall be permitted, except for the required movement of time-and-temperature displays. Time-and-temperature display signs shall be permitted only as part of a site plan approved by the Planning Board.
  - (3) Exception. Signs at gasoline stations on which the unit pricing of fuel is shown electronically shall be permitted, provided that the remainder of the sign remains static at all times, and further provided that the unit pricing changes no more than once every 24 hours.
- F. During construction or alteration of a property for which a construction or zoning permit has been issued, 1 sign may be maintained on the construction site by



each of the contractors and subcontractors concerned, provided that such sign does not exceed 6 square feet in area. Termination of the construction shall be determined by the Code Enforcement Officer. All construction signs shall be removed from the property prior to the issuance of any certificate of occupancy or certificate of approval.

- (1) During construction on a private easement having no frontage on a public street, construction signs shall be permitted pursuant to Subsection F above and shall further be permitted to be placed in the site triangle where the private easement meets the public street or right-of-way, provided that such signs otherwise conform with the requirements of this Chapter and Chapter 160.

G. Residential Zones. In addition to the signs permitted in residential zones by Chapter 160 and the requirements thereof, the following regulations shall apply.

- (1) All signs shall be placed within the property lines, but outside the public right-of-way, or no less than 10 feet back from the curb or paved area, whichever is greater.
- (2) The trim or framing devices of all signs shall not exceed 10% of the sign area.

H. Commercial and Marine Zones. In addition to the signs permitted in residential zones by Chapter 160 and the requirements thereof, the following regulations shall apply.

- (1) Only 1 lighted professional office announcement sign shall be permitted per property and shall be no greater than 6 square feet in size.
- (2) Only 1 unlighted home occupation announcement sign shall be permitted and shall be no greater than 6 square feet in size.
- (3) Only 1 lighted sign shall be permitted in a driveway at a property in use as a church, school, public museum, or other non-profit and shall not exceed 20 square feet in area and shall be setback a minimum distance of 20 feet from any street line.
- (4) Signs used by properties to provide directions to specific buildings and off-street parking areas shall not exceed 4 square feet in area and shall be setback a minimum distance of 20 feet from any street line.
- (5) Directional signs for public buildings, public utilities, buildings, structures, hotels, motels, apartment houses, and other structures designed for occupancy by more than 2 families, boatyards, and marinas shall be no greater than 8 square feet in area and each use shall be permitted no more than 2 signs.
  - (a) Each sign shall be no greater than 8 square feet in area; and
  - (b) Each use shall be permitted no more than 2 signs.
- (6) Premises or point-of-sale signs, including illuminated or lighted types otherwise in compliance with this Chapter, but excluding flashing or moving signs shall be permitted provided they comply with the following.
  - (a) No more than 2 signs shall be permitted on any parcel or use with an aggregate area not exceeding 40 square feet, plus 10% of the sign area for border area, and the aggregate length of the sign or signs shall not exceed 12 feet.
  - (b) No attached sign shall project more than 5 feet beyond the building line nor more than 6 feet beyond the face of any building.
- (7) The trim or framing device shall not exceed 20% of the sign area.
- (8) Signs may be painted upon or attached to the exterior of a commercial structure, provided that it or they may not exceed in total over 10% of the ground-floor plan area (with a maximum of 3,000 square feet in any event) actually devoted to the business described in such sign; and provided, further, that no such sign shall exceed 5 feet in height and there shall not be more than one sign per side or front of such building; and provided, further, that 1 sign may be more than 5 feet in height if its width does not exceed 5 feet. No sign thus arranged vertically shall exceed 12 feet from the bottom of the sign.
- (9) Point of sale signs and feather flags may be placed on any commercially zoned property owned or leased by the proprietor of a business where the business is being conducted. The sign or feather flag must conform to the provisions of this Chapter and Chapter 160 and may only be used for the purposes of advertising the proprietor's business. A maximum of 4

feather flags may be placed on the lot. No sign or feather flag shall be placed within the corner clearance area or site triangle.

## **SECTION II**

§205-64 shall become §205-63, §205-65 shall become §205-64, and §205-65 shall be marked (Reserved).

## **SECTION III**

All Ordinances or part of Ordinances inconsistent herewith 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.

## **SECTION V**

This Ordinance shall take effect upon publication thereof after final passage according to law.

Passed on first reading at a regular meeting held on June 4, 2018 and advertised in the BEACH HAVEN TIMES issue of June 7, 2018.

The Land Use Board reviewed and approved this Ordinance at their June 15<sup>th</sup> meeting.

OPEN PUBLIC HEARING

No comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 18-21C on Second Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

7. First Reading Ordinance 18-22C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 114 PERTAINING TO THE REGULATIONS OF PLASTIC BAGS**

Motion to approve Ordinance 18-22C on First Reading:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

## **ADOPTIONS & APPROVALS**

8. Resolution 18-0702.01: Approve a Fireworks Display for National Night Out at Bayview Park 8/7/18

### **RESOLUTION 18-0702.01**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approves a firework display provided by Starfire Corporation/Serpico Pyrotechnics, LLC for the "Long Beach Township National Night Out" on August 7, 2018 (Rain date August 8, 2018) at Bayview Park commencing at approximately 9:00 p.m.

9. Resolution 18-0702.02: Approve various traffic Regulations:  
Suspend parking regulations for Brant Beach  
Yacht Club Events

### **RESOLUTION 18-0702.02**

**WHEREAS**, the Board of Commissioners of the Township of Long Beach has received and reviewed a request for parking waivers for the below-listed events:

#### **Brant Beach Yacht Club 2018 Major Regatta**

- C420 National Championship July 17-19, 2018
- LBIYRA Interclub August 1, 2018
- Optimist BBYC Annual August 2-3, 2018
- Laser Master's National Championship August 23-26, 2018

**WHEREAS**, to accommodate these various Regattas, participants and trailers, alternate side of the street parking restrictions shall be waived between 59<sup>th</sup> Street and 65<sup>th</sup> and use of the "Train By-Pass" in Brant Beach for trailer parking between 60<sup>th</sup> and 64<sup>th</sup> Streets from 6:00 am to 8:00 pm, shall be permitted.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Commissioners of the Township of Long Beach does hereby approve the events and traffic regulations as noted above.

