

May 23, 2017

Regular Meeting Minutes  
May 23, 2017

The following are the minutes of the Regular Meeting of the Mayor and Council of the Borough of Ship Bottom, which was held on Tuesday, May 23, 2017, in the Borough Hall Council Chambers, located at 1621 Long Beach Boulevard, Ship Bottom, New Jersey.

Mayor Huelsenbeck called the Caucus Meeting to order at 6:32 p.m.

Mayor Huelsenbeck asked the Clerk to take attendance. The following were present:

Councilmen Rossi, Hartman, Tallon, English, Valyo and Butkus.

Mark Pino, Administrator and Kathleen Flanagan, Chief Finance Officer were present.

Mayor Huelsenbeck asked the Clerk to read the Statement of Notice. It is as follows:

The time, date and location of this meeting was advertised in the Beach Haven Times, Atlantic City Press and Asbury Park Press. It was also posted on the bulletin board in the Municipal Building, in accordance with the Open Public Meetings Act.

During the Caucus Meeting, the following was discussed:

Angela Trampota, 219 W. 29<sup>th</sup> St., talked about the flooding issues in the area of 28<sup>th</sup> St.

Mayor Huelsenbeck and Councilman Hartman talked about things that have already been discussed or are in the process of happening to alleviate the flooding problems in that area of the borough.

Brian Farias, 2800 Long Beach Blvd., thanked the Mayor and Council for diligently working to rectify the flooding issue.

Councilman Butkus stated that Ship Bottom, Beach Haven and Long Beach Township have added the flooding issues in the 28<sup>th</sup> St. area to the Multi-Jurisdictional All Hazard Mitigation Plan.

Mayor Huelsenbeck called the regular meeting to order at 6:50 p.m. and asked the Clerk to take attendance. The following were present:

Councilmen Rossi, Hartman, Tallon, English, Valyo and Butkus.

Mayor Huelsenbeck asked the Clerk to read the Statement of Notice. It is as follows:

The time, date and location of this meeting was advertised in the Beach Haven Times, Atlantic City Press and Asbury Park Press. It was also posted on the bulletin board in the Municipal Building, in accordance with the Open Public Meetings Act.

Salute to Flag, followed by a Prayer.

Mayor Huelsenbeck called for the approval of the minutes of the Regular Meeting held on April 25, 2017. On a motion by Councilman Rossi, seconded by Councilman Tallon, the minutes were approved.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Resolution 2017-79: Payment of municipal bills. On a motion by Councilman Hartman, seconded by Councilman Butkus, this was approved as follows:

**RESOLUTION 2017-79  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS  
IN THE AMOUNT OF \$343,925.87**

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**WHEREAS**, the Finance Committee of the Borough of Ship Bottom has examined the vouchers presented for payment.

**NOW, THEREFORE BE IT RESOLVED** that the approved vouchers in the amount of to \$343,925.87 be authorized to be paid upon verification of the Chief Financial Officer that there is sufficient money in the appropriated accounts, subject to adequate signatures and funding.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Check # Check Date Vendor Amount Paid Reconciled/Void Ref Num  
03PUBLIC DEF PUBLIC DEFENDER  
1278 05/25/17 STUAR010 STUART SNYDER 200.00 976  
Checking Account Totals Paid Void Amount Paid Amount Void  
Checks: 1 0 200.00 0.00  
Direct Deposit: 0 0 0.00 0.00  
Total: 1 0 200.00 0.00

13CONSTRUCTION CONSTRUCTION ACCOUNT  
1094 05/25/17 LONGB040 LONG BEACH TWP. 2,488.05 977  
Checking Account Totals Paid Void Amount Paid Amount Void  
Checks: 1 0 2,488.05 0.00  
Direct Deposit: 0 0 0.00 0.00  
Total: 1 0 2,488.05 0.00

CAPITAL CAPITAL FUND  
1709 05/25/17 ACEOU010 ACE OUTDOOR POWER EQUIPMENT 289.99 978  
1710 05/25/17 HOMED010 HOME DEPOT CREDIT SERVICES 2,555.77 978  
Checking Account Totals Paid Void Amount Paid Amount Void  
Checks: 2 0 2,845.76 0.00  
Direct Deposit: 0 0 0.00 0.00  
Total: 2 0 2,845.76 0.00

CURRENT CURRENT FUND  
66663 05/02/17 PETTY010 PETTY CASH 209.34 971  
66664 05/02/17 AMERIO55 AMERICAN WEAR 78.00 972  
66665 05/10/17 DAWNA010 DAWN ANNARUMMA 3,800.00 973  
66666 05/19/17 SHIPS005 SHIPS CARPENTER 4,221.00 974  
66667 05/25/17 ACTUN010 ACTION UNIFORM 423.00 979  
66668 05/25/17 AKEQU010 A&K EQUIPMENT COMPANY, INC. 213.00 979  
66669 05/25/17 AMERIO55 AMERICAN WEAR 78.00 979  
66670 05/25/17 AMP-C010 AMP-CO AUTO 119.95 979  
66671 05/25/17 ARAMA010 ARAMARK 499.07 979  
66672 05/25/17 ATLAN050 ATLANTIC CITY ELECTRIC 9,518.44 979  
66673 05/25/17 BEACH020 BEACH HAVEN AUTOMOTIVE, INC. 677.28 979  
66674 05/25/17 BEACH035 BEACH BUM COMPUTERS 175.00 979  
66675 05/25/17 BONNIO10 BONNIE R. PETERSON 1,100.00 979  
66676 05/25/17 BRIAN010 BRIAN TRETOLA 40.01 979  
66677 05/25/17 BROAD001 Broadview Networks 582.50 979  
66678 05/25/17 BRUCE005 BRUCE J. STAITSKY, ESQ 5,606.96 979  
66679 05/25/17 CENTRO10 CENTRAL JERSEY HEALTH INS. FUN 5,276.00 979  
66680 05/25/17 CERTIO10 CERTIFIED SPEEDOMETER SERV. IN 192.50 979  
66681 05/25/17 CLEAR010 CLEARY, GIACOBBE, ALFIERI & JA 2,494.80 979  
66682 05/25/17 COMCA010 COMCAST CABLE 507.21 979  
66683 05/25/17 COPY-010 COPY-RITE PRINTING 153.00 979  
66684 05/25/17 DANIELS Maureen F Daniels 150.00 979  
66685 05/25/17 DASTIO10 DASTI MURPHY MCGUCKIN 2,491.60 979  
66686 05/25/17 DRAEG010 DRAEGER SAFETY DIAGNOSTICS 0.00 979  
66687 05/25/17 DYNAM010 DYNAMIC TESTING SERVICE 170.00 979  
66688 05/25/17 EAGLE010 EAGLE POINT GUN/TJ MORRIS & SO 648.40 979  
66689 05/25/17 EAST010 EASTERN AUTOPARTS WAREHOUSE 256.49 979  
66690 05/25/17 GALLS010 GALL'S 151.99 979  
66691 05/25/17 GANNE010 GANNETT NJ 68.51 979  
66692 05/25/17 GLUCK010 GLUCK WALRATH LLP 600.00 979  
66693 05/25/17 HEATH Joseph Heath 119.99 979  
66694 05/25/17 HOMED010 HOME DEPOT CREDIT SERVICES 888.64 979

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66695 05/25/17 HUNTE010 HUNTER TECHNOLOGIES 562.95 979  
66696 05/25/17 JERSE010 JERSEY CAPE DIAGNOSTICS 10,983.10 979  
66697 05/25/17 KILCO10 SUSAN KILCHESKI 46.44 979  
66698 05/25/17 LONGB030 LONG BEACH ISLAND HEALTH DEPT. 33,756.03 979  
66699 05/25/17 LOUBE010 THE LOUIS BERGER GROUP 584.86 979  
66700 05/25/17 MANAH040 MANAHAWKIN MAGIC WASH 26.00 979  
66701 05/25/17 MARYANN Maryann Carricarte 75.00 979  
66702 05/25/17 MPH MPH INDUSTRIES 1,229.00 979  
66703 05/25/17 MUNIC010 MUNICIPAL CLERK'S ASSOC. OF O/ 95.00 979  
66704 05/25/17 NEVRO010 NEVRON ELECTRICAL CONTRACTORS 532.35 979  
66705 05/25/17 NJNAT010 N.J. NATURAL GAS 1,038.29 979  
66706 05/25/17 NJSTA020 N.J. STATE LEAGUE OF MUNICIPAL 110.00 979  
66707 05/25/17 OFFIC010 OFFICE BASICS 3,114.93 979  
66708 05/25/17 OWENL010 OWEN LITTLE AND ASSOCIATES 10,955.41 979  
66709 05/25/17 OXYGE010 OXYGEN SUPPLY CO., INC. 20.00 979  
66710 05/25/17 PEDRO010 PEDRONI FUEL 3,265.66 979  
66711 05/25/17 PITNE010 PITNEY BOWES GLOBAL FINANCIAL 133.00 979  
66712 05/25/17 POLET010 CENTRAL JERSEY EQUIPMENT 651.10 979  
66713 05/25/17 STAND010 STANDARD INSURANCE CO. 558.77 979  
66714 05/25/17 STUAR010 STUART SNYDER 1,060.00 979  
66715 05/25/17 SUBUR010 SUBURBAN DISPOSAL INC. 21,710.17 979  
66716 05/25/17 TCTAO010 T.C.T.A. OF N.J. 100.00 979  
66717 05/25/17 TUCKE010 TUCKERTON LUMBER COMPANY 158.11 979  
66718 05/25/17 USBAN045 U.S. BANK CUST FOR PRO CAP 4 1,790.88 979  
66719 05/25/17 VERIZ010 VERIZON 265.46 979  
66720 05/25/17 WATCH020 WATCHUNG SPRING WATER 85.13 979  
66721 05/25/17 WBMAS010 W.B. MASON 1,627.16 979  
Checking Account Totals Paid Void Amount Paid Amount Void  
Checks: 59 0 136,045.48 0.00  
Direct Deposit: 0 0 0.00 0.00  
Total: 59 0 136,045.48 0.00

