

January 22, 2013

Borough of Ship Bottom  
Regular Meeting Minutes  
January 22, 2013

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, January 22, 2013, in the Public Safety Building Courtroom in Long Beach Township, located at 6805 Long Beach Blvd., Brant Beach, New Jersey. This location change was made because of Hurricane Sandy that hit our area between Sunday, October 28<sup>th</sup> and Tuesday, October 30<sup>th</sup>. Our Borough Hall sustained enough damage that we cannot work or hold meetings in the building.

Mayor Huelsenbeck called the Caucus Meeting to order at 6:38 p.m. and asked the Clerk to take attendance. The following were present:

Councilmen Tallon, English, Sinopoli, Gleason, Rossi and Hartman.

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.

There was discussion regarding the Hazard Mitigation Grant Program, the new Advisory Base Flood Elevation maps, flood insurance, the condition of the municipal building and the Fire Co. The municipal court office is scheduled to come back the beginning of February, with holding court in another municipality. Councilman Tallon stated that the courtroom is being cleaned up and hopefully we could get back there to hold court and public meetings.

The Mayor called for a break at 6:50 p.m..

The Mayor opened the regular meeting at 7:00 p.m. and asked the Clerk to take attendance. The following were present:

Councilmen Tallon, English, Sinopoli, Gleason, Rossi and Hartman.

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.

Mayor Huelsenbeck called for the Flag Salute, followed by a Prayer.

On a motion by Councilman Tallon, seconded by Councilman English, the minutes of the regular meeting that was held on December 18, 2012, were approved.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

On a motion by Councilman Tallon, seconded by Councilman Rossi, the minutes of the reorganization meeting that was held on January 2, 2013, were approved.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck recognized Jeff Miller, Emergency Management Coordinator for all of his work and efforts during the storm.

Mayor Huelsenbeck called for the Synopsis of applications from the Land Use Review Board. On a motion by Councilman Tallon, seconded by Councilman English, and an all in favor vote, Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye, this was accepted as presented.

**ANNUAL REPORT  
SYNOPSIS OF VARIANCE APPLICATIONS FOR 2012**

DOCKET NO. 12:01 SP/V

330 W. 8<sup>TH</sup> STREET

330-334 8<sup>TH</sup> STREET

BLOCK 103, LOTS 4.01 & 7

Requesting a variance from compliance with the proposed impervious surface coverage and the size of the loading zone needs a waiver as well since it's undersized. The applicant proposes to redevelop the site in two phases. The first phase will be the addition of a café with a drive-thru window. The second phase is a two-story addition containing a residential apartment and office storage space and the addition of a deck on the first floor to provide seating for the café.

Approved: 1/18/2012

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DOCKET NO. 12:02 V

TOAL, DENNIS & KATHLEEN

2420 LONG BEACH BLVD.

BLOCK 29, LOT 17

Requesting a variance from compliance with the number of parking spaces; four (4) spaces are required where no off street parking is provided. The applicants propose to convert the existing retail store on the first floor to a retail take-out Italian Ice Store with no food preparation on site.

Approved: 3/21/2012

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DOCKET NO. 12:03 SP

HUNT & PLATT

1211 LONG BEACH BLVD.

BLOCK 85, LOT 2

SITE PLAN

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DOCKET NO. 12:04 V

FLYNN, RAYMOND & TAMARA

256 W. 27<sup>TH</sup> STREET

BLOCK 9, LOT 17

Variance from compliance with the proposed building to extend past the prevailing setback line between the neighboring properties.

Approved: 4/18/2012

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DOCKET NO. 12:05 SP/V

SURF INVESTMENTS, LLC

240 W 9<sup>TH</sup> STREET

BLOCK 99, LOT 7

Variance from compliance with existing lot frontage, existing lot width, existing lot depth and no buffer being provided along the westerly and southerly property lines to allow for either the relocation of the existing building to the rear of the lot and construct a 2<sup>nd</sup> story or construct a new 2-story structure providing an office use on the first level and a single family apartment on the 2<sup>nd</sup> level.

Approved: 4/18/2012

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DOCKET NO. 12:06 V

HOOGLAND, BERNARD & SHARON

118 E 5<sup>TH</sup> STREET

BLOCK 117, LOT 7

Variance for compliance with proposed building coverage to allow for the relocation of an existing 10ft x 12ft shed on the existing site.