10. Resolution 18-0702.03(a-d): Approve various Special Events:

- a. Southern Regional High School Autism Program: paddle boarding on July 25<sup>th</sup> from 9:30am to 11:30am in Bayview Park
- b. TLK Fitness-Max Challenge: beach workout on July 18<sup>th</sup> & August 15<sup>th</sup> from 6:30pm to 7:30pm at Bayview Park Bathing Beach

- c. South End Surf N Paddle: Stand-up and Prone Paddleboard and Lifeguard Boat Fun Race on July 14<sup>th</sup> from 4pm-9pm at Bayview Park
- d. New Jersey Windsurf & Watersports Association: Wind Fun Fest in Bayview Park on July 1<sup>st</sup> from 9am-5pm

**RESOLUTION 18-0702.03(a)**

**WHEREAS**, Southern Regional High School Autism Program submitted an application and all required documentation dated June 1<sup>st</sup> 2018 for a Special Event at Bayview Park.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approves the below-listed event:

<b><u>HOST</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>DATE(S) &amp; Time</u></b>
Southern Regional High School Autism Program	Water Activity-Paddle Boarding	July 25, 2018 9:30-11:30am

**RESOLUTION 18-0702.03(b)**

**WHEREAS**, Max Challenge submitted an application and all required documentation dated March 21<sup>st</sup> 2018 for a Special Event at Bayview Park.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approves the below-listed event:

<b><u>HOST</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>DATE(S) &amp; Time</u></b>
Max Challenge	Beach Workout	July 18, 2018 6:30-7:30pm August 15, 2018 6:30-7:30pm

**RESOLUTION 18-0702.03(c)**

**WHEREAS**, South End Surf N Paddle submitted an application and all required documentation dated March 13<sup>th</sup>, 2018 for a Special Event at Bayview Park.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approves the below-listed event:

<b><u>HOST</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>DATE(S) &amp; Time</u></b>
South End Surf N Paddle	Stand Up Paddleboard, Prone And Lifeguard Boat Fun Race	July 14, 2018 4-9pm

**RESOLUTION 18-0702.03(d)**

**WHEREAS**, New Jersey Windsurf & Watersports Association (NJWWA) submitted an application and all required documentation dated March 21<sup>st</sup> 2018 for a Special Event at Bayview Park.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approves the below-listed event retroactive:

<b><u>HOST</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>DATE(S) &amp; Time</u></b>
NJWWA	Wind Fun Fest Event	July 1, 2018 Rain Date 7/8/18 8am-5pm

11. Resolution 18-0702.04: Approve various personnel matters

**RESOLUTION 18-0702.04**

Accept & Approve the Family Medical Leave Act (FMLA) for employee with Civil Service number \*\*\*\*\*3326 effective retroactive to May 7, 2018.

**Beach Patrol**

Hire the following employees as Seasonal Part Time Laborers, at the rate of \$10.00 per hour to be paid from Lifeguard Salary and Wage retro-active to May 26, 2018.

David Behr  
Jonathan Dunlap  
Ramo Kline

Hire the following employee as a Seasonal Lifeguard Operations Manager, at the rate of \$195.00 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Patrick Craig

Hire the following employee as Seasonal Lifeguard Training Instructor, at a rate of \$129.50 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Ryan Williams

Hire the following employees as Seasonal Lifeguard Captains at the following rates of pay per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

\$177.00 per day  
Krista Jensen  
\$172.00 per day  
Christina Behr

\$168.00 per day

Josh Wall

\$164.50 per day

Michael Dancha

\$160.00 per day

Shawn McNally

\$157.50 per day

Francis Campana

\$155.50 per day

Christopher Burkhardt

\$153.50 per day

Patrick Kelly

\$152.50 per day

Juliana Perello

Hire the following employees as Seasonal Lifeguard Lieutenants at the following rates of pay per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

\$132.50 per day

Andrew Howarth

\$128.50 per day

Adrienne Bush

Robert Lynch

\$127.50 per day

Anne Marie Arcidiacono

David Behr

Matthew Ihnken

Sean M. Moran

Tyler O'Grady

Taylor Teliszewski

Hire the following employees as Seasonal Lifeguards at a rate of \$130.00 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Harold Buck

Hire the following employee as Seasonal Lifeguard Assistant Lieutenant at a rate of \$116.00 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Gregory Stagliano

Hire the following employee as Seasonal Lifeguard Assistant Lieutenant at a rate of \$115.00 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Ramo Kline

Michael Moran

Austin Schwerzel

Chloe Sheplin

Hire the following employee as Seasonal Lifeguard Assistant Lieutenant at a rate of \$110.00 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

James Arcidiacono

Hire the following employees as Seasonal Lifeguards at a rate of \$103.39 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Michael Benoit

Thomas Clifford

Terry Dorman

Riley Francisco

Ryan Metz

Brian Stutz

Mary Wheeler

Hire the following employees as Seasonal Lifeguards at a rate of \$100.00 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Daniel Barrett

Joseph Bockin

Jacqueline Carlin

Timothy Caulfield

James Den Uyl

Jonathan Dunlap

Kristin Fontana

Lauren Lane

William D. McGrath

Avery Rose Myrick  
Gabriella Poli

Hire the following as Seasonal Lifeguards at a rate of \$96.67 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Joshua Aguilar  
Zachary Amirr  
Sean Brennan  
Grace Coleman  
Cody Dentrux  
Joseph Dolphin  
Peter Durning  
Nicholas George  
Phillip Jennings  
Austin Kreusser  
Jake Lane  
John McGrath  
Elizabeth Pijanowski  
Matt Robbins  
Douglas Rubin  
Kate Rubin  
Carolyn Silverman  
Parker Teliszewski  
Sarah Traynor