PR-CURRENT PAYROLL ACCT. TRANSFERS

315001 05/25/17 BOROO040 BORO. OF SHIP BOTTOM-PAYROLL 86,432.04 985  
491901 05/25/17 BOROO040 BORO. OF SHIP BOTTOM-PAYROLL 90,863.48 985  
Checking Account Totals Paid Void Amount Paid Amount Void  
Checks: 2 0 177,295.52 0.00  
Direct Deposit: 0 0 0.00 0.00  
Total: 2 0 177,295.52 0.00

PR-UTILITY PAYROLL ACCT. TRANSFERS

201901 04/30/17 BOROO020 BORO. OF SHIP BOTTOM-CURRENT 6,756.31 04/30/17 975  
315000 05/23/17 BOROO040 BORO. OF SHIP BOTTOM-PAYROLL 6,736.68 984  
491900 05/23/17 BOROO040 BORO. OF SHIP BOTTOM-PAYROLL 6,751.82 984  
Checks: 3 0 20,244.81 0.00  
Direct Deposit: 0 0 0.00 0.00  
Total: 3 0 20,244.81 0.00

PREMIUM TAX SALE PREMIUMS

10124 05/25/17 USBAN045 U.S. BANK CUST FOR PRO CAP 4 1,100.00 980  
Checking Account Totals Paid Void Amount Paid Amount Void  
Checks: 1 0 1,100.00 0.00  
Direct Deposit: 0 0 0.00 0.00  
Total: 1 0 1,100.00 0.00

UTILITY UTILITY FUND

17770 05/25/17 ATLAN050 ATLANTIC CITY ELECTRIC 2,070.44 981  
17771 05/25/17 HDSUP010 HD SUPPLY WATERWORKS, LTD. 214.00 981  
17772 05/25/17 JRHEN010 J.R. HENDERSON LABS, INC. 100.00 981  
17773 05/25/17 MGLPR010 MGL PRINTING SOLUTIONS 260.00 981  
17774 05/25/17 ONECA010 ONE CALL CONCEPTS 66.25 981  
17775 05/25/17 THESA010 THE SANDPAPER 190.56 981  
Checking Account Totals Paid Void Amount Paid Amount Void  
Checks: 6 0 2,901.25 0.00  
Direct Deposit: 0 0 0.00 0.00  
Total: 6 0 2,901.25 0.00

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UTILITY CAPITAL UTILITY CAPITAL  
 2582 05/25/17 OWENL010 OWEN LITTLE AND ASSOCIATES 805.00 982  
 Checking Account Totals Paid Void Amount Paid Amount Void  
 Checks: 1 0 805.00 0.00  
 Direct Deposit: 0 0 0.00 0.00  
 Total: 1 0 805.00 0.00  
 Report Totals Paid Void Amount Paid Amount Void  
 Checks: 76 0 343,925.87 0.00  
 Direct Deposit: 0 0 0.00 0.00  
 Total: 76 0 343,925.87 0.00

Totals by Year-Fund  
 Fund Description Fund Budget Total Revenue Total G/L Total Total  
 CURRENT FUND 6-01 688.41 0.00 0.00 688.41  
 CURRENT FUND 7-01 312,652.59 0.00 0.00 312,652.59  
 WATER/SEWER FUND 7-06 23,146.06 0.00 0.00 23,146.06  
 Year Total: 335,798.65 0.00 0.00 335,798.65  
 CAPITAL FUND C-04 2,845.76 0.00 0.00 2,845.76  
 UTILITY CAPITAL FUND C-07 805.00 0.00 0.00 805.00  
 Year Total: 3,650.76 0.00 0.00 3,650.76  
 TRUST-OTHER T-03 1,300.00 0.00 0.00 1,300.00  
 CONSTRUCTION TRUST T-13 2,488.05 0.00 0.00 2,488.05  
 Year Total: 3,788.05 0.00 0.00 3,788.05  
 Total Of All Funds: 343,925.87 0.00 0.00 343,925.87

Mayor Huelsenbeck called for Resolution 2017-80: Ocean County Engineering, request for parking. On a motion by Councilman Rossi, seconded by Councilman Tallon, this was approved as follows:

**RESOLUTION 2017-80  
 RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
 COUNTY OF OCEAN, STATE OF NEW JERSEY,  
 REQUESTING OCEAN COUNTY ENGINEERING  
 TO EVALUATE CENTRAL AVENUE PARKING  
 FROM 3<sup>RD</sup> THROUGH 6<sup>TH</sup> STREET**

**WHEREAS**, the Public Safety Committee with the concurrence of the Chief of Police are recommending parking be allowed along the east and west side of Central Avenue between 3<sup>rd</sup> and 6<sup>th</sup> Streets; and

**WHEREAS**, Central Avenue is an Ocean County Roadway.

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Borough of Ship Bottom that we hereby request an official review by the Ocean County Engineering Department to allow parking on both the east and west sides of Central Avenue between 3<sup>rd</sup> and 6<sup>th</sup> Streets.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Resolution 2017-81: Temporary employment, Police Dept. On a motion by Councilman Tallon, seconded by Councilman Valyo, this was approved as follows:

**RESOLUTION 2017-81  
 RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
 COUNTY OF OCEAN, STATE OF NEW JERSEY,  
 AUTHORIZING THE APPOINTMENT AND EMPLOYMENT  
 OF SPECIAL LAW ENFORCEMENT OFFICERS**

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the following be appointed and employed for the summer season at the listed rate of pay.

Charles Ferrara	Class II Officer	\$13.00 per hour
Max J. Bradley	Class II Officer	\$14.00 per hour
Gregory Mezzanotte Jr.	Class I Officer	\$14.00 per hour
Sean Frank	Class I Officer	\$13.00 per hour

**BE IT FURTHER RESOLVED**, that this Resolution is effective retroactive to May 19, 2017.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

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Mayor Huelsenbeck called for Resolution 2017-82: Shared Services Agreement, LBT, installation of cameras. On a motion by Councilman Tallon, seconded by Councilman Valyo, this was approved as follows:

**RESOLUTION 2017-82  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT  
WITH THE TOWNSHIP OF LONG BEACH, THE BOROUGH OF BEACH HAVEN  
AND HARVEY CEDARS, TOWNSHIP OF STAFFORD AND THE OFFICE OF THE  
OCEAN COUNTY PROSECUTOR FOR THE PURCHASE AND  
INSTALLATION OF VARIOUS CAMERAS**

**WHEREAS**, the “Uniform Shared Services and Consolidation Act.” N.J.S.A. 40A:65-1 et. seq. authorizes local government units to enter into an agreement for the purchase and installation of four (4) P492 3M Fixed Wide Lane ALPR Cameras, associated hardware, software, licensing and maintenance (total cost of \$54,589.98) with the Boroughs of Beach Haven and Harvey Cedars, the Township of Long Beach, the Township of Stafford and the Ocean County Prosecutor’s Office; and

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

**WHEREAS**, GTBM, Inc., pursuant to NJ State Contract M0483 / 89980 can furnish and install four (4) P492 3M Fixed Wide Lane ALPR Cameras, associated hardware, software, licensing and maintenance; and

**WHEREAS**, it is the desire of the governing body of the Borough of Ship Bottom to authorize the execution of Shared Service Agreements for the procurement of said cameras as noted below in the following amounts:

Long Beach Township:	\$15,000
Borough of Beach Haven:	\$ 8,000
Borough of Harvey Cedars:	\$ 5,000
Borough of Ship Bottom:	\$10,000
Township of Stafford:	\$ 3,000
Office of the Ocean County Prosecutor:	\$15,589.98

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute Shared Service Agreements as described above in accordance with the provisions of law. A copy of said agreement(s) attached hereto and made a part hereof as Schedule ‘A’.
2. That a copy(s) of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk’s office during normal business hours.
3. That a certified copy of this resolution shall be forwarded to:
  1. The Division of Local Government Services: Shared Services
  2. The Boroughs of Beach Haven, Harvey Cedars, Townships of Stafford and Long Beach and the Office of the Ocean County Prosecutor
  3. Chief Financial Officer of Ship Bottom
  4. Borough of Ship Bottom Chief of Police

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Resolution 2017-83: Change funds, harbor masters, beach ops/tennis courts. On a motion by Councilman Hartman, seconded by Councilman English, this was approved as follows:

**RESOLUTION 2017-83  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
ESTABLISHING CHANGE FUNDS**

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the following change funds are hereby established for the purpose of making change for summer operations 2017:

Harbor Masters	\$ 400.00
Beach Operations/Tennis Courts	\$3,600.00

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

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Mayor Huelsenbeck called for Resolution 2017-84: Refund, tax sale certificate. On a motion by Councilman Hartman, seconded by Councilman Tallon, this was approved as follows:

**RESOLUTION 2017-84  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AUTHORIZING THE TREASURER TO REFUND  
MONEY ON A TAX SALE CERTIFICATE**

**WHEREAS**, the amount of \$1,790.88 has been received by the Tax Collector for redemption of Tax Sale Certificate #15-00011 on Block 94, Lot 7 assessed to John and Pamela Marshall; and

**WHEREAS** the amount of \$1,790.88 is the correct amount required to redeem.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the Treasurer is hereby authorized to return \$1,790.88 plus premium held in escrow of \$1,100.00 to US Bank Cust/For Pro Cap 4 & Crdtrs, 2 Liberty Place, 50 South 16<sup>th</sup> St., Suite 1950, Philadelphia, PA 19102, holder of the certificate.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Resolution 2017-85: Refund, tax overpayment. On a motion by Councilman Hartman, seconded by Councilman Tallon, this was approved as follows:

**RESOLUTION 2017-85  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE TREASURER TO REFUND MONEY  
FOR A TAX OVERPAYMENT**

**WHEREAS**, an overpayment of property taxes in the amount of \$5,606.96 has occurred on the property known as Block 29, Lot 14, assessed to Ship Bottom Retail LLC (Dollar General); and

**WHEREAS**, the overpayment occurred due to a New Jersey State Tax Court Judgement reducing the assessment for 2016.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the Treasurer is hereby authorized to refund the amount of \$5,606.96 to Bruce J. Stavitsky, Esq., for Dollar General, Stavitsky & Associates, LLC, 350 Passaic Ave., Fairfield, NJ 07004.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck tabled Resolution 2017-86.