Denied: 5/16/2012

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DOCKET NO. 12:07 SP

NEW JERSEY CVS, LLC

819 BARNEGAT AVENUE

BLOCK 103, LOTS 1, 2 & 3

SITE PLAN

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DOCKET NO. 12:08 SP/V

FARMORE REALTY, INC.

241 & 249 W 9<sup>TH</sup> ST

BLOCK 104, LOTS 5.03 & 5.04

Variance from compliance with proposed rear yard setback to each of the four (4) A/C units to allow for the construction of on building on each lot containing a retail space on the first floor and residential apartments on the second floor.

Approved: 7/18/2012

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DOCKET NO. 12:09 SP  
SURF CITY MARINA, INC.  
327 W 8<sup>TH</sup> STREET  
BLOCK 110, LOT 23  
SITE PLAN

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DOCKET NO. 12:10 D  
McELGUNN, JOHN & LINDA  
123 E 4<sup>TH</sup> STREET  
BLOCK 131, LOT 22

Variance from compliance with existing lot area, existing lot width, existing lot frontage, proposed side yard setback, proposed combined side yard setbacks, proposed building height and the proposed number of habitable floors to allow for the demolition and reconstruction of a single family dwelling.

Approved: 9/19/2012

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DOCKET NO. 12:11 SP/V  
FARIAS SURF & SPORT  
2810 LONG BEACH BLVD.  
BLOCK 19, LOT 13

Variance from compliance with existing lot area, existing lot width, existing lot frontage and a waiver for a buffer to allow for the demolition and reconstruction of a new structure with retail on the first floor and a residential apartment on the second floor.

Approved: 9/19/2012

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DOCKET NO. 12:12 SP  
330 W 8<sup>TH</sup> STREET  
330-334 8<sup>TH</sup> STREET  
BLOCK 103, LOTS 4.01 & 7  
SITE PLAN

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DOCKET NO. 12:13 V  
134 E 28<sup>TH</sup> STREET  
BLOCK 19, LOT 2

Variance from compliance with existing lot area, existing lot width, existing lot frontage, proposed side yard setback, proposed combined side yard setbacks and proposed building height to construct a single family dwelling.

Approved: December 19, 2012

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DOCKET NO. 12:14 V  
118 E 13<sup>TH</sup> STREET  
BLOCK 77, LOT 8

Variance from compliance with existing lot area, existing lot width, existing lot frontage, existing side yard setbacks, existing combined side yard setbacks, existing building coverage of 37% and proposed front yard setback of 7.8 feet, in order to construct two (2) new decks at the front of the dwelling with a depth of 8 feet.

Approved: December 19, 2012

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Mayor Huelsenbeck called for Resolution 2013-24: Refund, tax sale certificate. On a motion by Councilman Sinopoli, seconded by Dr. Gleason, this was approved as follows:

**RESOLUTION 2013-24  
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 \$3,208.95 has been received by the Tax Collector for redemption of Tax Sale Certificate #10-00001 on Block 16, Lot 2.01 assessed to Bayview Loan Servicing, LLC; and

**WHEREAS**, the amount of \$3,208.95 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

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\$3,208.95 plus \$200.00 premium held in an escrow account, to US Bank Cust for Pro Capital, Tax Lien Group, Suite 1950, 50 S. 16<sup>th</sup> St., Philadelphia, PA, 19102, holder of the certificate.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-25: Refund, tax sale certificate. On a motion by Councilman Sinopoli, seconded by Dr. Gleason, this was approved as follows:

**RESOLUTION 2013-25  
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 \$960.66 has been received by the Tax Collector for redemption of Tax Sale Certificate #12-00008 on Block 64, Lot 2 assessed to John & Doris Casella; and

**WHEREAS**, the amount of \$960.66 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 \$960.66 to Edward A. Ramsay, 473 Buck Road, Pittsgrove, NJ, 08318 holder of the certificate.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-26: Amusement games, Our Endless Summer. On a motion by Councilman Sinopoli, seconded by Councilman Rossi, this was approved as follows:

**RESOLUTION 2013-26  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE ISSUANCE OF AN AMUSEMENT  
GAMES LICENSE TO OUR ENDLESS SUMMER, L.L.C.**