Hire the following as Seasonal Lifeguards at a rate of \$93.34 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Patricia Arcidiacono  
Brent Bartzak  
Kelly Fontana  
Kathryn Friedel  
Tanner George  
Leo Ginsberg  
John Harper  
Andrew Healey  
Brittney Kane  
Jack Kelly  
Annie Larkin  
Julia McGowan  
Jacqueline McGrath  
Kelly McKay  
Kaylyn O'Hara  
Jessica Regan  
Michael Savettiere  
Edward Seeger, III  
George E. Wilbert, III  
Joseph Zetkulic

Hire the following as Seasonal Lifeguards at a rate of \$90.00 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Christian Berardo  
Emma Brennan  
John Cappel  
Paige Coleman  
Catherine Conmy  
Kathryn Curry  
Ibn Doggett  
John Dolphin  
Rory Escobedo  
Carson Francisco  
Jonathan George  
Jared Haemmerle  
Daniel Halik  
Cassandra Loeloff  
John Loftus  
Kyle Metz

Paige Mitstifer  
Kenneth Moore  
Diana Muia  
Emily Wilbert

Hire the following as Seasonal Lifeguards at a rate of \$86.67 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Joseph Abate  
Gareth Aguilar  
Bryan Bacich  
Caitlin Behr  
Ryan Belforti  
Andrew Blejwas  
Patrick Coleman  
Declan Coster  
Jamison Gould  
Joseph Harper  
Julia Hosmer  
Katherine Kazaba  
Daniel Kern  
Matthew Kustrup  
Joseph Marmora  
Jillian Middleton  
Trevor Middleton  
John Pasquale  
Katelyn Roth

Hire the following as Seasonal Lifeguards at a rate of \$78.33 per day to be paid from the Lifeguard Salary & Wage effective June 16, 2018.

Jesse Amirr  
Joseph Brusca  
Shane Gallagher  
Ryan Kelly  
Aurelia Larkin  
Olivia Lattanzi  
Lauren Masut  
John McGovern  
Kyle Montesano  
Erin Moran  
Austin Nisonoff  
Kyle Szalc

Hire the following as Seasonal Lifeguards at a rate of \$78.33 per day to be paid from the Lifeguard Salary & Wage effective retroactive to June 16, 2018, pending receipt of required documentation and/or successful completion of LBTBP Ocean Lifeguard Training Course.

Nicholas Colasurdo  
Will Herte  
Teddy Janiec  
Jennifer Townsend

Hire the following as Seasonal Lifeguards at a rate of \$75.00 per day to be paid from the Lifeguard Salary & Wage effective retroactive to June 16, 2018, pending receipt of required documentation and/or successful completion of LBTBP Ocean Lifeguard Training Course.

Mia Amirr  
Robert Braun  
Charles Clay  
Timothy Fagan  
John Flemming  
Zachary Frisk  
Tyler Geist  
Ian Gray  
Sean Hager  
Shane Heiselmoyer  
Tim Jacoutot  
Alexa Levin

David Lytle  
Mia McCoobery  
Sean McGlone  
Scott MacKenzie  
Morgan Mehmel  
Bridget Moonan  
Aidan O'Hara  
Jeffrey Petrauskas  
Jarred Rheiner  
Caroline Roarty  
Stephen Rodeschin  
Julia Salvatore  
Kurtis Waldeck

Hire the following as Seasonal Beach Badge Program Seller/Checkers part time, per hour, at the rate of \$8.75 per hour to be paid from the Beach Badge Salary & Wage effective retroactive to June 16, 2018.

Makayala Adams  
Hope Downs  
Lovey Durrea  
Hayden Motherwell

### **Health Department**

Adjust the following employee's effective date to June 2, 2018

Rebecca Kath

### **Police**

Change the following employees hourly rate to \$10.00 per hour for completion of Satellite Academy training to be paid from Police Salary & Wage effective retroactive to June 16, 2018.

Zachary Armango  
Michael Fife  
Anthony Hause  
Michael Kadlubowski  
Kevin Lyons  
Jonathan Rainier  
Hunter Mauro  
Luke Stambaugh  
Michael Tkaczuk

### **Public Works**

Hire the following employee as a Seasonal Full-Time Laborer<sup>1</sup> at the rate of \$10.00 per hour to be paid from Public Works Salary & Wage effective retroactive to June 26, 2018.

Austin Schneider

Hire the following employee as a Seasonal Full-Time Laborer<sup>1</sup> at the rate of \$10.00 per hour to be paid from Public Works Salary & Wage effective retroactive to June 18, 2018.

Matthew Tancredi

Approve an annual stipend of \$1,800.00 for the year of 2018 for the following non-contractual employee for holding a Commercial Driver's License A as per Board of Commissioner's decision that it is considered job related.

Thomas Patch

Hire the following employee as a Seasonal Full-Time Laborer 1 at the rate of \$10.00 per hour to be paid from Public Works Salary & Wage effective retroactive to June 21, 2018.

Daniel Jaume

### **Recreation**

Change the following employee's annual base salary to \$40,000.00 to be paid from Recreation Salary & Wage effective July 2, 2018.

Joni Bakum

### **Transportation**

Hire the following employee as a Seasonal ATV Driver at the rate of \$10.00 per hour to be paid from Transportation Salary & Wage effective retroactive to June 16, 2018.

Shane Bent

Hire the following employee as a Seasonal ATV Driver at the rate of \$11.00 per hour to be paid from Transportation Salary & Wage effective retroactive to June 16, 2018.

Malinda Fritz

Hire the following employees as Seasonal ATV drivers at the rate of \$11.00 per hour to be paid from Transportation Salary & Wage effective retroactive to June 15, 2018.

Joseph Lizzi                      Linda Donovan  
Hire the following employee as a Seasonal ATV Driver at the rate of \$10.00 per hour to be paid from Transportation Salary & Wage effective retroactive to June 15, 2018.

Alexander Meehan  
Hire the following employee as a Seasonal Clerk 1 at the rate of \$10.00 per hour to be paid from Transportation Salary & Wage effective retroactive to June 15, 2018.

