

MORRIS COUNTY, NEW JERSEY  
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**LONGVIEW AT MONTVILLE ASSOCIATION, INC.**  
**(the "Association")**

**Resolution Governing the Use of Portable Electric Power Generators**

**P R E A M B L E**

A. The Master Deed for Longview at Montville, a Condominium, as it may have been amended (collectively the "Master Deed") was originally recorded in the office of the Morris County Clerk on June 2, 1989, in Deed Book 3137, Page 29, et seq. The Bylaws were recorded as Exhibit "E" to the Master Deed (collectively the "Bylaws").

B. Article VI, Section 2 provides that the Board of Trustees ("Board") has "the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things except as by law or by the Master Deed or these By-Laws, may not be delegated to the Board of Trustees by Unit Owners. The Association shall discharge its powers in a manner that protects and furthers the health, safety and general welfare of the condominium residents."

C. Article VI, Section 2(e) of the Bylaws empowers the Board of Trustees to adopt rules and regulations covering the details of the operation and use of the Common Elements

D. As a result of several severe weather related incidents occurring over recent years the residents of Longview have experienced extended power outages.

E. Several Unit Owners have made inquiry to the Board concerning the ability to use generators to provide electric power when electricity is not available from the local power company.

F. The Master Deed provides, in Section 10 "Restrictions," paragraph (b), that: "[t]here shall be no obstruction of the Common Elements nor shall anything be temporarily or permanently placed upon, stored in or affixed to the Common Elements without the prior written consent of the Board or unless expressly permitted by the Rules or Regulations. . .".

G. The Board has determined that the use of portable generators furthers the health and welfare of the residents at Longview and desires to adopt standards pursuant to which the use of portable generators will be permitted.

H. This Resolution was duly introduced and thereafter adopted pursuant to the terms and conditions of the By-Laws.

**NOW, THEREFORE, BE IT RESOLVED** on this 14<sup>th</sup> day of October, 2013 as follows:

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1. **Capitalized Terms.** Unless specifically defined otherwise, all capitalized terms used in this Resolution have the same meaning as set forth in the Master Deed and Bylaws.

2. **Rules and Standards for Use of Generators.** Unit Owners may use portable generators in accordance with the following rules and standards:

A. **Submission of Application.** Each Unit Owner desiring to use a portable generator shall submit an application consistent with the terms of this Resolution. Such application shall be on such forms as the Association may provide, or if no standardized form is available shall contain the following information or subject to the following requirements:

- i. A plan showing the exact location of the portable generator on the Unit Owner's rear patio or deck, which shall be the only locations where a portable generator may be used. Such location shall, to the extent possible, minimize disturbance to adjoining owners while the generator is operating. The plan shall be drawn in such a manner as to clearly set forth the location of the generator and the offsets from any buildings and the edges of the Unit Owner's rear patio or deck. The plan shall also show the manner in which the natural gas line will be connected to the Unit Owner's natural gas piping to provide fuel to the portable generator;
- ii. The name and model number of the portable generator proposed, together with the manufacturer's specifications and installation instructions;
- iii. The name and background of the contractor who will install the natural gas line to power the generator. The natural gas line must be installed off of the home's main gas line and be installed by a licensed plumber within the community's standard insurance and bonding requirements. Such contractor must, in the Board's sole discretion, be acceptable to it;
- iv. Portable generators must only use natural gas. Tri-fuel units are acceptable, but only natural gas may be used as fuel.
- v. All generators shall be portable in nature and must have wheels for portability or be small enough that it can easily be lifted by hand. No permanent generators shall be permitted. When the generator is not in use it must be stored in accordance with this Resolution;
- vi. Honda and Generac tri-fuel units are acceptable (provided only natural gas is used as fuel). All other brands of portable units shall be subject to review and approval in the Board's sole discretion;
- vii. A permit must be obtained from the homeowner for the installation of the natural gas line, with a copy presented to the Association prior to installation;

- viii. The noise level specifications for the generator to be used may not generate noise higher than 75 decibels using the db(A) decibel scale;
- ix. During use, generators must be at least five (5) feet from a door or window and may only be located on the rear patio or deck;
- x. Generators that utilize extension cords to provide power to appliances shall be limited to a total capacity of 4 extension cords;
- xi. If a Unit Owner elects to install a “quick connect” or “tri-lock” cable, along with a subpanel, to power the generator, the installation must be performed by a licensed electrician within the community’s standard insurance and bonding requirements. Such contractor must, in the Board’s sole discretion, be acceptable to it;
- xii. If the generator is stored outside the home, it must be stored on the Unit Owner’s rear patio or deck. Generators shall not be stored or maintained on the Common Elements. The portable generator can either be covered with a black, gray or beige colored fabric cover designed to cover a portable electric generator or be stored in a PVC type storage cabinet of the same approximate size as the portable generator that is a neutral color matching in shade to the siding of the unit.
- xiii. Use of the generator for maintenance purposes to ensure the generator is kept in good working order (i.e. use when there is not a loss of power from the local power company) shall be restricted to the hours of 10:00 a.m. through 7:00 p.m.