Mayor Huelsenbeck called for Resolution 2017-87: Temporary employment, Harbor Masters. On a motion by Councilman English, seconded by Councilman Tallon, this was approved as follows:

**RESOLUTION 2017-87  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING TEMPORARY EMPLOYMENT  
OF HARBOR MASTERS**

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the following be employed as Harbor Masters at the Boat Ramp for the summer season at the listed rates of pay.

- |                   |                  |
|-------------------|------------------|
| 1. Kim England    | \$11.04 per hour |
| 2. Kenneth Baran  | \$ 9.47 per hour |
| 3. Jay Smith      | \$ 8.92 per hour |
| 4. Malcolm Leslie | \$ 8.60 per hour |

**BE IT FURTHER RESOLVED**, that this Resolution is effective May 1, 2017.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

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Mayor Huelsenbeck called for Resolution 2017-88: Appointment of Tax Collector. On a motion by Councilman Hartman, seconded by Councilman English, this was approved as follows:

**RESOLUTION 2017-88  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPOINTMENT OF TAX COLLECTOR**

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that Dawn Annarumma is hereby appointed as the Tax Collector for the Borough of Ship Bottom.

**BE IT FURTHER RESOLVED**, that this Resolution is effective June 1, 2017.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Resolution 2017-89: Temporary employment, Beach Operations. On a motion by Councilman English, seconded by Councilman Butkus, this was approved as follows:

**RESOLUTION 2017-89  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING TEMPORARY EMPLOYMENT  
WITHIN BEACH OPERATIONS**

**NOW, THEREFORE, BE IT RESOLVED**, that the following personnel are temporarily employed within Beach Operations for the 2017 summer season:

Keith Stokes (seasonal salary)	\$19,139.20
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Lifeguards: The following are hired at the weekly rate of pay listed:

\$410.00	Jordan Aughenbaugh, Tyler Ciaccio, Cecilia Covert, Laura Esposito, Nicholas Leek, David Lytle, Jake McNellis, Ryan O'Neill, John Peluso, Noah Rogers
\$430.00	William McInerney, Jacob McQuown, Gavin Staub, Austin Wunnenberg
\$460.00	Vincent Bolognese, Daniel Cascio, Christopher Souflis, Gunnar Pearson, Brandon Wurtenberg, Reilly Harrington, Daniel Yurowski, John Michael Purdon
\$490.00	Kenyatta Swift, Matthew Nelson, Anthony Ehrline, Chris Durbin, John Cascio, Ben Hueth, Sage Watterworth, Maggie Covert, Katie Ullinger, George Souflis, Jake Andryshak
\$510.00	Avery Watterworth, Nora Covert, Kimberly Muldoon, Haley Ullinger, Derek Colaizzo, Mike Cascio, Pat Carey
\$530.00	Rick Zanes, Ryan Connolly, Dave Master
\$555.00	Steve LaMarco, Evan Marine
\$580.00	Scott Vrana
\$600.00	Shawn Hannon, Laura Klink, James LaMarco, Tracey Hemmerle
\$660.00	Dan Duffy, Marjorie Duffy, Mike Vile
\$660.00	Laura Klink, James LaMarco (Acting Lieutenant)
\$780.00	Thomas Duralek
\$780.00	Jonny Skolnick
\$800.00	Thomas Smith

Badge Checkers: The following are hired at the hourly rate of pay listed:

\$8.44	Kristen Appese, Sean Bruno, Bri Carlucci, Gabrielle DeLillo, Tyler Demmerle, Emily English, Danielle Hammond, Paula Handel, Kayla Hoffman, Reilly Hogan, Cassandra Kacso, Matthew McConnell, Trey McGee, Sebastian Nicolay, Aaron Osborn, Alexandria Pitarresi, Tyler Ring, Francis Sarno, Kaitlyn Ward, Abigale Wood, Alison Widner, Charles Blight
\$8.61	Vincent Caracciola, Stephanie Cucinello, Amber Freda, Jake McBride, Olivia Mena, Brooke Nadler, Matthew Notaro, Joshua Pistone, Samantha Soccodato, Erica Votta, Kate Weber
\$8.78	Kira Aughenbaugh, Richard Fasolo, Edward Federovitch
\$12.00	Kirsten Silverman
\$13.11	Regina Ehrline
\$15.00	Mary Mulroy, Marie Sellnow

Recreation Park Attendant: The following are hired at the hourly rate of pay listed:  
\$10.00 Mildred Hughes

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Resolution 2017-90: In opposition to the plans for the Ethel A. Jacobsen School and Bond Referendum, LBI School District. On a motion by Councilman Rossi, seconded by Councilman Tallon, this was approved as follows:

**RESOLUTION 2017-90  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
IN OPPOSITION TO THE PLANS FOR THE ETHEL A. JACOBSEN  
ELEMENTARY SCHOOL AND BOND REFERENDUM PROPOSED BY  
THE BOARD OF EDUCATION FOR THE LONG BEACH ISLAND  
CONSOLIDATED SCHOOL DISTRICT**

**WHEREAS**, the Mayor and Council of the Borough of Ship Bottom (“Borough”) has continuously investigated and reviewed the ongoing developments relating to the addition and renovations to the Ethel A. Jacobsen Elementary School (“Ethel Jacobsen School”) proposed by the Board of Education for the Long Beach Island Consolidated School District (“Board”); and

**WHEREAS**, the LAN Associates report (“Report”) prepared for the Board in 2011 identified the three (3) following options in terms of how to address a declining student enrollment and the existence of two (2) separate elementary schools within the district: (i) to continue with the two (2) schools; (ii) to renovate the LBI School and close the Ethel Jacobsen School; or (iii) to renovate the Ethel Jacobsen School and close the LBI School; and

**WHEREAS**, the Report did not recommend any one (1) of the foregoing options, but did note that the renovation costs for the LBI School in 2011 dollars was approximately \$4.2 million and the renovation costs for the Ethel Jacobsen School in 2011 dollars was approximately \$9.4 million; and

**WHEREAS**, subsequent to the Report, as a result of FEMA and insurance funding following Superstorm Sandy, the LBI School underwent approximately \$2 million in necessary renovations; and

**WHEREAS**, the Board evidently elected to proceed with the addition and renovations to the Ethel Jacobsen School on the basis, in part, that the Board believed it can sell the LBI School to a private developer for approximately \$9 million; and

**WHEREAS**, the Borough has significant concerns regarding the foregoing estimated sales price on the bases of: (i) the State of New Jersey Tidelands claim located at the LBI School; (ii) the demolition costs of the LBI School; (iii) the likely environmental issues located at the LBI School; and (iv) the necessity of zoning approval for any such development; and

**WHEREAS**, the Borough previously made offers to purchase property relating to the Ethel Jacobsen School and to purchase the Long Beach Island Grade School (“LBI School”), all of which were rejected by the Board; and

**WHEREAS**, the Borough believes that had the Board sold the Ethel Jacobsen school properties to the Borough of Surf City and the Borough, the required funding for the renovations to the LBI School may have been fully met; and

**WHEREAS**, the Borough has reviewed the various documents and submissions by the Board and its professionals to the Department of Education regarding the proposed addition and renovations to the Ethel Jacobsen School and the Borough contends that such submissions include inaccuracies and omissions; and

**WHEREAS**, the Borough has provided written notification to the Department of Education setting forth the Borough’s contentions regarding the significant issues with the proposed addition and renovations to the Ethel Jacobsen School; and

**WHEREAS**, the Borough contends that the issues with the proposed plans for the addition and renovations to the Ethel Jacobsen School include the following: (i) a potential lack of compliance with FEMA flood regulations; (ii) the failure to include the addition of any necessary and new storage space, which will evidently require additional funding and construction over and above the proposed bonding referendum amount; (iii) the failure to fully address the easement and storm water drainage pipe located at the site, which poses safety, legal, and cost issues; (iv) the election not to designate the school as a temporary shelter for use during emergencies; and (v) the apparent misstatement to the Department of Education that the selection of the Ethel Jacobsen School for the consolidation and the plans were recommended by LAN Associates and that there was a “general consensus” of the Island municipalities served by the district in support thereof; and

**WHEREAS**, the Borough has additional significant concerns regarding the Board proceeding with the proposed September 2017 referendum to seek approval for the \$18.4 million in financing given that: (i) the required storage addition/new building is not included in that



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amount; (ii) the Board advertised for bids for the Long Beach Island School in 2011, but received no bids in response; (iii) the significant issues with the plans documented above have not yet been addressed; (iv) the Board is not under contract to sell the LBI School; (v) there is no guarantee that the Board will receive any offer approaching the \$9 million estimate; and (vi) apparent misstatements in the Board's Frequently Asked Questions published to inform the public regarding the plans and referendum; and

**WHEREAS**, even if the Board were to receive approximately \$8 million to purchase the LBI School, such a purchase would likely be contingent upon the removal of the State Tidelands claim, inspections, and zoning approval, all of which will likely lead to such funds not being received by the Board until the resolution of those issues years later;