Jacqueline Hause  
Hire the following employee as a Seasonal Clerk 1 at the rate of \$12.00 per hour to be paid from Transportation Salary & Wage effective retroactive to June 15, 2018.

Kelli Heitzman                      Jerilyn Friend  
Hire the following employee as a Seasonal Clerk 1 at the rate of \$10.00 per hour to be paid from Transportation Salary & Wage effective retroactive to June 4, 2018.

Tim Degnan

#### **Transportation**

Hire the following employee as a Seasonal Bus Driver at the rate of \$14.00 per hour to be paid from Transportation Salary & Wage effective retroactive to June 30, 2018.

William Guido Jr.

#### **Water/Sewer**

Change the following employee's annual base salary to \$70,386.00 to be paid from Water/Sewer Salary & Wage retroactive to June 2, 2018.

Stuart McGowan

Change the following employees rate to \$12.00 per hour to be paid from Water/Sewer Salary & Wage effective July 2, 2018.

Tyler Colon                      Derek Wilson

12. Resolution 18-0702.05(a&b): Approve various Water/Sewer account actions  
a) Changes to billings  
b) Refund

#### **RESOLUTION 18-0702.05(a)**

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

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

<b><u>BLOCK</u></b>	<b><u>LOT/QUAL</u></b>	<b><u>ACCT #/ACCT</u></b>	<b><u>YEAR</u></b>	<b><u>CANCEL/CHANGE</u></b>	<b><u>AMOUNT</u></b>
7.21	17	2479-0 Sewer	2018	Convert to Single	\$265.50
12.10	17	3990-0 Water	2018	Per Fixture Count	\$48.00

**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.

#### **RESOLUTION 18-0702.05(b)**

**WHEREAS**, the following Contractor is due a refund after paying for a 1 ½" Water Service and subsequently deciding to use a 1" Water Service instead.

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

<b><u>Permit #</u></b>	<b><u>Plumber/Developer:</u></b>	<b><u>Amount:</u></b>
3593	Seely Enterprises, Inc.	\$471.00

**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 issue this refund.

13. Resolution 18-0702.06: Approve and support the consent of the Ocean County Water Quality Management Plan Amendment

#### **RESOLUTION 18-0702.06**

#### **RESOLUTION SUPPORTING AND CONSENTING TO THE PROPOSED OCEAN COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT**

**WHEREAS**, pursuant to the legal requirements and in order to protect the public health, welfare, and safety, it is the Township of Long Beach's ("Township") duty and obligation to provide for the orderly development of wastewater facilities within and under the jurisdiction of the Township; and

**WHEREAS**, the New Jersey Department of Environmental Protection ("NJDEP") requires that proposed wastewater treatment and conveyance facilities and wastewater treatment services areas, as well as related subjects, conform with an approve Water Quality Management Plan ("WQMP"); and



**WHEREAS**, the NJDEP has established the WQMP amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQP; and

**WHEREAS**, a proposed WQMP amendment has been recently publicly noticed in the New Jersey Register on June 4, 2018, for the Shapiro Property Amendment ("Shapiro Amendment") to Ocean County WQMP, which was prepared by Alan Miller, Manager, Office of WRM Coordination, NJDEP; and

**WHEREAS**, the NJDEP has approved the application for the site-specific Shapiro Amendment and the WQMP rules at N.J.A.C. 7:15-3.5 require an amendment applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and BPU-related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the proposal; and

**WHEREAS**, counsel for the applicant has provided the Township with the written request for the Township's position on the Shapiro Amendment; and

**WHEREAS**, the Board of Commissioners has reviewed the Shapiro Amendment with its professionals, as needed, and has elected to consent to the Shapiro Amendment as consistent with the WQMP and with the public health, welfare, and safety requirements.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township at their regularly scheduled meeting held Monday, July 2, 2018, that (i) the Township hereby consents to the Shapiro Amendment, which was publicly noticed on June 4, 2018, and was prepared by Alan Miller of the NJDEP, for the purpose of its incorporation into the applicable WQMP, and (ii) this consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5.

Motion to approve Items 8-13:

Motion: Bayard Ayes: Bayard, Mancini

Second: Mancini Nays:

#### **LICENSES & PERMITS**

14. Resolution 18-0702.07: Approve various Social Event Permits:

- Close East 91<sup>st</sup> Street between Beach Ave and the beach entrance from 4pm to 10pm on July 4<sup>th</sup> for a block party.
- Close West 98<sup>th</sup> Street between Long Beach Blvd and West 97<sup>th</sup> Street from 9am to 11:30am on July 4<sup>th</sup> for a block party.
- Close East 97<sup>th</sup> Street between Beach Ave and Long Beach Blvd from 4pm to 11pm on July 6<sup>th</sup> for a block party.

#### **RESOLUTION 18-0702.07**

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

- Permission to close East 91<sup>st</sup> Street between Beach Ave and the beach entrance from 4pm to 10pm on July 4, 2018 for a block party.
- Permission to close West 98<sup>th</sup> Street between Long Beach Blvd and West 97<sup>th</sup> Street from 9am to 11:30am on July 4, 2018 for a block party.
- Permission to close East 97<sup>th</sup> Street between Beach Ave and Long Beach Blvd from 4pm to 11pm on July 6, 2018 for a block party.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby grants permission for the above cited temporary closures as requested with provisions for an open lane for emergency vehicles and flashing lights on barriers from dusk to close of each event.