**WHEREAS**, Our Endless Summer, L.L.C. 320 Long Beach Boulevard, Ship Bottom, New Jersey (hereinafter AApplicant@) has applied for an amusement games license in accordance with the Amusement Games Licensing Law, N.J.S.A. 5:8-10 et seq.; and

**WHEREAS**, the applicant has complied with the state law and local ordinances and has submitted the proper application and license fees; and

**WHEREAS**, the Borough of Ship Bottom is a seashore resort and the premises to be licensed is located in an amusement or entertainment area according to the customary understanding of such terms in the municipality; and

**WHEREAS**, it is the desire of the governing body of the Borough of Ship Bottom to issue said license.

**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. That the governing body does hereby authorize the issuance of an amusement games license to the Applicant, Our Endless Summer, L.L.C.
2. That the issuance of said license shall be subject to a satisfactory criminal background examination conducted by the Ship Bottom Borough Police Department and compliance with the provisions of the memorializing resolution of the Ship Bottom Land Use Board, Docket No. 03-03 V/SP adopted March 19, 2003.
3. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief of Police of the Ship Bottom Borough Police Department, Our Endless Summer, L.L.C., and to the Legalized Games of Chance Control Commission together with a copy of the application endorsed by the municipality demonstrating the granting of such license within three (3) business days of the municipal license being granted.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-27: Authorizing contract for Dynamic Testing Services. On a motion by Councilman Hartman, seconded by Councilman English, this was approved as follows:

**RESOLUTION 2013-27  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,**

**AUTHORIZING THE ENTERING INTO A CONTRACT WITH  
DYNAMIC TESTING SERVICES OF TOMS RIVER , NJ ,  
FOR CDL TESTING AND NON-CDL TESTING FOR NEW HIRES  
AS WELL AS NON-CDL DRIVERS  
FOR THE BOROUGH OF SHIP BOTTOM FOR THE YEAR 2013.**

**WHEREAS**, the Ocean County JIF, acting as lead agency, issued a Request for Proposal (RFP) on order to obtain competitive pricing for testing services for the member municipalities of the Ocean County Joint Insurance Fund; and

**WHEREAS**, the Borough of Ship Bottom needs to test CDL drivers, non-CDL drivers and new hires; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council hereby authorize a contract for the aforementioned service, with Dynamic Testing Service, 230 Main Street, Toms River, NJ 08753.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-28: Ocean County, "Schedule C" Agreement. On a motion by Councilman Tallon, seconded by Dr. Gleason, this was approved as follows:

**RESOLUTION 2013-28  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING AN INTER-GOVERNMENTAL  
AGREEMENT BETWEEN THE BOROUGH OF SHIP BOTTOM  
AND OCEAN COUNTY FOR ROAD MAINTENANCE AND  
ROAD OVERLAY SERVICES FOR 2013**

**WHEREAS**, the County of Ocean has created and established a program to assist municipalities and governmental agencies in the repair and maintenance of municipal street and property, in addition to providing material and supplies in connection therewith; and

**WHEREAS**, the Mayor and Council of the Borough of Ship Bottom desire to enter into an Intergovernmental Agreement with the County of Ocean for road maintenance and road overlay services for 2013; and

**WHEREAS**, the total amount of municipal purchases of goods and services with the Road Department for road maintenance and overlay shall not exceed \$50,000.00; and

**WHEREAS**, the total amount of municipal purchases of goods and services with the Engineering Department for various engineering services shall not exceed \$10,000.00; and

**WHEREAS**, sufficient funds shall be appropriated and be available in the municipal budget in the total contract amount of \$60,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ship Bottom as follows:

1. The Mayor is hereby authorized to enter into and the Clerk to attest to an Intergovernmental Agreement with the County of Ocean for Road Overlay and Road Maintenance Services to be provided in 2013.
2. A copy of the Intergovernmental Agreement for Road Maintenance and Road Overlay Services shall be available for public inspection and kept on file in the office of the Borough Clerk.
3. The Intergovernmental Agreement shall take effect upon full execution by the parties involved and shall remain in full force and effect through December 31, 2013.
4. Certified copies of this Resolution shall be forwarded to:
  1. Clerk of the Ocean County Board of Chosen Freeholders.
  2. Ocean County Road Department.
  3. Ocean County Department of Finance.
  4. Ocean County Department of Engineering.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-29: Authorizing William Procacci as taxing agent.. On a motion by Dr. Gleason, seconded by Councilman Rossi, this was approved as follows:

**RESOLUTION 2013-29  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING WILLIAM PROCACCI TO ACT AS THE  
AGENT FOR THE TAXING DISTRICT FOR 2013**

**WHEREAS**, from time to time the Tax Assessor discovers an error in calculation, transposing, measurement, or typographical error in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax rates for the tax year or a property becomes subject to a roll-back assessment; and

**WHEREAS**, the Governing Body of the Taxing District of the Borough of Ship Bottom is desirous that every taxpayer pays his fair share of taxes; and

**WHEREAS**, if the above discovered errors are not corrected, the taxpayers affected would not be paying their fair share of taxes; and

**WHEREAS**, the method for correcting such errors is to file a Petition of Correction of Errors with the Ocean County Board of Taxation.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Taxing District of the Borough of Ship Bottom that the Tax Assessor, William Procacci, is hereby authorized to act as the agent for the Taxing District during the year of 2013 and file a Petition of Correction of Errors with the Ocean County Board of Taxation to correct such assessments to the proper value and that a copy of any Petition of Correction of Errors filed with the Ocean County Board of Taxation under this Resolution be filed with the Municipal Clerk.

**BE IT FURTHER RESOLVED**, that the Tax Assessor, William Procacci, is hereby appointed to execute stipulations of settlement on any Tax Appeal or Complaint filed by the taxing district or by a taxpayer in the year 2013; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Ocean County Board of Taxation.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-30: In opposition to approval process for non State Health Benefits Plan.. On a motion by Councilman Tallon, seconded by Councilman English, this was approved as follows:

**RESOLUTION 2013-30  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
IN OPPOSITION TO THE APPROVAL PROCESS FOR  
NON-SHBP HEALTH INSURANCE PLANS AS PROPOSED  
BY N.J.A.C. 5:30-18.1 THROUGH 18.4 AND N.J.A.C. 6A:23A**

**WHEREAS**, The New Jersey Local Finance Board and the New Jersey Department of Education have proposed rules requiring that all labor contracts providing for health insurance outside the State Health Benefits Program need to be approved by the State and requiring that local entities and school boards perform a static comparison of health insurance costs to State Health Benefit Program costs; and

**WHEREAS**, These rules are in conflict with Section 42.c of Chapter. 78, which is ostensibly used as authority for the regulation, but is actually meant only to apply to public entities wishing to enter into contract that included a contribution schedule from employees that substitutes for that as laid out in the statute; and

**WHEREAS**, The regulations, as proposed, extends this authority to require all public entities electing not to provide health benefits through the State Health Benefits Plan (SHBP) and the School Employees' Health Benefits Program (SEHBP) to submit to the process established under the proposed regulation; and

**WHEREAS**, This interpretation that is contrary to the regulations is supported by:

- The plain reading of the statute;
- The explanation contained in Local Finance Notice (LFN) 2011-20R, Section VI. Alternate Employee Health Care Contribution; and
- The following language from the "Statement" found at page 121, line 35 of the Bill (underlining added)::

*The bill allows boards of education and units of local government, that do not participate in the SHBP or SEHBP, to enter into contracts for health care benefits coverage, as may be required to implement a collective negotiations agreement, and agree to different employee contribution rates if certain cost savings in the aggregate over the period of the agreement can be demonstrated. The savings must be certified to the Department of Education or the Department of Community Affairs, as appropriate ; and*

**WHEREAS**, the proposed regulation is cumbersome and places a significant burden on any public body intending to utilize the employee contribution schedule contained within the law, but wishing obtain health benefits outside the SHBP or SEHBP; and

**WHEREAS**, the de facto effect of this regulation, if adopted, will be to drive public bodies into the SHBP or SEHPB and stifle competition; and

**WHEREAS**, New Jersey already has one of the nation's most uncompetitive health insurance markets according to the Henry J. Kaiser Family Foundation (October 2011):

- In the individual market, one carrier, Horizon BCBS, controls 73% of the market with only two carriers having 5% or more of the market.
- The same carrier controls over 75% of the governmental market, largely by virtue of its relationship with the SHBP and SEHBP.
- Finally, Horizon controls 43% of the small group market; and