**WHEREAS**, even if the Board were to receive approximately \$8 million to purchase the LBI School, the Board would still be required to repay \$10.4 million in bonds through borrowing authorized by the referendum and ultimately will have spent \$18.4 million on a school with potentially two (2) different elevations, no new storage space, and that does not provide a material improvement over a renovated LBI School or a more limited and efficient renovation of the Ethel Jacobsen School, as the LAN Associates report noted that the renovation would likely cost \$9.4 million in 2011 dollars and the proposed \$18.4 million is approximately double that amount; and

**WHEREAS**, in light of, *inter alia*, the foregoing, the Borough believes that the plans and \$18.4 million in financing proposed by the Board are not consistent with sound fiscal and budgetary practices, are not the prudent choices, are excessive in scope, are not in the best interest of the children in the district, are not in the best interest of the district taxpayers, and do not support the public health, welfare, and safety; and

**WHEREAS**, other options were available to the Board that would provide a better environment for the district's children, greater savings to the taxpayers, and that were and are more consistent with the public's health, welfare, and safety; and

**WHEREAS**, the Borough cannot and does not support the Board's decisions, plans, and the proposed bonding of \$18.4 million.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Ship Bottom, on this 23<sup>rd</sup> day of May, 2017, in accordance with the aforesaid Recitals, which are expressly incorporated herein by reference, hereby officially opposes the Ethel A. Jacobsen Elementary School Plans and Bond Referendum proposed by the Board of Education for the Long Beach Island Consolidated School District.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Ordinance 2017-06: Ordinance amending and supplementing Chapter 2.60, Department of Revenue and Finance, Introduction by Title, first reading. On a motion by Councilman Rossi, seconded by Councilman English, this was approved by title as follows:

**ORDINANCE 2017-06  
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AMENDING SECTION 2.60.030 OF THE BOROUGH  
CODE OF THE BOROUGH OF SHIP BOTTOM TO  
PROVIDE THAT THE TAX COLLECTOR SHALL  
ALSO PERFORM THE DUTIES OF  
UTILITY COLLECTOR**

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Ordinance 2017-04: Second reading, public hearing and adoption, ordinance amending and supplementing Chapter 9.36, Storage of Motor Vehicles. On a motion by Councilman Rossi, seconded by Councilman Butkus and an all in favor vote, all aye, to open the meeting to the public. Seeing no response from the public, on a motion by Councilman Rossi, seconded by Councilman Butkus and an all in favor vote, all aye, the public hearing was closed.

On a motion by Councilman English, seconded by Councilman Rossi, Ordinance 2017-04 was adopted as follows:

**ORDINANCE 2017-04  
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
REPEALING CHAPTER 9.36 OF TITLE 9 OF THE  
BOROUGH CODE OF THE BOROUGH OF SHIP BOTTOM  
ENTITLED "STORAGE OF MOTOR VEHICLES" AND  
ESTABLISHING A NEW CHAPTER 9.36 ENTITLED**

**“STORAGE OF MOTOR VEHICLES” SO AS TO PROHIBIT  
THE STORAGE OF JUNK VEHICLES**

**BE IT ORDAINED**, by the governing body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Chapter 9.36 of the Borough Code of the Borough of Ship Bottom entitled “Storage of Motor Vehicles” is hereby deleted in its entirety and replaced with the following:

**Chapter 9.36**

**STORAGE OF MOTOR VEHICLES**

**9.36.010 Storage of vehicles prohibited.**

No person in charge or control of any property within the Borough, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded motor vehicle to remain on such property longer than 14 days and no person shall leave any such motor vehicle on any property within the Borough for a longer time than 14 days except that this chapter shall not apply to a motor vehicle in an enclosed building nor to a motor vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise nor to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Borough.

**9.36.020 Service stations.**

A service station operating within the Borough may store motor vehicles for a period not to exceed one year after the expiration of the motor vehicle registration of the vehicles; providing that vehicles so stored are registered with the police department.

**9.36.030 Violations and Penalties.**

Notwithstanding any provision to the contrary, any person who violates or fails to comply with this chapter shall, upon conviction thereof, be punishable by a fine of not more than five hundred dollars (\$500.00). The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. The violation of any provision of this chapter shall be subject to abatement similarly by a restraining order or injunction issued by a court of competent jurisdiction.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 4.** This ordinance shall take effect after public reading and publication as required by law.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Ordinance 2017-05: Second reading, public hearing and adoption, ordinance pertaining to zoning and regulation of wireless communications, rights-of-way. On a motion by Councilman Hartman, seconded by Councilman Rossi and an all in favor vote, all aye, to open the meeting to the public.

Angela Trampota, 219 W. 28<sup>th</sup> St., asked if the borough has approved any poles yet. The answer was no.

On a motion by Councilman English, seconded by Councilman Rossi and an all in favor vote, all aye, the public hearing was closed.

On a motion by Councilman Hartman, seconded by Councilman Butkus, Ordinance 2017-05 was adopted as follows:

**ORDINANCE 2017-05**

**ORDINANCE OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AMENDING AND SUPPLEMENTING TITLE 16 OF THE  
BOROUGH CODE OF THE BOROUGH OF SHIP BOTTOM ENTITLED  
“LAND DEVELOPMENT CODE” SO AS TO ESTABLISH NEW  
CHAPTER 16.53 ENTITLED “WIRELESS COMMUNICATIONS FACILITIES”  
TO ESTABLISH ZONING REGULATIONS FOR WIRELESS  
COMMUNICATION FACILITIES AND EQUIPMENT INSIDE AND  
OUTSIDE OF THE RIGHTS-OF-WAY OF THE BOROUGH OF**

**SHIP BOTTOM AND TO AMEND SECTION 16.08.020  
ENTITLED "DEFINITIONS"**

**BE IT ORDAINED**, by the governing body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Section 16.08.020 of the Borough Code of the Borough of Ship Bottom entitled "Definitions" is hereby amended and supplemented to include the following definitions in the appropriate alphabetical order of the existing definitions set forth therein:

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

"Base station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation, the following.

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

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

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

"Coverage gap" means the need for additional capacity because of inadequate present capacity or service, dead spots, and inability to place a call.

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

"Distributed antenna system or DAS" means a network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

"FCC" means the Federal Communications Commission.

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

"Non-tower wireless communications facility" means all non-tower wireless communications facilities, including, but not limited to, antennae and related equipment.

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

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

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

“Satellite dish” means any apparatus with a flat or parabolic surface which is designed for the purpose of receiving television, radio, microwave, satellite, or similar electronic signals.

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

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

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

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

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

“Utility pole” means any telephone pole, public utility pole, electric pole, or any other pole providing for the maintenance of wires for the distribution of electricity, telephone signals, telegraph signals, and/or television signals.

“Wireless” means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

“Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cabling, and coaxial and fiber optic cable, but excluding wireless communications support structures.

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

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

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

**SECTION 2.** Title 16 of the Borough Code of the Borough of Ship Bottom entitled “Land Development Code” is hereby amended and supplemented to add new Chapter 16.53 which shall read as follows:

**Chapter 16.53**

**WIRELESS COMMUNICATIONS FACILITIES**

**16.53.010 Purpose.**

The purpose of this chapter for the siting of wireless communications facilities is as follows.

- A. Protect residential areas and land uses from potential adverse impacts of wireless communications facilities.
- B. Encourage and ensure the appropriate location of wireless communications facilities in consideration of the public health, welfare, and safety.
- C. Consistent with federal and state law, minimize the total number of wireless communications facilities in the Borough.
- D. Strongly encourage the collocation and joint use of existing and approved wireless communications facilities as a primary option rather than construction of new tower-based wireless communications facilities.
- E. Encourage applicants to locate wireless communications facilities, to the extent practicable and possible, in areas where the adverse impact to the community is minimal.
- F. Encourage applicants to configure wireless communications facilities in a way that minimizes their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging and stealth technology.
- G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- H. Avoid potential damage to adjacent properties and the public health, welfare, and safety through proper engineering and careful siting of wireless communications facilities.
- I. Comply with applicable federal and state law on the siting and regulation of wireless communications facilities, while ensuring that proper zoning regulations are implemented to ensure that the public health, welfare, and safety is protected and to minimize the adverse visual, structural health, and safety impacts of such facilities.
- J. In furtherance of the foregoing goals, the Borough shall give due consideration to the Borough Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in the approving of sites for the location of wireless communications facilities and the regulation of such facilities.

**16.53.020 Applicability.**

- A. All wireless communications facilities shall be subject to these regulations, the applicable building regulations, and the Borough Code, except as otherwise provided or grandfathered herein.
- B. Amateur Radio; Receive-Only Antennas. This chapter shall not govern any tower or the installation of any antenna that is under 70 feet in height which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. Preexisting Towers or Antennas. Preexisting towers or antennas shall not be required to meet the requirements of this chapter, other than the requirements regarding building codes and safety standards. This exception shall not apply to any expansion or intensification of a preexisting tower or antenna.
- D. Government Agencies. Communication towers and/or antenna owned, operated, leased, or used by the Borough shall be exempt from the requirements of this chapter.
- E. Satellite Dish Antenna. This chapter shall not govern any parabolic satellite antennas.

**16.53.030 Permitted Use, Scope, and Restrictions.**

- A. Wireless communications facilities are a permitted use in the Shore Commercial and General Commercial Zoning Districts. No wireless communications facilities of any type shall be permitted in any Residential Zoning Districts or within 50 feet of a lot in residential use or a residential district boundary.
- B. No wireless communications facilities are permitted inside or on any buildings or accessory buildings in the Borough. Except for the collocation on utility poles as required by federal and state law, and, as otherwise provided in this chapter, no non-tower based wireless communications facilities shall be permitted in the Borough.

All wireless communications facilities in the Borough shall be limited to wireless communications support structures as set forth herein.