15. Resolution 18-0702.08: Approve an application for a Catering Permit:

BI F&B LLC / Kubel's Too

#### **RESOLUTION 18-0702.08**

#### **RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AND APPROVING AN ALCOHOLIC BEVERAGE CATERING PERMIT FOR A SPECIAL PERMIT TO SELL, DISPENSE AND SERVE OFF THE LICENSED PREMISES**

**WHEREAS**, the New Jersey Alcoholic Beverage Law, N.J.S.A. 33:1-74 permits Special Permits to sell, dispense and serve alcoholic beverages off the licensed premises; and

**WHEREAS**, BI F&B, LLC., d/b/a Kubel's Too, License No. 1517-32-003-009, has submitted an application for a one-day special event on July 29<sup>th</sup>, 2018 (Raindate: August 5<sup>th</sup>) between the hours of 11:00 am and 5:00 pm to be held at the Long Beach Township Pavilion located at 6805 Long Beach Blvd., Brant Beach; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, do hereby approve

the Catering Permit for a Special Permit to sell, dispense and serve alcoholic beverages off the licensed premises on the date, time and location noted above.

Motion to approve Items 14-15:

Motion: Bayard

Ayes: Bayard, Mancini

Second: Mancini

Nays:

**PURCHASES, CONTRACTS & AWARDS**

16. Resolution 18-0702.09: Award a contract per bid:  
B & H Contracting for the construction of the Holgate  
Sanitary Sewer Pump Station: \$1,901,785.00

**RESOLUTION 18-0702.09**

A RESOLUTION AWARDING A CONTRACT FOR THE 2018 HOLGATE SANITARY SEWER  
PUMP STATION PROJECT FOR THE TOWNSHIP OF LONG BEACH, PER BID

**WHEREAS**, pursuant to N.J.S.A.40A:11-1 et seq., the Township of Long Beach solicited and received bids for the 2018 Holgate Sanitary Sewer Pump Station PROJECT in the Township of Long Beach on April 5, 2018; and

**WHEREAS**, it is in the opinion of the Board of Commissioners of the Township that the lowest qualified bid be accepted for same; and

**WHEREAS**, B&H Contracting, 1022 Black Horse Pike, Folsom, NJ 08037 gave the lowest qualified bid as per the municipal engineer and the municipal attorney's review and certification; and

**WHEREAS**, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the following appropriations created by: Ordinance 14-01 Repairs Holgate Sew/Pump 2:20 Account #U-08-55-961-951 in the amount of \$85,868.99, Ordinance 15-03 Supp Holgate Pump Station Account # U-08-55-970-901 in the amount of \$163,163.76, Ordinance 15-03 Supp Holgate Pump Station 2:20 Account # U-08-55-970-951 in the amount of \$121,500.64; Ordinance 16-23 Sup Funding-Holgate Pump Station Account # U-08-55-976-901 in the amount of \$1,200,000.00; Ordinance 16-23 Sup Funding-Holgate Pump Station 2:20 Account # U-08-55-976-951 in the amount of \$200,000.00 and Ordinance 18-15 RPR/PL Var W/S Main-Hol Pump Account # U-08-55-987-901 in the amount of \$131,251.61.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach this 2<sup>nd</sup> day of July 2018, for the reasons aforesaid, that a contract be and is hereby awarded to:

B&H Contracting  
1022 Black Horse Pike  
Folsom, NJ 08037

for the 2018 Holgate Sanitary Sewer Pump Station Project in the Township of Long Beach in an amount not to exceed One Million, Nine Hundred and one Thousand, Seven Hundred Eighty-five dollars (\$1,901,785.00) as per the bid received on April 5, 2018.

17. Resolution 18-0702.10: Approve a Change Order:  
Padovani Roofing and Construction:  
2018 Municipal Complex Roof \$22,224.00 for  
additional roofing materials

**RESOLUTION 18-0702.10**

**RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR THE  
2018 MUNICIPAL COMPLEX ROOF PROJECT  
IN THE TOWNSHIP OF LONG BEACH**

**WHEREAS** Padovani Roofing and Construction was awarded a contract for the 2018 Municipal Complex Roof Project in the Township of Long Beach in the amount of One Hundred Eleven Thousand, One Hundred Twenty Dollars (\$111,120.00) as per Resolution 18-0305.10(b); and

**WHEREAS**, additional roofing materials were required; and

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

**WHEREAS**, the Chief Financial Officer of the Township of Long Beach has issued a Certificate of Availability of Funds in the appropriation created by Ordinance 18-02 Replace Roof Account # C-04-56-152-901 in the amount of \$22,224.00.

**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 2<sup>nd</sup> day of July 2018 that Quality Roof

Cleaning, LLC/ dba Padovani Roofing and Construction, 46 Higginsville Road, Neshanic Station, NJ 08853 be and is hereby awarded Change Order #1 in the amount of Twenty Two Thousand, Two Hundred Twenty-Four Dollars (\$22,224.00), representing a 20% increase over the original contract price, for payment of the work required to complete the 2018 Municipal Complex Roof Project in the Township of Long Beach.

18. Resolution 18-0702.11: Approve the execution of an Agreement:  
Acquisition of a Certificate of Public Convenience

**RESOLUTION 18-0702.11**

**RESOLUTION AUTHORIZING EXECUTION OF PURCHASE AGREEMENT FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EXPENDITURE OF PUBLIC FUNDS FOR PURCHASE UPON COMPLETION OF AGREEMENT CONTINGENCIES**

**WHEREAS**, the Township of Long Beach ("Township") operates the island-wide municipal transportation system ("LBI Shuttle"), which is codified and set forth in Chapter 111 of the Township Code; and

**WHEREAS**, the Township is authorized, pursuant to Chapter 111, the applicable statutory law, and the passage of the 2017 referendum to engage in the "business of transportation" and charge fares to the public to use the LBI Shuttle; and

**WHEREAS**, Trolley, Inc. ("Seller"), is in possession of a certain Certificate of Public Convenience and Necessity ("Certificate") granted by the State of New Jersey, Department of Transportation to the Seller in 1987; and

**WHEREAS**, the Certificate authorizes the Seller to operate autobuses, small buses, and vans for commercial purposes over the route of Long Beach Township to Barnegat Light, including over and through the Borough of Harvey Cedars, the Borough of Surf City, the Borough of Ship Bottom, and the Borough of Beach Haven; and