**WHEREAS**, If the regulation causes a significant number of local entities to move to the SHBP and SEHBP, a negative result will be to increase market concentration and further reduce carrier competition in the State; and

**WHEREAS**, This will result in an increase in fully insured costs for other persons, governmental entities, not for profits, and business in the State; and

**WHEREAS**, The regulations' definition of "net employer cost" is not inclusive of all relevant items and should be modified:

- For instance, members of JIFs own a proportionate share of fund surplus that should be included in a valid comparison.
- Likewise, JIF members receive dividends that reduce net employer cost.
- Finally, JIF rates could include supplemental assessments that represent a liability to the member regardless of whether it stays in the joint insurance fund or moves to the SHBP.; and

**WHEREAS**, Most local entity labor contracts cover multiple year periods:

- A comparison using the most current year is misleading and invalid because the comparison can change in subsequent years.
- In addition, school districts that belong to health JIFs renew on July 1 of each year.
- The differences in renewal cycles between the health JIF, the SEHBP, and the commercial market will further complicate comparisons; and

**WHEREAS**, The regulations do not address differences in plan design between an employer plan and the plan or plans offered by the SHBP and the SEHBP and such differences are critical to any valid comparison of plan economics; and

**WHEREAS**, The regulations do not address legal restraints on local entities considering their obligations to retirees, and obligations to employee groups that are not a part of the contract in question; and

**WHEREAS**, In situations where a local health plan has negotiated benefits that are richer than, or even different than, those provided by the SHBP and SEHBP, the local unit will be subject to sanctions for failing to honor its labor agreements; and

**WHEREAS**, The comparison is burdensome to local units and of limited use given that the requested details do not allow for a valid comparison of net cost and benefits; and

**WHEREAS**, SEHBP rates are reduced by the amount of the A4 retiree surcharge paid by entities not in the state plan and the rates for local school districts not in the SEHBP are increased by the surcharge further limiting the fairness and utility of the comparison; and

**WHEREAS**, SEHBP and SHBP rates in the past have been impacted by one time sources of revenue such as the Tobacco settlement and the use of one time sources of revenue that are not available to local units does not permit for a fair and valid comparison; and

**WHEREAS**, The regulations favor the SEHBP and SHBP to the exclusion of health joint insurance funds (JIFs) that have faithfully served New Jersey local government, under enabling statutes, for over 20 years:

- Health JIFs are a valid alternative for entities with unique plan designs, good loss experience, and a willingness to participate in JIF governance.
- Health JIFs are the largest "shared services" effort in the State for local government from a revenue standpoint.
- To the extent that the regulations operate to the disadvantage of health JIFs, the regulations are in opposition to, and indeed are hostile to, statutes that authorize JIF creation and operation.
- By extension, the regulations foster a "big government" mentality and are hostile to both "shared services" and "home rule" concepts.
- If the regulation seeks to encourage "due diligence", then members of the SEHBP and SHBP should also be required to compare their claims and cost to the health JIF and commercially insured alternatives.

**NOW, THEREFORE BE IT RESOLVED**, That, for the foregoing reasons, we respectfully beseech that the Departments modify and reissue the proposed regulations to:

- Apply only when a local unit proposes an employee contribution schedule different from that contained in the statute;
- Require any comparison to take into consideration differences in plan design and eligibility;
- Require the evaluation criteria to consider dividends received from a health JIF and shares of surplus retained by the health JIF;
- Promote, rather than undermine, healthy competition among the various options available to local units shopping for health insurance;

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to Governor Christie, the NJ Local Finance Board, the NJ Department of Education, and to local legislative representatives.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-31: Application for Tourism Grant. On a motion by Councilman English, seconded by Councilman Sinopoli, this was approved as follows:

**RESOLUTION 2013-31  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE APPLICATION FOR AN  
OCEAN COUNTY MATCHING  
TOURISM PROMOTIONAL GRANT**

**WHEREAS**, the Ocean County Matching Tourism Promotional Grant Program has announced that funding is available to qualifying nonprofit organizations to promote tourism in Ocean County; and