- C. With the exception of Borough-owned and/or constructed lattice towers or guy-lattice towers, no lattice towers or guy-lattice towers shall be permitted in the Borough.
- D. Except as otherwise provided by law for public utilities, no new wireless communications support structures, such as towers or monopoles, shall be permitted in the ROW. Only collocation and non-substantial changes to existing wireless support structures shall be permitted in the ROW.
- E. Wireless communications facilities located on property owned, leased, or otherwise controlled by the Borough shall be a permitted use in all Zoning Districts, provided that a license or lease authorizing such facilities has been approved by the Borough, and, as a condition of any such license or lease, the Borough may require site plan approval or may exempt the applicant from approval. The decision to extend such license or lease to an applicant shall be vested solely with the Borough, and shall not be governed by this chapter. The Borough, in its absolute and sole discretion, reserves the express right to deny all use of its property for wireless communications facilities. Nothing in this section shall be construed as requiring any applicant to locate on property owned, leased, or otherwise controlled by the Borough. Preexisting wireless communications facilities are exempt from the application of this subsection.
- F. No advertising signs shall be permitted on any wireless communications facilities, wireless communications support structures, wireless communications equipment, or base stations.
- G. All ROW regulations shall apply to all entities and applicants, regardless of whether the ROW is owned and/or controlled by the County or the State.

**16.53.040 Collocation and Priority Policy.**

- A. The Borough Engineer shall maintain an inventory of existing wireless communications facility locations within or near the Borough.
- B. It is the Borough's policy that the first priority locations for wireless communications facilities within the Borough shall be Borough-owned towers, and then non-Borough owned existing towers and wireless support structures, and all applicants for new wireless communications facilities shall make all reasonable and good faith efforts to collocate the proposed wireless communications facilities and/or secure the location of such facilities on Borough-owned facilities first and non-Borough owned existing towers and wireless support structures second.
- C. An applicant proposing any wireless communications facility at a new location shall demonstrate and document that it made its best business efforts to find a collocation site and that none was available, practicable, economically feasible, and was not a viable option.

**16.53.050 Costs and Fees.**

- A. Permit and Escrow Fees. The Borough may assess appropriate and reasonable application and permit fees directly related to the actual costs in reviewing and processing the application for approval of wireless communication facilities, as well as inspection, monitoring, and related costs, as set by resolution. The Borough may also impose and require escrow fees for the payment of actual fees and costs, as the Borough deems appropriate by way of resolution.
- B. Retention of Experts and Costs. The Borough and the Land Use Board may use and/or hire any consultants, engineers, attorneys, and/or experts to assist with the review and application for approval of wireless communications facilities, and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this chapter and the Borough Code. The applicant and/or owner of the wireless communication facility shall reimburse the Borough and the Land Use Board for all costs of the consultants, engineers, attorneys, and/or experts in providing expert evaluation and consultation in connection with these activities.
- C. Compensation for ROW Use. In addition to other fees provided herein, every wireless communications facility in the ROW is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs, if any, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, supervising and other ROW management activities by the Borough. The owner of each tower-based wireless communications facility shall pay an annual fee to compensate the Borough for the Borough's costs incurred. The annual ROW management fee for wireless communications facilities shall be determined by the Borough and authorized by resolution.

**16.53.060 Application Requirements for the Installation of all non- Collocation and/or Substantial Changes to Wireless Communications Facilities.**

- A. Except as otherwise provided in this section, no wireless communications facilities shall be constructed, erected, or substantially changed unless site plan

approval and any and all applicable variances are obtained from the Land Use Board. The following provisions shall apply to applications for such approval.

1. Applications for site plans along with any required variances shall be subject to the procedures and requirements of the Municipal Land Use Law and the Borough Code, except as modified herein.
  2. In granting site plan approval or a variance, the Land Use Board may impose additional conditions consistent with federal and state law to the extent the Land Use Board concludes such are necessary to minimize any adverse effect of the proposed wireless communications facility on adjoining properties.
  3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer of the State of New Jersey, if a licensing requirement for that professional exists in New Jersey.
  4. An applicant for site plan approval or a variance shall submit the information required, a nonrefundable application fee, and an escrow deposit as established by resolution. The application fee and escrows shall be paid as required herein.
  5. Any tower shall be designed and constructed so as to accommodate at least 4 antenna arrays of separate wireless communications providers, where such accommodation is technically feasible.
- B. In addition to any and all information required for applications for site plan approval or a variance pursuant to this section and the Borough Code, applicants for approval for the construction or installation of wireless communication facilities shall submit all of the items identified on the application checklist, along with the following information before the application is certified as complete.
1. A completed proscribed application and application checklist for proposed wireless communications facilities.
  2. The identity of the owner of the property, structure, and/or building and a copy of the lease (with confidential or proprietary information redacted), proof of ownership and authority, and deed for the property.
  3. A scaled site plan clearly indicating the location, type, and height of the proposed wireless communications facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed wireless communications facility and any other structures, topography, parking, and other information as required by this or other Borough ordinances, or as required by the Borough or Board Engineer, to enable comprehensive review of the application.
  4. Survey of the property, including a Letter of Interpretation from the New Jersey Department of Environmental Protection, signed and sealed by a land surveyor licensed in the State of New Jersey, dated no earlier than 12 months prior to the date of the application.
  5. The separation distance between the proposed wireless communications facility and the nearest residential unit and/or residentially zoned property.
  6. The separation distance from other wireless communications facilities described in the inventory of existing sites submitted pursuant to this subsection shall be shown on an updated site plan or map certified by a licensed engineer or licensed land surveyor. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s).
  7. A landscape plan showing specific landscape materials and precise locations of proposed landscaping improvements, including, but not limited to, species type, size, spacing, other landscape features, and existing vegetation to be retained, removed, or replaced, which shall be certified by a licensed engineer or certified landscape architect.
  8. An Environmental Impact Study.
  9. A plan evidencing compliance with the applicable requirements of this section, including, but not limited to, the architecture, stealth technology requirements, aesthetics, color, camouflage, landscaping, and fencing.
  10. A written report of the suitability or non-suitability of the use of existing wireless communications facilities or other structures for services to be provided through the use of the proposed new wireless communications facility.
  11. A written report of the feasible location(s) of future wireless communications facilities that may be erected by the applicant within the Borough based upon existing physical engineering, technological, or

- geographical limitations in the event the proposed wireless communications facility is erected.
12. A visual study, including photographic or topographic plans, identifying a line of sight analysis detailing the view of the proposed wireless communications facility from various directions and angles from adjacent areas within a 750-foot radius of the proposed wireless communications facility. The analysis shall be utilized to determine buffer requirements.
  13. Documentation of the results of the crane test, including a line-of-sight survey and photographic result of the crane test with regard to the potential visual and aesthetic impacts of the proposed tower. Such documentation must establish the zone of visibility of the proposed tower.
  14. Photo-simulations of any proposed tower, which shall include at least 1 photo-simulation from at least 4 angles of view of the tower (from the north, east, south and west), taken from ground level at the property line of the proposed site of any tower. Photo-simulations presented to the approving authority shall be in color and a minimum of 8 inches by 11 inches in size.
  15. Documentary and expert evidence regarding the need for the wireless communications facility, which information shall identify the existing wireless network layout and existing coverage areas to demonstrate the need for the facility at a particular location within the Borough. The evidence shall include a report of the radio frequency engineering analysis of the search area for the wireless communications facility.
  16. A report from a qualified expert certifying that the wireless communications facility complies with the latest structural and wind loading requirements as set forth in the Building Officials and Code Administrators (“BOCA”) International Code, including a description of the number and type of antennas it is designed to accommodate.
  17. A statement by the applicant demonstrating whether construction of the wireless communications facility will accommodate co-location of additional antenna for future users. If so, a letter of commitment by the applicant to lease excess space on wireless communications facility to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. The letter shall commit the tower owner and successors in interest.
  18. Elevations of all existing and proposed structures generally depicting all existing and proposed antennas, towers, platforms, finish materials, as well as all other accessory equipment.
  19. Inventory of Existing Sites. Each applicant shall provide to the Land Use Board an inventory of its existing wireless communications facilities or sites approved for towers or antennas that are either within the jurisdiction of the Borough or within 3 miles of the proposed site, whichever is more extensive, including specific information about the location, height, and design of each wireless communications facility. The Borough and the Land Use Board may share such information with other applicants applying for administrative approvals or permits under this section or other organizations seeking to locate wireless communications facilities within the jurisdiction of the Borough; provided, however, that the Borough and Land Use Board are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
  20. Identification of the entities providing the backhaul network for the wireless communications facility described in the application and other cellular sites owned or operated by the applicant in the municipality.
  21. Detailed and certified engineering plans of the wireless communications facility proposed and any and all related equipment.
  22. Fully-executed indemnification and hold harmless agreements prepared by the Borough, which are provided with the application package.
  23. Documentation that the existing vegetation, trees, and shrubs located within proximity to the wireless communications facility structure shall be preserved to the maximum extent possible.
  24. A soil report to the Borough complying with the standards of Appendix I: Geotechnical Investigations, ANSI/ETA 222-B, as amended, to document and verify the design specifications of the foundation of the tower-based wireless communications facility, and anchors, if used.
  25. Documentation of compliance with all of the regulations set forth in subsection 16.53.100.

**16.53.070 Review of Tower-Based Applications.**



Tower-based applications shall be reviewed by the Land Use Board pursuant to the following:

- A. Timeframe for review. The Land Use Board shall render a decision on an application within 150 days of receipt of a complete application.
- B. Incomplete applications. The Land Use Board may toll the 150-day timeframe set by notifying the applicant, within 30 days of receipt of submission of an application, that the application is incomplete. Such notification shall set forth all outstanding information, as well as the applicable Code provision, ordinance, application instruction, or publicly stated procedure requiring the information to be submitted. The 150-day timeframe shall begin again upon receipt of the supplemental submission.
- C. Subsequent incomplete applications. The Land Use Board may thereafter toll the 150-day timeframe by notifying the applicant, within 10 days of receipt of the supplemental submission, that the applicant did not provide the information identified in the original notice delineating missing information. Second or subsequent notices of incompleteness may not specify missing documents or information not previously delineated in the original notice of incompleteness.
- D. Failure to act. If the Land Use Board does not approve or deny an application within 150 days of receipt of the application or any applicable tolling periods thereafter, the applicant may notify the Land Use Board in writing that the review period has expired. Upon the Land Use Board's receipt of this notice from the applicant, the application shall be deemed granted.