**WHEREAS**, the Seller has made public his interest in selling the Certificate to a third-party; and

**WHEREAS**, the Township has elected to purchase the Certificate in order to protect the public health, welfare, and safety, to preserve the investment made in the Transportation System, and to ensure compliance with all potential and alleged State of New Jersey laws and regulations relating to and/or arising out of the operating of the LBI Shuttle;

**WHEREAS**, the Township and the Seller have negotiated a certain Purchase Agreement ("Agreement"), which Agreement has been executed by the Seller and is attached hereto and incorporated by reference herein as Exhibit A; and

**WHEREAS**, among other requirements, the transaction is contingent upon the confirmation that all amounts owed to the State of New Jersey by the Seller relating to the Seller's business and the Certificate, if any, shall be satisfied out of the proceeds of the consideration in the amount of fifty-thousand dollars paid by the Township to the Seller for the Certificate pursuant to the Agreement.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township at their regularly scheduled meeting held Monday, July 2, 2018, that (i) the Mayor and Township Clerk are hereby authorized to execute the Agreement on behalf of the Township and (ii) upon completion of all required contingencies, the Township is hereby authorized to and shall pay the consideration required by the Agreement to the Seller.

Attachment A

# **PURCHASE AGREEMENT**

**THIS AGREEMENT** ("Agreement"), effective upon full execution and adoption of the required resolution, by and between the Township of Long Beach ("Township"), and Trolley, Inc. ("Seller"), with a principal address located at 713 Old Shore Road, Forked River, New Jersey 08731.

## **RECITALS**

**WHEREAS**, the Seller is in lawful possession of a certain Certificate of Public Convenience and Necessity ("Certificate") granted by the State of New Jersey, Department of Transportation, in 1987; and

**WHEREAS**, the Certificate authorizes the Seller to operate autobuses, small buses, and vans for commercial purposes over the route of Long Beach Township to Barnegat Light, including over and through the Borough of Harvey Cedars, the Borough of Surf City, the Borough of Ship Bottom, and the Borough of Beach Haven; and

**WHEREAS**, beginning in or about 2015, the Township began the operation of a free, Island-wide municipal transportation system ("Transportation System"); and

**WHEREAS**, in 2017, the voters approved a referendum that authorizes the Township to engage in the "business of transportation" and charges fares to the public to use the Transportation System; and

**WHEREAS**, the Seller has made public his interest in selling the Certificate to a third-party, in order to protect the public health, welfare, and safety, and in an effort to preserve the investment made in the Transportation System, has elected to purchase the Certificate.

**NOW, THEREFORE**, based upon the foregoing Recitals, which are incorporated herein and made material terms of this Lease by reference, and in consideration of the mutual promises and representations set forth herein, Township and Seller (collectively "Parties") hereby and expressly agree as follows.

## **ARTICLE 1** **(PURCHASE TERMS)**

1.1. **Purchase and Sale of Certificate.** Subject to the terms of this Agreement, effective as of the Closing Date (as defined in Section 1.7), Seller shall sell, convey, assign, transfer, and deliver to Township, and Township shall purchase from Seller, free and clear of all liens, charges, pledges, mortgages, security interests, claims, and encumbrances of any kind or character ("Liens"), all of Seller's right, title and interest in and to the Certificate.

1.2. Purchase Price and Closing. Township shall pay Seller Fifty-Thousand Dollars (\$50,000.00) as the full and completed consideration for the purchase of the Certificate pursuant to this Agreement ("Purchase Price"). The closing shall occur and the Purchase Price shall be payable and due to the Seller within thirty (30) days from the date the Township receives notice from the State of New Jersey pursuant to 1.7 and confirmation that no amounts are owed to the State of New Jersey pursuant to Paragraphs 1.5.1.

1.3. Assignment. Upon the payment of the Purchase Price, the Seller shall execute the assignment attached as Exhibit A and incorporated herein by reference, which shall assign all of the Seller's rights, title, and interest to the Certificate.

1.4. Contingencies. In addition to the requirement that the Certificate be transferred free and clear of any and all liens, this Agreement shall be and is contingent upon Paragraphs 1.5.1 and 1.7, as well as the Township's approval and ratification of same by way of resolution. In the event that the Township for any reason or no reason elects not to approve this Agreement at a regularly scheduled meeting, this Agreement shall be null and void and the Parties shall have no liability to each other. In the event that Seller does not provide written confirmation of any and all amounts owed to the State of New Jersey and all other governmental entities relating to and/or arising out of the Certificate and written confirmation that such amounts have been paid, satisfied, and discharged, the Township shall have no obligation to purchase the Certificate and may declare such obligation null and void.

1.4.1. This Agreement shall not be contingent upon the approval of the State of New Jersey to transfer the Certificate to the Township. In the event that the Township declines to apply for the transfer of the Certificate or State of New Jersey declines to approve the transfer for any reason or no reason, the Seller nevertheless expressly agrees that the Seller shall have no rights in and/or relating to the Certificate upon the closing on the Certificate pursuant to this Agreement. Upon the closing, the Seller expressly and to the fullest extent permitted by law forever waives and discharges any rights arising out of and/or relating to the Certificate and acknowledges that any and all rights arising out of and/or relating to the Certificate shall solely be the property of the Township, its successors, and assigns.

1.4.2. Upon the closing on the Certificate pursuant to this Agreement, the Seller, its principals, successors, and assigns further agree not to pursue any new Certificates of Public Convenience and Necessity that would compete with the Transportation System and the Township, its successors, and assigns.

1.5. Indemnification, Liens, and Debts. Seller expressly, knowingly, and, to the fullest extent permitted by law, agrees to and shall release, indemnify, defend, and hold harmless Township, its elected and appointed officials, officers, employees, agents, volunteers, and others working on behalf of Township from and against any loss, damages, claims, causes of action, liabilities, obligations, penalties, demands relating to and/or arising out of any Liens against the Certificate and any this Agreement, including attorneys' fees and costs, threatened against, suffered, and/or incurred by Township. Seller shall be responsible and liable for the payment of any and all of the foregoing attorney's fees and costs, to attorneys of Township's selection, for any investigation and review, pre-litigation, litigation, post-judgment litigation, and any and all appeals arising out of and/or relating to this Agreement.