**WHEREAS**, matching fund grants are available for 2013; and

**WHEREAS**, the Tourism Promotional Grant is to be used for promotion only.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the Chairman of Parks and Recreation is hereby authorized to apply to the Ocean County Matching Tourism Promotional Grant Program for a matching grant in the amount of \$1,500.00 to be used to promote and publicize Special Events.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-32: Waiving the right to certify the 2013 budget. On a motion by Councilman Tallon, seconded by Councilman Hartman, this was approved as follows:

**RESOLUTION 2013-32  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
WAIVING THE RIGHT OF THE GOVERNING BODY TO  
LOCALLY EXAMINE AND CERTIFY THE 2013 MUNICIPAL  
BUDGET AND REQUESTING THE DIRECTOR  
OF THE DIVISION OF LOCAL GOVERNMENT SERVICES  
TO CONDUCT THE EXAMINATION AND CERTIFICATION**

**WHEREAS**, Section 13 of P.L. 1996, c.113, now codified as N.J.S.A. 40A:4-78(b), authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination required by the local budget law; and

**WHEREAS**, the local examination process grants the Chief Financial Officer and the governing body the responsibility and authority traditionally held by the Director to review and approve a municipal budget; and

**WHEREAS**, the Division of Local Government Services has determined that the Borough of Ship Bottom is eligible for local examination approval of its budget, based on the Borough's fiscal soundness; and

**WHEREAS**, the New Jersey Department of Community Affairs, Division of Local Government Services, has issued Local Finance Notice CFO-97-5, which requires a municipality wishing to waive its right to locally examine the municipal budget to pass a resolution requesting the Director of the Division of Local Government Services to conduct such an examination; and

**WHEREAS**, the governing body of the Borough of Ship Bottom believes that an examination of the municipal budget by the Director of the Division of Local Government Services provides an additional safeguard to the taxpaying public, and ensures the continued sound fiscal condition of the municipality which has led to the determination by the Director that the Borough is eligible for self-review and certification in the first place; and

**WHEREAS**, it is the desire of the Mayor and Borough Council to request examination and certification to the 2013 municipal budget by the Director of the Division of Local Government Services.

**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. That the governing body does hereby waive its right to locally examine and certify the 2013 municipal budget of the Borough of Ship Bottom.
2. That the governing body does hereby request review and certification of the 2013 municipal budget by the Director of the Division of Local Government Services.
3. That two (2) certified copies of this Resolution shall be forwarded by the Municipal Clerk to the Director of the Division of Local Government Services and a certified copy to the Chief Financial Officer of the Borough of Ship Bottom.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Resolution 2013-33: Cash Management Plan. On a motion by Councilman Tallon, seconded by Councilman Hartman, this was approved as follows:

**RESOLUTION 2013-33  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING A CASH MANAGEMENT PLAN**

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Ship Bottom, County of Ocean, hereby adopt the following as the Cash Management Plan of the Borough of Ship Bottom for the fiscal year 2013:

**Cash Management Plan of the Borough of Ship Bottom,  
in the County of Ocean, New Jersey**

**I. Statement of Purpose**

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Borough of Ship Bottom ("Borough"), pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

**II. Identification of Funds and Accounts to be Covered by the Plan**

- A. The plan is intended to cover the deposit and/or investment of the following funds and accounts of the Borough:
  1. Current Fund
  2. Federal and State Grant Fund
  3. Dog License Fund
  4. Trust - Other Fund
    - a. Payroll Account
    - b. Tax Certificate Reserve
    - c. Forfeited (Confiscated) Property Trust Fund
    - d. Cash Bonds/Inspection & Review Fees/Developers' Escrow Trust Fund
    - e. Public Defender Trust Fund
    - f. Parking Offense Adjudication Act Trust Fund
    - g. Any other trust funds that may be approved, during the term of this Plan, as a dedication by rider to the municipal budget of the Borough
  5. Capital Fund
  6. Water/Sewer Utility Operating Fund
  7. Water/Sewer Utility Capital Fund
  8. Public Assistance Fund
- B. It is understood that this Plan is not intended to cover certain funds and accounts of the Borough, specifically:
  1. Bond and Interest Account

**III. Designation of Officials of the Borough Authorized to make Deposits and Investments under the Plan**

The Chief Financial Officer of the Borough (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or Permitted Investments, such officials of the Borough are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials,

**IV. Designation of Depositories**

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

- A. TD Bank
- B. Wells Fargo Bank
- C. Bank of America
- D. Sun Bank
- E. Fulton Bank
- F. Ocean First
- G. Any other Bank or Savings and Loan Association insured by the F.D.I.C. or the F.S.L.I.C., and located in the State of New Jersey, that may be approved during the term of this Plan, as a depository of Borough funds
- H. All such depositories, when approved, shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official referred to in Section III above.