**16.53.080 Application Requirements for the Installation of all Collocation and Non-Substantial Change to Wireless Communications Facilities.**

- A. An application for development to collocate or non-substantially change wireless communications equipment on a wireless communications support structure shall not be subject to site plan review, provided the application meets the following requirements.
  - 1. The wireless communications support structure shall have been previously granted all necessary approvals by the appropriate approving authority.
  - 2. The proposed application satisfies the federal and state requirements to meet the standard for collocation, as defined in this section.
  - 3. The proposed collocation and/or change complies with the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which variance relief would be required pursuant to N.J.S.A. 40:55D-1, *et seq.*, or any other applicable law, rule, or regulation.
- B. All applications shall be filed with the Municipal Clerk and the Mayor and Council shall review the application with consultation with the Borough Engineer and the Borough Attorney to determine whether the application qualifies as a request for collocation, whether the change proposed is non-substantial, and/or whether the application requires site plan approval. The Mayor and Council shall review the application and advise the applicant within 30 days as to whether the Borough deems that site plan approval by the Land Use Board is required. If site plan approval is deemed to be required, the applicant shall proceed in accordance with the regulations regarding such approval and the time period for review shall restart in accordance with such regulations upon submission of a site plan application.
- C. All applications shall be submitted to the Municipal Clerk on the proscribed application and checklist form(s) and shall include the following information.
  - 1. A completed application and application checklist for wireless communication facilities collocation and non-substantial change modifications.
  - 2. A statement and supporting proofs that the application qualifies as collocation or as a non-substantial change.
  - 3. The identity of the owner of the property, structure, and/or building and a copy of the lease (with confidential or proprietary information redacted), proof of ownership and authority, deed for the property, and a copy of the agreement relating to N.J.S.A. 48:3-18.
  - 4. Applicant's certification that it possesses the legal authority to collocate and/or change the support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
  - 5. Fully-executed indemnification and hold harmless agreements prepared by the Borough, which are provided with the application package.
  - 6. A scaled location plan clearly indicating the location, type, and height of the proposed wireless communications facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from

property lines, elevation drawings of the proposed wireless communications facility and any other structures, topography, parking, and other information as required by this or other Borough ordinances, or as required by the Borough or Board Engineer, to enable comprehensive review of the application.

7. The separation distance between the proposed wireless communications facility and the nearest residential unit and/or residentially zoned property.
8. The separation distance from other wireless communications facilities described in the inventory of existing sites submitted pursuant to this subsection shall be shown on an updated location plan or map certified by a licensed engineer or licensed land surveyor. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s).
9. A description of the type and quantity of equipment to be installed.
10. A description of the number and size of any equipment cabinets to be installed.
11. A description of any excavation required.
12. A description of any change in tower height and/or width as a result of the proposed collocation, removal, or replacement.
13. A plan evidencing the development's compliance with the applicable requirements of this section, including, but not limited to, the architecture, aesthetics, color, and use of stealth technology.
14. A written report of the suitability or non-suitability of the use of existing wireless communications facilities or other structures for services to be provided through the use of the proposed new wireless communications facility, including certification from a structural engineer that the existing utility pole or tower is structurally suitable and safe for the collocation and/or non-substantial change.
15. A written report of the feasible location(s) of future wireless communications facilities which may be erected by the applicant, within the Borough based upon existing physical engineering, technological, or geographical limitations in the event that the proposed wireless communications facility is erected.
16. A visual study, including photographic or topographic plans, identifying a line of sight analysis detailing the view of the proposed wireless communications facility from various directions and angles from adjacent areas within a 750-foot radius of the proposed wireless communications facility. The analysis shall be utilized to determine buffer requirements.
17. Documentary and expert evidence regarding the need for the wireless communications facility, which information shall identify the existing wireless network layout and existing coverage areas to demonstrate the need for the facility at a particular location within the Borough. The evidence shall include a report of the radio frequency engineering analysis of the search area for the wireless communications facility.
18. A report from a qualified expert certifying that the wireless communications facility complies with the latest structural and wind loading requirements as set forth in the BOCA Code, including a description of the number and type of antennas it is designed to accommodate.
19. A statement by the applicant demonstrating whether construction of the wireless communications facility will accommodate co-location of additional antenna for future users. If so, a letter of commitment by the applicant to lease excess space on wireless communications facility to other potential users at prevailing market rates and conditions. The letter of commitment shall be recorded prior to issuance of a building permit. The letter shall commit the tower owner and successors in interest.
20. Elevations of all existing and proposed structures generally depicting all existing and proposed antennas, towers, platforms, finish materials, as well as all other accessory equipment.
21. Inventory of Existing Sites. An inventory of its existing wireless communications facilities or sites approved for towers or antennas that are either within the jurisdiction of the Borough or within 3 miles of the proposed site, whichever is more extensive, including specific information about the location, height, and design of each wireless communications facility. The Borough and the Land Use Board may share such information with other applicants applying for administrative approvals or permits under this section or other organizations seeking to locate wireless communications facilities within the jurisdiction of the Borough; provided, however, that the Borough and Land User Board are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

22. Identification of the entities providing the backhaul network for the wireless communications facility described in the application and other cellular sites owned or operated by the applicant in the municipality.
23. Documentation of compliance with all of the regulations set forth in subsection M.

**16.53.090 Review of Collocation of or Non-Substantial Change to Wireless Communications Facilities Applications.**

- A. Timeframe for review. The Mayor and Council shall determine whether an application for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station constitutes a substantial change within 60 days of receipt of the application. Applications that do not substantially change the wireless communications facility and otherwise comply with the requirements set forth in this section shall be approved within this time period. This 60-day period may be extended by mutual agreement of the Borough and the applicant.
- B. Incomplete applications. The Mayor and Council may toll the 60-day timeframe by notifying the applicant, within 30 days of receipt of submission of an application, that the application is incomplete. Such notification shall set forth all outstanding information, as well as the applicable Code provision, ordinance, application instruction, or publicly stated procedure requiring the information to be submitted. The 60-day timeframe shall begin again upon receipt of the supplemental submission.
- C. Subsequent incomplete applications. The Mayor and Council may thereafter toll the 60-day timeframe by notifying the applicant, within 10 days of receipt of the supplemental submission, that the applicant did not provide the information identified in the original notice delineating missing information. Second or subsequent notices of incompleteness may not specify missing documents or information not previously delineated in the original notice of incompleteness.
- D. Complete applications. The Mayor and Council shall, within the 60-day timeframe, approve all complete applications for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station that do not constitute a substantial change and that do not otherwise violate applicable health, safety, and other requirements set forth in this section. If the Mayor and Council determines that an application constitutes a substantial change to an existing wireless communications tower or base station, or otherwise fails to comply with this section, it shall notify the applicant of same in writing. If applicable, the Mayor and Council shall advise the applicant to initiate the site plan process required by this section.
- E. Applications on improper towers. Notwithstanding the foregoing, the Mayor and Council is not obligated to approve an application for collocation, removal, or replacement of equipment on a tower or base station that was constructed or deployed without proper review, was not required to undergo siting review, or does not support transmission equipment that received another form of affirmative state or local regulatory approval.
- F. Failure to act. If the Mayor and Council does not approve or deny an application for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station within 60 days of receipt of the application or any applicable tolling periods thereafter, the applicant may notify the Mayor and Council in writing that the review period has expired. Upon the Mayor and Council's receipt of this notice from the applicant, the application shall be deemed granted.

**16.53.100 General Requirements for all Towers and Tower-Based Wireless Communications Facilities.**

The following regulations shall apply to all towers and tower-based wireless communications facilities.

- A. Uniform Construction Code; Safety Standards; Standard of Care. Any tower-based wireless communications facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, foundation, safety, and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute ("ANSI") Code, National Electrical Safety Code, National Electrical Code, the New Jersey Uniform Construction Code and the applicable standards for towers that are published by the Electronic Industries Association, the Borough Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based wireless communications facility shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
- B. Gap in Coverage. An applicant for a tower-based wireless communications facility must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of wireless communications facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless

- coverage shall be a factor in the Land Use Board's decision on an application for approval of tower-based wireless communications facilities.
- C. Collocation. An application for a new tower-based wireless communications facility outside the ROW shall not be approved unless the Land Use Board finds that the wireless communications equipment planned for the proposed tower-based wireless communications facility cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based wireless communications facility shall include a comprehensive inventory of all existing towers and other suitable structures within a 2-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- D. Wind. Any tower-based wireless communications facility structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association.
- E. Height. Any tower-based wireless communications facility shall be designed at the minimum functional height and shall not exceed a maximum total height of 100 feet, which height shall include all subsequent additions or alterations. All tower-based wireless communications facility applicants must submit documentation to the Land Use Board justifying the total height of the structure.
- F. Public Safety Communications. No tower-based wireless communications facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- G. Maintenance. The following maintenance requirements shall apply:
1. Any tower-based wireless communications facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair;
  2. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents;
  3. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents; and
  4. Except in the case of documented emergencies, 5-day written notice of any and all maintenance activities shall be provided to the Chief of Police and the Department of Public Works. Written notice of emergencies and documented proof of same shall be provided to the Chief of Police and the Department of Public Works as soon as practicable, but in no case more than 48 hours from the date of emergency.
- H. Radio Frequency Emissions. No tower-based wireless communications facility may, by itself or in conjunction with other wireless communications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- I. Identification. All tower-based wireless communications facilities shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Land Use Board.
- J. Lighting. Tower-based wireless communications facilities shall not be artificially lighted, except as required by law and as may be approved by the Land Use Board. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.
- K. Appearance and Visual Compatibility Requirements.
1. All tower-based wireless communications facility structures shall be located, designed, and screened to blend with the existing natural or building surroundings so as to minimize visual impacts through the use of the latest stealth technology, including color and camouflaging, architectural treatment, landscaping, and other available means, considering the need to be compatible with neighboring residences and the character of the community. The tower-based wireless communications facility shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.
  2. Any height extensions to an existing tower-based wireless communications facility shall require prior approval of the Land Use Board. The Land Use Board reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.