1.5.1. Seller shall be solely responsible for the confirmation of and payment of any and all amounts due to the State of New Jersey pursuant to all applicable laws and regulations, including, but not limited to, N.J.S.A. 48:4-6. Township shall have no liability to the State of New Jersey or any other governmental entity relating to and/or arising out of this transaction. Township's sole financial requirement pursuant to this Agreement is the consideration set forth in this Agreement in Paragraph 1.2.

1.6. Representations and Warranties. Seller represents and warrants that there are no Liens in effect against and/or relating to the Certificate and that Seller is authorized to make this Agreement to sell the Certificate.

1.7. Bulk Sales. The New Jersey Bulk Sales Law applies to the sale of certain property. Under the law, the Township may be liable for taxes owed by Seller if the law applies and Township does not deliver to the Director of the New Jersey Division of Taxation a copy of this Agreement and a notice on a form required by the Division at least ten (10) business days prior to the Closing. If Township decides to deliver the Tax Form to the Division, Seller shall cooperate with Township promptly providing Township with any information that the Township needs to complete and deliver the Tax Form in a timely manner. Township shall promptly deliver to Seller a copy of any notice that Township receives from the Division in response to the Tax Form.

If, prior to the Closing, the Division notifies Township to withhold an amount from the purchase price proceeds for possible unpaid tax liabilities of Seller, Township's attorney or Township's title insurance company shall withhold the tax amount from the closing proceeds and place the amount in escrow. If the tax amount exceeds the amount of available closing proceeds, Seller shall bring the deficiency to the Closing and the deficiency shall be added to the tax escrow. If the Division directs the escrow agent or Township to remit funds from the tax escrow to the Division or some other entity, the escrow agent or Township shall do so. The escrow agent or Township shall only release the tax escrow, or the remaining balance thereof, to Seller (or as otherwise directed by the Division) upon receipt of written notice from the Division that it can be released, and that no liability will be asserted under the law against Township.

1.8. Notices. All notices and other communications pursuant to this Agreement shall be in writing and certified mail, fax, email, recognized overnight delivery courier or electronic signature, or personally, addressed as follows:

To Seller: Blake Davis, Esquire  
Waters, McPherson, McNeill, P.C.  
300 Lighting Way  
Secaucus, New Jersey 07096  
T: (201) 319-3885  
F: (201) 863-2866  
E: bsd@lawwmm.com

To Township: Tennant D. Magee, Sr., Esquire

Tennant Magee Law  
400 Union Avenue  
Brielle, New Jersey 08730  
T: (732) 223-2413  
F: (732) 612-1004  
E: tdmagee@tennantmageelaw.com

1.9. Miscellaneous.

(a) Governing Law. This Agreement is made under and shall be construed according to the laws of the State of New Jersey. Any dispute shall be venued in Ocean County, New Jersey.

(b) Modification. All additions or modifications to this Agreement must be made in writing and must be executed by both parties.

(c) Assignment. This Agreement shall not be assigned without the written consent of the parties.

(d) Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement. The counterparts may be executed and delivered by facsimile or other electronic signature by any of the parties to any other party and the receiving party may rely on the receipt of such document so executed and delivered by facsimile or other electronic means as if the original had been received.

(e) Dates and Holidays. If any date herein set forth for the performance of any obligation by Seller or Purchaser or for the delivery of any instrument or notice as herein provided should be on a Saturday, Sunday, or legal holiday, the compliance with such obligation or delivery shall be deemed acceptable on the next business day following such Saturday, Sunday, or legal holiday. As used herein, the term "legal holiday" means any state or federal holiday for which financial institutions or post offices are generally closed in the State of New Jersey for observance thereof.

(f) Authorization. The parties represent and warrant that they have the authority to enter into and be bound by the terms of this Agreement.

(g) Waiver. The failure or delay of a party in exercising any right, power or remedy hereunder shall not constitute a waiver of any such right, power or remedy, or of the right of such party to enforce such right, power or remedy.

(h) Binding Nature. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.

(i) Integration Clause. This Agreement and the executed "Inventory," which is incorporated by reference as if set forth fully herein, alone comprise the complete and entire

agreement and understanding between the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. The parties agree that they have not relied on any representation, assertion, guarantee, warranty, collateral contract, or other assurance, except those set forth in this Agreement. The parties waive all rights and remedies, at law or in equity, arising or which may arise as the result of a party's reliance on such representation, assertion, or any other assurance.

(j) Construction. The parties acknowledge that each participated in the negotiation and drafting of this Agreement with the assistance of counsel or after having been advised to retain counsel and waive the defense of *contra proferentem*, i.e., any part thereof may be ambiguous and therefore construed against any party as the drafter.

(k) Force Majeure. Neither party is liable for any default or delay in the performance of any of its obligations under this Agreement (other than failure to make payments when due) if such default or delay is caused, directly or indirectly, by forces beyond such party's reasonable control, including, without limitation, fire, flood, acts of God, labor disputes, accidents, acts of war or terrorism, interruptions of transportation or communications, supply shortages or the failure of any third party to perform any commitment relative to the production or delivery of any equipment or material required for such party to perform its obligations hereunder.

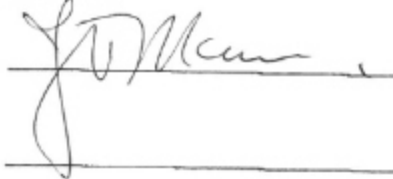
(l) Headings. The headings herein are for convenience only and are not part of this Agreement.

(m) Severability. All rights and restrictions contained in this Agreement may be exercised and shall be applicable and binding only to the extent that they do not violate any applicable laws and are intended to be limited to the extent necessary so that they will not render this Agreement illegal, invalid, or unenforceable. If any provision or portion of any provision of this Agreement shall be held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, the remaining provisions or portions thereof shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day set forth below.