V. **Authorized Investments**

- A. Except as specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:
  1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
  2. Government money market mutual funds;
  3. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
  4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
  5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of investment of the Department of the Treasury for investment by Local Units;
  6. Local government investment pools;
  7. Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (C.52:18A-90.4); or Agreements for the repurchase of fully collateralized securities if:
    - a) The underlying securities are permitted investments pursuant to paragraphs 1 and 3 of this subsection A;
    - b) The custody of collateral is offered to a third party
    - c) The maturity of title agreement is not more than 30 days;
    - d) The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:9-41); and
    - e) A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

**Government Money Market Mutual Fund.** An investment company or investment trust:

- a) Which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. sec. 80a-I et seq. and operated in accordance with 17 C.F.R. sec. 270.2a-7.
- b) The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- c) Which has:
  - i. Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
  - ii. Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the Investment Advisors Act of 1940," 15 U.S.C. sec. 80b- I et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

**Local Government Investment Pool.** An investment pool:

- a) Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- b) Which is rated in the highest category by a nationally recognized statistical rating organization;

- c) Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- d) Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P. L. 1968, c.410 (C.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- e) Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- f) Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

B. Notwithstanding the above authorization, the moneys on hand in the following funds and accounts shall be further limited as to maturities, specific investments or otherwise as follows:  
[none].

**VI. Safekeeping, Custody, Payment and Acknowledgment of Receipt of Plan**

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Borough, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the Borough or by a third party custodian prior to or upon the release of the Borough's funds.

To assure that all parties with whom the Borough deals either by way of Deposits or Permitted investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official,

**VIII. Term of Plan**

This Resolution authorizes that this Plan shall be in effect from January 1, 2013 to December 31, 2013. The Plan may be amended from time to time. To the extent that any amendment is adopted by the governing body, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for the request from Kiwanis Club to hold the Flea Markets on July 11 and August 15, from 6:00 am until 5:00 pm. On a motion by Councilman English, seconded by Councilman Sinopoli this request was approved to be held at the Waterfront Park.

Roll Call: Tallon, English, Sinopoli, Gleason and Hartman, all aye. Rossi, abstained.

Mayor Huelsenbeck called for the request from Kimberly Clark for the "Walk a Mile in Our Shoes". On a motion by Councilman English, seconded by Councilman Tallon, this walk was approved for January 12<sup>th</sup> at 9:00 am along the beach from 16<sup>th</sup> to 31<sup>st</sup> St. and back. This event was a success.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for the request for a wedding from Ernest Gamble and Morgan Fine, for April 20, 2013, at 4:00 p.m. on the 9<sup>th</sup> St. beach. They are expecting approximately 100 guests. On a motion by Councilman English, seconded by Councilman Tallon, this was approved.

Roll Call: Tallon, English, Sinopoli, Gleason, Rossi and Hartman, all aye.

Mayor Huelsenbeck called for Reports of Committees:

Revenue and Finance: Councilman David Hartman

The tax and finance office is preparing for the year end closeout and the 2013 budget preparations.

All office personnel are currently working to supply copies of storm related expenditures to FEMA for reimbursement. The finance office is continuing to work closely with the Engineer's office and consultant to maximize reimbursement to Ship Bottom.

The teamster's contracts, both public works and office professionals, were verbally settled in one meeting. The contracts stayed at 2% and eliminated longevity for new hires.

Public Safety: Councilman Tom Tallon

The public safety report for January 2013. There were 3,051 patrol vehicle miles.

In total, there were 413 reported activities spread over 56 line items. The majority of the activity was building and business checks, there were 156 building and business checks.

Parks and Recreation: Councilman Edward English

We are planning our summer concert series. We have scheduled dates lined up. We are ordering beach badges and equipment for the lifeguards for the 2013 season.