3. Any proposed tower-based wireless communications facility shall be designed structurally, electrically, and in all respects to accommodate both the wireless communications facility applicant's antennas and comparable antennae for future users.
4. Towers shall either maintain a galvanized steel finish, be painted a neutral color, and employ stealth technology so as to reduce visual obtrusiveness.
5. At the wireless communications equipment building, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding buildings.
6. All tower-based wireless communications facility structures must be designed to preserve scenic vistas and views of the Atlantic Ocean, Barnegat Bay, Little Egg Harbor, all Inlets, cultural and history landmarks, and unique geographic and topographic features. Natural features such as trees, views, natural terrain, open waters, and natural drainage ridge lines shall be preserved whenever possible in locating and designing a tower. Towers shall further be designed and located to minimize impact on open space and Green Acres properties.
7. Any and all buildings or structures relating to the tower-based wireless communications facility structures shall be located, designed, and screened to blend with the existing natural or building surroundings so as to minimize visual impacts through the use of stealth technology.
8. Any and all buildings or structures relating to the tower-based wireless communications facility structures shall not contain more than 1,600 square feet of gross floor area or be more than 15 feet in height.
9. Equipment storage buildings or cabinets shall comply with all applicable zoning and building codes.
10. The wireless communications equipment building shall not exceed 10 feet for flat roofs or 15 feet for pitched roofs, which shall have a minimum vertical rise of 6 inches for every 12 inches of horizontal run, and the building must blend architecturally with any existing building on the property. Pitched roofs shall be permitted only where the applicant is proposing a structure designed to blend with the local architectural context.
11. When a location out of the view from off-tract properties is not possible, appropriate foundation planting shall be provided outside the wireless telecommunications equipment building.
12. Landscaping. The following requirements shall govern the landscaping surrounding towers for which site plan approval is required.
  - (a) Tower-based communications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.
  - (b) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
13. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the approving authority if the goals of this chapter would be better served thereby. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
14. An individual wireless carrier shall not occupy more than four hundred (400) square feet of the equipment building.
- L. Noise. Tower-based wireless communications facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under State law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- M. Aviation Safety. Tower-based wireless communications facilities shall comply with all Federal and State laws and regulations concerning aviation safety.
- N. Nonconforming Uses. Nonconforming tower-based based wireless communication facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this chapter and this Title 16.
- O. Removal. In the event that use of a tower-based based wireless communication facility is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned based wireless communication facilities or portions of based wireless communication facilities shall be removed as follows:

1. All unused or abandoned tower-based wireless communication facilities and accessory facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the Borough.
  2. If the wireless communication facility and/or accessory facility is not removed within 6 months of the cessation of operations at a site, or within any longer period approved by the Borough, the wireless communication facility and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the wireless communication facility.
  3. Any unused portions of tower-based wireless communication facilities, including antennas, shall be removed within 6 months of the time of cessation of operations. The Borough must approve all replacements of portions of a tower-based wireless communication facility previously removed.
- P. Additional Antennae. As a condition of approval for all tower-based wireless communications facilities, the applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennae on tower-based wireless communications facilities where technically and economically feasible. The owner of a tower-based wireless communications facility shall not install any additional antennae without obtaining the prior written approval as required in this section.
- Q. Environmental. All tower-based wireless communication facilities shall comply with all applicable environmental regulations.
- R. Visual or Land Use Impact. The Land Use Board reserves the right to deny an application for the construction or placement of any tower-based wireless communications facility based upon visual and/or land use impact.
- S. Inspection. The Borough reserves the right to inspect any tower-based wireless communications facility to ensure compliance with the provisions of this Chapter and any other provisions found within the Borough Code or State or Federal law. The Borough and/or its agents shall have the authority to enter the property upon which a wireless communications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance. If, upon inspection, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- T. Setbacks. The following setback requirements shall apply to all towers:
1. Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line and all non-appurtenant buildings and structures to ensure public safety in the event of a collapse or fall of the tower, provided that distance is no closer than the building setback applicable to the zoning district.
  2. Accessory buildings must satisfy the minimum zoning district setback requirements.
  3. No tower shall exist within required buffer or conservation easement areas.
- U. Separation distance from tower to tower. No tower shall be within 1,500 feet of another tower. Tower separation shall be measured from the base of the tower to the base of the other tower.
- V. Insurance Requirements. All applicants shall be required to provide proof of and maintain comprehensive general liability insurance covering the tower-based wireless communications facility in the minimum coverage amount of \$5,000,000.00 for any 1 claim and \$10,000,000.00 for any aggregate claim. The insurance policy shall name the Borough as an additional insured. The existence of any available and/or applicable insurance shall not waive or release applicant from the obligations set forth required indemnification agreement included in the application.
- W. Fence/Screen.
1. A security fence having a maximum height of 8 feet shall completely surround any tower-based wireless communications facility, guy wires, or any building housing wireless communications facility equipment.
  2. An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.

3. The wireless communications facility applicant shall submit a landscape plan for review and approval by the Borough for all proposed screening.
- X. Accessory Equipment.
1. Ground-mounted equipment associated to, or connected with, a tower-based wireless communications facility shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Borough Engineer, then the ground mounted equipment shall be screened from public view using stealth technologies, as described above.
  2. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
- Y. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based wireless communications facility. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the wireless communications facility owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.
- Z. Bond. Prior to the issuance of a permit, the owner of a tower-based wireless communications facility outside the rights-of-way shall, at its own cost and expense, obtain from a surety licensed to do business in New Jersey and maintain a bond or other form of security acceptable to the Borough Attorney, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this chapter and this Title 16. The bond shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this chapter, after reasonable notice and opportunity to cure. The owner shall file the bond with the Borough.

**16.53.110 Tower-Based Facilities inside the Rights-of-Way.**

No new wireless communications support structures shall be permitted in any ROW, except that pursuant to federal law and N.J.S.A. 40:55D-46.2, existing, approved utility poles approved by the appropriate authority for public utilities and new utility poles approved by the appropriate authority for public utilities in the rights-of-way located in the Shore Commercial and General Commercial Zoning Districts alone may be used for the collocation of wireless communications facilities, provided they are not located within 50 feet of any residential zone or residential lot line. No collocation shall be permitted in any Residential Zoning District ROW. The following regulations shall apply to such tower-based wireless communications facilities located in the ROW.

- A. Time, Place and Manner. The Borough shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower-based wireless communications facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
- B. Equipment Location. Tower-based wireless communications facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Land Use Board. In addition:
1. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
  2. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping, stealth technology, or other decorative features to the satisfaction of the Borough;
  3. Required electrical meter cabinets shall be screened to blend in with the surrounding area and employ stealth technology to the satisfaction of the Borough;
  4. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti; and
  5. Any underground vaults related to tower-based wireless communications facilities shall be reviewed and approved by the Borough.
- C. Relocation or Removal of Facilities. Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based wireless communications facility in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any wireless communications facility when the Borough, consistent with its police

powers and applicable regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:

1. The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
2. The operations of the Borough or other governmental entity in the right-of-way;
3. Vacation of a street or road or the release of a utility easement; and/or
4. An emergency as determined by the Borough.

**16.53.120. General Requirements for All Collocation of and Non-Substantial Changes to Wireless Communications Facilities.**

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



9. Historic Buildings or Districts. No wireless communications facility may be located within 150 feet of any building or structure that is listed on either the National or New Jersey Registers of Historic Places or the official historic structures and/or historic districts list maintained by the Borough, or has been designated by the Borough as being of historic significance.
10. Visual Impact and Safety. The Borough reserves the right to deny an application for the construction or placement of any wireless communications facilities based upon visual and/or land use impact, and require design modification as a pre-condition to approval. No collocation or non-substantial changes shall be permitted in any site triangle or otherwise interfere with site lines and/or the public health, welfare, and safety.
11. Removal. In the event that use of the collocated or changed is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless communications facilities or portions of wireless communications facilities shall be removed as follows:
  - a. All abandoned or unused collocation of and changes to wireless communications facilities and accessory facilities shall be removed within 3 months of the cessation of operations at the site unless a time extension is approved by the Borough;
  - b. If the collocation of and changes to wireless communications facilities or accessory facility is not removed within 3 months of the cessation of operations at a site, or within any longer period approved by the Borough, the wireless communications facility and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the wireless communications facility.
12. Maintenance. The following maintenance requirements shall apply:
  - a. The collocation of and changes to wireless communications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair;
  - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents;
  - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents; and
  - d. Except in the case of documented emergencies, 5-day written notice of any and all maintenance activities shall be provided to the Chief of Police and the Department of Public Works. Written notice of emergencies and documented proof of same shall be provided to the Chief of Police and the Department of Public Works as soon as practicable, but in no case more than 48 hours from the date of emergency.
13. Bond. Prior to the issuance of a permit, the owner of each individual non-tower wireless communications facility shall, at its own cost and expense, obtain from a surety licensed to do business in New Jersey and maintain a bond, or other form of security acceptable to the Borough Attorney, in an amount of \$25,000 for each individual non-tower wireless communications facility, to assure the faithful performance of the terms and conditions of this Chapter. The bond shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this Chapter, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Borough.
14. Inspection. The Borough reserves the right to inspect any tower-based wireless communications facility to ensure compliance with the provisions of this Chapter and any other provisions found within the Borough Code or State or Federal law. The Borough and/or its agents shall have the authority to enter the property upon which a wireless communications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance. If, upon inspection, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

15. Insurance Requirements. All applicants shall be required to provide proof of and maintain comprehensive general liability insurance covering the wireless communications facility in the minimum coverage amount of \$1,000,000.00 for any one claim and \$3,000,000.00 for any aggregate claim. The insurance policy shall name the Borough as an additional insured. The existence of any available and/or applicable insurance shall not waive or release applicant from the obligations set forth required indemnification agreement included in the application.