TOWNSHIP

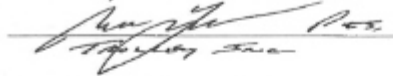
Dated:



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TROLLEY, Inc

Dated: June 18, 2018



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Motion to approve Items 16-18:

Motion: Bayard  
Second: Mancini

Ayes: Bayard, Mancini  
Nays:

**FINANCIAL APPROVALS**

19. Resolution 18-0702.12: Accept a Sub-grant Award from the Ocean County Board of Health:  
\$7,000 Childhood Lead Poisoning Prevention

**RESOLUTION 18-0702.12**

**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 applied for and was awarded the Child Health (Childhood Lead Poisoning Prevention) Grant in the amount of \$74,625.00 for the period of July 1, 2017 through June 20, 2018; 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 \$7,000.00.

**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 Child Health (Childhood Lead Poisoning Prevention) Grant Program Subgrant in the amount of \$7,000.00.

20. Resolution 18-0702.13: Approve a Dedication by Rider:  
Open Space Recreation and Farmland and Historic Preservation Trust, pursuant to N.J.S. 40:12-15.2

**RESOLUTION 18-0702.13**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE OPEN SPACE RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND, PURSUANT TO AND AS REQUIRED BY N.J.S.A 40:12-15.2**

**WHEREAS**, permission is required of the Director of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 40:12-15.2 provides for receipt of a tax levy not to exceed one cent (\$0.01) per one-hundred dollars of the Township assessed real property valuation; and

**WHEREAS**, N.J.S.A 40A:4-39 provides the dedicated revenues anticipated from the Open Space Recreation and Farmland and Historic Preservation Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

- 1) The Board of Commissioners hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Open Space Recreation and Farmland and Historic Preservation Trust Fund N.J.S.A 40:12-15.2.
  - 2) The Municipal Clerk of the Township of Long Beach is hereby directed to forward two copies of this resolution to the Director of the Division of Local Government Services.
21. Resolution 18-0702.14: Approve a Chapter 159:  
NJDEP Clean Communities Program \$40,004.10

**RESOLUTION 18-0702.14**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2018 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) NJDEP-CLEAN COMMUNITIES PROGRAM**

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

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

**WHEREAS**, the State of New Jersey has approved a grant with an additional amount of \$40,004.10; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2018 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

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

1. That the Board of Commissioners does hereby authorize an amendment to the 2018 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:

NJDEP-CLEAN COMMUNITIES PROGRAM: \$40,004.10

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:

NJDEP-CLEAN COMMUNITIES PROGRAM: \$40,004.10

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.

22. Resolution 18-0702.15: Approve acceptance of a Performance Bond; Island's End, LLC, #LUB-32-17, Block 1.13, Lots 4, 21-25, Block 1.16, Lots 2-7, 12, 14-18, Block 1.19, Lots 6-9, 11-19, \$67,056.00

**RESOLUTION 18-0702.15**

**WHEREAS**, the Township of Long Beach has accepted from Island's End, LLC, Check No. 006292 from Unity Bank, dated June 22, 2018 in the amount of Sixty-Seven Thousand Fifty-Six Dollars (\$67,056.00), as the required Performance Bond for Major Sub-division #LUB-32-17, Block 1.13, Lots 4, 21-25, Block 1.16, Lots 2-7, 12, 14-18, Block 1.19, Lots 6-9, 11-19.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners accepts this Performance Bond as per its Municipal Ordinance and as recommended by the Municipal Engineer.

23. Resolution 18-0702.16: Approve Bills & Payroll  
Bills in the amount of: \$ 3,466,481.83  
Payroll in the amount of: \$ 1,486,599.81

**RESOLUTION 18-0702.16**

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

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

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

**WHEREAS**, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$1,486,599.81.

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

1. The said approved vouchers amounting to the sum of \$3,466,481.83 be and the same are hereby authorized to be paid on Monday, July 2, 2018.
  2. The said approved payroll amounting to the sum of \$ 1,486,599.81 be and the same are hereby authorized to be paid on Monday, July 2, 2018.
- 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 19-23:

Motion: Bayard

Ayes: Bayard, Mancini

Second: Mancini

Nays:

**Administrator's Report:** No report

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi:** Absent

**Commissioner Bayard:** No report.

**Mayor Mancini:** The next meeting of the Land Use Board will be held on Wednesday, July 11<sup>th</sup> at 7:00 pm in the upstairs multi-purpose room.

Second Reading and Public Hearing for Ordinance 18-22C will take place at the public meeting held on August 6<sup>th</sup> at 4:00 pm.

Badge checkers are checking badges at street ends now, Holgate as well, all need badges, including surfers. Encourages everyone to visit the 68<sup>th</sup> Street Pavilion.

**OPEN PUBLIC SESSION**

Antonia Basile, 6400 Ocean Bl.: has a hard time getting over the dune. 64<sup>th</sup>, 65<sup>th</sup> and 90<sup>th</sup> Street ends need sand cleared to expose the hard pack. Pedestrian and cyclists on Ocean Blvd are not observing traffic rules. Requests the street sweeper be sent down 64<sup>th</sup> Street.

Bill Hudson, Holgate: Thanked Commissioners and Administrator for all good attention paid to Holgate.

Judy Labrito, 54 S Long Beach Blvd, Jolly Rodger: comments regarding badge checking at the street ends and it not being done as Commissioners are laying it out. Administrator explained that her concern was remedied.

Mayor Mancini: Everyone needs a badge, if on the beach, regardless of activity.

Beaches will be open, conditions permitting. All personnel communicate on the same radio channel.

**CLOSE PUBLIC SESSION**

Motion for adjournment at: 4:21pm

Motion: Bayard

Ayes: Bayard, Mancini

Second: Mancini

Nays:

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Lynda J. Wells, RMC  
Municipal Clerk

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Joseph H. Mancini, Mayor

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Ralph H. Bayard, Commissioner

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Dr. Joseph P. Lattanzi, Commissioner