Water/Sewer: Councilman Richard Sinopoli

We pumped 5,247,000 gallons of water for the month of December. For the year of 2012, we used 158,038,000 gallons.

The department inspected and operated the plant and wells, helped with water meter reads and repairs and made all repairs to water & sewer systems as needed.

We are pricing generators for 17<sup>th</sup> St. well & well # 5 on 15<sup>th</sup> St.. We have a bid in for 17<sup>th</sup> St. well with 230 KW's, \$47,400.00 for the generator, plus \$18,000 to install, for a total of \$65,400. For the well on 15<sup>th</sup> St., at 150 KW's, \$34,400.00 for the generator and \$15,000. to install, for a total of \$49,400.. There will be issues with the height that the generators need to be elevated. The engineer's analysis will guide how the installation and payment of the generators will be handled.

Public Property and Community Affairs: Dr. Robert Gleason

Construction Department, there were 74 permits and 1 permit update processed. 74 were for alteration/renovation and 1 was for a new building.

Zoning Department, 2 resale inspections and 11 zoning permits were issued.

Code Enforcement, 27 warnings for illegal signs, 15 warnings for trash, 6 warnings for construction materials in the street, for a total of 48 warnings. There was also 1 summons for trash. Mr. Rossi has been very busy over the last few months and has done a good job.

Southern Regional School District, no report.

Long Beach Island Health Department has flu vaccine if you would like it.

Buildings and Grounds, our building was impacted by the storm and our offices are in temporary trailers. We are exploring our options. There will be tough decisions to be made.

Public Works: Councilman Peter Rossi

Monthly report: January 2013

1. monthly maintenance and repairs done on all borough vehicles and equipment. mowers taken to ace hardware for repairs could be totaled from storm
2. metal pick up from storm.
3. worked on post office storm damage (48 hrs.)
4. worked completed on police station. installed door and bars on windows in trailer which will be used by the court clerk.
5. moved desk and files into trailers for borough clerk, administrator and court clerk
6. placed sand bags at Sunset Park and cleaned bay beach and restroom from storm damage.

7. sand and storm debris removed from streets throughout the borough.
8. harbor master office cleaned and sprayed.
9. picked up Christmas trees and removed Christmas decorations.
10. began work on public works garage.
11. two men working on dunes fence daily.
12. water and sewer marks outs (27 hrs.).
13. note: public works garage has extensive damage from storm.

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

Joe Barrett, 601 Ocean Ave., asked for signs to keep sightseers off the dunes. It was a nice weekend and there were a lot of people on the beach. The dozer operator is doing a good job. Asked about the generators for the water department. Suggested CAT generators.

Stacey Fuessinger, 213 W. 13<sup>th</sup> St., told the Mayor and Council thank you for doing a great job. She asked where Ship Bottom stood on adopting the new FEMA flood elevation maps. The Mayor explained some of the mapping issues and said we are not rushing to adopt the map.

Dorothy Jedziniak, 2511 Ocean Ave., said it was hard to hear in the room we are holding the meetings in. She asked Councilman Tallon if there was any looting in Ship Bottom. Councilman Tallon answered not that he was aware of in Ship Bottom, but he heard there was looting in other areas. She asked about beach badge prices, they will remain the same for 2013. She asked if the water was tested after the storm. Councilman Sinopoli answered, yes, every day, twice a day. Mrs. Jedziniak had comments regarding the storm. Councilman Hartman responded to Mrs. Jedziniak regarding the storm.

Barbara Bishop, 1301 Ocean Ave., is encouraging all of the island mayors to adopt the FEMA Base Flood Elevation Maps consistently between all the island municipalities.

Steve Moser, 1930 Bay Terrace, stated that the new Base Flood Elevation Maps, do not take in account Superstorm Sandy. The Mayor explained how some of the mapping was done.

Stacey Fuessinger, 213 W. 13<sup>th</sup> St., asked if the whole island got the beach replenishment project, would it make a difference in the map levels. Mayor Huelsenbeck responded, yes, he feels that it would from what he is being told.

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

On a motion by Councilman Hartman, seconded by Councilman Rossi and an all in favor vote, all aye, Mayor Huelsenbeck adjourned the meeting at 7:49 p.m..

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Kathleen Wells, RMC, Municipal Clerk

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William Huelsenbeck, Mayor