B. Approval. If the application for the use of a generator meets the requirements of Paragraph A above, the Board shall issue a written approval containing such conditions as the Board may, in its sole discretion determine, provided such conditions shall include the following:

- i. The Unit Owner shall obtain all necessary building or other permits required by any governmental entity having jurisdiction over the installation of the components to use the generator (i.e. natural gas line and/or electric) prior to commencement of installation and shall provide the Association with a copy of any permits obtained;
- ii. The work shall be undertaken by a contractor approved by the Association and said Contractor shall be identified in the Unit Owner’s application. Where any work requires a licensed professional (e.g. licensed plumber to install the gas line or licensed electrician to connect the generator to the Unit’s electrical system), the work shall be undertaken only by a person having such license and proof of such licensure shall be provided to the Association or its manager;
- iii. The contractor shall obtain and maintain, at its sole cost and expense, insurance of the kinds and limits required in the sole discretion of the Board, covering all locations of the contractor’s operations in connection with the services to be

rendered. The Contractor shall provide certificates of insurance to the Association evidencing the required insurance requirements. Said certificates shall name the Association and property manager as additional insured parties. All certificates must be submitted to and approved by the Association prior to the commencement of the work pursuant to this Agreement. The insurance companies shall be licensed to conduct business in the State of New Jersey and shall have a current A.M. Best's Key Ratings of A- or better; and

C. Unit Owner Obligation. Unit Owners who are approved to use portable generators shall be, at a minimum, responsible as follows:

- i. The Unit Owner shall be responsible for any damage to the Common Elements or Limited Common Elements caused by the installation of the components of the generator or by the continued maintenance or operation of the generator;
- ii. The Unit Owner shall comply with all law in connection with the operation and maintenance of the generator;
- iii. The Unit Owner shall be solely responsible for the maintenance of the generator;
- iv. If, at any time the generator does not comply with the terms of this Resolution, or the standards set forth in Paragraph A above, the Unit Owner shall promptly undertake all such actions as are necessary to bring the generator into compliance with the standards;
- v. The Unit Owner shall indemnify and save the Association harmless from any damage or claim caused by the installation, operation or maintenance of the generator;
- vi. If the Unit Owner fails to properly maintain the generator and comply with all standards set forth in this Resolution, the Association, after prior written notice to the Unit Owner to undertake such maintenance or cure the violation of any standard, may, but shall not be required to, order the Unit Owner to remove the generator from the Property.

D. Costs. If the Board determines that it is necessary to retain the advice of any professional (e.g. an engineer) in connection with the application for installation of the components to use the generator, the Board shall advise the Unit Owner of same and the Unit Owner shall, if the Unit Owner wishes to proceed with the application, be required to post a deposit in the estimated amount of such professional's fees. The amount posted shall not be the limit of the Owner's responsibility for the costs of such professional.

This Resolution shall be effective as of the 14 day of October, 2013.

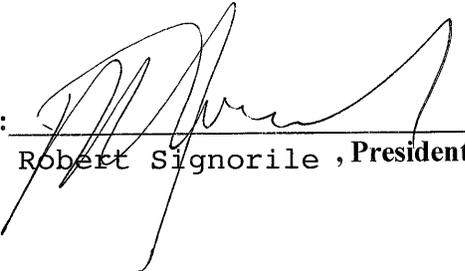
**NOTICE AND RECORDING.** The Association's managing agent is authorized and directed to prepare correspondence, in appropriate form and substance, and thereafter circulate same, along with a copy of this Resolution, to all Unit Owners. The Association also authorizes and directs its legal counsel to arrange for recordation of a copy of this Resolution with the County Register's Office in order to provide notice of this Resolution to each purchaser of a Unit.

**ATTEST:**

**LONGVIEW AT MONTVILLE  
ASSOCIATION, INC.**



Ted Hochman , Secretary

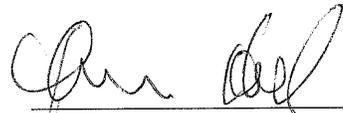
By: 

Robert Signorile , President

STATE OF NEW JERSEY :  
: SS.  
COUNTY OF MORRIS :

I CERTIFY that on October 14, 2013, Rob Signorile personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Ted Hochman Secretary of the LONGVIEW AT MONTVILLE ASSOCIATION, INC., a nonprofit corporation of the State of New Jersey, named in this document;
- (b) this person signed this document as attesting witness for the proper corporate officer who is Rob Signorile, the President of the corporation;
- (c) this person knows the proper corporate seal of the corporation and the proper corporate seal was affixed;
- (d) this document was signed and delivered by the corporation as its voluntary act and deed by virtue of authority from its Board of Trustees; and
- (e) this person signed this acknowledgment to attest to the truth of these facts.
- (f) this Resolution was duly introduced and was thereafter adopted at a regular scheduled meeting of the Board of Trustees, at which a quorum was present, by a majority vote of the members of the Board of Trustees eligible to vote on this matter.

  
Ted Hochman, Secretary

Signed and sworn to before me  
on October 14, 2013



Notary Public of New Jersey

**Record and Return To:**  
J. David Ramsey, Esq.  
Becker & Poliakoff, LLP  
67 Park Place East, Suite 660  
Morristown, NJ 07960

**TERESA A. ROLSTON**  
**NOTARY PUBLIC OF NEW JERSEY**  
I.D. # 2278535  
My Commission Expires 9/21/2016