**16.53.130. Existing Nonconforming Antennas or Towers; Damaged.**

Nonconforming wireless communications facilities, antennas, or wireless communications support structures that are damaged or destroyed may not be rebuilt without having to first obtain the appropriate approval from the appropriate approving authority and without having to meet the requirements specified in this section.

**16.53.140. Enforcement, Violations, and Penalties.**

- A. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Chapter and any other remedy at law or in equity, the Borough may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Chapter.
- B. A violation of this Chapter shall be punishable as provided in Chapter 1.08 – General Penalty.

**16.53.150. Miscellaneous.**

- A. Police Powers. The Borough, by granting any permit or taking any other action pursuant to this section, does not waive, reduce, lessen, or impair the lawful police powers vested in the Borough under applicable federal, state, and local laws and regulations.

**SECTION 3.** All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** 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.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for the following requests:

1. Marine Max: tent sales May 20 & 21, June 24 & 25, July 22 & 23 and August 19 & 20. This is a 20' X 20' tent to be placed on their property.
2. Thing A Drift: request for Annual LBI Artist Open Gallery and Studio Tour. There will be artists set up in the side yard on June 24 & 25 from 10:00 am until 4:00 pm.
3. Waves of Impact: July 27<sup>th</sup> with approximately 40 children and their families.

On a motion by Councilman Tallon, seconded by Councilman English these requests were approved.

Roll Call: Rossi, Hartman, Tallon, English, Valyo and Butkus, all aye.

Mayor Huelsenbeck called for Reports of Committees:

Revenue and Finance: Councilman David Hartman

Tax revenue for May 2017 month to date is \$2,242,584. Of that \$1704.75 is interest collected.

The tax sale will be held in Council Chambers tomorrow May 24, 2017 at 10:30  
The properties listed for the tax sale started with over 60 properties but is now down to only 4.

Miscellaneous revenue for May 2017 include these notables:

Alcohol license fees \$1970

Mercantile license fees \$1750

Post office rental \$2185

May 23, 2017

**Public Safety: Councilman Tom Tallon**

There were 607 reported activities. There were 3,599 patrol vehicle miles. There were 102 beach, building and business checks. There were also 288 traffic stops, three motor vehicle accidents with injuries, twelve motor vehicle accidents without injuries.

**Parks and Recreation: Councilman Edward English**

Seasonal Beach badges can be purchased for the pre-season rate of \$30 during the week at Borough Hall and will be available Memorial Day Weekend from 9 AM to 2 PM. After May 31<sup>st</sup> the price will increase to \$40.

The annual swim test date for new and returning lifeguards was held on Sunday, May 21 at 5 PM.

Make-up swim test date is scheduled for June 10 and 17 and 3:30 PM at the St. Francis Aquatic Center Pool.

Drug testing for returning lifeguards only is scheduled for June 3.

Beach Patrol personnel will start patrolling the beaches on weekends only beginning Memorial Day Weekend up to the first day of the season (Saturday before Father's Day).

Opening day this season is Saturday, June 17. Pre-season meeting for all lifeguards is June 16 at 6 PM at Beach Patrol HQ.

CPR/AED and First Aid classes for returning lifeguards will be held at Beach Patrol HQ June 17-24 from 6-9 PM.

The Lifeguard-In-Training Program will run for 6 weeks this summer. The 10-12 year old group starts on June 27 and runs till August 3. The 13-15 year old group starts on June 26 and runs till August 4. Morning sessions are from 10:30 AM to 12:30 PM and afternoon sessions are from 2:00 PM to 4:00 PM.

Thank you to all departments for helping the beach patrol get ready for another season. We are looking forward to another great summer!

Beach Badge sales to date are \$252,784.00 which is an increase over last year's \$214,957.00 of \$37,827.00.

The summer concerts are as follows:

July 6	Shorty Long and the Jersey Horns
July 13	Victoria Watts- Top 40's
July 20	Not Fade Away-Buddy Holly Tribute
July 27	Mushmouth-Rock n' Roll
August 3	E Street Shuffle-Tribute to the Boss
August 10	Moses Livingston and The Raggamuffins-Reggae
August 17	Triple Rail Turn-Country

Mayor Huelsenbeck added that it costs over \$700,000.00 to maintain the beach, which is recycling, trash, lifeguards and everything else that there is to run the beach. Normally, we bring in between \$650,000.00 to \$750,000.00 in beach badge sales. If we did not have the beach badge sales, this cost would be passed on to the taxpayer.

**Public Property & Community Affairs: Councilman Joe Valyo**

Code Enforcement: Verbal warnings were: 1 for unleashed dogs, 13 for illegal signs, 9 for trash, 2 for trailers on street, 6 for overgrown grass and 3 for construction materials on street. There was also 2 summons for trash.

Zoning: 9 zoning permits and 8 resale inspections were done.

Construction: 34 permits and 3 permit updates were processed. The type of work was 32 alteration/renovations, 3 minor work, 1 new building and 1 demolition.

The total revenue was \$9,912.00.

**Water/Sewer: Councilman Robert Butkus**

We pumped 5,749,000 gallons of water for the month of April. That is up due to people coming down and the hydrant flushing. Hydrant flushing was done on April 24<sup>th</sup>, 25<sup>th</sup> & 26<sup>th</sup>. We inspect, operated and made all repairs to the water & sewer systems as needed.

The revenue for water was \$145,333.03 with \$113.76 of that in interest. The revenue for sewer was \$197,210.12 with \$124.28 of that in interest. The total revenue was \$342,543.15 with \$238.04 of that in interest.

May 23, 2017

Public Works: Councilman Peter Rossi

1. Maintenance and repairs done on all borough vehicles and equipment (old red life guard truck in poor shape).
2. Metal, TV's and brush pickup. Shrink wrap taken to Manahawkin recycle.
3. Beach and bay entrances shoveled and swept. Paddle board ramp installed at bay beach. All trash containers put on boulevard. 55 gal. trash drums painted and ready for beach. Water turned on in rest rooms and lifeguard headquarters.
4. Grass cutting, weeding, fertilizing done throughout the borough. Handicapped ramps swept and shoveled.
5. Filled pot holes throughout the borough. R-blend spread at the end of 23rd St. easement. 20th St bulkhead missing bolts replaced.
6. Beach wheels tires filled, ready for season.
7. Replaced doorbell at borough hall (police dept.) Repaired door in break room.
8. Barricades taken to Joe Pops for David's Dream and Believe and picked up after the event.
9. Yellow line painted in front of Local. (as per Chief Sharkey)
10. Tree cut down at the 4<sup>th</sup> St park.
11. Fire Extinguishers checked throughout the borough. Safety meeting was held.
12. Ship Bottom Ave., west side debris clean up.
13. Pink lights put on anchor for breast cancer awareness.

Note: Interviewed perspective summer help to no avail. This is a definite problem for our summer operation.

There are American Flags on the front lawn of the High School representing our servicemen who have lost their lives. There will be a Memorial Service on Friday, May 26<sup>th</sup> at 10:00 am.

On a motion by Councilman Rossi, seconded by Councilman Butkus and an all in favor vote, all aye, Mayor Huelsenbeck opened the meeting to the public.

1. Brian Farias, 2800 Long Beach Blvd., wished Council a nice Memorial Day weekend and thanked them for the work that they do.
2. Joan Arosemowicz, 2203 Bay Terrace, asked when the new no smoking signs would be installed on the beach. The answer was that this would be taken care of.
3. Charity Quinn, 241 W. 12<sup>th</sup> St., asked about beach badges for dogs on the beach, during season, before 9:00 am and after 6:00 pm. Ms. Quinn asked that Council consider this request.
4. Barbara Bishop, 1301 Ocean Ave., is very concerned about the Long Beach Island School District situation. Mrs. Bishop asked who the other Mayors are that are opposed to the plan. The Mayor stated that the Council is not against the referendum because that gives the people a voice. The Council is against the project. The answer was Surf City and Long Beach Mayors at this time.
5. John Volpe, Assistant Fire Chief, 2006 Central Ave., stated that to date in 2017 they responded to 93 calls with 1012 man hours. In 2016, at the same date, there were 87 calls with 355 man hours. There were 485 hours on false alarms. There were 2 structure fires this year and there were 300 man hours for natural gas leaks. Volunteers are needed for the Fire Co. and they do have a Jr. Firefighter program.
6. Rex Walker, 102 W. 26<sup>th</sup> St., had concerns about proposed restrooms at the recreation area along the Bayfront between 25<sup>th</sup> and 26<sup>th</sup> Streets. He felt that the flooding in that area was not conducive for temporary restrooms.
7. Don Thompson, 114 W. 26<sup>th</sup> St. also had concerns with temporary restrooms in the Bayfront area between 25<sup>th</sup> and 26<sup>th</sup> Streets.

May 23, 2017

Seeing no one else from the public, on a motion by Councilman Butkus, seconded by Councilman Tallon and an all in favor vote, all aye, the public portion was closed.

On a motion by Councilman Tallon, seconded by Councilman Hartman and an all in favor vote, all aye, Mayor Huelsenbeck adjourned the meeting at 7:45 pm.

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Kathleen Wells, RMC  
Municipal Clerk

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William Huelsenbeck  
Mayor